



Douglas A. Ducey  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



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Director

## TRIBAL CONSULTATION ANNUAL REPORT

July 1, 2018 – June 30, 2019

### Agency Overview

The Arizona Legislature established the Arizona Department of Environmental Quality (ADEQ) as the state's environmental regulatory agency under the Environmental Quality Act of 1986. ADEQ's mission is to protect and enhance public health and the environment in Arizona. The department achieves this mission by administering the state's environmental laws and delegated federal programs to prevent pollution of the air, water and land, and to ensure cleanup of such pollution when it occurs.

The Vision of the agency is to be the No. 1 state in the nation in:

- Balanced, leading-edge environmental protection, through
- Technical and operational excellence, and
- Radical simplicity for customers and staff.

The department is composed of four programs: air quality, water quality, waste, and mission partners. Together, the programs carry out the core functions of the agency: monitoring and assessment, pollution control, compliance management, cleanups, policy development, education and outreach. These core functions are delivered for the citizens of Arizona within the context of the state's unique environment and culture.

### Tribal Consultation Activities

ADEQ continues to collaborate with the 22 Tribes of Arizona and operate consistent with its Tribal Consultation Policy. The following table presents ADEQ's efforts to meet the goals set forth in its policy. Throughout the reporting year, ADEQ sought guidance from the Governor's Office of Tribal Relations (GOTR) regarding ADEQ's significant initiatives such as the Clean Water Act's (CWA), Section 404 Program (404 Program) and others.

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Policy Goal	Objective	Activity and Performance Measure
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	San Carlos Apache Tribe (SCAT) - Introduce new Brownfields (BF) Coordinator and review the program.	<b>8/29/18</b> – Environmental Protection Agency (EPA) and ADEQ both presented. Resulted in BF project in February 2019.
ADEQ will conduct training, when appropriate and as resources allow, encouraging and improving Departmental/Tribal understanding and communication.	Complete Tribal Relations training for ADEQ employees.	<b>9/17/18</b> – GOTR visited ADEQ to train ADEQ agency regarding Tribal Relations. The training had 126 people in attendance.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Work with the Inter Tribal Council of Arizona (ITCA) to request agenda time during their Tribal Leaders meeting regarding ADEQ’s plans for assumption Clean Water Act’s (CWA), Section 404 Program (404 Program).	<b>9/20/18</b> – The ITCA hosted a Listening Session at the Heard Museum facility for ADEQ to provide an update and receive feedback from the Tribes about the current 404 Program under the Army Corp of Engineers and ADEQ considering taking assumption of the program.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	SCAT - Site Visits for BF projects. Potential project for finance center and building at the airport.	<b>10/10/18</b> - Resulted in BF Project scheduled for February 2019 and proposed another project for the airport in Fiscal Year (FY) 2021 (when additional funding becomes available)
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	ADEQ to communicate its’ plans for assumption of the 404 Program.	<b>10/29/18</b> - ADEQ presented on this topic at the Tribal / EPA Annual Conference in San Francisco, CA.

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Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Colorado River Indian Tribe - Introduce new BF Coordinator and review the program	<b>11/7/18</b> - EPA/ADEQ both presented to explain the benefits and differences between the state and Federal programs.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Navajo Nation EPA asked where asbestos-cement pipe waste, generated in Tuba City, could be disposed.	<b>11/7/10</b> – ADEQ Community Liaison for Coconino County and ADEQ’s Asbestos subject matter expert met about this inquiry and provided the related information
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Complete formal Consultation with Tribal Nations about ADEQ’s plans for assumption of the 404 Program.	<b>12/14/18, 3/25/19, and 4/29/19</b> - ADEQ facilitated three Tribal Work Group meetings to receive feedback about the current 404 Program under the Army Corp of Engineers and ADEQ’s plans regarding assumption of the 404 Program.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Send Dear Tribal Leader (DTL) letter for Consultation with Tribal Nations about ADEQ’s plans for assumption over both the Resource Conservation and Recovery Act (RCRA) Coal Combustion Residuals (CCR) Program and the Safe Drinking Water Act (SDWA) Underground Injection Control (UIC) Program under state jurisdiction.	<b>12/15/18</b> – ADEQ sent DTL letter requesting Consultation regarding these programs.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Complete formal Consultation with Tribal Nations about ADEQ’s plans for assumption of the 404 Program.	<b>12/17/18</b> - ADEQ met at the Salt River Pima Indian Community for formal Consultation to receive feedback about the current 404 Program under the Army Corp of Engineers and if the program was assumed by ADEQ.

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Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Complete formal Consultation with Tribal Nations about ADEQ's plans for assumption of the 404 Program.	<b>12/20/18</b> - ADEQ met at the Ak-Chin Tribe to conduct a formal Consultation about the current 404 Program under the Army Corp of Engineers and if the program was assumed by ADEQ.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Complete formal Consultation with Tribal Nations about ADEQ's plans for assumption of the 404 Program.	<b>1/8/19</b> - ADEQ met at the Pascua Yaqui Tribe for formal Consultation to receive feedback about the current 404 Program under the Army Corp of Engineers and if the program was assumed by ADEQ.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Complete formal Consultation with Tribal Nations about ADEQ's plans for assumption of the 404 Program.	<b>1/9/19</b> - ADEQ met at the Tohono O'odham Nation for formal Consultation to receive feedback about the current 404 Program under the Army Corp of Engineers and if the program was assumed by ADEQ.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Complete formal Consultation with Tribal Nations about ADEQ's plans for assumption of the 404 Program.	<b>1/10/19</b> - ADEQ met at the Fort McDowell Yavapai Nation for formal Consultation to receive feedback about the current 404 Program under the Army Corp of Engineers and if the program was assumed by ADEQ.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Share key programs relevant to Tribal Nations.	<b>1/16/19</b> - ADEQ supported the Tribal Relations Legislative Day providing a display booth sharing key programs of interest to Arizona Tribal Nations: Wildfire Smoke Management, Brownfields Program, and the CWA, Section 404 assumption.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Complete formal Consultation with Tribal Nations about ADEQ's plans for assumption of the 404 Program.	<b>1/17/19</b> - ADEQ met with the Hualapai Nation for formal Consultation to receive feedback about the current 404 Program under the Army Corp of Engineers and if the program was assumed by ADEQ.

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Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Conducted a site visit at SCAT for Brownfields project on finance center.	<b>1/23/19</b> – ADEQ BF awards \$28,000 to SCAT to perform asbestos and mold abatement for their finance center. Additionally, ADEQ and contractor set expectations for workers and answered questions related to the project.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Conducted a site visit at Ak-Chin for potential Brownfields project opportunities.	<b>1/24/19</b> - Fostering relationships, however, the issue of land ownership and annexation was not understood in order to utilize Brownfields funds.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Complete formal Consultation with Tribal Nations about ADEQ's plans for assumption of the 404 Program.	<b>1/29/19</b> - ADEQ met at the Yavapai Apache Nation for formal Consultation to receive feedback about the current 404 Program under the Army Corp of Engineers and if the program was assumed by ADEQ.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Navajo Nation EPA sent an email asking for information on Household Hazardous Waste contractors.	<b>2/7/19</b> – ADEQ replied with the information and left a follow up voice-mail message.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Mobilization to conduct asbestos and mold removal of the finance center.	<b>Week of February 17, 2019</b> – BF project performed and completed.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	The Navajo Nation's Ganado School District asked how to coordinate recycling of school e-waste.	<b>2/20/19</b> – ADEQ's Community Liaison responded with a copy of ADEQ's e-waste event toolkit and the contact list of certified recyclers.

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Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Support the Zuni Tribe’s request for information about filing an open burn permit application.	<b>2/21/19</b> - ADEQ Community Liaison supported the Tribe to complete the application.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	ADEQ presented to 18 Navajo Nation Western Chapters regarding illegal dumping, recycling, and brownfields.	<b>3/16/19</b> - Western Chapter president reached out and asked if we could speak on those issues. She had heard our group traveled AZ sharing resources and helping Tribes create a coalition to work on the issues. Resulted in another group meeting in Kayenta.
ADEQ will conduct training, when appropriate and as resources allow, encouraging and improving Departmental/Tribal understanding and communication.	Share key relevant programs regarding Tribal Relations interest, meet, and greet tribal members and other agencies engaging with Tribes.	<b>3/18/19</b> – GOTR arranged a meeting with ADEQ to meet the Arizona State Parks and Trails- Outdoor Recreation agency. The purpose was to learn about ADEQ’s experience and learnings when engaging Tribal Nations.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Share key relevant programs regarding Tribal Relations interest, meet, and greet tribal members and other constituencies engaging with Tribes.	<b>4/6/19</b> - ADEQ supported Salt River Pima Indian Community’s Earth Day event. Foster relations between tribe and state agencies to achieve similar goals in education and action in protecting human health and the environment.
Work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for federal environmental programs.	Complete formal Consultation with Tribal Nations about ADEQ’s plans for assumption of the 404 Program.	<b>6/10/19</b> - ADEQ met at the Quechan Indian Tribe for formal Consultation to receive feedback about the current 404 Program under the Army Corp of Engineers and if the program was assumed by ADEQ.

Policy Goal	Objective	Activity and Performance Measure
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Provide follow-up assistance with the Navajo Nation regarding illegal dumping, recycling, and brownfields.	<b>6/19/19</b> - Several Navajo chapters had requested we come back to do a deep dive into their issues. Even chapters from New Mexico came to be in on the discussion. The group left with several action items to start working on to address the solid waste issues they currently experience.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Quechan Tribe request for information about water infrastructure improvement funding resources.	<b>6/24/19</b> – ADEQ shared funding resources for Quechan Tribe to evaluate applicability of available resources that match their water infrastructure improvement needs.

For questions or more information, please contact:



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