

Interagency Solid Waste Workgroup, June 19, 2007

Meeting Notes

(Tribes) Roundtable of solid waste needs, issues and barriers

Brian Adkins, Bishop Paiute Tribe

- Bishop has approximately 1,300 tribal members and 700 non-members in a dense reservation with 2-acre lots assigned to individuals by the Tribe. They have had an environmental program since the mid-90s. The Tribe is 3 miles from a landfill and served by two private collection services.
- Cars, mobile homes are an issue, along with debris accumulated from assignment holders.
- One need is for trash collection infrastructure including vehicle(s) and collection receptacles (curbside and dumpsters) for both conventional and recyclable waste.
- The Tribe would like to be able to do recycling and waste collection program
- The Tribe has explored HHW removal, but would like identification of funding for HHW especially for type of HHW that are not funded by the state (i.e. pesticides, e-waste etc).

Jimmy Dimas, Pala Band of Mission Indians

- The Tribe has capped a solid waste landfill and opened a transfer station
- Illegal dumping in the area is a problem.
- The Tribe wants to expand recycling but wants to know how to get members involved.

John Beresford, La Jolla

- The Tribe completed a transfer station last year, open only on weekends, and has found that open dumpsites are no longer being used.
- The Tribe has opened recycling in the office for bottles and cans, and is going to start recycling in the campground. The Tribe is hoping to expand both recycling efforts and the transfer station.

Paul Gross, 29 Palms of Mission Indians

- The Tribe has office recycling and a cardboard bailer that will pay for itself

Irenia Quitiquit, Robinson Rancheria

- The Tribe started a recycling buyback CRV center, still going strong, that recycles aluminum cans, cardboard, glass, and metal
- Next steps are to deal with construction debris and green waste.
- The Tribe is beginning to write an integrated solid waste management plan

David Edmunds, Pinoleville Pomo Nation

- Tribe is trying to decide between building a transfer station and using the county facilities
- The Tribe is potentially interested in waste audits.

Chris Simon, Middletown Rancheria

- Tribe has a little over 100 acres.
- To combat waste stockpiling in yards, the Tribe worked out a solid waste agreement with members, asking members what waste they wanted removed with GAP funds, and asking members to sign an agreement to keep the site clean if GAP funds are used.
- The Tribe is still working on recycling and is in need of outreach for recycling.

Amber Lichtenwalner, Table Mountain Rancheria

- Previously, the Tribe was sorting cans and bottles to obtain CRV. The cost of manpower to do so, however, was determined to be too high to make this activity feasible. Now there is a 5-yard recycle bin with no sorting. The Tribe still gains income by recycling ink cartridges.

Judith RedTomahawk, Table Mountain Rancheria

- The Tribe is currently forming a partnership with the department of public works

Kristie Orosco, Rincon Band

- Rincon is 1 hour north of San Diego and has all varieties of land assignments. The Tribe provides trash pickups to members and charges for trash pickups to non-members.
- In the past, there has been a problem with accumulation of waste on reservations, especially pre-gaming. Now there are some resources to address issues, but now the Tribe is facing difficult jurisdictional issues. The Tribe is making progress on jurisdictional issues with enforcement by trying to work more closely with other enforcement agencies and by working towards having a viable court system.

Rita Moore, Pit River Tribe

- Pit River has about 2,500 members on allotment, trust and fee land. The Tribe comprises one reservation and three Rancherias.
- The Solid Waste and Recycling department provides garbage service to members as a pay-as-you throw program. They also operate a recycling and e-waste program.
- Supporting solid waste pickup from fees is a challenge.
- Enforcement of illegal dumping is difficult.
- The Tribe was recently awarded a HHW feasibility program grant from the state and a Resource Conservation Fund grant for youth outreach from EPA Region 9.

Nina Hapner, Native American Environmental Protection Coalition (NAEPC)

- Effective solid waste programs require enforcement. This requires the support of surrounding entities, which in turn requires the staff to deal with jurisdictional issues.
- Undocumented migrants make enforcement even more difficult in boarder areas. There will always be continuous dumping along the boarder.
- It is difficult to find funding for continual dumping occurring.
- Tipping fees at landfills are going up. This will be a growing issue for open dumping.
- It is difficult to educate members, but even more difficult in some cases to educate the outside public about open dumping.
- Tradition and custom are obstacles to education (e.g. it is challenging changing the mindset that it is okay to burn plastic in a wood stove)

What would tribes like to hear about from the agencies?

Irenia Quitiquit, Robinson Rancheria

- More collaboration between state and federal agencies and the local agencies

Kristie Orosco, Rincon Band

- CRV grants and funding – what is eligible? Where can a tribe get grants and funding?

Rita Moore, Pit River Tribe

- There is a website for buy-back centers
- The Pit River Tribe is starting a program to associate buy-back with the casino called “cans for casino cash” where people can bring in cans for extra dollars at the casino.
- There is a bottle bill grant available through the State

Paul Gross, 29 Palms of Mission Indians

- It is expensive to recycle light bulbs from casinos. It is better to go with LED.

Ray Simon

- There is a facility in Hayward that take bulbs, e-waste and more

Rita Moore, Pit River Tribe

- There is a problem with waste stockpiling because of high tipping fees
- It is hard to find funds to pick up e-waste and universal waste
- Resources are needed on who can pick up e-waste

Erica Yelensky, EPA Tribal Programs Office

- There are two helpful listservs: HHW info exchange and DTSC has a group

Brian Adkins, Bishop Paiute Tribe

- Information on what to do with used tires would be useful, especially for tribes in low-income communities to build structures, asphalt etc out of used tires.

Rita Moore, Pit River Tribe

- Rita knows someone from Earthships who can teach how to build structures out of tires.

Kristie Orosco, Rincon Band

- How clean is clean soil? How do we ensure there will be no threat to people after a site is cleaned? What standards should we adopt that are both financially and environmentally sound? How do you cost-effectively analyze sites?

Nina Hapner, NAEPC

- In Southern California, E-Cyclers (<http://www.e-cyclers.com/>) received a grant to pick up e-waste and even appliances.

Irenia Quitiquit, Robinson Rancheria

- Waste transportation issues are important

Brian Adkins, Bishop Paiute Tribe

- More information on grants/loans for collection equipment is needed

(Agencies) Solid waste funding and technical assistance availability

Dave Harvey, **Rural Community Assistance Corporation (RCAC)**

- RCAC is a 120-staff community development group that does a wide variety of projects, including housing projects and a revolving loan fund for tribes and non-tribal entities (100,000 cap on loans, typically)
- RCAC can provide neutral meeting facilitators
- RCAC has done solid waste management training in 12 western states
- RCAC has water and waste water circuit riders and is interested in solid waste circuit riders

Jay Mashburn, Rural Community Assistance Corporation (RCAC)

- USDA Rural development has \$60 million set aside to pay for facilities; \$50,000 can pay for salaries. Solicitation comes out in June
- DOE has energy project funding
- RCAC can help with PR and outreach programs
- BIA does good education for law enforcement

Rita Moore, Pit River Tribe

- In Shasta County there is an illegal dumping prevention campaign where they give \$ for reporting illegal dumping. Pit River was able to work with the county to enforce against non-native dumpers dumping on the Tribal lands. There were issues initially about county law enforcement going onto Tribal lands, so Pit River worked out a deal with the DA that if the DA got a report of illegal dumping they would call the Pit River Solid Waste Department first, so that the Solid Waste Department could assess the situation.

Keith Moore, Pit River Tribe

- There was an initial assumption on the DA's part that they could do whatever they wanted; they did not understand sovereignty. Working directly with the DA helped to develop an understanding, and helped with enforcement, especially because Pit River does not have tribal court or police.

Irenia Quitiquit, Robinson Rancheria

- Robinson Rancheria had a similar experience. The DA approached Robinson and did a presentation to the Tribe on resources available (including the availability of training on how to do documentation for enforcement). Robinson was also able to form relationships with the DA.

David Edmunds, Pinoleville Pomo Nation

- Does anyone have advice on or dealt with a situation where the county and Tribe were in a hostile situation but the Tribe needed county enforcement support?

Paul Gross, 29 Palms of Mission Indians

- You can pay the county for law enforcement and fire protection.

Keith Moore, Pit River Tribe

- Counties are under mandates from the State to reduce waste. Tribes may be able to help counties with their diversion #s and use this fact to negotiate enforcement and build partnerships

David Edmunds, Pinoleville Pomo Nation

- Has anyone gone to state or federal agencies for outside pressure?

Clancy Tenley, USEPA Tribal Programs Office

- Torres Martinez has done this. Partnering with federal and state agencies – getting everyone in a room and having a facilitated meeting – can be effective.

Lisa Northrop, BIA

- Southern California has many examples of tribes working with local agencies.

Rita Moore, Pit River Tribe

- Is there a list to get on to be eligible for USDA funding?

Jay Mashburn, RCAC

- The IHS SDS list is used

Elizabeth Forsyth, USEPA Waste Management Division

- I will follow up with USDA about funding opportunities.

Wes Mindermann, **California Integrated Waste Management Board (CIWMB)**

- CIWMB is part of CalEPA. The agency's mandate is for non-hazardous solid waste. The agency works to divert waste from landfills and derives funding from surcharges on materials like tires and new TVs.
- Wes Mindermann is "dump cleanup guy" and the board works with tribes throughout California to clean up open dumps.
- When CIWMB receives request to come look at a site CIWMB has contractors that come to assess the site
- Wes Mindermann will get more information for the group and for all tribes in Californian for how the process works for tribes.
- CIWMB is working towards having regional contacts for all programs (tires, used oil, dump cleanup)
- CIWMB is willing to travel and will only work on issues on tribal lands with the tribe's permission.

Kristie Orosco, Rincon Band

- Has CIWMB considered having a tribal liaison?

Wes Mindermann, CIWMB

- The agency used to. Now CIWMB is working toward a regional system. If it is valuable to the group, Wes could suggest a tribal liaison position to the Board of CIWMB.
- CIWMB has circuit rider prosecutors for environmental crimes. There is new legislation being developed for enforcement and outreach for open dumping.

David Edmunds, Pinoleville Pomo Nation

- Does that include enforcement for businesses out of compliance with permits?

Wes Mindermann, CIWMB

- Yes. An open dump, for instance, is an un-permitted site.

Rita Moore, Pit River Tribe

- CIWMB is easy to work with, a good resource especially for HHW.

John Beresford, La Jolla

- Does CIWMB provide resources for testing of sites?

Wes Mindermann, CIWMB

- Yes, CIWMB has a consultant who can do assessments

Chris Simon, Middletown Rancheria

- Is soil sampling free?

Wes Mindermann, CIWMB

- Yes, although CIWMB is not a Brownfield's agency. Any activities have to be related to solid waste.

Clancy Tenley, USEPA Tribal Programs Office

- What tribes has CIWMB worked with?

Wes Mindermann, CIWMB

- BIA and Torres Martinez Tribe
- Campo Tribe and IHS
- Wiyot Tribe on their Indian Island site
- Yurok Weitchpec dumpsite (at the time the largest illegal dumpsite in California)
- CIWMB treats tribes as sovereign nations, but CIWMB is a resource available to tribes. Tribes are still ratepayers for the service.

Lisa Northrop, BIA

- BIA is grateful for partnership with CIWMB. CIWMB is one of the least bureaucratic of government agencies.

Paul Young, **Indian Health Services (IHS)**

- Fifteen years ago there was no urgency in solid waste and there was very little being done, especially on tribal lands. Much has been accomplished since.
- IHS can provide solid waste management plans (SWMPs) and has written about 30 SWMPs for tribes in the past. IHS can also help write solid waste ordinances.
- IHS can write health and safety plans for clean closures of dumpsites. IHS encourages clean closure (not close in place) for sites.
- IHS partners with CIWMB, USDA, EPA for dump cleanup funding.
- IHS has paid for transfer station development.
- IHS has completed a variety of solid waste projects with a number of tribes. IHS also does a wide other projects related to health including wastewater, water quality and food sanitation in casinos.
- Currently, IHS is working with Bear River on an SWMP.

- Paul Young will provide the group with a list of project officers.
- It is important to get dumpsites on the SDS list for national funding. Paul Young will provide the California SDS list for reference.

Rita Moore, Pit River Tribe

- It is also important to be on the SDS list when applying for USDA funding.

Lisa Northrop, **Bureau of Indian Affairs (BIA)**

- It is important to have collaboration between agencies
- BIA funding is minimal but Lisa is willing to help look for funding sources
- BIA has programs that could apply to solid waste but do not necessarily address solid waste directly. For instance, BIA has used small amounts of wildlife and parks funding for solid waste activities in the past.
- BIA has some discretionary funds that can be used to respond to solid waste issues. The funds cannot fund equipment or construction (for instance to buy a dump truck or build a transfer station).
- BIA can provide technical assistance for code development and enforcement. BIA is not a solid waste expert.
- BIA can help with legal issues around non-members dumping solid waste.
- BIA works with leasing and permitting and can help with economic development.
- Each tribe is different and BIA will work with the tribe's individual circumstances and ideas.
- The best thing to do is to be a squeaky wheel. Being proactive will help to get a BIA response.

Rita Moore, Pit River Tribe

- Pit River was able to use BIA funds to do a car crushing for abandoned vehicles.

Erica Yelensky, USEPA Tribal Programs Office

- Was that a specific BIA grant?

Rita Moore, Pit River Tribe

- It was a general proposal submitted to BIA

Lisa Northrop, BIA

- It was funded through the environmental management funds. BIA has about \$100,000 for 104 tribes, so there is not a lot of money available.

Rita Moore, Pit River Tribe

- It took a long time to get funding. BIA kept saying "we're waiting on funding" but it eventually happened.

Lisa Northrop, BIA

- We need a better way of tracking projects. Agencies are always worried we might be double-funding projects.

Clancy Tenley, USEPA Tribal Programs Office

- BIA can be a key player to help tribes work with other entities, especially to help with jurisdictional issues.

Paul Young, IHS

- BIA is also helpful with meth lab cleanup

Lisa Northrop, BIA

- Meth lab cleanup can be very complicated in California
- This group could potentially help with meth lab cleanup

Caleb Shaffer, **USEPA Waste Management Division**

- EPA Waste Management Division (WMD) provides solid waste assistance to tribes including (but not limited to) providing solid waste training, starting/implementing composting and recycling programs, developing outreach materials, writing solid waste codes and ordinances and developing SWMPs.
- EPA WMD works on a case-by-case basis
- EPA WMD has a small Resource Conservation Fund (RCF) grant program. The RCF grant can fund, for example, outreach, enforcement, HHW programs, and demonstration and development projects. It cannot buy equipment or fund ongoing projects. In addition, EPA works with the IHS, USDA, and BIA to provide grants through the National Tribal Solid Waste Management Assistance Project.
- Currently WMD is developing a new enforcement tool to do inspections and enforcement on illegal dumpsites when the sites have household hazardous waste. This tool is only for high priority problem sites, for instance where waste is being accepted for profit.
- The EPA Brownfields program can do phase 1 and phase 2 testing for contaminant barriers to reuse
- EPA WMD has a tribal listserv through which we send out announcements about training, grants available and other news. You can contact Caleb or Elizabeth to join the listserv.
- WMD works closely with the Tribal Programs Office at EPA to get solid waste projects funded.
- There is a circuit rider available, Larry Danos, who can come out to do dumpsite assessments. EPA is hiring soon for an additional circuit rider, to be based out of Palm Springs.

Clancy Tenley, USEPA Tribal Programs

- Please get the word out that EPA is hiring an additional solid waste circuit rider. The circuit rider to be hired must be 55-years or older and EPA will give preference to those with tribal experience.

Kristie Orosco, Rincon Band

- Thanks to Caleb for putting the Rincon Band in touch with RCRA inspectors.
- There is an issue for the Rincon Band of a site of land out of trust, where they are taking advantage of gray jurisdiction area. Rincon went out with EPA RCRA inspectors to the site, and RCRA inspectors found violations and were able to take action.

Jean Gamache, **USEPA Tribal Programs Office**

- Jean Gamache is the new manager for the Tribal Programs Office

- The Tribal Programs Office, also known as the General Assistance Program (GAP) was created to give tribes an environmental presence on their lands.
- GAP supports planning and development of all media programs (air, water, waste etc)
- GAP can fund solid waste implementation (including direct implementation like removing abandoned vehicles and cleaning up dumpsites) and outreach/education
- GAP is a “stepping stone” to fully implementing a solid waste program. GAP mainly funds planning and pilot projects, and has limited ability to fund O&M costs.
- GAP can fund innovative projects. For example, one tribe was concerned with cardboard going into the landfill, so they started a GAP-funded program with a school to address waste. The tribe bought a device to roll cardboard into starter logs for wood stoves. The children then brought the logs to elders and talked to the elders about the dangers of burning materials like plastics in the stoves.

Open discussion on ideas to address needs

Rita Moore, Pit River Tribe

- How to ensure sustainability of programs is a major issue. Some tribes can fund ongoing costs, but many tribes cannot. How do you address program sustainability? Especially when there is a small customer base in a large rural area and there are rising costs (for fuel, disposal, etc).

Clancy Tenley, USEPA Tribal Programs

- Is there anything this group can do for ongoing funding?

Lisa Northrop, BIA

- Is there any way to increase the customer base of the Pit River Tribe’s solid waste pickup program?

Rita Moore, Pit River Tribe

- The solid waste collection program grew out of an interagency grant for collection and pickup. However, the Tribe cannot increase the customer base because the garbage company in the area has a contract franchise that the Tribe cannot take business from.

Keith Moore, Pit River Tribe

- If you break up a franchise, you can’t make the finances work anyway
- However, the franchise won’t come onto the Reservation due to bad roads and hostile customers

Lisa Northrop, BIA

- What about waste to energy projects?

Rita Moore, Pit River Tribe

- Pit River is always looking to diversify our economic prospects

Jay Mashburn, RCAC

- RCAC has worked on solid waste sustainability and can give examples
- For sustainability, it helps to look into solid waste collaborative networks
- Transportation is a big issue

Rita Moore, Pit River Tribe

- More collaboration with other tribes in the area would be ideal – for instance to work on a business together where one tribe can do pick up of certain items (e.g. florescent tubes) for other tribes

Jean Gamache, USEPA Tribal Programs Office

- It might be worth considering developing a local tribal consortium

Rita Moore, Pit River Tribe

- Pit River hopes to start working with Win River Casino. There are ways to make money off things like e-waste.

Clancy Tenley, USEPA Tribal Programs

- Similar work is being done working on sustainable funding for water needs for tribes

Keith Moore, Pit River Tribe

- The problem is all of the grants say “not for continual funding” but \$30,000 a year would fund a lot and keep a program going
- What about revenue sharing?

Jay Mashburn, RCAC

- Revenue sharing is up to the tribe to decide what to do.

Jose Simon, Middletown Rancheria

- Some casino money goes to the local governments and the state

Clancy Tenley, USEPA Tribal Programs

- Tribes could use revenue sharing to go to garbage collection

Jose Simon, Middletown Rancheria

- For the county, for the money to go to solid waste, it would have to be voted on

Lisa Northrop, BIA

- A tribe could negotiate for BIA 638 money to go to ongoing solid waste costs.

Kristie Orosco, Rincon Band

- Sounds like CIWMB is a good resource, and more information about programs would be good.
- The inconvenience of recycling can make it infeasible. Recycling curbside is not even available in some rural areas.
- It would be nice to see more discussion on barriers to recycling. It is hard just obtaining bins.

Rita Moore, Pit River Tribe

- CalMAX (<http://www.ciwmb.ca.gov/calMAX/>) is a good resource for free materials. For instance the Pit River Tribe got free roll carts off of the site. It would be good to have a similar warehouse.

Clancy Tenley, USEPA Tribal Programs

- Would CIWMB be willing to continue participating in these meetings?

Wes Mindermann, CIWMB

- I'd be willing to come back, make a presentation

Clancy Tenley, USEPA Tribal Programs

- It would be good to have more information about the bottle bill

Wes Mindermann, CIWMB

- That's California Department of Conservation

David Edmunds, Pinoleville Pomo Nation

- Could we invite green businesses?

David Jones, EPA Waste Management Division

- Solid waste agencies would probably be willing to donate equipment, especially things like old bins. It would be good to work with pickup services

Rita Moore, Pit River Tribe

- Counties are hesitant to throw away bins.

David Jones, EPA Waste Management Division

- How to make money back on a cardboard baler would be great to know.

Paul Gross, 29 Palms of Mission Indians

- 29 Palms will make money back in 3-5 years from date of purchase of the baler. It can even bale things like phone books

Jay Mashburn, RCAC

- It might be worth doing a brainstorm session for projects with collective value to tribes, that could be shopped to foundations for funding

David Jones, EPA Waste Management Division

- Every pickup franchise is different. Some have limited pickup, some have the right to pickup everything. It might be worth looking into franchise contracts for loopholes and pickup what you can (*comment directed at Pit River*).

Keith Moore, Pit River Tribe

- Pit River worked with the local franchiser and the franchiser would allow the Tribe to provide pickup for tribal member and provide recycling for the community at large.

David Robbins

- On EPA's website, it would be good to put up the minutes of the meeting, the soil sampling protocol and the certified lab list for soil testing.

Kristie Orosco, Rincon Band

- It would be nice not to have to look all over the web for information.

- It would be good to have a tool to cost out things like dump cleanup. It would help to write proposals.
- It would be good to have more frequent regional solid waste meetings.

Elizabeth Forsyth, EPA Waste Management Division

- I will work with Paul Young to get the costing tool IHS uses for dump assessment and to make it available. I will also work with Paul to get a soil sampling protocol up on the web.

Paul Young, IHS

- It is helpful to have proposals ready to go. For example, IHS headquarters once told the regional offices they had a bulldozer to give away, but only two days to give it away in. Paul Young was able to give it to a tribe who had previously written up a proposal.

Clancy Tenley, USEPA Tribal Programs

- Is there any way to have a streamlined proposal process for all agencies?

Lisa Northrop, BIA

- BIA can hold proposals, although there are dates solicitations are officially due.

Paul Young, IHS

- There is an annual SDS update for projects
- Last time, however, IHS sent a letter out to 30 tribal chairs, announcing funding, and only got three proposals back – perhaps IHS should cc all the environmental directors

Nina Hapner, NAEPC

- The SDS list is hard to fill in, it is cumbersome

Elizabeth Forsyth, USEPA Waste Management Division

- Perhaps it would be useful to put a form on the EPA tribal waste webpage that tribes could fill out with grant project ideas. Rather than searching the web for grants available, EPA could help direct the project to the appropriate funding agency. I will work on creating this.

Clancy Tenley, USEPA Tribal Programs

- Perhaps each agency could work with Elizabeth to collaborate on funding cycles, solicitations.
- Can we coordinate the SDS list?

Elizabeth Forsyth, USEPA Waste Management Division

- We are currently working on collecting the same information as IHS collects on open dumpsites. We are moving towards having one system, as soon as IHS updates the database entry form.

Discussion of when and where to have additional meetings

Kristie Orosco, Rincon Band

- Perhaps we could meet statewide annually or bi-annually and do regional meetings quarterly to work on local issues and with local-area vendors. You would get more participation on the local level.

Rita Moore, Pit River Tribe

- That would be good

Paul Young, IHS

- Perhaps we could piggyback on the Regional Tribal Conference for yearly meetings

Nina Hapner, NAEPC

- Alternatively, piggyback on RTOC – people are already in the area.

Clancy Tenley, USEPA Tribal Programs

- How often for statewide meetings? Once a year? Twice a year?

Nina/Rita

- Once a year

Clancy Tenley, USEPA Tribal Programs

- Are there volunteers to host regional meetings?

Volunteers are:

Northern California – Robinson, Pit River

Southern California – NAEPC, Rincon

Owens Valley – Brian Adkins

Nina Hapner, NAEPC

- EPA might not be able to provide a list of labs for soil testing (could be seen as endorsement)

Clancy Tenley, USEPA Tribal Programs

- EPA will check with Andy Lincoff at the R9 lab for confirmation.