

**The Navajo Nation Environmental Protection Agency  
ARPA Report**



**December 5, 2023**

**ARPA Report**

## **1. GENERAL INFORMATION**

### **A. OVERSIGHT COMMITTEE: RESOURCES AND DEVELOPMENT COMMITTEE**

**B. EXECUTIVE DIRECTOR** : Stephen B. Etsitty

### **C. ENVIRONMENTAL DEPARTMENT MANAGERS**

Eugenia Quintana  
Air & Toxics Department (5% ARPA Funded)

Warren Roan  
Waste Regulatory Compliance Department (5% ARPA Funded)

Yolanda Barney  
Surface and Groundwater Protection Department (5% ARPA Funded)

**D. EPA ARPA Staff** : Heather P. Springer, Administrative Service Officer  
(100% ARPA Funded)  
(928) 871-7601  
Email: [heatherspringer@navajo-nsn.gov](mailto:heatherspringer@navajo-nsn.gov)

Lyle C. Begay, Civil Engineer  
(100% ARPA Funded)  
(928) 871-7692  
Email: [lyleb@navajopublicwater.org](mailto:lyleb@navajopublicwater.org)

Lavern Begay, Principal Contract Analyst  
(25% ARPA Funded)  
(928) 871-6652  
Email: [lavernbegay@navajo-nsn.gov](mailto:lavernbegay@navajo-nsn.gov)

Teresa A. Etsitty, Administrative Assistant  
(25% ARPA Funded)  
(928) 871-7692  
Email: [tetsitty@navajo-nsn.gov](mailto:tetsitty@navajo-nsn.gov)

**SIGNIFICANT ACTIVITIES ACCOMPLISHED-ARPA REPORT:**

1. The NNEPA-ARPA has worked with different Consultants for various professional services. Below is a list of Professional Services Contracts executed with NNEPA-ARPA Funds:

<b>Date</b>	<b>Name</b>	<b>Amount</b>	<b>Contract No:</b>	<b>Beginning</b>	<b>Ending</b>	<b>Contract Closed</b>
11/16/2021 (Superfund)	Reliance Medical Group	\$22,979.00	017690	10/1/21	9/30/22	Closed on: 12/4/23
Unknown (WRCD)	Gallup Business System	\$2,671.20	CO15179	10/1/21	9/30/22	Closed on: 9/30/22
11/7/2022 (WRCD)	Gallup Business Systems	\$2,671.20	CO15778	10/1/22	9/30/23	Closed on: 9/30/22
11/9/22 (EPA Admin)	Gallup Business Systems	\$3,180.00	019732	10/1/22	9/30/23	Closed on: 9/30/23
2/23/22	C2 Environmental, LLC	\$49,820.00	CO15153	12/13/21	9/30/22	Closed on: 09/14/23
11/7/22	Iina Ba Inc.	\$333,589.00	CO15372	9/30/22	9/30/25	Still Active

2. The NNEPA-APRA has been ordering Supplies and Equipment, and closing out procurements for NNEPA-ARPA personnel. In 2021-2022, the NNEPA-ARPA provided support under the direction of the Executive Director assisting the NNEPA Administration by ordering Office supplies, and Personal Protective Equipment, Toners, Printers, Computer Equipment, etc. for the NNEPA Administration.

<b>Date</b>	<b>Vendor:</b>	<b>OR#</b>	<b>PO#</b>	<b>Receiving</b>	<b>3WV</b>
12/14/22	Butlers Office Equipment & Supplies	31901	425419	3/21/23	4/3/23
12/14/22	Butlers Office Equipment & Supplies	31901	425419	3/21/23	4/3/23
12/14/22	Butlers Office Equipment & Supplies	31901	425419	3/21/23	4/3/23
12/14/22	Cellco Partnership- (Verizon Cellphones)	31935	424282	3/14/23	4/3/23
12/27/22	PC Place II- (Printer and Dot Matrix Printer)	32124	425137	3/20/23	4/3/23
12/30/22	Nor-Kem Distributors Inc- (Monthly Calendars)	32145	426102	3/21/23	4/3/23
1/11/23	EBS Scantracker- AroundtheOffice- (Typewriter)	32100	425237	3/21/23	4/3/23

3. The NNEPA-ARPA staff has been attending different trainings for OED ARPA Personnel:

<b>Name</b>	<b>Training</b>	<b>Date(s)</b>	<b>Completed/ Received Certificate</b>
Remedial Project Mgr.	New Mexico Groundwater Conference	7/26/22-7/28/22	YES
Civil Engineer	40 Hour Hazwoper at San Juan College	9/11/22-9/16/22	YES
Remedial Project Mgr.	Waste Management on Federal Lands Workshop	10/20/22-10/22/22	YES
Civil Engineer	Defensive Drivers Course	10/25/22	YES
Administrative Service Officer	The Effective Performance Management Live Virtual Seminar	1/05/23	YES
Administrative Service Officer	Administrative Assistant Workshop	1/23/23	YES
Assoc. Environ. Specialist	Defensive Drivers Course	2/8/23	YES
Remedial Project Mgr.	FMIS Common Foundation and 6B Certification	2/09/23	YES
Remedial Project Mgr.	Asbestos Hazard Emergency Response Act: Supervisor Training and Certification.	2/20/23-2/24/23	YES
Assoc. Environ. Specialist	40 Hour Hazwoper at San Juan College	4/3/23-4/7/23	YES
Civil Engineer	WEX Training for Off-Reservation Travel		YES

4. The NNEPA-ARPA has monitored the actions and discussions of the 25<sup>th</sup> NN Council, listening to Resources Development and Budget and Finance Committees and its coordination with the FRFO on ARPA updates; and listening in on the Council Sessions, and scheduled Naabik'iyat'i meetings.
5. The NNEPA-ARPA coordinates with the Fiscal Recovery Fund Office Finance Section, meeting with them throughout 2023. Discussing the Budget and Form 2 under K Account- K211504. Meetings have been coordinated to discuss executing solutions and providing updates to one another on upcoming ARPA projects. Providing ideas on how to improve with reports.
6. The NNEPA-ARPA has prepared Memorandum to Department of Personnel Management and NNEPA Department Managers and Supervisor at the request of Executive Director, Stephen B. Etsitty.
7. The NNEPA-ARPA provides technical assistance to NNEPA Programs and Administrative Assistant.
8. The NNEPA-ARPA administers a professional services contract with Iina'ba Inc., in the amount of \$333,589.00 (Contract# CO15372). This contract was started in 2022, and it was extended in 2023 to end on September 30, 2025. This contract is to support Navajo Nation Fish & Wildlife Biological Review Processes. \$298,021.00 remains available for expenditure in this contract.

9. The NNEPA-ARPA successfully completed regulatory reviews for all ARPA projects submitted to NNEPA.
10. The NNEPA-ARPA has reverted NNEPA/ARPA Funds allocated to NNEPA in the amount of \$4,163,979.00, more than half the amount. These funds will be used by other Navajo Nation ARPA programs. Memo was completed on November 15, 2023. Updated Transmittal was posted on November 28, 2023 on Navajo Nation Fiscal Recovery Fund Office Website.
11. The NNEPA-ARPA is working with the Motor Vehicle Review Board on Vehicle Re- Assignment for the Fiscal Recovery Fund Office. Memo of “Vehicle Re-Assignment” and “Request to do Action-Proceed with Vehicle Re-Assignment” memos have been completed and taken to the Motor Vehicle Review Board. The next MVRB meeting will take place on December 13, 2023. Two NNEPA ARPA 2022 Jeep Compass (V#322302) and (V#322303) will be transferred. The two used ARPA vehicles will be used for FRFO Monitoring Section staff who will have worksites in Crownpoint, NM and Leupp, AZ.
12. The NNEPA-ARPA has been working on Field Investigations for Proposed ARPA Construction. Compiling a list of “individuals” based with what chapter need the Field Investigations.
13. The NNEPA-ARPA attended meetings, field reviews and technical reviews of ARPA Projects. Meetings with NHA Rock Springs Housing Lagoon, IHS Kaibeto Square Butte Waterline Extension (NA-11-R69/Z46), Kayenta Scattered Housing (NA-19-F91), Kayenta Scatter Housing (NA-20-G08), IHS Water Project (NA-18-XF1), Nazlini Chapter-Septic System Install-164 Review Process, Chapter SOW and Administrative Oversight Review (DOJ).
14. The NNEPA-ARPA was involved with field visits and compliance monitoring (including issuing notices of violation for failed septic systems) - Total visits: 34.
15. The NNEPA-ARPA was involved with Septic Mound Design and Construction-International Water, Sanitation Hygiene (IWSH)/DigDeep with Baca Chapter. IWSH/Dig Deep is the only entity following regulations by doing soil studies and resultant recommended design of Septic Mound system. NNEPA-ARPA attended the complete install of two (2) residential homes and continues communication for future Baca Chapter House and Senior Center installs.
16. The NNEPA-ARPA is involved with ARPA Septic Project Permit Application Reviews. 252 Total Permits: 140 IHS ARPA Waste Water Construction Permit/Septics; 112 NTUA ARPA Wastewater Construction Permit/Septics; and 3 for Waste Water Treatment Plants/NTUA Treatment Plants.
17. NNEPA-ARPA attended 40-Hour HAZWOPER training, understanding the dangers and remediation of utilizing water/wastewater industry chemicals. Made recommendation to NTUA to have their Wastewater Treatment Plant Operators receive HAZWOPER certification.

18. The NNEPA-ARPA has been involved with the Navajo Gallup Water Supply Project with U.S. Bureau of Reclamation, U.S. EPA, State of New Mexico, NN Water Resources Department, NN Land Department, NN Department of Justice, Navajo-Area IHS, City of Gallup, Navajo Tribal Utility Authority and subcontractors. DePauli Engineering, Souder Miller, WSP and others. NNEPA-ARPA regularly attends Coordination & Design meetings as well as making field visits to construction sites. NNEPA-ARPA did a construction/design review for NGWSP sections: San Juan Lateral Pumping Plants 2 and 3 and San Juan Lateral Reach 4A & 4B with an issuance of four (4) Drinking Water Construction Permits.
19. The NNEPA-ARPA is reviewing NNEPA Plans of Operation and NNEPA Domestic Wastewater Regulations to clarify language that supports the DCD/FRFO proposal for NNEPA-ARPA to be Administrative Oversight of Chapter Septic Projects. Discussions and meetings with NN Fiscal Recovery Fund Office, Department of Justice and NNEPA PWSSP and DCD-ARPA staff. Internal review finds that only regulatory, monitoring, permitting and compliance enforcement language is clear, and very little terminology that describes Project Management and Administrative Oversight for construction projects.
20. The NNEPA-ARPA completed and set up online Septic Failure Reporting Form on the NNEPA-PWSSP website.
21. The NNEPA-ARPA attended Community and public outreach during Housing Fair at Fire Rock Casino on June 28-29, 2023. Information shared with attendees regarding online Septic Failure form, Navajo Gallup Water Supply Projects (NGSWSP), septic failure locations and answering general questions regarding permitting and enforcement.
22. The NNEPA-ARPA conducts Community outreach presentations regarding Residential Septic System Maintenance during chapter visits. Visual aids are used to help share information and present best management practices in operating and maintaining septic systems, including the importance of soil studies and clarifying expectations of septic cleaners/homeowners. Powerpoint slides refer to USEPA Septic Smart Materials and International Water, Sanitation and Hygiene/Dig Deep project development.

### **SIGNIFICANT CHALLENGES WITHIN NNEPA ARPA:**

1. NNEPA-ARPA finds challenges in closing out ORs in FMIS. Learning the NNEPA Roles of who can do what, and assist in closing out (3-Way Voucher Match). Working with Accounts Payable, and learning how to close the documents out, making corrections on FMIS.
2. NNEPA-ARPA has challenges with filling the Accountant position (Position# 244952) and the Associate Environmental Specialist position (Position#244949) due to the competitive need of personnel within all departments of the Navajo Nation. Non-Selection letters have been mailed out to the applicant who applied for the Accountant position (11/9/23) and Associate Environmental Specialist position (11/14/23). Letters were mailed out by the Administrative Service Officer.

3. Identifying ARPA projects on the General Land Development Department portal, or when project are submitted it does not state if it is an ARPA project. General Land Development Department stated they will work on the issue, however Fiscal Recovery Fund Office and GLDD will have to back track and identify these projects to be consistent.
4. NNEPA-ARPA is being proposed to undertake Administrative Oversight for Chapter Projects funded by the ARPA/FRF. The Expenditure plans for these projects were approved by the NN Council and signed by the NN President. Division of Community Development, and Fiscal Recovery Fund Office asked NNEPA if we have the resources and personnel to manage the projects. (List of Approved Projects Listed by LGA Certified Chapter and Non-Certified Chapter). Meeting was held on October 16, 2023 and on November 20, 2023 to discuss the responsibilities and appropriateness of NNEPA oversight per the ARPA Sub-recipient Agreement.
5. NNEPA-ARPA Employees leaving NNEPA. Associate Environmental Specialist was laid off on August 1, 2023 and Remedial Project Manager resigned from NNEPA as of June 3, 2023.
6. Administrative Service Officer was on Family Medical leave from the dates of: June 1, 2023- November 10, 2023. Returning to the NNEPA Office as of November 11, 2023. Civil Engineer was the only NNEPA-ARPA staff reporting and working for NNEPA-ARPA Program for all of 2023.
7. Expending 95% of ARPA Administrative Funds.
8. All IHS & NTUA ARPA Septic Projects are not meeting NNEPA Domestic Wastewater Regulation § 407-4 and 40 CFR PRT 1924, Title 7-Exhibit B Subpart C, stating the requirement of Percolation Tests.
9. NTUA has not paid Wastewater Construction Permit fees in the amount of \$38,350.80. These permits fees are associated with NTUA's ARPA Funded Septic Wastewater Construction Projects.

**SIGNIFICANT KEY MEETINGS WITH NNEPA-ARPA:**

- January 10, 2023 Navajo Nation Council- Special Session  
NN Council Chambers**
- January 23-27 2023 Navajo Nation Council-Winter Session  
Window Rock, AZ Council Chambers**
- February 1, 2023 Naabik'iyat'i Committee Work Session-  
ARPA/FRFO Window Rock, AZ**
- February 2, 2023 Navajo Nation Council- Special Session  
NN Council Chambers  
(Naabikiyati) Work Session  
Window Rock, AZ**
- February 8, 2023 Resources & Development Committee: Regular Meeting  
Navajo Land Department**
- February 13-17, 2023 Resources & Development Committee: Orientation  
Navajo Land Department**
- February 14, 2023 Budget and Finance: Special Meeting- ARPA/FRFO  
Budget & Finance Conference Room, Window Rock,AZ**
- February 15, 2023 Resources & Development Committee: Regular Meeting-DNR  
and ARPA Projects  
Navajo Land Department**
- February 27, 2023 Fiscal Recovery Funds Office: Finance Meeting on Budget  
Review and Questions  
OOC-ARPA Office**
- March 1, 2023 Resources & Development Committee: Regular Meeting  
Navajo Land Department**
- March 10, 2023 Budget and Finance: Work Session FRFO Monthly  
Report Budget & Finance Conference Room, Window  
Rock,AZ**
- March 13, 2023 Fiscal Recovery Funds Office: Finance Meeting on Reviewing  
of Budget and Upcoming Projects.  
OOC-ARPA Office**
- March 15, 2023 Resources & Development Committee: Regular Meeting-  
NNEPA to provide update on ARPA Funds.  
Navajo Land Department**



- March 16, 2023 Naabik'iyat'i Committee - Work Session  
Window Rock, AZ**
- March 20, 2023 One-Stop Shop: Regulatory Review Working Group  
Zoom**
- March 22, 2023 Resources & Development Committee: Regular Meeting  
Navajo Land Department**
- October 12, 2023 Meeting with OPVP/ARPA/DOJ/FRFO and NNEPA  
Discuss Broadband/ Chapter Sub-Recipients and Employee  
Housing.  
Office of the President & Vice President, Window Rock, AZ**
- October 16, 2023 Meeting with FRFO/NNEPA/DCD  
Admin Building #2  
Window Rock, AZ**
- October 27, 2023 Meeting with OPVP/ARPA/DOJ/FRFO and NNEPA  
Discuss Broadband/ Chapter Sub-Recipients and Employee  
Housing.  
Office of the President & Vice President, Window Rock, AZ**
- December 4-7, 2023 Naabik'iyat'i Committee - Work Session  
Window Rock, AZ**

Other Meetings related to NNEPA-ARPA:

- A. NNEPA-ARPA participating in Department Managers meetings.
- B. NNEPA-ARPA attends NNEPA support staff meetings.
- C. NNEPA-ARPA/NNFRFO Funding Update Meetings.

**NNEPA-ARPA Recommendations:**

1. Recommendation to re-schedule training for ARPA Staff and order more Equipment and Office Supplies.
2. Continue meetings with OPVP and FRFO to stay updated on Budgets and Projects at least once a month. Receive updates from all ARPA programs.
3. Spend NNEPA-ARPA monies.



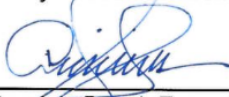
**DR. BUU NYGREN** *PRESIDENT*  
**RICHELLE MONTOYA** *VICE PRESIDENT*

**The Navajo Nation | Yideeskáadi Nitsáhákees**

November 28, 2023

**TRANSMITTAL**

TO : Stephen Etsitty, Executive Director  
 Navajo Nation Environmental Protection Agency (EPA)

FROM :   
 Dominic Beyal, Executive Director  
 Contracts and Grants Section / OMB

SUBJECT : EPA Administration (Admin) - Fiscal Recovery Funds (FRF)

**I. Information on Contract (per Original Award):**

<u>Environmental Protection Agency</u>	<u>U.S. Treasury American Recovery Plan Act (ARPA)</u>	<u>21.019</u>
<u>Title of Contract</u>	<u>Funding Agency</u>	<u>CFDA No. - Federal</u>
<u>CJY-41-21</u>	<u>\$ 8,093,953.00</u>	<u>2022</u>
<u>Grant No.</u>	<u>Amount</u>	<u>Fiscal Year</u>
		<u>Term - Begin and End Date</u>
		<u>03/11/2021 to 12/31/2026</u>

**II. Data Entered in FMIS Regarding:**

New Contract or Grant Company No. 8059 Business Unit (K#) K211504

Contract Mod No. Internal Modification No. 1

Amt of Award Decrease \$4,163,979.00 \$8,093,953.00 to \$3,929,977.00

AMOUNT FROM TO

Budget Period - Extend End Date: From \_\_\_\_\_ To \_\_\_\_\_

Other, specify: \_\_\_\_\_

**Authorizing Document - Attached:**

Contract / Agreement - Date executed \_\_\_\_\_

NNC / Committee Resolution - No. & Date \_\_\_\_\_

Other, specify: Memorandum of 11/15/2023 and Form Summary of Change authorized 11/14/2023

**III. Comments by CGS:**

De-obligate amount of \$4,163,979 per Summary of Change completed on November 14, 2023 by NN EPA. Pursuant to FY 2024 Appendix K Section 3. B. 4., amount decreased in accordance with memorandum of November 15, 2023.

Attachment  
 Copy: Contract files  
 Contract Accounting / OOC / DPM  
 Tom Platero, Executive Director - NN FRF Office

Revised February 2023



Job K211504 US TREASURY- EPA ADMIN - FRF

Project

Cost Code	Cost Type	Description	L P M	Original Budget Amt	Revised Budget Amt	Actual Amount	Open Commit Amount	Budget Balance	% Revised Spent	% Revised Remaining
1700		External C/G Revenue Source	4 T	8,093,953.00-	3,929,977.00-	652,943.77-		3,277,033.23-	.17	.83
1000		Revenues	3 T	8,093,953.00-	3,929,977.00-	652,943.77-		3,277,033.23-	.17	.83
2001		Personnel Expenses	4 T	1,547,335.00	2,229,637.00	382,742.55		1,846,894.45	.17	.83
3000		Travel Expenses	4 T	166,665.00	164,665.00	14,604.44		150,060.56	.09	.91
4000		Supplies	4 T	75,000.00	175,000.00	103,929.76		71,070.24	.99	.01
5000		Lease & Rental	4 T	50,000.00	5,000.00		114.55	4,885.45	.02	.98
5500		Communications & Utilities	4 T	40,000.00	16,000.00	196.93		15,803.07	.01	.99
6000		Repairs & Maintenance	4 T	70,000.00	30,000.00	8,522.40		21,477.60	.28	.72
6500		Contractual Services	4 T	5,861,581.00	1,173,597.00	54,669.08	393,716.50	815,211.42	.31	.69
7000		Special Transactions	4 T	60,000.00	41,578.00	11,657.28		29,920.72	.28	.72
9000		Capital Outlay	4 T	233,372.00	94,500.00	94,500.00			1.00	
2000		Expenses	3 T	8,093,953.00	3,929,977.00	670,822.44	303,831.05	2,955,333.51	.25	.75
		US TREASURY- EPA ADMIN - FRF 2	T			17,878.67	303,831.05	321,709.72-		
		Total:	I T			17,878.67	303,831.05	321,709.72-		

K211504