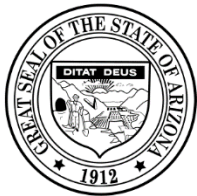




TRIBAL CONSULTATION ANNUAL REPORT

FISCAL YEAR 2021

JULY 1, 2020 - JUNE 30, 2021



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

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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, clean-ups, 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) and provided regular updates at the bi-monthly state agency Tribal Liaison meetings regarding ADEQ's significant initiatives and engagement activities with Arizona Tribes.

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.	Early and often engagement with tribes to provide them with an opportunity to provide written comments prior to the public comment period.	7/24/2020 – Prize Energy Draft Aquifer Protection Permit sent to Tribes for opportunity to comment.
ADEQ will conduct training, when appropriate and as resources allow, to encourage and improve Departmental/Tribal understanding and communication.	Early and often engagement with respective tribes to provide them with the status of the Prize Energy public hearing schedule and comment period.	7/24/2020 – ADEQ’s Water Quality Division (WQD) followed up with the following tribes regarding the status of the Prize Energy public hearing schedule and comment period: Fort McDowell Yavapai Nation Fort Mojave Indian Tribe Hopi Tribe Navajo Nations Tonto Apache Tribe White Mountain Apache
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Early and often engagement with tribes to provide them with an opportunity to provide written comments during the permit public comment period.	8/9/20 - Florence Copper draft Aquifer Protection Permit - Informed Tribes of the Public comment period and opportunity to provide written comments.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Early and often engagement with tribes regarding upcoming specific permitting.	8/13/20 – ADEQ agency director along with our Water Quality Division director and Tribal Liaison met with Havasupai for formal Consultation regarding an application for Canyon Mine Aquifer Protection Permit.
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Early and often engagement with tribes to provide them with an opportunity to provide written comments during the public comment period.	10/09/20 - ADEQ issued an announcement that comments during the comment period October 9th through November 12th on the proposed Marginal Ozone state implementation plan (SIP) revision for the Yuma Nonattainment Area (Area), pursuant to Clean Air Act Section 110 and 40 CFR 51.102 public notice requirements.

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.	Early and often engagement with tribes to provide them with an opportunity to provide written comments regarding this action.	11/04/20 - Provided a draft copy of the Safe Drinking Water Act Underground Injection Control (UIC) program draft rule to obtain primacy over the SDWA UIC program, currently administered by the US Environmental Protection Agency (EPA). ADEQ anticipated that state primacy of the program will provide value to the regulated community and continue to protect public health and Arizona's unique environment. ADEQ encouraged Tribes on the mailing list to forward the information to others who may be interested in helping establish a state UIC program. ADEQ provided a webpage link to access more information: azdeq.gov/uic .
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	To incorporate feedback from the tribal session, revise the framework and finalize draft legislation to seek statutory authority.	11/13/20 - Tribal Session held regarding the Navigable Waters Protection Rule. ADEQ presented an Arizona Surface Water Protection Permit Framework to seek Tribal input, and request feedback.
ADEQ will conduct training, when appropriate and as resources allow, to encourage and improve Departmental/Tribal understanding and communication.	Provide Trinai Santini with Cocopah Indian Tribe's Wellness Center with instructions on how to startup and implement an Air Quality Flag Program.	11/19/20 - ADEQ's Flag Program Coordinator provided Cocopah Indian Tribe Wellness Center with a detailed outline on how to develop and implement the Air Quality according to the Air Quality Forecast at http://azdeq.gov/statewide_aq .
ADEQ will conduct training, when appropriate and as resources allow, to encourage and improve Departmental/Tribal understanding and communication.	Early and often engagement with tribes to provide them with an overview of ADEQ's authority and share information concerning the WOTUS Rule change and ADEQ's high level plan moving forward	12/8/20 - Pascua Yaqui tribe held formal Consultation with ADEQ's WQD representatives and Tribal Liaison to discuss the following: An overview of programs administered by ADEQ for recently appointed Council members ADEQ's plans regarding the Clean Water Act, Waters of the United States (WOTUS) June 22, 2020 rule change to develop a State program

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.	Invited Tribes to the Stakeholder meeting.	<p>12/8/20 - Yuma PM-10 Nonattainment Area Planning Update: ADEQ conducted a virtual meeting with Yuma PM-10 Nonattainment Area tribes and stakeholders to discuss reasonable dust controls.</p> <p>At the upcoming virtual stakeholder meeting, ADEQ will address what the EPA's assessment means for ensuring reasonable dust controls for Yuma.</p>
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Tribal Liaison to learn perspectives about Tribal Consultation.	<p>3/3/21 - Attended a webinar hosted by the National Congress of American Indians regarding Federal Consultation Policies: Working towards Consent".</p>
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	ADEQ communicates a complaint.	<p>3/3/21 -A complaint was received by ADEQ on its Emergency Response Unit Spill Line. The source of the complaint was on Tribal Lands with regulatory jurisdiction of the Navajo Nation EPA and EPA Region 9. ADEQ had no jurisdiction for the demolition activities at this site or blasting activities removing the structures. The ADEQ Tribal Liaison also emailed the complaint to Navajo Nation contact.</p>
Share appropriate technical information and data with Tribes. ADEQ requests that Tribes share appropriate technical data with ADEQ as well.	Engaged EPA concerning this inquiry	<p>4/21/21 - ADEQ received an inquiry about upgrading the septic system located at the Pipe Springs National Park. This particular site is located in the Kaibab Paiute Tribe's land. ADEQ assisted by requesting that the EPA Region 9 Tribal assist on the matter.</p>

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.	To ensure the Pascua Yaqui Tribe and Tohono O'odham Nation are given the opportunity to provide valuable input to the study.	May 2021: The Pascua Yaqui Tribe and Tohono O'odham Nation provided valuable input on site location for the Southern Hazardous Materials Regional Commodity Flow Study that provided a comprehensive commodity flow study of hazardous materials study to aid local, regional, state and federal authorities to understand the volume and nature of hazardous materials movement into, out of and through Cochise County, Pima County, Santa Cruz County, Pascua Yaqui Tribe, and Tohono O'odham Nation. The results of the study will provide a framework to the counties, LEPCs, tribes and local jurisdictions to plan for and respond to potential risks associated with hazardous materials transported to or through the identified areas.

For questions or more information, please contact:

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