# 2009

# OSWER Tribal Accomplishments Report


**EPA & Tribal Partnership To Preserve and Restore Land In Indian Country**

**OSWER National Tribal Program**

**OSWER Tribal Strategy:**
http://www.epa.gov/oswer/tribal/strategy.htm

# I. INTRODUCTION

Administrator Lisa P. Jackson made strengthening EPA partnerships with tribal nations a top priority for EPA (http://blog.epa.gov/administrator/2010/01/12/seven-priorities-for-epas-future/). OSWER's Tribal Strategy helps EPA fulfill this commitment and protect human health and the environment in Indian country. This Accomplishments Report provides an update on the progress OSWER has achieved in our first year of implementing the Tribal Strategy. In addition to highlighting program-specific accomplishments, the report provides information and successes related to special OSWER initiatives. This report may be used to identify needed changes or updates to the OSWER Tribal Strategy, so that OSWER can evaluate and refine the Tribal Strategy over time as a living document.

## 2009— A YEAR IN SUMMARY

OSWER successfully accomplished many of the major initiatives outlined in the OSWER Tribal Strategy in 2009. OSWER provided financial and technical assistance to tribal governments to build capacity in OSWER programs. OSWER funding supported over 120 cooperative agreements with tribes to build program capacity in the RCRA and CERCLA programs, and supported a strong array of tribal-specific training venues on solid waste, emergency preparedness, tribal response programs, and underground storage tank prevention and cleanup. OSWER exceeded our strategic target for closing, cleaning up or upgrading open dumps in Indian country, and our annual goal for underground storage tank cleanups in Indian country. This past year, we established a new tribal framework through a grant with the Institute of Tribal Environmental Professionals (ITEP), to promote information exchange and stronger partnerships with tribes and EPA. At the same time, we learned that we have farther to go to implement the strategy. For example, some of the indicators for demonstrating progress in our programs are more difficult to track nationally than we previously envisioned, and may require change to ensure better and more meaningful reporting of progress in the future.

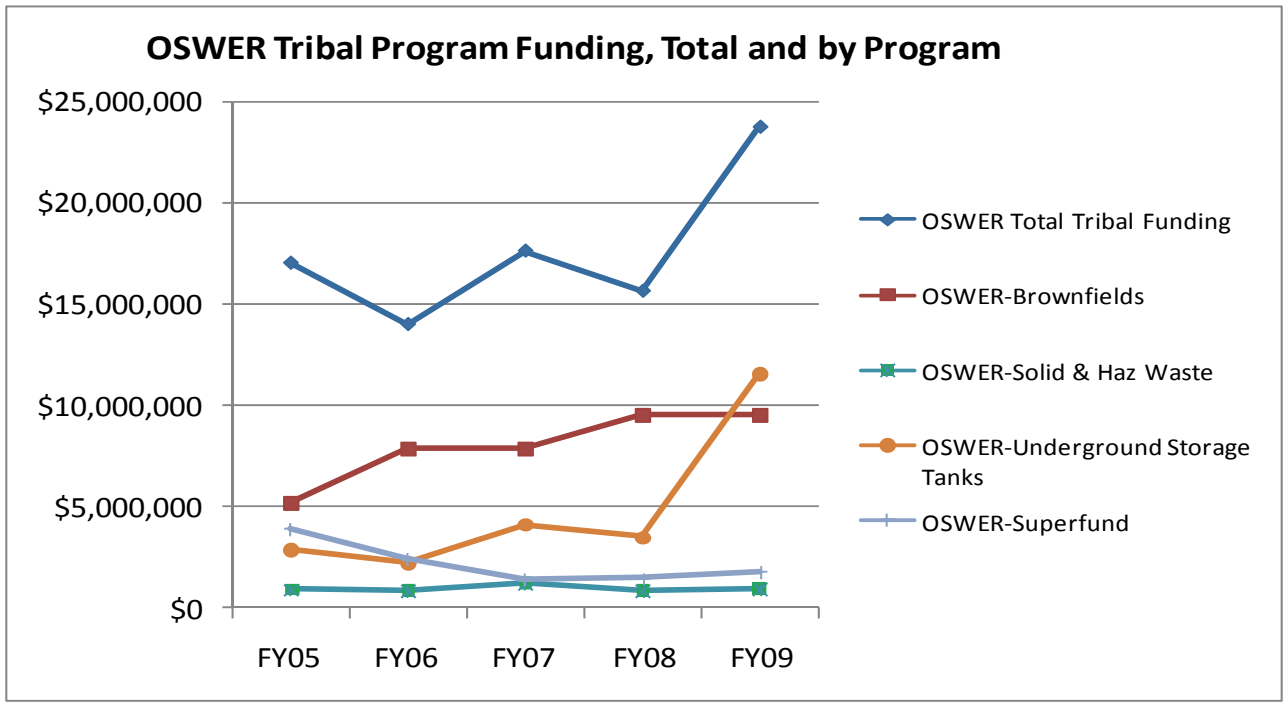
### Special Points of Interest for 2009:

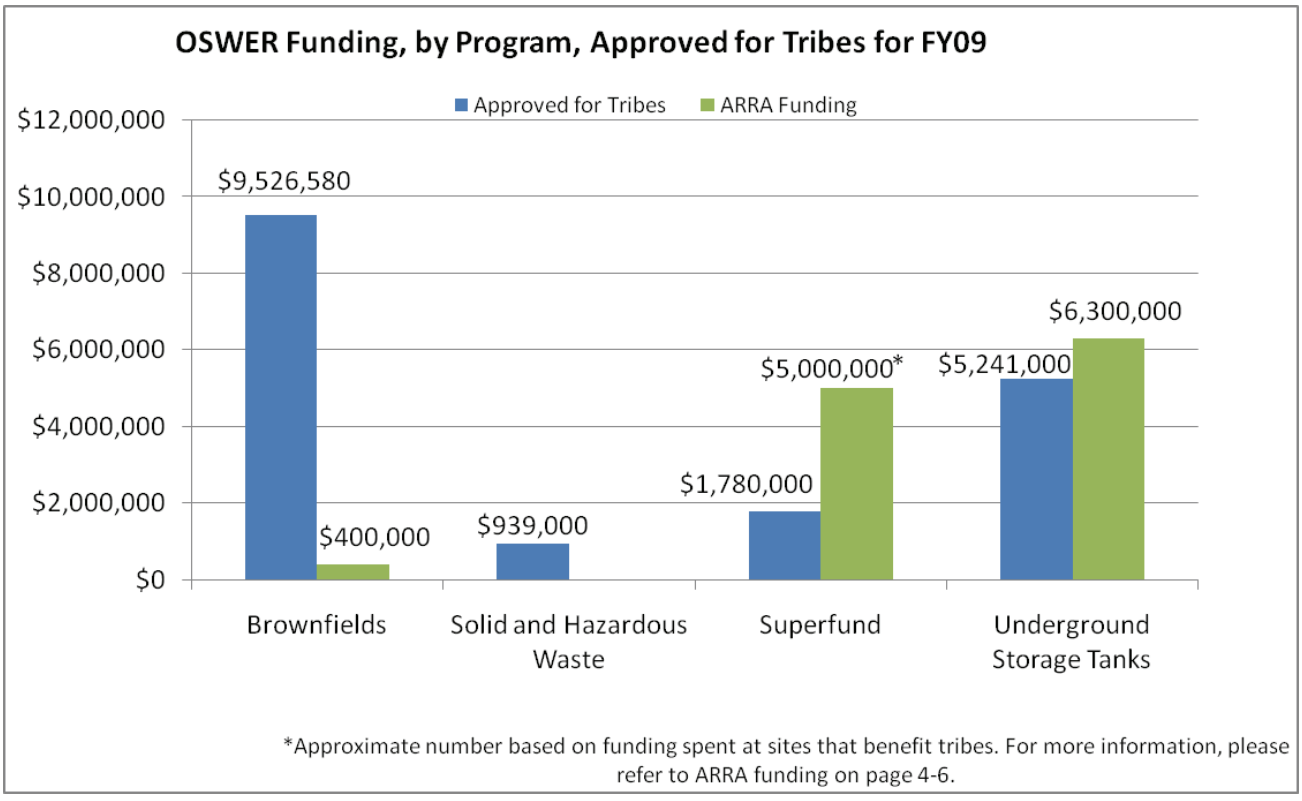
- **OSWER's American Recovery and Reinvestment Act Funding in Indian country, pp. 4-6**
- **Creation of a national Tribal Steering Committee on OSWER issues, p. 7**

## Inside:

# II. FUNDING OF THE TRIBAL PROGRAM IN OSWER

OSWER provides, on average, between $16 - $18 million dollars annually in grant funding to support tribal program development and site cleanup work in Indian country. OSWER funds cooperative agreements with tribes in the Brownfields, Hazardous Waste, Solid Waste, Superfund and Underground Storage Tanks programs. In 2009, with the addition of American Recovery and Reinvestment Act (ARRA) funding, OSWER funded over 120 tribal cooperative agreements, several tribal-related contracts, and a number of training and outreach projects for a total of almost $25 million.



# III. AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING

On Feb. 17, 2009, the American Recovery and Reinvestment Act (ARRA) of 2009 was signed into law with the goal of creating and saving jobs, spurring economic activity, investing in long-term economic growth, and fostering accountability and transparency in government spending. Twenty-eight federal agencies received Recovery funds to finance contracts, grants, and loans around the country. Within EPA, OSWER received $100 million for cleanup of former industrial and commercial sites (Brownfields), $200 million for cleanup of leaking underground storage tanks, and $600 million for hazardous waste cleanup at Superfund sites.

Recovery Act funding provides a complementary component to our existing partnerships with tribes. OSWER has provided more than $10 million of Recovery Act funds to create or sustain jobs and enhance the environment on tribal lands. OSWER provided funding and technical assistance to facilitate assessment and cleanup of tribal sites, and participated in other Federal agency Recovery Act efforts. Below are highlights of environmental improvements that are underway with Recovery Act funding:

## Tribal Recovery Act Highlights: Brownfields

**EPA's Brownfields program significantly enhanced its existing assessment, revolving loan fund and cleanup grants solicitation with Recovery Act funding. As a result, EPA was able to provide two additional tribal recipients with brownfields cleanup grants totaling $400,000. EPA is also funding approximately $625,000 for numerous Targeted Brownfields Assessments on tribal lands**.

**Tekakwitha Old Orphanage and Boarding School Complex**

Stimulus funds were awarded to the Sisseton-Wahpeton Oyate Tribe for cleanup of the Tekakwitha Old Orphanage and Boarding School Complex on the Lake Traverse reservation in South Dakota. This historic site was formerly a farm, a church, and a school, and is contaminated with metals, mercury, and inorganic contaminants co-mingled with petroleum. When the target site is cleaned up, the tribe is planning to redevelop it with ballparks, recreational areas, and open space. Cleanup is expected to generate jobs for tribal workers and increase the tribe's useable land base. Grant funds will also be used to support community involvement activities.

**Trinidad Bay**

Cher-Ae Heights Indian Community of the Trinidad Rancheria is located on the coast of California and relies upon the local tourist and fishing industries. The tribe depends on subsistence fishing and seaweed gathering at ancestral sites along the coastline in Trinidad Bay. The Trinidad Pier, a commercial pier in the community, is discharging creosote and creosote-derived polycyclic aromatic hydrocarbons into Trinidad Bay. Stimulus funds will be used to clean up the pier and harbor, including a mooring field, boat launching, and cleaning and maintenance facilities. Cleanup activities also include deconstructing the pier, and removing and recycling materials from the site. When the target site is cleaned up, the Trinidad Rancheria plans to build a new pier on the property. The new pier is expected to provide professional and recreational fishing opportunities.

## Tribal Recovery Act Highlights: Superfund

**EPA's Superfund program used Recovery Act funds to accelerate ongoing cleanup activities or initiate new construction at Superfund sites across the nation. Funding was provided through EPA contracts, state cooperative agreements and interagency agreements. New work at a number of these sites benefits tribes that are affected by the contamination at these sites.**

**Sulphur Bank Mercury Mine**

Located in Clear Lake, CA, the mine operated periodically from 1867-1957. The Elem Pomo Indian Colony is located directly adjacent to the abandoned mercury mine. Mercury and other heavy metal contaminants from the mine are affecting tribal community health and the environment, as well as the political, social, economic and cultural aspects of tribal subsistence and cultural lifestyles. EPA is using ARRA funds to plan and coordinate activities with the Elem Pomo tribe, including the procurement of a construction contractor; the initiation of work to provide a temporary water supply, sewer service and access for Elem residents during the cleanup; and planning efforts to assure the performance of mine waste excavation and disposal efforts.

**Arsenic Trioxides Site**

This Site is located in southeastern North Dakota and covers approximately 568 square miles. The concern is arsenic contamination of drinking water, attributed to both the historical use of arsenic-based grasshopper bait and naturally occurring sources. EPA and the State of North Dakota have been connecting rural water users to a public water supply because many drinking water wells in the area are contaminated with elevated levels of arsenic. The ARRA funding will pay for the expansion of water treatment and distribution facilities to an additional number of users. A portion of the pipeline will extend onto the Sisseton Sioux Indian Reservation in southern North Dakota, providing water to residents.

**Bunker Hill Site**

The Bunker Hill site, located in the Coeur d'Alene River Basin in Idaho, is one of the largest environmental and human health cleanup efforts in the country. Historic mining practices generated an estimated 70 to 100 million tons of mining waste that are now spread throughout regional streams, rivers, flood plains and lakes. Within the Bunker Hill area, The Jack Waite Mine site, which includes several mine adits, a shaft, associated waste rock piles, and four tailings impoundments, has received ARRA funding. The work will improve the water quality in Tributary and Eagle Creeks which feed into the North Fork of the Coeur d'Alene River and Lake Coeur d'Alene, and ultimately the Spokane River, which are important resources to the Coeur d'Alene and Spokane Tribes.

**Wyckoff-Eagle Harbor Site**

At Wyckoff-Eagle Harbor on Bainbridge Island, WA up to $2.5 million in Recovery Act funds is being used to continue EPA's cleanup efforts to address the soil and groundwater operable units. Specifically, the Recovery Act funds will be used to demolish an existing groundwater treatment plant and upgrade existing groundwater extraction wells. Following these activities, EPA will complete a sheetpile wall and construct the final soil cap to contain remaining wastes. This will benefit the Suquamish, Squaxin and Tulalip Tribes. EPA projects that, with assistance from the Recovery Act, the entire containment remedy will be completed in four to five years.

# Tribal Recovery Act Highlight: Underground Storage Tanks

**EPA's Leaking Underground Storage Tank (LUST) program provided $6.3 million into existing contracts with Native Alaskan or Native American firms to assess and cleanup leaking underground storage tank sites in Indian country. This funding supports more than 50 projects benefitting 20 tribes in Indian country.**

**Cheyenne River Indian Reservation, Lantry, South Dakota**

On the Cheyenne River Indian Reservation in South Dakota, EPA Region 8's UST program is working in partnership with the Cheyenne River Sioux Tribe to use LUST Recovery Act money to clean up the Lantry Oil site. Work includes operating and maintaining an air sparge/soil vapor extraction system, conducting two injection events of in-situ chemical oxidation, and reducing the dissolved groundwater plume by over 60 percent. Originally a mixed-use property which housed a gas station, auto repair facility, and plumbing business, the Lantry Oil site was abandoned approximately six years ago. The remediation activities, paid for by LUST Recovery Act money, are instrumental in helping facilitate a property transfer of this site, which in turn will foster productive reuse of the property. In addition, the cleanup is creating several jobs in this small reservation community.

## OSWER Cross-Program Coordination

OSWER recognizes that there are opportunities to leverage and integrate tribal activities across related OSWER programs to increase effectiveness and efficiencies in the program. In 2009, several OSWER programs began actively coordinating on tribal response activities. The Office of Superfund Remediation and Technology Innovation, Office of Brownfields and Land Revitalization, Office of Emergency Management and Office of Underground Storage Tanks, are working together to more effectively coordinate programmatic capacity on oversight and enforcement of response actions to protect human health and the environment, mechanisms for meaningful public participation, and guidance for assessing and cleaning up petroleum contamination on tribal lands.

# IV. PROGRAM BY PROGRAM TRIBAL ACCOMPLISHMENTS

## OSWER-WIDE — Innovation, Partnerships, and Communication Office (IPCO)

The Innovation, Partnerships and Communication Office's (IPCO) goal is to support and provide direction for OSWER's Indian program, enhance consultation and outreach efforts with tribes on environmental protection in Indian country, and maintain consistency with EPA's Indian Policy. In 2009, IPCO provided cross-program analysis on tribal issues, and supported training, financial assistance and technical assistance to tribes as part of implementing the OSWER Tribal Strategy. Through these efforts, EPA seeks to build tribal capacity in assuming program management responsibilities in OSWER-related programs, forge strong partnerships with tribes and engage tribes in meaningful dialogue and information sharing in a timely manner.

## OSWER Cooperative Agreement with the Institute for Tribal Environmental Professionals (ITEP)

OSWER awarded a five year grant to the Institute for Tribal Environmental Professionals (ITEP) to provide training, technical assistance, research and studies on subjects such as brownfields, contaminated sites, solid waste, hazardous materials, underground storage tanks and emergency response programs to Native Americans tribes and Alaskan Native Villages. The grant with ITEP is unique in that the scope of the grant supports all six OSWER program offices and their related missions and authorities. OSWER looks forward to sharing many successes with ITEP that will benefit tribes nationally. In 2009, OSWER and ITEP proudly announced the following individuals who were selected to serve on the ITEP Tribal Steering Committee:

**Sherry Bishop**—Assiniboine/Gros Ventre Tribe of the Fort Belknap Reservation, Montana (Region 8)

**Dino Chavarria**—Pueblo of Santa Clara, New Mexico (Region 6)

**Tim Kent** – Quapaw Tribe of Indians, Oklahoma (Region 6)

**Katherine Kruse**—Keweenaw Bay Indian Community, Michigan (Region 5)

**Virginia LeClere**—Prairie Band of Potawatomi Nation, Kansas (Region 7)

**Danny Joe Stensgar** – Confederated Tribes of the Colville Reservation, Washington (Region 10)

**Danford Wadsworth** – Hopi Tribe of Arizona (Region 9)

**Ron Wassillie** – Newhalen Native Village, Alaska (Region 10)

**Laura Weber** – St. Regis Mohawk Tribe, New York (Region 2)

This committee guides activities established by ITEP under the grant, and is responsible for promoting information exchange among tribes and EPA, assisting tribes with training, compliance and technical assistance, and analyzing policy to find improved approaches and solutions to issues within the scope of OSWER programs.

**Link to ITEP Steering Committee:** http://www4.nau.edu/itep/waste/twrap.asp

## Community Action for a Renewed Environment (CARE) www.epa.gov/CARE

Community Action for a Renewed Environment (CARE) is a competitive grant program that offers an innovative way for a community to organize and take action to reduce toxic pollution in its local environment. Through CARE, a community creates a partnership that implements solutions to reduce releases of toxic pollutants and minimize people's exposure to them. By providing financial and technical assistance, EPA helps CARE communities get on the path to a renewed environment.

EPA has awarded seven CARE grants that involve tribes since 2005. Through these grants, tribes address a variety of concerns such as contamination from methamphetamine labs, inadequate solid waste disposal systems and open dumping , household chemicals, gas and oil well operations, and uranium mining. In 2009, EPA awarded a Level II grant to the Nunakauyarmiut Tribe and six other tribes near the City of Bethel, the Kuskokwim River and Toksook Bay in Alaska. The 2009 CARE grant will address recyclable items discarded at open dumps that threaten contamination and impact traditional subsistence lifestyles.

### MONTANA INDIAN COUNTRY CARE PROJECT

The tribal communities of Fort Peck, Fort Belknap, Northern Cheyenne, and Crow share similar environmental challenges including emissions from coal-fired power plants; close proximity to mining activities and abandoned mines; leaking underground storage tanks; and hazardous and non-hazardous waste. Located in remote areas, with few services and little environmental protection infrastructure, the tribes felt isolated. They decided to address their environmental issues through a collaborative process and structure using CARE. The resulting Montana Indian Country CARE Project (MICCP) bridged tribal government environmental departments with tribal colleges in all four communities. Tribal environmental departments employed regulatory measures, and promoted environmental stewardship and best practices. Tribal colleges provided meeting places that served as neutral forums where tribal members could discuss local issues and solutions. The colleges also provided labs, computer applications, and classes for many community members on GIS/GPS and remote sensing. MICCP collaborated with Montana State University to train tribal members on health, housing, environmental threats (including asthma), and convened environmental professionals from 11 different tribes to learn about solid waste compliance and enforcement. The project gained momentum and leveraged an additional $100,000 in resources. Through the MICCP, many organizations came together because they shared a common interest in improving the health of their community and the environment.

Project Results

- Removed over 7,000 pounds of hazardous chemicals removed from 13 schools.
- Recycled or properly disposed of 295,460 pounds of automobile metal, 780 pounds of toxic fluids, 12 truckloads of scrap metal, 102 mercury switches , 19.2 pounds of mercury from school labs, 57 car transmissions, and 102 car batteries.
- Conducted healthy homes visits on indoor air quality and asthma at 93 homes.
- Contacted 3,500 people about illegal dumping and posted signs at 8 sites.

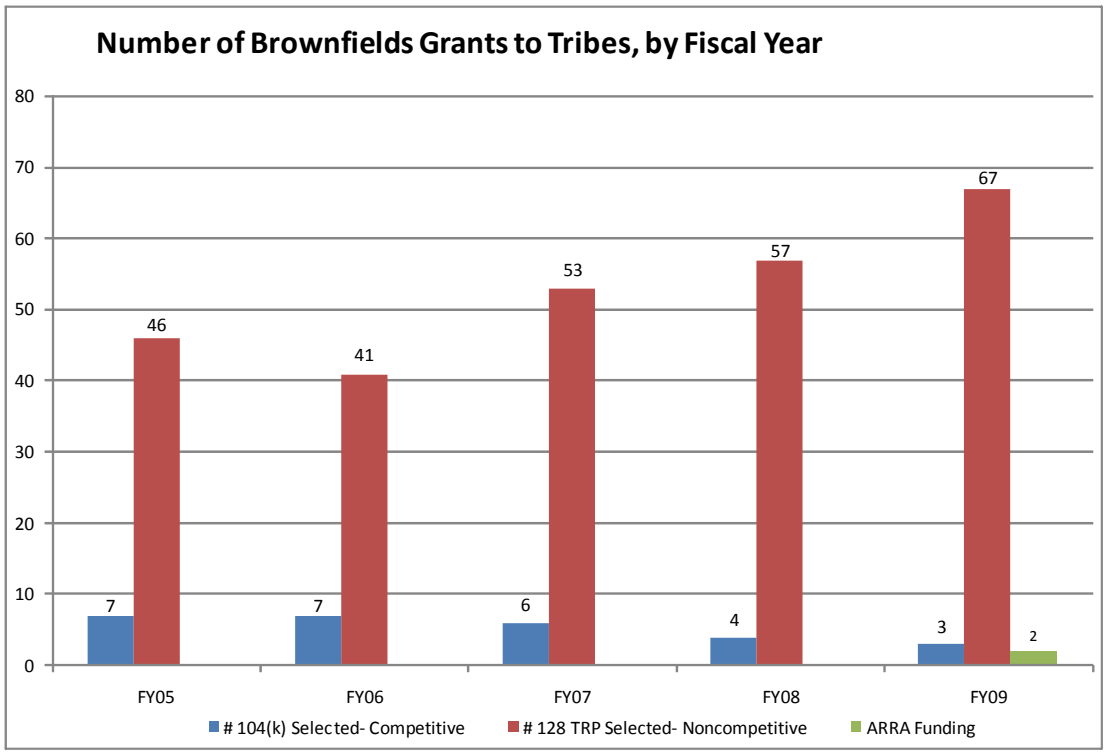
## BROWNFIELDS

### Office of Brownfields and Land Revitalization (OBLR)

Many contaminated sites in Indian country are a result of past activities of federal or tribal entities or other enterprises that have long been abandoned. The Brownfields program, through brownfields grants, enables tribal communities to establish and enhance tribal response programs, assess and cleanup contaminated properties, and return the areas to uses that meet tribal needs.

The Office of Brownfields and Land Revitalization's (OBLR) Brownfields program promotes community involvement with public and private partners in the revitalization of contaminated sites in Indian country and other tribal areas to the highest and best use. Decisions on future uses are determined by tribal priorities and needs. The support for cleanup and revitalization can help tribes achieve reuse of contaminated properties and increase environmental and economic benefits in Indian country.

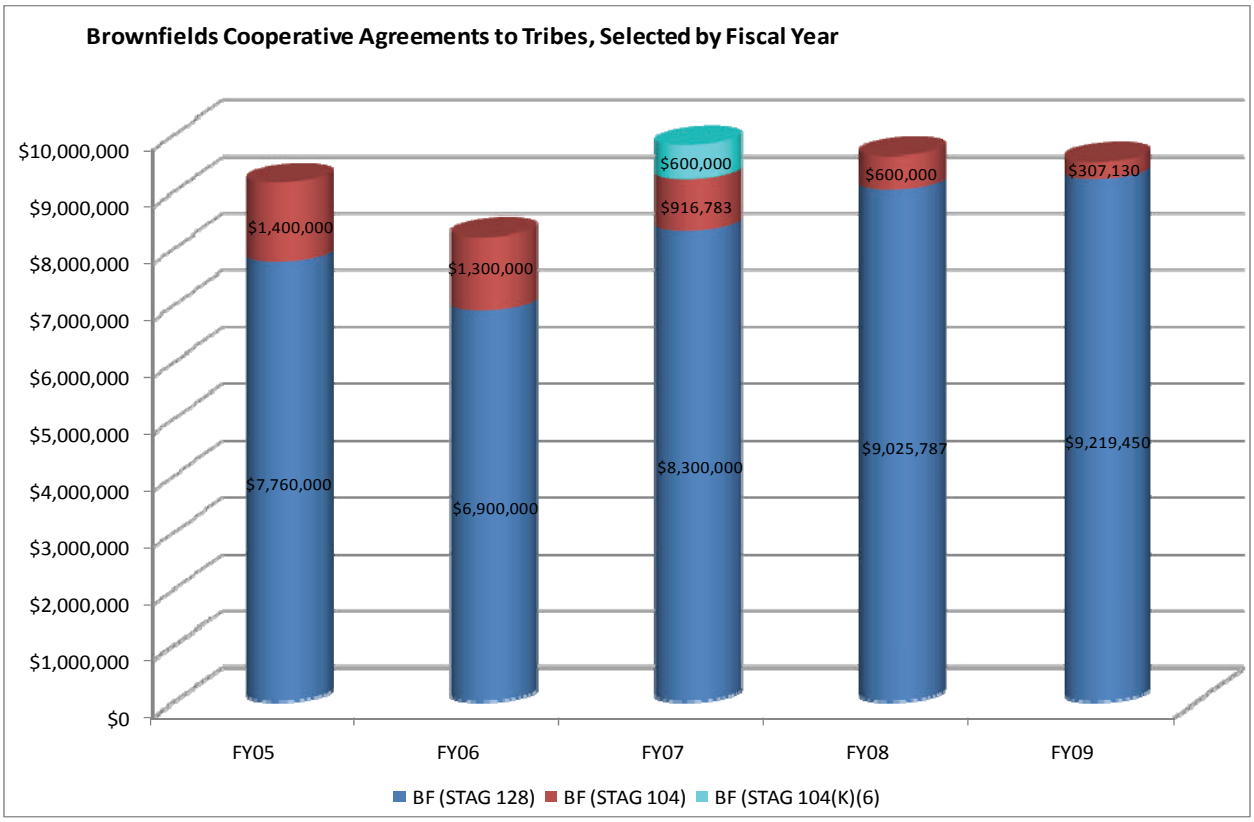
EPA provides tribes with brownfields funding under the authority of CERCLA Section 128(a) to establish and enhance Tribal Response Programs. Tribes also compete for brownfields grant funding under CERCLA 104(k) for assessment, revolving loan fund, cleanup, job training, and research and technical assistance grants. In addition to grants, EPA provides funding to support direct technical assistance for environmental assessments (i.e., Targeted Brownfields Assessments).

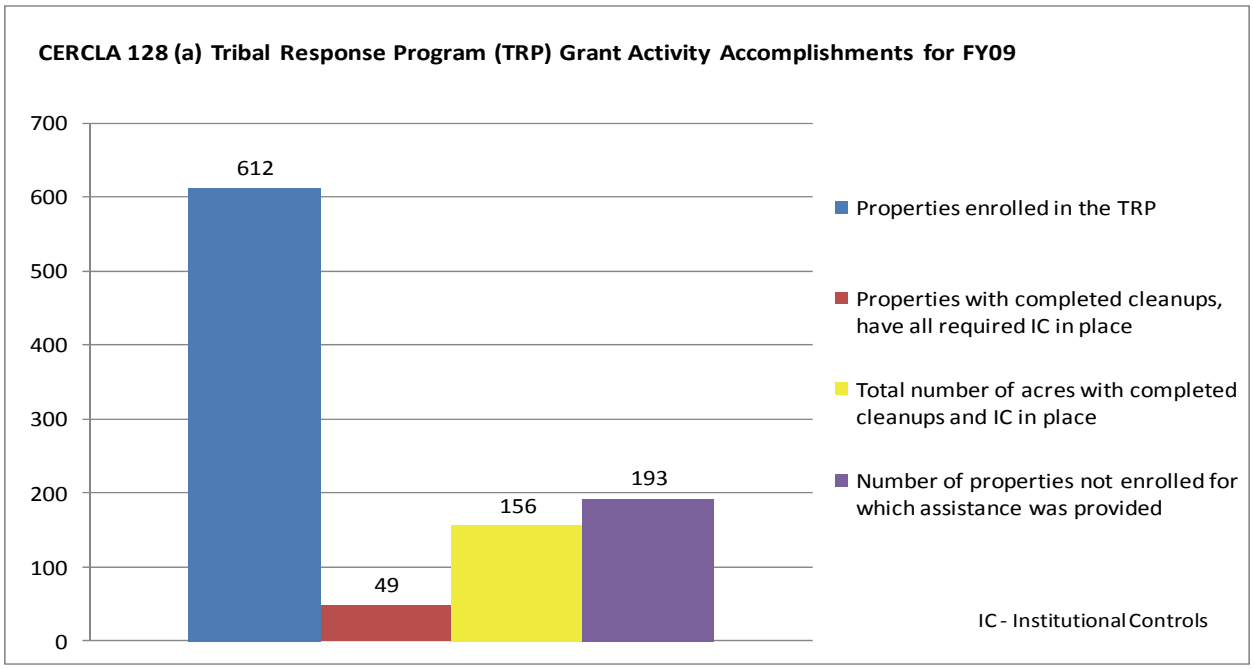



**The number of tribes seeking to develop and enhance a Tribal Response Program has increased every year since FY2006.**

**FY2009 shows an increase of 10 new tribes participating in the 128(a) program.**

| OSWER Tribal Strategy Indicator | |
|---|---|
| Goal | Provide breakdown of the number of tribes awarded brownfields cooperative agreements into: the number of 128(a) tribal response program cooperative agreements (to indicate the number of tribes developing response program capacity), and the number 104(k) competitive cooperative agreements (to indicate the number of tribes successfully competing for site activity funding, and changes of activities over time, in comparison to changes in the number of tribes with response programs). |




**SUCCESS STORY—Region 10: ORGANIZED VILLAGE OF KASAAN IN ALASKA**

The Organized Village of Kasaan (OVK) experienced a successful first year with their Brownfields Tribal Response Program. Cooperating with the U.S. Forest Service (USFS), they hope to meet their goal to clean up past mining activities on Prince of Wales Island (PWI) and to develop a permit process for proposed mining projects. A Mining Symposium was held in May in Craig, Alaska. The Symposium's attendees included State and Federal agencies, private mining companies, conservation groups, and several PWI community members. The Symposium provided an opportunity for discussion of several important issues, and participants identified the need to continue discussing mining issues on PWI, so that all concerns are understood and addressed cooperatively.

In addition to tribal grant activity accomplishments, OBLR implemented the OSWER Tribal Strategy by:

- Improving tribal participation and visibility at the 2009 National Brownfields Conference: over 165 tribal environmental professionals and leaders registered for the 2009 Brownfields Conference. An icon was used on the agenda to identify sessions that may be of interest to tribal co-regulators.
- Coordinating among OSWER Offices on tribal response program activities such as assessment or cleanup on brownfield or Superfund sites or sites contaminated with controlled substances or mine scarred lands. OBLR is coordinating with OUST to develop a cross-program fact sheet, ***Revitalization in Indian Country: Petroleum Brownfields.***
- Releasing the report, ***Tribal Brownfields and Response Programs: Respecting Our Land, Revitalizing Our Communities,*** which highlights the accomplishments of tribal response programs, including the following success stories:

**SUCCESS STORY—Region 7: SAC AND FOX NATION OF MISSOURI IN KANSAS and NEBRASKA**

Sac & Fox Tribe of Missouri in Kansas and Nebraska developed a draft response plan for hazardous and potentially hazardous waste with the aid of 128(a) funding and EPA Region 7 staff. The plan was used a short time later when workers uncovered a dump of what appeared to be Transite siding on a stream bank that was easily accessed by the public. Transite is known to contain asbestos which can be a public health concern. By following the steps of the response plan, The Sac & Fox Environmental Department alerted EPA to the problem when the site was discovered. EPA Region 7 sent out a team to conduct a removal and containment action. Having developed a draft response plan, the Sac & Nation was prepared to handle the potentially dangerous situation and was able to take the steps necessary to contain and remediate the site. http://www.sacfoxfire.org/index.html

**SUCCESS STORY—Region 9: NAVAJO NATION**

The Navajo Nation EPA (NNEPA) Brownfields Program, with the assistance of 128(a) funding, generated a Memorandum of Understanding (MOU) to assist with Federal Emergency Planning and Community Right-to-Know Act (EPCRA) responsibilities on the Navajo Nation. These responsibilities are under the authority of the Navajo Nation Commission on Emergency Management (NNCEM), established by the Navajo Nation Council to serve as EPCRA's Tribal Emergency Response Commission (TERC).

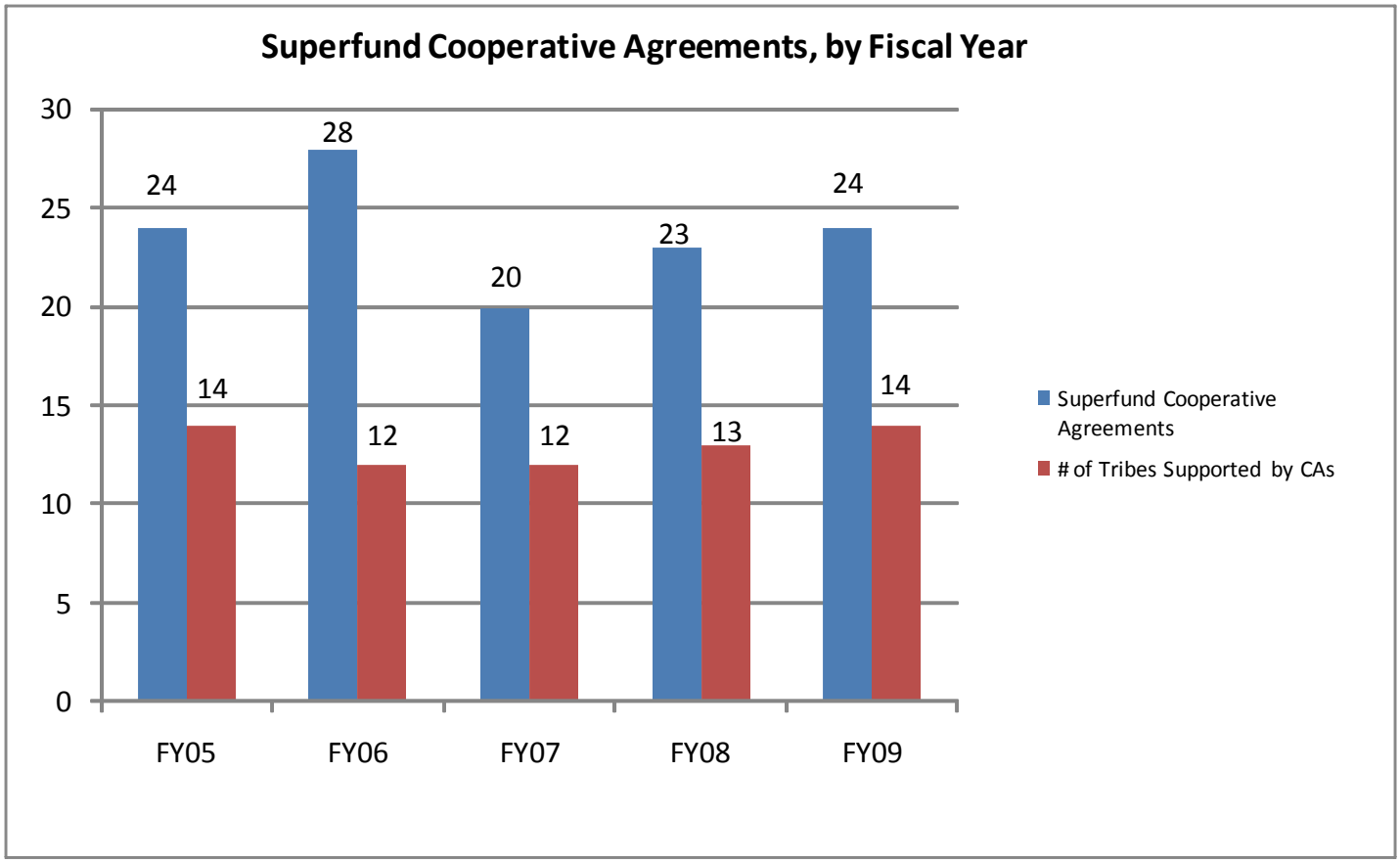
NNCEM is designated to coordinate with Navajo Nation Department of Emergency Management (NNDEM) to provide emergency and disaster relief services for the Navajo Nation. NNEPA is an independent Navajo Nation regulatory agency with authority over matters relating to and persons affecting the quality of the Navajo Nation environment. Passage of the MOU is a forward step towards stewardship responsibilities of the NNCEM, NNDEM, and the NNEPA through our Navajo Nation Partnership Activities. www.navajo.org

**SUCCESS STORY—Region 5: ONEIDA TRIBE OF INDIANS OF WISCONSIN**

Since October 2004, the Oneida Tribe of Indians of Wisconsin has been developing a sustainable Tribal Environmental Response Program (TERP) using Section 128 (a) funding. One tangible result of this effort is the development of a public record database of TERP activities. On January 5, 2009, the public record database was launched on the Oneida Web site at www.oneidanation.org/environment.

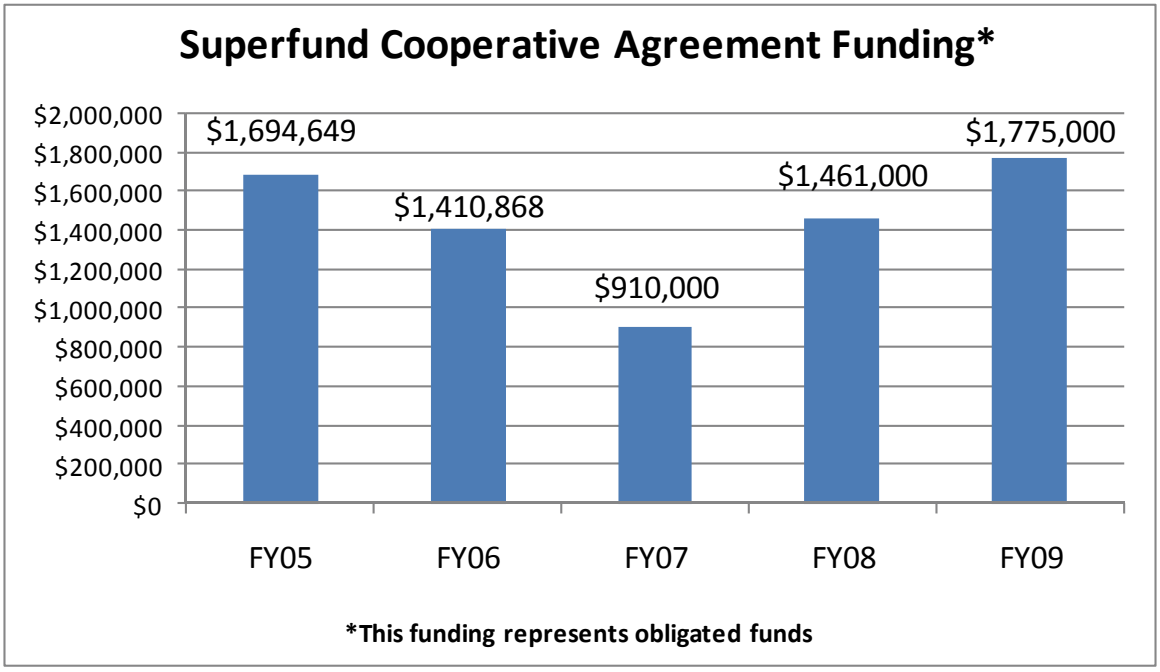
The database allows a user to instantly research a profile in the tribal land base and provides, in most cases, all necessary information to conduct an "All Appropriate Inquiry" and preliminary site screening. Currently, there are 13,000 records of activities to search to obtain a site's profile. Once completed, the database will provide useful links to information regarding the Oneida Division of Land Management, Geographic Land Information System, Oneida Zoning and the Integrated Resource Management Plan.

Superfund is a federal program that EPA, often working with a state or another federal agency, is ultimately responsible for implementing. A number of tribes are closely involved at Superfund sites that represent significant risks and are impacting tribal communities. In addition, EPA supports tribal Superfund programs, such as the Navajo Nation and Cherokee Nation, to assess sites and determine the level of contamination at the sites. In 2009, Superfund's tribal priorities included: improving data collection and representation in the Superfund program's information system (CERCLIS) and improving opportunities to increase tribal involvement and leadership in the implementation of cleanup activities at sites impacting tribes.




| OSWER Tribal Strategy Indicator | |
|---|---|
| Track | Number of tribes supported by a Superfund cooperative agreement and type of cooperative agreements used. |

## Types of Superfund Tribal Cooperative Agreements in FY2009




In FY2009, EPA maintained approximately 24 cooperative agreements with 14 tribes and intertribal consortia, for a total of $1.775 million. This funding includes:

- $700,000 for Support Agency cooperative agreements. The most common type of Superfund tribal cooperative agreement used by tribes is for a Support Agency role.
- $180,000 for two Core Program cooperative agreements with the St. Regis Mohawk Tribe (Region 2) and the Cherokee Nation of Oklahoma (Region 6).
- $115,000 was provided to bulk cooperative agreements.
- $522,000 for Preliminary Assessment/Site Investigation Cooperative agreements (including the Navajo Nation in Region 9).
- $54,000 for Remedial Action and Enforcement cooperative agreements.
- $210,000 for other cooperative agreements (including the Leech Lake Band of Ojibwe and the Little Traverse Bay Bands in Region 5).

**SUCCESS STORY— Region 9: Navajo Nation**

Superfund is working with the Navajo Nation to clean up uranium mines. From 1944 to 1986, nearly four million tons of uranium ore were extracted from Navajo Nation lands in Arizona, New Mexico, and Utah.

Much work has been done to close and restore the mines, but a legacy of uranium contamination remains from more than 500 abandoned uranium mines, homes built with contaminated waste rock from the mines, and contaminated water wells. Since October 2007, EPA has demolished 27 contaminated homes and other structures, cleaned up 10 residential yards, and rebuilt new structures. In 2009, EPA ordered General Electric to clean up nearly 100,000 cubic yards of contaminated soil at the highest-priority mine, the Northeast Churchrock Mine. OSWER continues to make progress in implementing the Five-Year Plan to address the legacy of uranium mining contamination on Navajo Nation lands, and protect human health and the environment in this iconic area of the American West.
http://www.epa.gov/region9/superfund/navajo-nation/pdf/NN-5-Year-Plan-June-12.pdf

## FEDERAL FACILITIES

**Federal Facilities Restoration & Reuse Office (FFRRO)**

From nuclear weapons plants and military bases to landfills and fuel distribution stations, the U.S. government operates thousands of facilities across the country that promote the security and welfare of American citizens. To reduce the cost of cleanup and reuse of such sites, EPA coordinates creative solutions that protect both human health and the environment. EPA is involved in the cleanup of federal sites listed on the National Priority List (NPL) and Base Realignment and Closure (BRAC) sites, as well as other potentially contaminated federal facilities.

EPA's Federal Facilities Response Program:

- Provides technical and regulatory oversight at federal Superfund sites, or those on the NPL, to ensure protection of human health, effective program implementation, government-to-government consultation, and meaningful public involvement.
- Works with other federal agencies, including DoD, DOE, DOI, and the Department of Agriculture to assist in finding appropriate cleanup solutions at both NPL sites and BRAC sites, all of which have sites located at or around tribal lands.
- The Federal Facilities Response Program, which includes the EPA's Regions and Headquarters, continues to identify contaminated sites on or near tribal lands, as well as site property which may be transferred to tribes.
- FFRRO collaborates with tribes on several munitions related projects. A number of projects emphasize the importance of ensuring that tribes are appropriately involved and informed in munitions responses such as:
    - EPA Munitions Response Guidelines, to assist EPA Regional Staff, tribes and states overseeing munitions response site cleanups;
    - Handbook on the Management and Munitions Response Actions, regarding the technical aspects of munitions response site cleanups;
    - Ongoing training courses for personnel overseeing munitions response site cleanups.
- FFRRO also provides ongoing support to tribes during both conventional and munitions cleanup projects.

FFRRO's priorities are focused primarily in ensuring meaningful government-to-government consultation and tribal involvement in the cleanup decision-making process, so that tribal concerns, including cultural lifeway concerns, can be an integral part of the decision-making process.

**SUCCESS STORY**

The EPA Regional offices continue to develop partnerships with tribes that enhance capacity and participation in the environmental decision-making process. One such way in which tribes may become more actively involved in decision-making for cleanup activities on federal properties is through the Technical Outreach and Services for Native American Communities program, which provides free, independent technical assistance to Native Americans dealing with hazardous substance issues. In addition, at facilities contaminated with munitions and unexploded ordnance, EPA's Federal Facilities Program invited EPA and DoD staff, as well as states and tribes, to attend various military munitions cleanup training sessions throughout the United States.

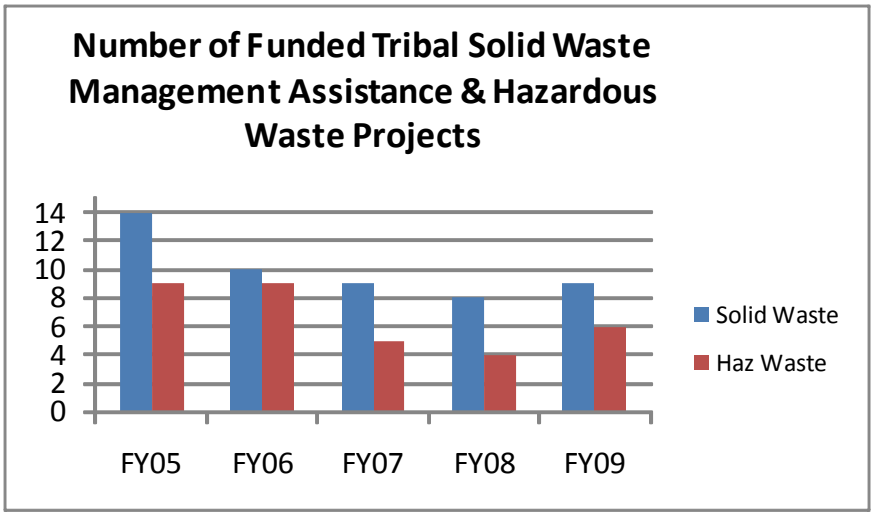
Recently EPA has taken the lead in discussions with the Alaska Community Action on Toxics (ACAT) and negotiations with the Army Corps of Engineers regarding the concerns raised by the ACAT delegation about the remediation and restoration of a number of former military properties. The Alaskan tribes are impacted by vestiges of both WWII and Cold War military activities and have nearly 600 contaminated sites scattered throughout the state that do not rise to the NPL level.

## SOLID WASTE/HAZARDOUS WASTE

**Office of Resource Conservation and Recovery (ORCR)**

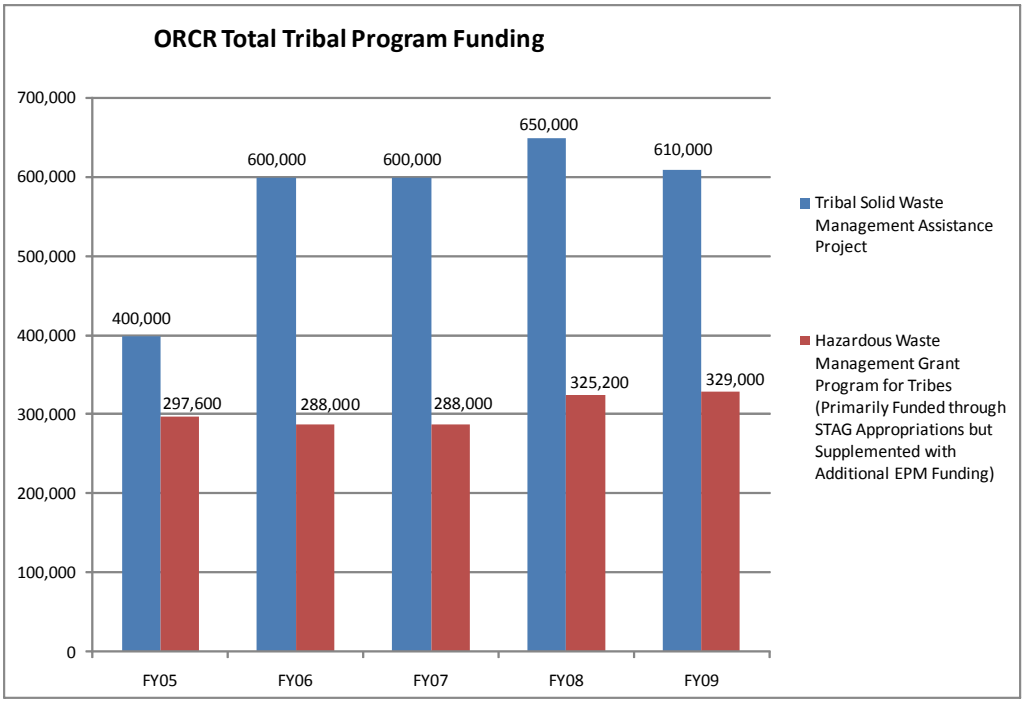
The Office of Resource, Conservation and Recovery (ORCR) is helping tribes to achieve sustainable waste management programs in Indian Country by developing integrated waste management plans (IWMPs); supporting the cleanup, closure, or upgrading of open dumps in Indian country and other tribal lands; and collaborating with IHS and EPA Regions to complete an inventory of open dumps on tribal lands. ORCR also assists tribes in developing and implementing hazardous waste management programs.

ORCR is working to implement a National Tribal Training Initiative that provides training to tribes on how to develop IWMPs and other training, as needed. In addition, ORCR provides a variety of outreach materials for tribes, such as the Tribal Waste Journal, Technical Assistance Directory, and fact sheets, which can be found on the Waste Management Indian Country Web site at http://www.epa.gov/epawaste/wycd/tribal/index.htm.




**EPA funded 9 grants at a total of $610,000 in FY2009 through the competitive Tribal Solid Waste Management Assistance Project, which is conducted in collaboration with other federal agencies.**

**EPA provided $329,000 for hazardous waste grants in Indian country.**




**TRAINING HIGHLIGHT**

The Tribal Solid Waste Advisory Network (TSWAN) offers a 3-day training session to educate tribal solid waste and public works staff on hazard identification and response to mobile methamphetamine labs on tribal lands. The training session teaches attendees how to respond after finding a meth lab, whom to call, the costs of cleanup, and other related topics. In addition, the training covers warning signs to look for when trying to identify a meth lab. This interactive training course includes mock meth labs that take the classroom into the real world. The TSWAN training course is funded through the EPA Hazardous Waste Management Grant Program for Tribes and the Washington State Patrol's Unit Drug Task Force Unit.

**SUCCESS STORY**

**La Jolla Band of Luiseño Indians Improving Collection and Disposal of Household Hazardous Waste**

In 2009, the La Jolla Band of Luiseño Indians was awarded two EPA grants to assist with their solid and hazardous waste management program. One grant was awarded through the Tribal Solid Waste Management Assistance Project (TSWMAP). The TSWMAP grant will enable the La Jolla Band of Luiseño Indians to update the Tribe's Integrated Solid Waste Management Plan (ISWMP). An ISWMP is a comprehensive waste prevention, recycling, composting, and disposal plan. This plan is the most critical element in the long term planning and operation of the Tribe's solid waste management program. The Tribe's updated ISWMP will incorporate new information about tribal needs and conditions on recycling, hazardous waste management, waste reduction, pollution prevention, and monitoring. This will ensure development of the most appropriate waste management activities for the Tribe.

The second grant was awarded through the Hazardous Waste Management Grant Program for Tribes. The hazardous waste grant will fund proper collection and disposal of household hazardous waste (HHW) at the Tribe's transfer station. HHW is leftover household products that contain corrosive, toxic, ignitable, or reactive ingredients. These products require special care when you store and dispose of them. Therefore, the project will provide education and outreach to the community on the proper storage and disposal of household hazardous waste. To learn more about the La Jolla Band of Luiseño Indians solid and hazardous waste program, visit the EPA Region 9 Web site at the following address: http://www.epa.gov/region09/waste/features/transferstation/index.html

**SUCCESS STORY**

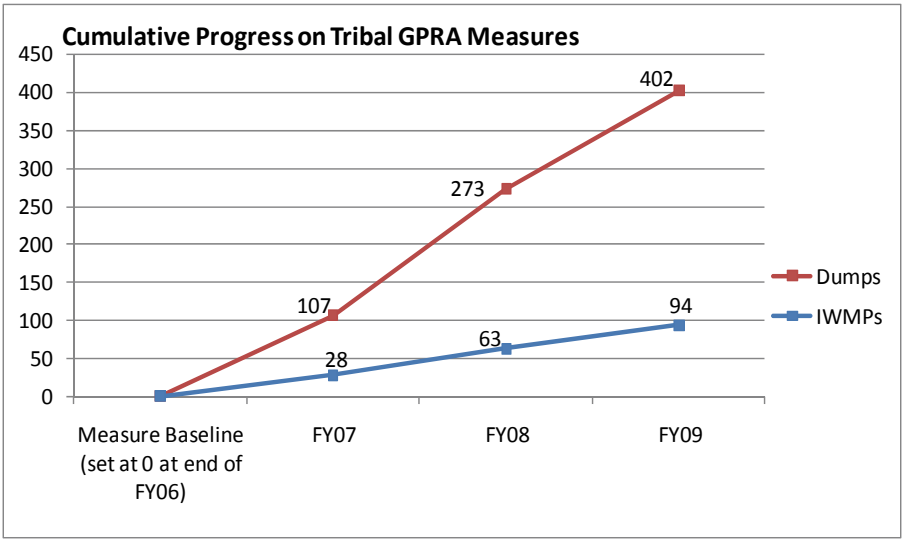
**Salt River Pima-Maricopa Indian Community Hazardous Waste Assessment**

The Salt River Pima-Maricopa Indian Community received a grant from EPA's Hazardous Waste Management Grant Program for Tribes. The Community used the grant to assess, identify and inventory the hazardous waste stream from tribal government, operating and closed businesses on tribal lands, other enterprises, and households.

Identified waste streams include pesticides and fertilizer from golf courses, lead shot from a closed shooting range, mercury-containing lamps and switches, PCB-containing ballasts, unidentified lab wastes, dilapidated cans, tanks, and drums, paint and other wastes from reservation schools and cultural arts programs, household hazardous waste, contaminated soil, discarded tires and many other items.

The Community developed and implemented an integrated hazardous waste management plan using EPA and tribal funds. The Community held a "Hazardous Waste Roundup," during the summer of 2009 and started an annual "Household Hazardous Waste Collection Day," in November. The wastes collected for proper disposal during the Roundup filled two 53-foot trailers, and included 147 cubic yards of drums, containers, and lab pack waste; 15 cubic yards of hazardous and non-hazardous paints; 360 spent fluorescent and high intensity discharge lamps; over 19,000 pounds of non-liquid hazardous waste; and over 2,100 gallons of liquid hazardous waste.

| 2006 – 2011 EPA Strategic Plan Strategic Targets and (External Measures) | | 2007 - 2011 Targets |
|---|---|---|
| Goal 3.1.2 | By 2011, increase by 118 the number of tribes covered by an integrated waste management plan. | 118 |
| Goal 3.1.2 | By 2011, close, clean up, or upgrade 138 open dumps in Indian country and other tribal lands. | 138 |



## UNDERGROUND STORAGE TANKS

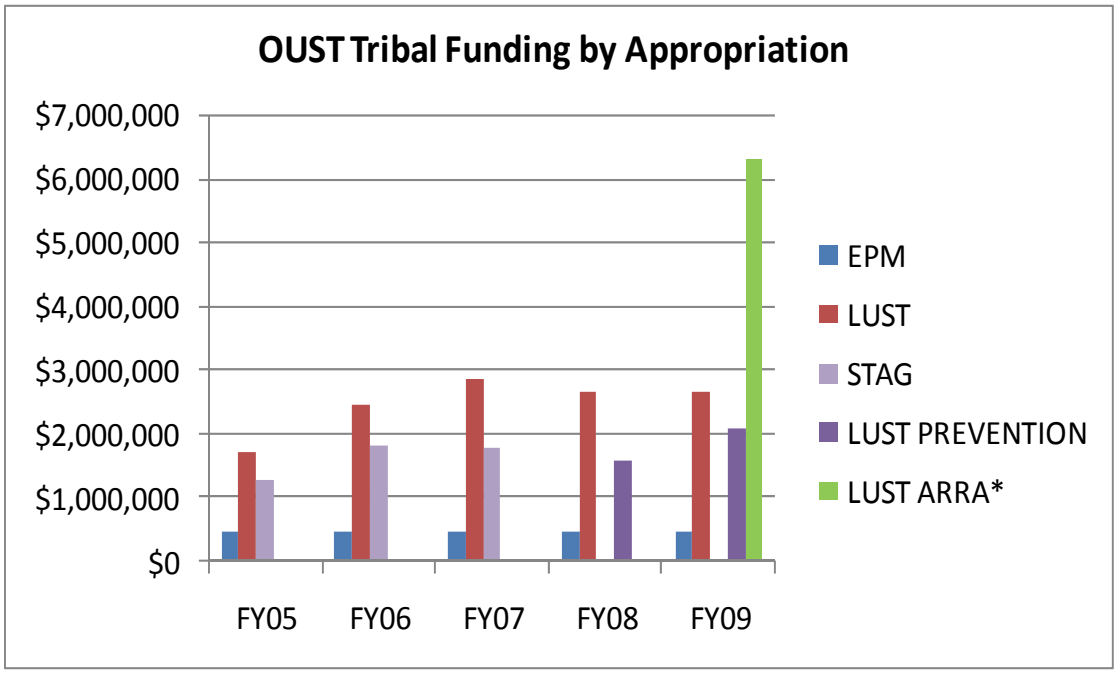
**Office of Underground Storage Tanks (OUST)**

Tribes and EPA continue to work to prevent releases and improve underground storage tank (UST) compliance in Indian country by:

- Enhancing inspection frequency at UST facilities to at least once every three years; issuing federal credentials to tribal inspectors; developing additional compliance-focused assistance agreements with tribes; providing training to tribal environmental professionals and facility owners and operators; and working to develop regulations to implement provisions of the 2005 Energy Act.

EPA is responsible for ensuring the cleanup of Underground Storage Tank (UST) releases in Indian country and actively works with tribes to identify, assess, and clean up these releases by:

- Analyzing the backlog of cleanups yet to be completed; identifying Leaking Underground Storage Tank (LUST) Trust Fund eligible sites; continuing use of national and regional cleanup contracts; providing cleanup grant funding directly to tribes; and providing corrective action training to tribes.




**EPA provided $2.6 million in FY2009 for the UST Indian country prevention program.**

**EPA provided $8.9 million in FY2009 for LUST cleanups in Indian country; $6.3 million of which was appropriated from the American Recovery and Reinvestment Act.**

**Tribal LUST Grants:** In FY2009, EPA provided LUST funds directly to the Navajo Nation and the Nez Perce Tribe to conduct cleanups. This direct funding furthered their capacity to develop and manage their cleanup programs and reduce the number of remaining cleanups in Indian country.

**National Tribal Grant for Compliance Assistance:** In April 2009, EPA awarded a $2.5 million, five-year grant with the Inter-Tribal Council of Arizona (ITCA) to provide compliance assistance training to tribes and owners/operators in Indian country, and inspector training and certification for tribal staff to conduct inspections at tribal facilities.

**For updates regarding EPA's leaking underground storage tank program and the American Recovery and Reinvestment Act:** http://www.epa.gov/oust/eparecovery/index.htm
**Link to UST Tribal Site:** http://epa.gov/oust/tribes/index.htm

**Tribal Inspectors Authorized To Conduct Federal UST Inspections**

Designating tribal inspectors as authorized representatives of EPA to inspect USTs can help increase the geographic coverage and frequency of inspections in Indian country. It also helps enhance relationships and increase the capabilities of tribal inspectors. In FY2009, three tribal inspectors received credentials to conduct federal UST inspections at tribal facilities and potentially other facilities. Since EPA's commitment in 2006 to issue federal credentials for tribal inspectors, a total of six inspectors have received credentials, resulting in four tribes having federally-credentialed inspectors:

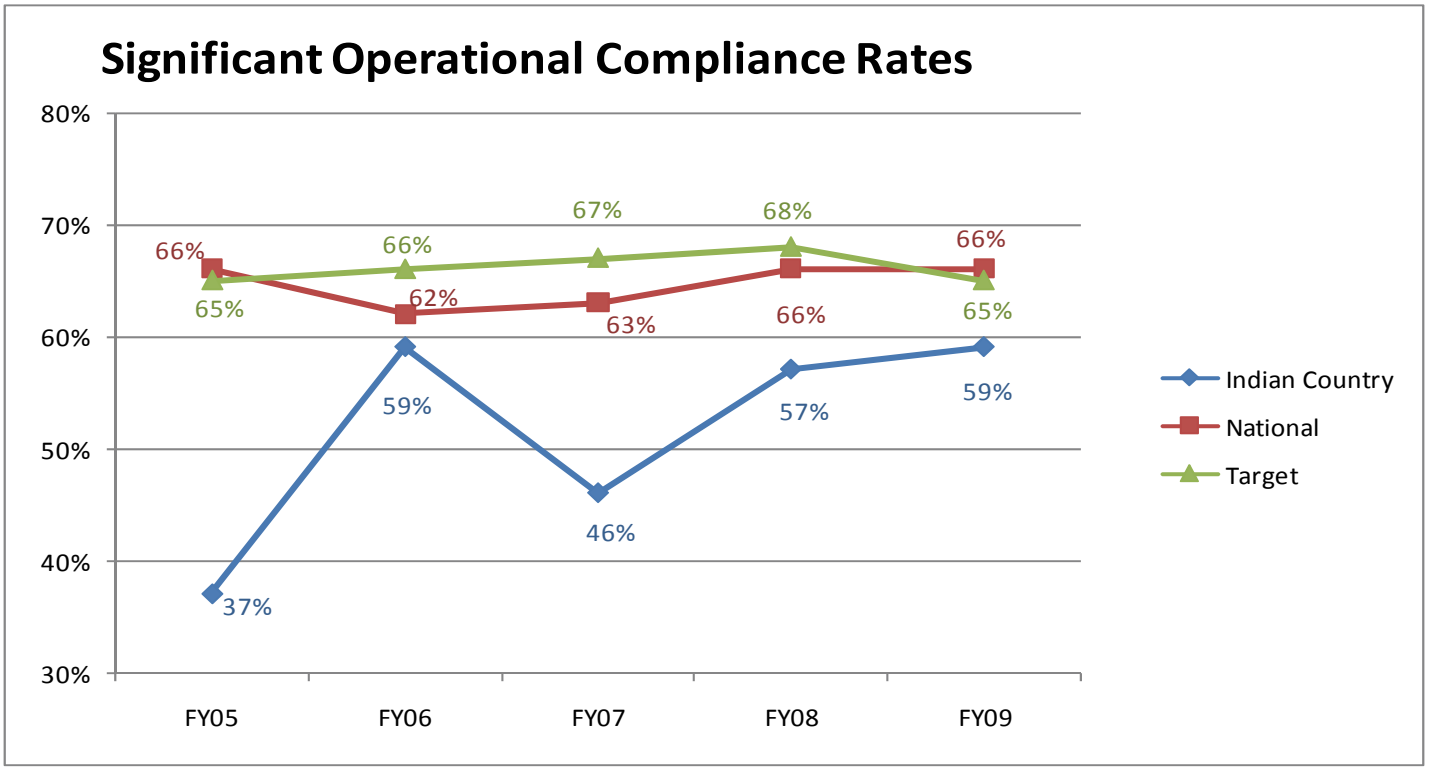
- Confederated Salish and Kootenai Tribes
- Eastern Band of the Cherokee Indians
- Navajo Nation
- Shoshone-Bannock Tribes

EPA anticipates that these inspectors will conduct about 15 percent of the federal inspections in Indian country in 2010.

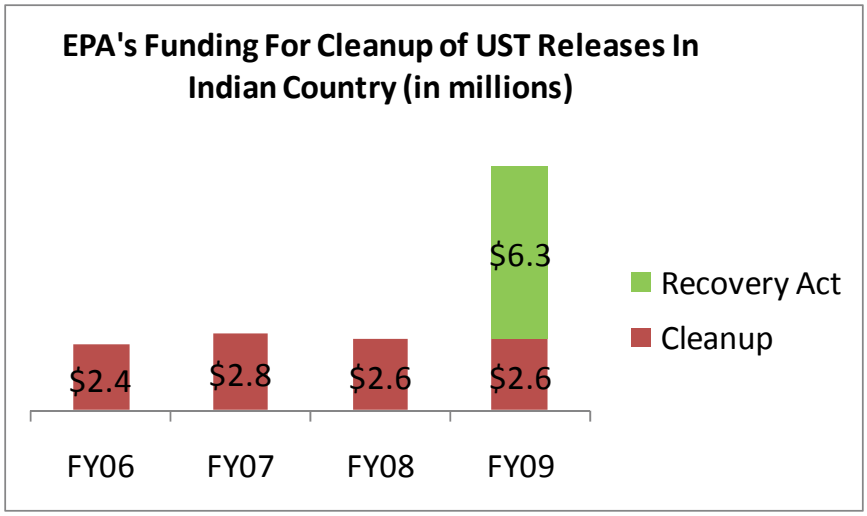
## Federal Credentials for Tribal Inspectors

| | FY2007 | FY2008 | FY2009 |
|---|---|---|---|
| **Tribal Inspectors** | 0 | 2 | 6 |
| **Tribal Inspections** | 0 | 4 | 85 |

**Significant operational compliance (SOC)** is a key element to preventing releases because it means that a facility has the equipment required by regulations and performs operation and maintenance to prevent and detect releases. SOC rates in Indian country have varied considerably from year to year due to the relatively small number of USTs. Between 2004-2009, SOC in Indian country has been on average about 14 percent below the national rate. However, at the end of FY2009, the gap was 7 percent. EPA, in partnership with tribes, will continue to identify ways to improve SOC in Indian country.



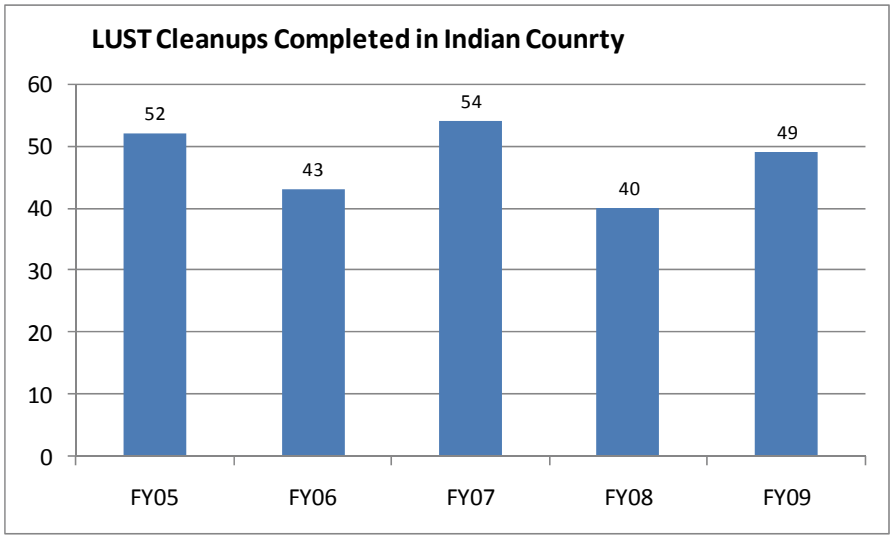
| OUST Performance Measures | | Targets | | | | |
|---|---|---|---|---|---|---|
| | | '07 | '08 | '09 | '10 | '11 |
| Goal 3.1.2 | Percentage of UST facilities in Indian country that are in significant operational compliance with both release detection and release prevention (spill, overfill, and corrosion protection) requirements. | 67% | 68% | 65% | 65.5% | 66% |
| **FY 08 OSWER National Program Manager's Guidance National Target** | | | | | | |
| Goal 3.2.2 | The number of LUST cleanups in Indian country that meet risk-based standards for human exposure and groundwater migration (tracked as the number of LUST cleanups completed). | 30 | 30 | 30 | 30 | 30 |

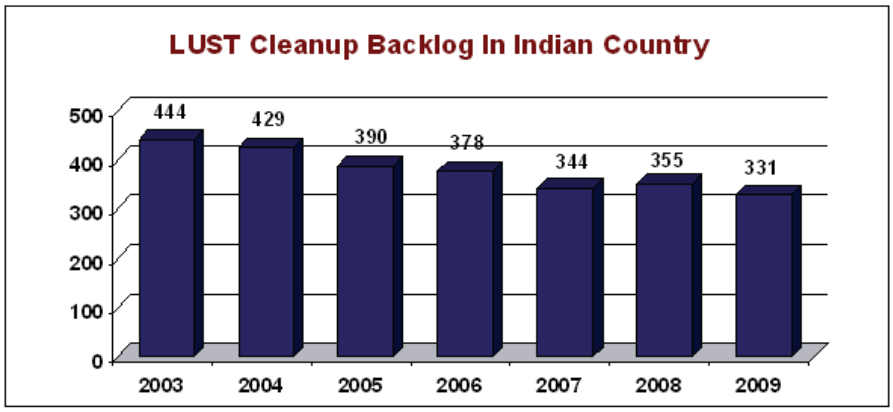



**For several years the cleanup rate in Indian country lagged behind the national rate by 15—20 percent. Since 2004, this gap has been reduced to about 10 percent.**

**EPA's annual goal is to complete 30 cleanups in Indian country. In 2009, EPA exceeded this goal by completing 49 cleanups.**

- EPA has primary responsibility for implementing the LUST program in Indian country and actively works with tribes to identify, assess, and cleanup UST releases.
- Over the past eight years, the LUST cleanup backlog in Indian country has declined by about 25 percent.
- This success is due partly to increased use of the Indian country cleanup contracts that are supported by the LUST Trust Fund and maintained by EPA for cleanup activities in Indian country.



## EMERGENCY MANAGEMENT — Office of Emergency Management (OEM)

EPA's mission in emergency management is to work through our Regional offices with federal, tribal, state and local partners to prevent, prepare for and respond to releases of oil and hazardous substances. EPA Regional Offices coordinate with tribes regarding emergency management activities that affect Indian country. Our goal in working with tribes is to increase compliance at regulated facilities, improve emergency response plans and increase chemical and oil spill prevention awareness and preparedness for response. Highlights of 2009 activities include:

**Inspections and Compliance Assistance**

EPA's inspection goal is to bring oil and chemical storage facilities into compliance. Regions assist tribes in meeting this goal by hosting SPCC/RMP compliance assistance workshops. In FY2009, Region 8 held workshops in Aberdeen, SD, Casper, WY, and Price, UT. Region 7's RMP, EPCRA and TRI programs participate in monthly Regional Indian Workgroup meetings.

Regions coordinate inspections with tribal officials and property owners. Region 1 and St. Regis Mohawk Tribal (SRMT) representatives conducted 6 SPCC inspections of gas stations and bulk storage facilities on SMRT lands in Akwesasne New York. Region 6 conducted 70 SPCC inspections on or near tribal lands in Oklahoma. In Region 9, EPCRA non-313/ CAA 112(r) inspections were conducted at three Bureau of Indian Affairs schools in western Navajo Nation, and Navajo EPA participated in these inspections.

**Tribal Participation in Training**

An important goal is to invite tribes to EPA-sponsored training and address specific tribal education needs. Region 6 provided Hotzone Training to 5 tribal representatives which includes hazardous materials response and preparedness. OEM offered a 40-hour SPCC inspector training that was attended by two tribal members, and Region 2 presented a half day training to SRMT's Environmental Department and representatives from gas stations and bulk storage facilities located on tribal lands.

**Coordination and Area-Wide Planning**

Region 9 and Region 5 conducted larger scale tribal coordination on area-wide planning through on-going Tribal Emergency Planning and Response Workgroup meetings (Region 9), quarterly conference calls with Region 5 tribes, and Regional Sub-area planning meetings, two of which were hosted by tribes: The Little River Band of Ottawa Indians and the Michigan Grand Traverse Band.

**Response and Removals**

EPA conducts hazardous chemical removal actions at the request of tribes. In 2009, EPA conducted seven removals in five states affecting seven tribes. Affected tribes include:

- Coeur d'Alene Tribe
- Columbia River Inter-Tribal Fish Commission
- Confederated Tribes of Warm Springs
- Winnebago Tribe of Nebraska

**Cross-Program Coordination in Region 7--Connecting Response Activities with Other OSWER Programs**

Emergency response and planning can a natural progression for tribes developing fully-rounded tribal response programs. EPA provided Brownfield grants for tribal emergency response capacity building. Three of the federally-recognized tribes in Region 7 have current or pending Brownfields CERCLA 128a grants for emergency response capacity building. These are the Winnebago Tribe, the Santee Sioux Tribe, and the Sac and Fox Nations (see p. 11 for success story). These grants can be used to support personnel and training, to purchase equipment, and install infrastructure upgrades associated with the tribal response program.

Other cross-program coordination includes assisting tribes with solid waste disposal and abandoned facilities. Region 7 provided technical assistance to the Kickapoo Nation in their development of a debris management plan for natural disasters.

**SUCCESS STORY: Indian Country Environmental Hazard Assessment Program on-line class sponsored by OEM (ICEHAP)**

In 2009, OSWER provided a second year of funding to the United Tribes Technical College (UTTC) in North Dakota to sponsor an online semester course entitled, *Indian Country Environmental Hazards Assessment Process* (ICEHAP). This course teaches participants to recognize environmental conditions that may cause harm to tribal community health; develop work plans which can be used in writing grant proposals; survey their communities to identify environmental issues of concern; and identify available and potential resources for environmental problem resolution. UTTC offers the course "tuition-free" to tribes for college credit, and has benefited from the opportunity to offer a unique class that enriches their environmental curriculum and attracts more students. Tribal students have benefited from the opportunity to learn valuable environmental problem-solving techniques and apply these techniques in their communities to improve the environment and health of the tribe. As a result of this project, almost 20 tribes are implementing or beginning to implement environmental work plans to address identified hazards in their communities.

| OSWER Tribal Strategy Indicators for OEM | |
|---|---|
| Number of regulated facilities inspected in Indian country | 91 |
| Number of oil spills and releases of hazardous substances occurring in Indian country, where EPA is the lead | 3 |
| Number of EPA-led trainings offered and the number of tribal staff trained for emergency management-related purposes | Trainings – 4<br>Tribal participants – 216 |
| EPA-lead Emergency Response or Removal Actions | 7 |

# V. LOOKING FORWARD IN 2010

EPA is updating its agency-wide EPA Strategic Plan in 2010, which outlines EPA's five priority goals for the next five years. EPA is increasing focus on decision-making and activities using sound science; considering community perspectives; and supporting a strong partnership with states and tribes.

OSWER intends to update our OSWER Tribal Strategy in tandem with the public review process to update the EPA Strategic Plan for 2010 – 2015. In this way, the OSWER Tribal Strategy will continue to stay current with environmental activities in Indian country and clearly align with the EPA Strategic Plan into the future. An important new priority for OSWER in 2010 is the release and implementation of a new Community Engagement Initiative. Tribes have opportunities to participate in and benefit from this initiative, and EPA will work with tribes on a government-to-government basis to identify and effectively engage tribal communities in actions related to this initiative.

In addition, new issues emerged as increasingly important for tribes in 2009, such as the desire for more technical assistance related to mining issues (especially abandoned uranium mines), and new opportunities for integrating "green" approaches into environmental management programs and revitalization efforts (such as developing alternative energy enterprises on contaminated lands). OSWER will examine these areas with tribes in 2010 to determine whether new strategies on these topics should be developed and included in the OSWER tribal strategy.

## Tribal Lands and Environment: A National Forum on Solid Waste, Emergency Response, Contaminated Sites, and USTs:

A key component of OSWER's cooperative agreement with ITEP is the organizing of a national conference for tribal professionals working in the areas of hazardous substances, solid waste management, brownfields, contaminated sites, underground storage tanks, and emergency response programs. This conference will be an annual event and is open to all tribal staff as well as EPA's federal partners from USDA, IHS, and BIA. This year the conference will be held, August 24-26, 2010, in San Diego, California.

Conference information is available on the conference Web site: http://www4.nau.edu/itep/waste/natl_confr.asp#

## Developing Regulations to Improve Consistency in Implementing EPA's UST Program

EPA is revising the 1988 federal UST regulations to require that the 2005 Energy Policy Act provisions apply to USTs in Indian country and in states that do not have state program approval. The Agency is also considering revisions to the existing regulations, as appropriate.

Over the past year, EPA has consulted with a variety of stakeholders, including tribes and states, concerning potential regulatory changes. EPA has narrowed the list of potential changes to a short list of items to analyze further. Additionally, EPA is determining the costs and benefits of these potential changes and plans to issue a proposed rule in 2010, which will be followed by a final regulation that will carry the underground storage tank program into the future.

## Acronym Summary

**AIEO**—American Indian Environmental Office

**CERCLA**—Comprehensive Environmental Response, Compensation, and Liability Act

**EPCRA**—Emergency Planning & Community Right-to-Know Act

**FFRRO**—Federal Facilities Restoration and Reuse Office

**HIS**— Indian Health Service

**IPCO**—Innovation, Partnerships, and Communication Office

**IWM**—Integrated Waste Management

**LUST**—Leaking Underground Storage Tank

**NIWG**—National Indian Workgroup

**NPL**— National Priorities List

**NRC**— National Response Center

**NTOC**—National Tribal Operations Committee

**OBLR**—Office of Brownfields and Land Revitalization

**OEM**—Office of Emergency Management

**O&M**—Operations and Maintenance

**OSRTI**—Office of Superfund Remediation and Technology Innovation

**ORCR**—Office of Resource Conservation and Recovery

**OSWER**—Office of Solid Waste and Emergency Response

**OUST**—Office of Underground Storage Tanks

**RCRA**—Resource Conservation and Recovery Act

**RMP**— Risk Management Program

**RTOC**—Regional Tribal Operations Committee

**SPCC**—Spill Prevention, Control, and Countermeasures

**STAG**—State and Tribal Assistance Grant

**TERC**—Tribal Emergency Response Planning Committee

**UST**— Underground Storage Tank