



# **Tribal Waste and Response Steering Committee 2020 Priorities**

March 2020

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**\* All photos are courtesy of TWAR Steering Committee members and reflect activities occurring on their Tribal Nation lands**



**The Tribal Waste and Response Steering Committee (TWAR SC) is a Federal U.S. EPA Tribal Partnership Group comprised of subject matter experts from federally recognized Tribes and Alaskan Native Villages from various US EPA regions. The views expressed by the TWAR SC are those of the SC members and not of individual Tribes and/or Alaskan Native Villages. Furthermore, interaction with the TWAR SC is not a substitute for, or constitutes government-to-government consultation, which can only be achieved through direct, early and meaningful consultation between the Federal government and individual Indian Tribes and Alaskan Native Villages.**

This is a living document that will be updated as the TWAR Steering Committee sees necessary. Its intention is to communicate the needs of Tribes, influence policy, and determine useful actions for the protection of health, culture, and natural resources in respect to OLEM-related issues.

# Tribal Waste and Response Steering Committee Members



Barry Breen, Todd Barnell, Summer King, John Wheaton, Tracy Horst, Vickie Flowers, Virginia LeClere, Peter Wright, Rob Roy, Steven Cook, Erika Wilson, Page Hingst, Julie Jurkowski (Mark Junker and Rebecca Stevens not pictured)

Member	Tribe	Current Term
Victoria Flowers	Oneida Nation	2018-2020
Page Hingst	Santee Sioux Nation	2018-2020
Tracy Horst	Choctaw Nation	2018-2020
Mark Junker, chair	Sac and Fox Nation of Missouri in KS and NE	2019-2021
Summer King	Quapaw Nation	2019-2021
Virginia LeClere	Prairie Band Potawatomi Nation	2018-2020
Rob Roy	La Jolla Band of Luiseño Indians	2019-2021
Rebecca Stevens, vice chair	Coeur d'Alene Tribe	2018-2020
John Wheaton	Nez Perce Tribe	2018-2020

# TWAR SC Overview

The Tribal Waste and Response Steering Committee (TWAR SC) is a Tribal Partnership Group, composed of Tribal professionals working in waste, emergency response, Superfund, Brownfields, and Underground Storage Tanks (USTs). They were established in 2009 as part of a cooperative agreement with US EPA's Office of Land and Emergency Management (OLEM) and the Institute for Tribal Environmental Professionals (ITEP). The TWAR SC meets at least six times a year to provide input to US EPA and other federal agencies, as well as cooperating with ITEP and other Tribal Partnership Groups. They strive to provide two-way communication between Tribal professionals and staff at the US EPA utilizing this Priority Document is one tool that is used to ensure Tribal concerns and suggestions are considered by OLEM personnel and others at US EPA.

## Mission

The TWAR SC will maintain a cooperative exchange of information between American Indian Tribes and Alaska Native Villages, US EPA OLEM, and other federal partners and organizations to assess, understand, prevent, or mitigate environmental impacts that adversely affect health, culture, and natural resources. The TWAR SC also cooperates with, and where appropriate, coordinates with other Tribal Partnership Groups.



## TWAR SC Goals

**Goal 1:** Protect human health and the environment while recognizing the cultural values and unique needs of American Indian Tribes and Alaska Native Tribes and Villages.

**Goal 2:** Improve communication, and foster interagency collaboration, between Tribes and Alaska Native Tribes and Villages, federal agencies, and other partners.

**Goal 3:** Increase Tribal opportunities to guide OLEM in developing policies and programs related to the evolving needs and priorities of Native environmental programs.

# Cross-Programmatic Priorities for US EPA

The TWAR SC has identified the following actions the US EPA should undertake to help reach the goals outlined above. These activities include, but are not limited to, the following:

- Enhance communication, and coordination, between OLEM offices involved in addressing, and closing out, sites listed as Leaking Underground Storage Tanks.
- Provide educational awareness on identifying and preventing environmental impacts from petroleum storage tank systems, which can involve multiple OLEM offices as well as the American Indian Environmental Office (AIEO).
- Participate in discussions with Tribal Partnership Groups, and other groups of Tribal professionals engaged in OLEM related media (such as emergency management groups), in order to enhance cross-programmatic work and help break down media-based barriers, which enhances Tribal capacity in managing multi-faceted projects.
- Increase the use of Traditional Ecological Knowledge (TEK), as defined by Tribes, in risk scenarios consistent with culturally significant practices.
- In order to foster better understanding of how OLEM related media are affected by other issues and concerns, US EPA staff should attend and participate in resilience planning activities that are hosted by Tribes. These may include Tribal Sovereignty courses, climate change adaptation trainings, emergency management meetings, and multiple agency events.



- Document the incorporation of Tribal Treaty Rights, as well as Aboriginal Territories, Customary and Traditional Use areas, and Traditional Cultural Properties which can affect transboundary jurisdiction.
- Continue to provide written updates detailing actions taken regarding past year's priorities prior to meeting with the

TWAR SC each year in Washington DC.

- Design a streamlined and efficient grant approval and cooperative agreement award process.
- Leverage resources that support increasing Tribal capacity to interact in leadership roles in prevention planning, climate resiliency, mitigation, response, and recovery among their federal and local partners through training, certification, and mentoring.
- Track the implementation of the strategies and actions specified in Chapter 9 (Tribes and Indigenous Peoples) of the EJ2020 document as part of US EPA decision-making processes.

- Continue to enhance the tools developed by US EPA E-Enterprise activities and integrate them into existing, and future, US EPA projects.

## Program Specific Priorities

### Solid/Hazardous Waste

- US EPA should encourage Indian Health Service (IHS) to both incorporate Tribal feedback in the evaluation of wSTARS data during their review work as well as allow flexibility for Tribes to determine their own priorities and ranking of solid waste projects.
- US EPA should work with IHS to complete the data review of wSTARS by the end of 2020, and develop trainings for federal and Tribal staff on open dump assessments to be delivered in 2021, if not before.
- We encourage US EPA to fully implement the recommendations developed by the Infrastructure Task Force (ITF) work teams, and continue to engage in cross-agency collaborations.
- Provide dedicated funding allocations for Tribal programs that will support waste minimization and diversion activities.
- Identify strategies that help Tribes and communities in rural areas access recycling opportunities and/or manage efficient and sustainable recycling operations.
- US EPA should directly support Tribes in the area of food waste. US EPA should recognize that food waste minimization and diversion (such as the creation of composting projects) are also related to the critical issues of Tribal food sovereignty and security, and affect Tribal programs beyond solid waste management (e.g. health, culture, and economic development).
- Due to some Regional staff requiring specific signatures to approve Tribal Solid Waste Management Plans, all US EPA staff – those involved with OLEM offices as well as those overseeing GAP grants – should be made aware that Tribes themselves will determine the appropriate approval mechanisms for their Integrated Solid Waste Management Plans.
- When designing solid waste training courses for Tribal staff, utilize Tribal experts as instructors and ensure Tribal involvement in the creation of course materials and resources.
- Continue to provide funding to support Tribal Household Hazardous Waste operations, and highlight Tribal case studies in order to assist other Tribes.



## Brownfields

- Solicit from tribes suggestions on how evaluation criteria can be changed to allow Tribal programs to conduct more site improvements, including reuse based on their specific needs, as part of their grant-funded programs.
- In 2021, increase the number of acres that are assessed or cleaned up under 104 or 128 on lands defined by Tribal Treaty, Customary and Traditional Use, and Traditional Cultural Properties.



## Underground Storage Tanks

- Continue to support the development of an accessible national database of UST inventory to share with Tribes in a user friendly fashion to ensure review by Tribes for accuracy
- To improve compliance rates at Tribal UST facilities increase the funding allocated for industry-specific training and resources for installation, operations, and maintenance of USTs.
- Foster opportunities for Tribal professionals to mentor one another directly as an additional way to improve compliance rates at Tribal UST facilities. This may include providing flexibility under current workplans to allow mentoring site visits or other types of assistance to make these types of mentor matches possible.
- By the end of 2020, develop a uniform tank inspection and inventory form.
- Create more opportunities for Tribal participation in Direct Implementation Tribal Cooperative Agreements (DITCAs).
- Develop assistance and outreach documents that better clarify steps Tribal facilities should take in order to stay in compliance with regulatory changes (for example using a plain language outreach).
- Conduct outreach to the service industry to better clarify the difference, including implementation dates, between State and Tribal regulations for UST operations.

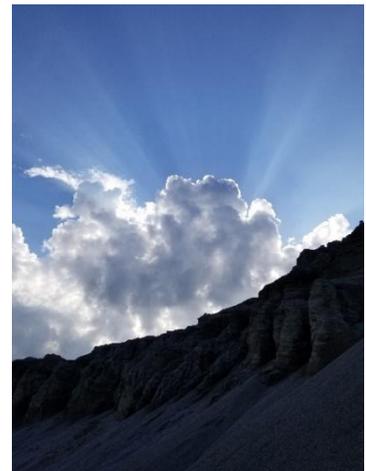
## Superfund

- US EPA should initiate collaboration between offices, at both the national and regional level, during remedial design and implementation phases.

- Recognize that Tribal standards and tools utilized by Tribal Superfund programs are critically important in protecting downstream waters and lands, as well as communities and culture.
- Identify and demonstrate actions taken to ensure the protection of cultural resources, Tribal data integrity, Treatment as a State (TAS), and Tribal Water Quality Standards (WQS) during remedial action design phases and implementation.
- Continue investing in and supporting the Tribal Superfund Workgroup through conference calls, in-person meetings, trainings, and onsite mentoring.
- Collaborate with Tribes on Superfund sites to ensure the accuracy of Tribal database/map layers including those areas that affect Treaty Rights, aboriginal areas, Usual and Accustomed Areas, and ceded territories, during the current phase of updates and revisions.
- Increase funding to support Tribes in the development of their own Tribal Superfund cleanup programs, as well as their capacity to oversee, coordinate, and administer Tribal Remedial Response Cooperative Agreements, including local Tribal cultural resource monitoring with EPA on NPL sites.

## Federal Facilities

- Ensure federal facilities are remediated to Tribal cleanup standards to ensure that reuse by Tribes is possible.
- Provide the TWAR SC an inventory of Federal Facilities that have “potential Tribal interest”, so that we may share it with the Tribal Superfund Working Group Advisory Council. This information could be used as a tool to assist Tribal professionals who may be unaware of resources and mentoring that could assist them and their programs.
- Ensure “remedy resilience” approaches are consistent with the best available data, and consider Traditional Ecological Knowledge (TEK).
- Collaborate, where appropriate and acceptable to all parties, with Tribes to ensure the accuracy of Tribal GIS layers in FEDFacts.
- Support the development of Tribal capacity in overseeing assessment and cleanup activities.
- Encourage EPA to use convening authorities to facilitate collaboration among federal entities involved in cleanup activities, as well as reuse approaches, so that Tribes are fully engaged and active partners in both.



## Emergency Preparedness and Response

- Identify all Tribes that have a US EPA OLEM recognized emergency response program, and create a contact list so Tribes can communicate with each other.
- Clearly define US EPA involvement in emergency response activities, including across OLEM offices, as well as where other federal agencies play roles (e.g. in non-environmental emergency response activities).



- US EPA personnel should participate in Regional FEMA exercises, and work with Tribal colleagues to foster cross-agency cooperation and communication.
- Encourage Tribal environmental emergency response programs to be involved with their regional and local response agencies through Local Emergency Planning Committees (LEPCs).
- Prioritize prevention of releases by increasing the number of AST inspections, either by EPA or federally-credentialed Tribal inspectors.
- Facilitate Tribal use of National Response Center communications and outreach tools at national and local levels.

# Summary

The TWAR SC priorities are shared regularly with the National Tribal Operations Committee, US EPA OLEM, Tribal Nations, and others. The TWAR SC meets each year with various offices in US EPA OLEM to discuss these priorities, as well as other issues of concern to Tribes. The TWAR SC also requests reports from these offices on any progress made in addressing the priorities detailed in this document, so this information can be shared with other Tribal professionals around the country. More information, including meeting notes and the committee’s charter, are available at the TWAR SC website (<http://www7.nau.edu/itep/main/twarsc/Home/Index>).



## Contact Information

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