UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF WATER

MEMORANDUM

SUBJECT: EPA Tribal Program Accomplishments, FY 2005

FROM: Carol J. Jorgensen, Director
American Indian Environmental Office (4104M)

TO: The Administrator
The Deputy Administrator
Benjamin Grumbles, Assistant Administrator for Water
Indian Program Policy Council
Tribal Caucus, EPA National Tribal Operations Committee

It is with great pleasure that I am providing you a summary of EPA's Tribal Program accomplishments in FY 2005. This short report collects and reports, at an overview level, the tremendous work performed by the dedicated staff in EPA's headquarters and Regional offices who work with federally-recognized Indian tribes to improve the environment and public health in Indian country. These accomplishments have required the active participation and involvement of both policy-level managers and staff in all the Regions and headquarters offices. We also recognize that much more detailed reports are prepared by several Regions and program offices.

I am also proud of the engagement and involvement of EPA's Senior Leadership, Administrator Steve Johnson and Deputy Administrator Marcus Peacock, in tribal matters. The Administrator participated in this Fall's National Tribal Operations Committee meeting and reaffirmed the EPA Indian Policy. The Administrator has also been actively engaging the Great Lakes Tribes in the Regional Collaboration of National Significance under EO 13340.

Among the highlights of EPA's work with the Tribal Caucus of the National Tribal Operations Committee was attendance by Tribal Caucus Chairman Calvin Murphy and other members of the Executive Committee, along with States representatives, at EPA's annual budget planning meeting, and the Tribal Caucus met again with the Office of Management and Budget this past Summer to present its FY 2007 budget proposal.

I am excited about the work we have before us in FY 2006, and continue to look forward to working to improve the environment and public health in Indian country where the environmental and public health problems that remain are enormous and resources are limited. It

is only with the concerted effort of all of us working together, that we will continue to move forward and make progress.

Attachment

cc: National Indian Work Group
Scott Sufficool
Lisa Berrios

EPA TRIBAL PROGRAM ACCOMPLISHMENTS
FY 2005

Administrator's Office

Administrator Johnson reaffirms EPA's 1984 Indian Policy at the National Tribal Operations Committee Meeting on September 26, 2005.

American Indian Environmental Office (AIEO)

The current EPA Strategic Plan includes a greater focus on Indian country. For the first time, the plan contains a cross-cutting partnership strategy for tribal issues that will ensure that tribal issues are considered in all of EPA's activities and planning efforts.

Over 540 tribes and intertribal consortia (96% of the universe of 572 Tribes and consortia) now have access to EPA GAP (Indian General Assistance Program) grants to begin addressing a wide range of environmental issues by building the basic capacity to address local environmental issues.

There are now nearly $330 million EPA dollars at work in Indian country. (NOTE: This is State and Tribal Assistance Grant (STAG) funding and includes dollars from several fiscal years.) AIEO has initiated an oversight process to visit each Region using GAP funds every three years to assure consistency in our program implementation.

In FY 2005, 233 Tribal environmental programs exist through EPA-authorized and tribal program authority and direct implementation activities.

AIEO also coordinated the Senior Environmental Employment (SEE) program and technical assistance activities providing $360,000 in 2005 to the Regional offices to support positions that work directly with Tribes.

The Tribal Program Enterprise Architecture (TPEA) continues to develop systems that support the business needs of the American Indian Environmental Office including tracking progress toward achieving Strategic Plan targets and collecting data about the condition of the environment in Indian country. Three additional components were added to TPEA in FY 2005.

o TPEA completed development of an Objective 5.3 tracking system that reports on the six AIEO targets for building tribal Capacity,

o AIEO developed a web-based system to produce mailing labels of Tribal Leaders and Tribal Environmental Directors. This system it is notable because it is kept up to date and accurate by the regional tribal programs.

o AIEO developed a stand alone GIS system that overlaid tribal reservation boundaries with the data layers of the EPA Envirofacts Data Warehouse, thus providing the capability of accessing EPA data for tribes in a manner similar to the EPA "Window to my Environment" application.

A notable accomplishment of TPEA in FY 2005 has been the development of data sharing agreements with two tribes, the Eastern Band of Cherokee Indians in Cherokee, NC and the Wind River Reservation in Ft. Washakie, WY. In both pilots, data from tribes is being transported to the TIMS application for display as layers alongside the data obtained from federal databases. Additionally, network exchange technologies are being developed for the tribes for real time reporting of monitoring data through the EPA Central Data Exchange (CDX).

In addition to the AIEO efforts, the Saint Regis Mohawk Tribe is the first entity (including states) to deliver air monitoring data (AQS) directly to the CDX node.

The Wind River Reservation is a member of the ESAR Pilot Program, along with the states of OR, MI, and TX. This pilot project is developing network exchange protocols for delivery of data from Clean Water Act § 106 water monitoring programs directly to the EPA Central Data Exchange System (CDX).

AIEO, through its Communications and Outreach (C & O) Workgroup supports capacity building and implementation of tribal environmental programs, to protect human health and the environment in Indian country. It provides information to EPA and Tribes to address EPA and Tribal Priorities, works in partnership with Tribes and EPA to foster an environmental presence in Indian country, and provides support in assessing internal infrastructure to support EPA's Indian program activities. Additionally C & O supports training and education to EPA workforce on working with tribes, cultural awareness, and educational opportunities for Tribal students through scholarships and internships. The workgroup provided support to five National Tribal Caucus (NTC) meetings in FY 2005, as well as the normal weekly interaction with the Tribal Caucus. The workgroup also plans for and supports the National Indian Workgroup (NIWG) on a bi-weekly basis.

EPA's Direct Implementation Tribal Cooperative Agreement (DITCA) authority makes available an important tool for tribes who wish to work with EPA in the implementation of environmental programs in Indian country by allowing tribes to be involved in assisting EPA as EPA directly implements federal programs for tribes. DITCAs are intended to provide a method to accomplish program implementation without the need for the Tribe to obtain treatment in the same manner as a state ("TAS") status and program approval. The degree of tribal involvement is flexible depending upon a tribe's interest and ability in carrying out specific work. The most recent guidance on use of this authority was finalized in early FY 2005.

In May 2004, President Bush issued an Executive Order that recognized the Great Lakes as a "national treasure" and created a Federal Great Lakes Interagency Task Force to improve federal coordination on the Great Lakes. The Order also directed the U.S. EPA Administrator to convene

a "regional collaboration of national significance for the Great Lakes." This collaboration process was needed to develop, by consensus, the national restoration and protection action plan for the Great Lakes. The Great Lakes Regional Collaboration (GLRC) was launched in December 2004. The GLRC Members are Tribal leaders from 35 Tribal nations located in the Great Lakes basin, eight Great Lakes Governors, Great Lakes Mayors, the nine federal cabinet-level officials who make up the federal Great Lakes Interagency Task Force, and the members of the Great Lakes Congressional Delegation. AIEO, and Regions 2 and 5 have been active participants to work with the 35 Tribes in this effort. The Collaboration has developed a draft action plan of concrete steps to be taken to restore and protect this national treasure. More than 1,500 people representing the federal, state, local and tribal governments; non-governmental entities; and private citizens have participated on eight issue-specific Strategy Teams to develop the plan. The plan is a reflection of this partnership and recognizes that we must all work in concert in order to be successful. The final plan will be released on December 12, 2005.

AIEO also provides leadership and staff support to the Indian Program Policy Council (IPPC), composed of senior career employees in the National programs and Regional Offices. The IPPC provides decisions on cross cutting policy decisions facing the overall Agency Tribal program.

AIEO, in conjunction with the Office of Grants and Debarment and Region 10, initiated a workgroup on improvements that can be made to make more efficient and effective the EPA funding providing to Alaska Rural and Native Villages. Input was sought from the Tribes and the final results and next steps will be issued in early FY 2006.

AIEO has actively participated in a workgroup, lead by Office of Groundwater and Drinking Water, with Rural Utilities Service, US Department of Agriculture; Bureaus of Indian Affairs and Reclamation, Department of Interior; Indian Health Service, Department of Health and Human Services; and Community Development Block Grants, Department of Urban Development to develop and implement Memorandum of Understandings (MOUs) to further the goals of a 50% reduction in the number of Tribal homes without access to adequate water and wastewater infrastructure by 2015. Administrator Johnson signed the MOUs and forwarded them to his peers for signature in October 2005.

Another program was the lead EPA sponsor for the National Tribal Conference on Environmental Management (NTCEM) for 2005. Due to an illness of the lead staffer, an AIEO staffer immediately took over lead operational duties working directly with the Associate Assistant Administrator. AIEO also assisted the Office of the Chief Financial Officer (OCFO) at the conference in collecting feedback on revisions to EPA's strategic plan.

Office of Water (OW)

Tribal 106 Guidance: OW will soon issue its new *Draft Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act.* This guidance is intended to help tribal water quality program managers, staff, and other tribal environmental decision makers design and

implement effective and successful water quality programs. It also provides EPA regions with a framework of procedures and guidelines for awarding and administering CWA 106 grants to federally recognized tribes. The guidance seeks to help tribal water quality programs at various levels of sophistication and development by identifying options that allow tribes to participate in water quality management without necessarily working toward obtaining full program authorization . It explains how to successfully initiate and develop a new program. The guidance also contains information on expanding existing, well established programs. To meet the needs of tribes at all levels of program development, the guidance presents the basic steps a tribe should take to collect the information it will need to make effective decisions about its program, its goals, and its future direction. In addition, the guidance outlines new reporting requirements and data expectations for all tribal programs receiving section 106 funds. The new reporting requirements will help EPA measure the environmental results of the section 106 Tribal Program and comply with the requirements of the Government Performance and Results Act and other federal mandates. EPA has made presentations on the draft guidance at numerous Tribal meetings, and will release in the near future the draft guidance for a 60-day formal comment period. It is expected to be finalized in FY 2006 and used by EPA regional staff and tribes for the FY 2007 grant cycle.

Specialized Tribal Training: OW continues to support tribal water programs by offering tailored training sessions. OW conducted an hands-on, experiential workshop during which participants developed a set of water quality standards for a hypothetical Indian reservation. Representatives of Indian tribes with water quality standards programs served as facilitators and experts during this workshop.

OW Tribal Training Initiative: In early FY 2005, OW began reviewing its traditional approaches to providing tribal training for Safe Drinking Water Act and Clean Water Act programs. As a result of that review, a workgroup was convened to scope out approaches and mechanisms for offering training in a more structured, holistic way. Throughout the year, the workgroup explored partnerships with other EPA Offices and other federal agencies, and examined different models and funding sources. The group also obtained input from professors at tribal colleges and universities and held open dialogues with tribes at various conferences and meetings. OW has now determined that it should invest in a structured, consolidated approach to tribal training for Clean Water Act programs. The workgroup is moving ahead with plans and hopes to have the fundamentals of the changeover in place by early FY 2007. The workgroup is continuing to explore options for more structured approaches to tribal training under the Safe Drinking Water Act and plans to make recommendations to the OW Tribal Steering Committee shortly.

TAS and WQS: In FY 2005, the National Tribal Caucus raised concerns regarding difficulties faced by tribes trying to obtain "Treatment in the Same Manner as a State" (TAS) status for the water quality standards program and the consequent lack of water quality standards (WQS) in much of Indian country. OW has formed a staff level "Options" workgroup, comprised of representatives from the Office of Science and Technology, EPA's regional offices, the American

Indian Environmental Office, and the Office of General Counsel. The group is developing options to address issues, including taking management steps to accelerate Agency reviews of TAS applications, improving communications among headquarters, the regional offices, and tribes, and developing cooperative approaches. They have also expanded the scope of their tasks to include an evaluation of GAO recommendations on the TAS process. The workgroup plans to complete its work in the winter of 2005-2006.

7th National Conference on Tribal Environmental Management: OW programs and initiatives were significantly represented at the 7th National Conference on Tribal Environmental Management, which was held in June in Traverse City, Michigan. Sessions led by OW included the interagency federal initiative to provide tribal access to safe drinking water and basic sanitation, an overview of EPA's guidelines for management of on-site and other decentralized wastewater systems and national requirements for large capacity septic systems, a stakeholders forum on the draft tribal CWA section 106 tribal grants guidance, a discussion of OW's proposed new consolidated tribal training program, presentations on TMDLs and source water protection, and a lively discussion on the status of tribal TAS/WQS.

OW Tribal Strategy: In May OW finalized and published a new document, *Protecting Public Health and Water Resources in Indian Country, A Plan for EPA/Tribal Partnership 2005 - 2008.* The document outlines a strategy for maximizing the positive impacts of OW resources on tribal environments. It is being used as guidance by EPA management and staff as we work with tribes to protect the health of tribal communities and associated aquatic systems. This OW Plan is designed to create federal/tribal partnerships that protect human health and the waters of Indian country by supporting the development and implementation of clean water and safe drinking water programs. It consolidates, in one document, a nationwide approach to tribal water protection.

Tribal Section 106 Funding: In the early 1990's, about $3 million was available annually to tribes in CWA § 106 grant funding to assist in the development and implementation of water pollution control programs. In FY 2004, 229 tribes were eligible for portions of $23.6 million in § 106 funding. Between 2000 and 2004, the number of tribes eligible for § 106 dollars increased by 62 per cent. Total enacted 106 funding in 2005 (for all recipients, including States and Interstates) was $208.3 million.

Clean Water Indian Set-Aside: The Clean Water Indian Set-Aside provides grant funds for the planning, design and construction of tribal wastewater treatment facilities. Since 1987, $189,334,400 has been awarded through this program. In 2001, when the ceiling for tribal funding from CWA § 518 (set-aside source funding) monies was raised from 0.5% to 1.5% , the tribal portion increased from about $6.7 million with 31 recipient tribes to just over $20 million that provided support to 57 tribes. The total dollar amount of the annual set-aside remained at about $20 million through FY 2003, while the number of recipient tribes continued to grow. In FY 2004, the set aside amount reached $20,130,500. In FY 2005 the amount available was $16,368,000.

Section 319 Tribal funding: OW continues to offer tribes § 319 nonpoint source grant funding opportunities. In 2003 a total of $6 million was awarded to 71 tribes, with 27 of them receiving additional competed funds. In 2004 the award amount rose to $7 million, with 78 base and 32 competitive awards. In FY 2005 $7 million was awarded to 84 tribes, 31 of which also received competed § 319 dollars. OW supported four tribal workshops around the country in 2005 (each lasting 2-3 days) to provide training on developing Nonpoint Source Assessment Reports and Management Programs in compliance with § 319 of the Clean Water Act (continuing OW support in 2003 and 2004 of 3-5 workshops/year at an approximate cost of $60,000/year). New guidelines were also issued on awarding § 319 grants to tribes in FY 2005. These new guidelines clarified and strengthened work plan components, resulting in higher quality work plans for on-the-ground watershed projects in 2005.

Tribal PWSS Funding: In 2005 tribes received about $930,000 from OW to support source water assessment and protection activities under the Public Water System Supervision (PWSS) program. An additional $475,000 was provided for tribes to inventory shallow Underground Injection Control (UIC Class V) wells in source water areas. Funding priorities for the set-aside include operator certification, capacity development, and source water protection.

Alaskan Native Village and Rural Communities Sanitation Grant Program: In FY 1995, EPA, with funding from Congress, created the Alaskan Native Village and Rural Communities Sanitation Grant Program to assist Alaska native villages and Alaska rural communities with the construction of new or improved drinking water and wastewater sanitation systems. The funding can also be used to provide training and technical assistance in the operation and maintenance of treatment systems. Through FY 2004, 488 projects in 209 rural and native Alaska communities were funded. In FY 2005, a total of $44,640,000 is expected to be awarded. Cumulatively through FY 2005, approximately $325 million will have been made available through the program.

Drinking Water State Revolving Fund: Under the Safe Drinking Water State Revolving Fund (DWSRF) EPA is authorized to set aside up to 1½ percent of the amount available for the DWSRF for grants to improve the infrastructure of drinking water systems that serve Indian tribes. EPA used this authority to establish the Drinking Water Infrastructure Grants Tribal Set-Aside Program. Community water systems, and non-profit, non-community water systems that serve Indian tribes are eligible to have public health projects supported by these funds. Since FY 2000, total available funding under this program has held fairly steady at between $11.6 million and $12.6 million per year. Since the inception of the program in 1997 approximately $117 million has been allotted.

Five Star Grants: OW's *Five Star Grant Program* provides small grants to qualified entities for a variety of river corridor and wetland restoration projects. Since FY 2000, on average, two Five Star grants per year have been awarded to tribes. The amount of funding per grant has ranged between $8,000 and $15,000. The total FY 2005 enacted funding for the Five Star Grant Program (all recipients) was $14.9 million.

Targeted Watershed Grants: OW began the *Targeted Watersheds Grant Program* in 2003 to encourage successful community-based approaches and management techniques to protect and restore our nation's waters. Grant recipients generally exhibit strong partnerships with a wide variety of support, creative, socio-economic approaches to water restoration and protection, and explicit monitoring and environmentally-based performance measures. In 2003, this program was funded at a total level of $15 million and funded three of twenty proposed tribal projects. In 2004, when total funding was $14.9 million, three tribes received project money. Grants have not yet been awarded with FY 2005 funding; however, the total enacted funding in FY 2005 (all recipients) is $17.9 million.

Office of Air and Radiation (OAR)

Implementing the Clean Air Program

OAR provided over $9.5 million in direct awards to 117 tribal governments to assess air quality on their reservations and develop and implement programs to ensure Clean Air Act protections are fully available in Indian country. Five tribes are developing Tribal Implementation Plans to address air quality concerns, and 22 tribes have received CAA eligibility determinations under the Tribal Authority Rule.

OAR for the first time ever delegated authority to a tribe to administer the federal Title V operating permits program (Part 71). On October 15, 2004, EPA Region IX and the Navajo Nation EPA (NNEPA) entered into a Delegation of Authority Agreement which specifies the terms of the delegation. The tribe will assist EPA with administration of federal Title V permitting responsibilities for twelve existing major stationary air pollution sources on the reservation.

Region 5 was able to fund diesel retrofit projects for the Mille Lacs Band of Ojibwe and the Grand Traverse Band of Ottawa. These projects intend to reduce local mobile-source emissions associated with diesel fuel by retrofitting tribal government-owned diesel vehicles. Both work plans also include an outreach campaign to educate Band members, Band-member-owned businesses, and other Tribal government departments regarding the volunteer diesel engine retrofit program.

OAR continues to support the Joint Air Toxics Assessment Project in the Phoenix area. The project is currently focusing on a review of the status of air toxics work nationally, assessing the type of work completed, and identifying potential approaches that may be useful in the Phoenix area. The State of Arizona and the tribal governments from Salt River Pima-Maricopa Indian Community, Gila River Indian Community and Fort McDowell Yavapai Nation are working to develop Memorandum of Agreements (MOA) that will define expectations, roles, and responsibilities for each of the parties involved with the study. According to tribal and state officials, collaboration and respect are two key elements to tribes and states building cooperative relationships.

The Federal Air Rules for Reservations in Idaho, Oregon and Washington (FARR) was published as a final rule on April 8, 2005, and became effective on June 7, 2005. The FARR establishes new federal regulations to protect air quality and human health on 39 Indian Reservations in ID, OR and WA through Federal Implementation Plans (FIPs) and address the regulatory gap that otherwise existed within the boundaries of the reservations. Region 10 is implementing the FARR. In addition, the First Partial Delegation of Administrative Authority under the FARR has been completed with the Nez Perce Tribe which will assist EPA with administration of outdoor burning permit programs on their reservation.

OAR completed changes to its national database for air quality monitoring information that accommodates tribal requests to provide access directly as sovereign nations. Since completing the changes, the St. Regis Mohawk Tribe was the first to begin entering data under the new structure.

The National Tribal Air Association (NTAA) has initiated tribal air policy calls to involve Tribes in and better coordination between EPA and the Tribes in development of EPA policy impacting Tribes. NTAA is also helping tribes shape a new national monitoring strategy working closely with OAQPS.

Providing Training and Technical Assistance

In order to expedite the development of QAPPs, OAR, in cooperation with the Institute for Tribal Environmental Professionals (ITEP), has funded the development of a software product which will lead tribal personnel through the development of required project specific ambient air monitoring QAPPs. The product, called Turbo-QAPP, should help Tribes by providing most relevant EPA guidance with a simple click of a mouse. The product is in beta testing now and should be widely available to tribes and supported by training workshops in early FY06.

Region 10 has been supporting tribes to transition from FRM filter-based monitors to continuous, real-time PM 2.5 monitors. These continuous monitors will enable the tribes to alert their communities to unhealthy air quality, and will allow R10 access to real-time data for calling burn bans under the new Federal Air Rules for Reservations in Idaho, Oregon and Washington.

The Institute for Tribal Environmental Professionals (ITEP) will provide more than 20 customized training workshops to assist tribes in implementing the CAA in Indian country this year. ITEP also provides support services for monitoring and other technical assistance through a partnership with EPA called the Tribal Air Monitoring Support (TAMS) Center; the Tribal Environmental Resource Center that supports tribal air programs with access to many technical resources, and; an Environmental Education Outreach Program that visits schools and brings Native students to Northern Arizona University to encourage them to pursue careers in air quality.

Region 5 has developed a unique technique, using the Air Monitoring and Analysis Section mobile monitoring unit to provide technical assistance to Tribes. The audit and air monitoring

trailer conducts Thru-the-Probe (TTP) audits and lend hands-on training and technical assistance to Tribal Air Specialists. The TTP pilot project has proven to be a valuable asset to the Tribal Program in terms of assessing, documenting, and assuring data quality. Any operational issues at monitoring sites are identified and rectified in a timely manner resulting in uninterrupted data collection.

Two pilot CAA assessment and monitoring projects were funded by Region 10 to the Native Alaskan Villages of Noatak and Buckland to support their studying the impact of and possible solutions to road dust pollution. This is a collaborative project between the two Tribes, Region 10 Tribal Air Program, the Alaska Dept of Environmental Conservation, and the Region 10 IGAP program.

Protecting Indoor Environments

The Bois Forte Band of Chippewa is developing a comprehensive Tribal program to assess, manage, and mitigate IAQ problems, complete indoor environmental inspections and assessments for Tribal homes, and conduct education and outreach on IAQ issues. The Tribe will deliver technical assistance, training, and offer its IAQ services to the other 11 Minnesota Tribes upon request. This pilot "center of excellence" has worked well to date, with Bois Forte providing IAQ technical assistance to 6 other Minnesota Tribes and 2 Wisconsin Tribes in FY 2005.

Office of Enforcement and Compliance Assurance (OECA)

Tribal compliance assurance is one of OECA's seven national priorities for fiscal years 2005-2007. The tribal priority's primary goal is to significantly improve human health and the environment in Indian country and other tribal areas through EPA and tribal compliance assistance, compliance monitoring, and enforcement activity. This effort focuses national attention on three areas: drinking water, schools and waste management (http://www.epa.gov/compliance/data/planning/priorities/tribal.html).

Selection of the tribal priority resulted from a variety of outreach activities by OECA and the EPA Regions: states and federally-recognized Indian tribes were asked to identify potential candidates for national priorities; a Federal Register notice soliciting comment on potential national priorities was published in December 2003; letters about the priorities were sent to the federally-recognized tribes; and representatives of the Washoe Tribe of Nevada and California and the Navajo Nation, the Cortina Band of Mission Indians and Tohono O'Odham Nation participated in a January 2004 meeting on the proposed priorities and provided suggestions to EPA senior managers.

In FY 2005, OECA provided $1.4 million to the EPA Regions to support activities related to the tribal compliance assurance priority.

OECA continues to offer training to tribal environmental professionals. In FY 2005, more than 400 tribal environmental professionals participated in OECA-sponsored courses. In addition, 41

tribal inspectors received compliance monitoring training in FY 2005 through a cooperative agreement with the Institute for Tribal Environmental Professionals (ITEP) at Northern Arizona University. Between FY 2002 and FY 2004, an additional 173 tribal inspectors received compliance monitoring training through ITEP. Its inspector training courses are designed to cover tribal-specific issues, tribal and federal environmental laws, and the interplay between tribal and federal inspection authorities. A mix of tribal inspectors, ITEP employees, tribal inspectors, and EPA employees serve as course instructors.

On August 5, 2005, OECA issued a memorandum that provides information on how EPA Regions request inspector credentials being issued to state/tribal inspectors under the September 30, 2004 document entitled *Guidance for Issuing Federal EPA Inspector Credentials to authorize Employees of State/Tribal Governments to Conduct Inspections on Behalf of EPA* ; the memorandum is entitled *Final Process for Requesting EPA Credentials for State/Tribal Inspectors Conducting Inspections on EPA's Behalf.* Together the memorandum and the guidance address the criteria and process for EPA's regional offices to issue EPA inspector credentials to employees of states/tribes to authorize them to conduct civil inspections on behalf of EPA for specific environmental statutes. Inspection reports arising from such inspections must be sent to EPA for review and, if appropriate, enforcement action.

In FY 2005, OECA funded 27 tribes (located in the states of AZ, CA, MN, MT, NM, NE, NV, ND, SD, WA) to maintain pesticide cooperative enforcement agreements and continues to work with the EPA-sponsored Tribal Pesticide Program Council.

OECA's Office of Criminal Enforcement, Forensics and Training continues to partner with New Mexico Indian Tribes, other federal law enforcement agencies and the U.S. Attorney's Office in Albuquerque to establish an Indian Country Environmental Crimes Task Force in New Mexico. The task force reviews allegations of environmental crimes on Indian lands in New Mexico and develop joint federal/tribal investigations.

To promote more effective tribal participation in federal NEPA decision making as well as to support tribal efforts to develop their own Tribal equivalents, TEPAs, EPA is working with other federal agencies and the Council on Environmental Quality in collaboration with tribes and others to create a sustained capacity building effort, which will include a training compendium, an interagency web portal, collaborative federal-tribal regional NEPA/TEPA workshops, and identifying available resources and developing an overall strategy that maximizes existing federal-tribal, interagency and partnership resources.

On May 5-6, 2005, Region 9 and Navajo Nation EPA co-sponsored a training on how to use EPA's Healthy Schools Environmental Assessment Tool (HSEAT) at schools located on Navajo tribal land. Participating managers and staff represented the Arizona and Utah Unified Public School Districts and Bureau of Indian Affairs (BIA) schools (Fort Defiance Line Office); the 31 participants included custodians, safety officers, principals, maintenance supervisors, and facility managers. Funded by OCHP, HSEAT was developed by a cross-agency workgroup lead by OAR

and Region 9. Region 9 will work with Navajo EPA to conduct additional training sessions and full HSEAT assessments are planned. There are approximately 246 schools (BIA, public, private and mission) on the Navajo reservation. OECA is working with OCHP and OPPTS to promote the tool's use throughout Indian country.

In FY 2005, OECA and the EPA regions verifying the number and location of elementary, secondary, and post-secondary schools under the jurisdiction of the Office of Indian Education Program (OIEP) with the Bureau of Indian Affairs. These schools are located on 63 reservations located and serving approximately 60,000 students. After verifying this information, each school received a compliance assistance notebook composed of essential compliance and technical assistance material to facilitate understanding of potential environmental issues confronting tribal schools and corresponding environmental obligations. The notebook also includes pollution prevention material.

On March 11, 2005, Thomas V. Skinner signed a memorandum describing the United States' authority for "Joint Collection of Penalties with State and Local Governments and Federally Recognized Indian Tribes." This memorandum clarifies that the policy of penalty division with states and local governments also applies, where appropriate, to cases involving tribes. Like state and local governments, tribes may share in civil penalties that result from their participation in federal environmental enforcement actions to the extent that it is consistent with the Miscellaneous Receipts Act, 31 U.S.C. § 3302. The Miscellaneous Receipts Act generally prohibits the United States from directing penalties collected under its own authorities to another governmental agency. Therefore, as a general matter, in penalty sharing cases the tribal government: (1) must have and assert an independent claim under federal, state or tribal law that supports its entitlement to civil penalties; (2) must have the authority to seek the full amount of civil penalties received; and (3) should have participated in developing or prosecuting the case.

On August 10, 2005, the United States District Court Judge, District of Wyoming, entered the Consent Decree in the *U.S. v. BP America Production Company f/k/a Amoco Production Company, CamWest, Inc. and CamWest Limited Partnership* (collectively "Defendants") matter. The Consent Decree in this matter resolves numerous violations of the (1) Safe Drinking Water Act ("SDWA") - Underground Injection Control ("UIC") regulations; (2) Clean Water Act ("CWA") - National Pollutant Discharge Elimination System ("NPDES"); and (3) CWA - Oil Pollution Act ("OPA"), which occurred at the Lander and Winkleman Dome Oil Fields in Fremont County, Wyoming within the exterior boundaries of the Wind River Indian Reservation. Per the terms of the settlement, the Defendants will pay a civil penalty of $602,490, implement Supplemental Environmental Projects ("SEPs") valued at $724,956 and institute certain limited remedial actions. The SEPs will improve the quality and perhaps the quantity of the drinking water for both Tribes on the Wind River Indian Reservation. The SEPs generally include the purchase and installation equipment to upgrade water treatment facilities, which will provide health benefits by providing better quality drinking water to Tribal members. EPA, in cooperation with Tribal governments, implements the SDWA and the CWA in Indian country.

Office of International Activities (OIA)

The Office of International Affairs (OIA) continued assisting EPA program and regional offices with Agency work to help implement binational environmental treaties and agreements which cover US border regions with Canada and Mexico. This EPA work, which covers around 5,500 miles of US-Canada border and around 2,000 miles of US-Mexico border, continues to address an array of EPA - Tribes human health and ecosystem protection multi-year goals in binational watersheds, binational airsheds, and regional ecosystems.

Several examples of OIA support for EPA cooperation with tribes and key organizations include: environmental staff of the Passamaquoddy Tribe provided to EPA/OIA reports (1) about an alewives study in the Maine - New Brunswick St. Croix River watershed, and (2) about a public workshop on protecting this watershed, which were done with OIA grant assistance. In response to a request of the American Indian Higher Education Consortium (AIHEC), OIA supported extending the project and budget periods of a small OIA/OPEI grant to enable the AIHEC to continue its work to further develop and implement an international network of expert contacts who do higher education for indigenous peoples.

Office of Prevention, Pesticides and Toxic Substances (OPPTS)

Pesticides: The OPPTS tribal pesticide program worked closely in partnership with OECA and the Regions to support the achievement of Agency pesticide management goals in Indian country. Together, the two offices provided funding and technical support tribes need to continue their development of pesticide programs and meet the requirements of FIFRA. Headquarters and the Regions continued to support development of tribal pesticide programs through engagement with tribal governments and other stakeholders. OPP's tribal program made notable progress in areas of training, education and outreach, and field project support, and tribes are expressing increased interest in developing strategies that protect health and the environment by ensuring pesticides and pesticide alternatives are safe and available in Indian Country.

Annual Tribal Special Project Grants: The Pesticide Program completed its review of 22 tribal grant proposals received in FY 2005 under its annual competitive grant solicitation. The program was able to provide full funding for 10 tribal proposals and partially fund an 11th. The proposals received from the Regions covered a wide spectrum of tribal pesticide issues including IPM, water quality, pesticide program development, invasive species, and a variety of education and outreach initiatives focused on protecting health and the environment in Indian Country. The current process is being evaluated by an EPA contractor, and lessons from the historical evaluation this year will help the Program improve future decision making and streamline the submission and review process.

EPA Findings Regarding Sections 18 and 24c: In FY 2005, EPA's Pesticide Program continued efforts to serve the needs of tribal stakeholders, conducting consultation calls to discuss findings that will allow for availability of certain section 18 and 24(c) label uses within Indian country.

November 1, 2005, the EPA Administrator issued findings in two pilot programs that, in certain circumstances described in the findings, allow growers in Indian country to use the same pesticides for combating pests in emergency situations as growers elsewhere in the United States. Under federal pesticide law, tribes and farmers in Indian country do not explicitly have access to the benefits of pesticide emergency exemptions or special local needs registrations. These products are especially useful when growers in a particular region identify a problem that currently registered pesticides will not alleviate, such as the arrival of a new pest species from abroad. This gap in our national protection could allow pest infestations to go unchecked in Indian country, with the potential to devastate crops in Indian country and beyond. The pilots will expire in December 2007, and EPA will assess whether or not this approach should be continued, discontinued, or expanded.

Ongoing direct funding for state and tribal pesticide programs is provided through cooperative agreements with OECA. Thirty-five tribes now have funded ongoing programs (OECA). OPPTS also provides additional direct funding to tribes through one-year grants ($445k total, maximum $50k/yr/tribe) for special field projects.

OPPTS supports the Tribal Pesticide Program Council, which provides a pool of tribal pesticide experts who share experience with other tribal environmental managers. TPPC works with OPP to ensure that federal pesticide requirements are enforced in Indian country.

OPPTS provided three technical training sessions to tribes on water quality and pesticide management. OPP completed funding and received the final report for a tribal health care training project through GW University. Tribal health care providers were taught how to recognize and treat acute pesticide poisoning.

During 2005, efforts continued to implement the *OPPTS Tribal Strategic Plan* signed on September 8, 2004. This plan was designed to guide the OPPTS tribal program managers as they develop and implement initiatives to support successful pesticide and toxics management and pollution prevention in Indian country. The Tribal Plan complements the agencies five Goal GPRA Strategic Plan. OPPTS worked with the Tribal Pesticide Program Council, the Forum on State and Tribal Toxic Action, (Tribal Affairs Project), the National Pollution Prevention and Toxic Advisory Committee ant the National Tribal Operations Committee to identify and address priority activities within the Plan for action. The Plan fostered the OPPT lead multi-media office "Integrated Tribal Strategy Collaboration Project." This project leverages the fact that there is a high degree of overlap with regard to P2 priority areas in the OPPTS and OSWER Tribal strategies. The purpose of this project was to developing a joint implementation plan for the P2 projects as well as to take advantage of the joint OPPT/OSW activities being considered for the Resource Conservation Challenge.

OPPTS continues to support the Tribal lifeline Risk Assessment Project. Through this project OPPTS has begun to modify one of its primary risk assessment tools to enable it to capture unique exposure opportunities that may accompany the practice of traditional tribal ways of life. The

project has been broadened beyond its initial scope of pesticides and will be looking at additional risk areas. The project is receiving broad interest throughout Indian country.

OPPTS continues to produce the quarterly *OPPTS Tribal News*, which as a widely circulated publication, highlighting vital pesticides, toxic and pollution prevention environmental issues throughout Indian country.

OPPTS successfully piloted the new electronic training on *Working Effectively with Tribal Governments* across the agency. In FY 2006, OPPTS is working with the American Indian Environmental Office, who has the lead for its implementation, for long-term management. This training is geared towards ensuring that the OPPTS and EPA workforce are knowledgeable of the Agency's roles with regard to implementation of environmental programs in Indian country.

OPPTS successfully completed its role as the lead Office for hosting the 7th Bi-Annual National Tribal Conference on Environmental Management (NTCEM). This event is one of the biggest conferences of its kind to address environmental protection in Indian country. The conference was held June 7-9, 2005, in Traverse City, hosted by the Grand Traverse Band of Ottawa and Chippewa Indians. Approximately 500 participants, speakers and vendors attend the Conference. This Conference provided an opportunity for Tribal, Federal and Professional organizations to highlight successful environmental protection programs, raise on-going priority issues and to network with others with whom information and resources was shared.

OPPTS has been leading a collaborative effort between its Office of Pollution Prevention and Toxics, the Office of Solid Waste (OSW), the Office of Enforcement and Compliance Assurance, and experts in several EPA Regional offices to collaborate on four top areas in each office's respective tribal strategies and tribal priorities–Tribal Schools, Hospitals for a Healthy Environment (H2E), Greening Tribal Facilities, and Open Dumps.

o The schools effort has provided a compliance assistance notebook to Bureau of Indian Affairs schools that will be followed up with compliance monitoring inspections, has piloted the Healthy School Environments Assessment Tool with the Navajo Nation to help schools conduct environmental self-assessments and plans to distribute the tool at all tribal schools, and is expanding the Schools Chemical Cleanout Campaign to tribal schools, removing existing stocks of outdated, unknown, excessive, or unnecessarily hazardous chemicals in schools that can pose safety and health risks.

o OPPTS is working with the Indian Health Service to find ways to encourage tribal health care facilities to use H2E tools to minimize the volumes of waste generated and the use of persistent, bioaccumulative, and toxic chemicals.

o OSW and OPPTS are working to provide opportunities for pollution prevention activities in the annual solicitation for funding proposals for waste management.

o OPPTS, OSW, and the Regions have worked to bring the green facilities message to Indian Country through the new Tribal Pollution Prevention web portal, found at http://www.tribalp2.org, at the 7th Bi-Annual National Tribal Conference on Environmental Management in June, 2005, and at the 2005 National Indian Housing Summit sponsored by the US Department of Housing and Urban Development in September, 2005.

OPPTS has put in place a Tribal Communication Program that produces the *OPPTS Tribal News*, *OPPT Programs, Resources, and Grant Guidance Update Document for Indian Tribes*, and *Tribal Pollution Prevention Brochures* to promote a two-way communication with EPA and the American Indian Tribes, including Alaskan Native Villagers, regarding a vast array of environmental issues and concerns that affect Indian country.

OPPTS continued working with the Forum on State and Tribal Toxics Action (FOSTTA) as a mechanism to increase understanding and improve collaboration on toxic chemicals and pollution prevention issues among the states, tribes, and EPA. The Environmental Council of the States and the National Tribal Environmental Council manage the project. In addition, the office supports the National Pollution Prevention and Toxics Advisory Committee (NPPTAC) which is the national advisory body to provide advice, information and recommendations on the overall policy and operation of OPPT programs. There is a Tribal **Issues Work Group** which is exploring how OPPT policies and programs might impact human health and the environment in Tribal communities.

OPPTS supported the Partnership for Environmental Technology Education (PETE) to promote the capability of tribal colleges to build tribal environmental capacity in pollution prevention strategies and technical assistance.

OPPTS continued working with the National Pollution Prevention Roundtable (NPPR) to support state and tribal collaboration and conference activities, provides funding for the creation of a Tribal forum. This forum provides for states and tribes to network and share ideas. The outcome of the forum has been the creation of a tribal - pollution prevention web site, http://www.tribalp2.org, participation in tribal conferences, and networking with other work groups focusing on tribal activities.

OPPTS continued its work under the Tribal Lead Grant Program, through which tribes compete for funds for lead outreach and baseline assessment of existing exposure and risks of exposure to lead poisoning among Tribal children. The office also continued its efforts under Section 404 Lead Training, Accreditation, and Certification Grant Program for Lead-Based Paint Professionals.

Efforts continued under the pollution prevention grants program which provides matching funds to state and tribal programs to support P2 activities across all environmental media and to develop state programs.

Office of Solid Waste and Emergency Response (OSWER)

Outreach: OSWER participated in the 7th National Tribal Conference on Environmental Management (NTCEM), hosted by the Grand Traverse Band of Ottawa and Chippewa Indians, in Traverse City, Michigan, on June 6-10, 2005. Approximately 1000 participants, speakers and vendors attended this Conference. OSWER presented in three sessions at the conference: a session on green buildings, a session on the Interagency Solid Waste Workgroup, and an Overview of OSWER programs, with an emphasis on how OSWER's land-based programs relate to one another.

Improving data: OSWER, through a cooperative agreement with the Tribal Association on Solid Waste and Emergency Response, completed a nation-wide survey of federally-recognized tribes. The survey results describe how many hazardous sites may be in Indian country, and the extent to which responding tribes have changed their subsistence and cultural/traditional activities due to concerns about a hazardous site. A response rate of 20.5% was achieved, with approximate proportional geographic representation.

Superfund

Cooperative Agreement Funding: During the period 1999-2004, Superfund provided funding of over $15 million to support Tribal cooperative agreements, infrastructure development, assessment assistance and site-specific support. This funding went to 111 Tribal entities and an additional consortium of 225 Native Alaskan villages. Funding in 2005 is consistent with this average of about $2.5 million per year.

Outreach: OSRTI provided grants in 2005 to the Technical Outreach Services to Native American Communities (TOSNAC) program. This enables university-based technical assistance to Tribal and other communities with hazardous contamination issues. Haskell Indian Nations University is one of the universities providing assistance.

Tribal Forum: The program has set up a national tribal forum, consisting of HQ and Regional Superfund staff dealing with Tribes. Calls are held once a month and lead to greater consistency across the courntry in addressing Tribal issues and concerns, and seek more effective and efficient use of Tribal funding.

Superfund Web Page: This password-protected internal web space provides Region-specific advice and funding information for use by other Regions, and also leads to greater national consistency in dealing with Tribes.

Brownfields:

Program development funding: In FY 2005, OBCR funded 49 Tribes at a total of $7,756,197.62. Out of the total CERCLA Section 128(a) funding given to States and Tribes,

Tribes received approximately 15% of those funds (the total given to both States and Tribes was $49.6 million).

Competitive cooperative agreement funding: Four tribes: Gila River Indian Community(Region 9, Arizona), Keweenaw Bay Indian Community (Region 5, Michigan), Spirit Lake Tribe (Region 8, North Dakota), and Lumbee Tribe (Concurrent Technologies, Region 4, North Carolina) competed successfully for Brownfields assessment, cleanup and job training grants in FY05, receiving a total of $1.6 million.

Outreach: Brownfields National Conference, held September 20 - 22, 2004 in St. Louis, Missouri, featured two tribal sessions as part of the conference's Marketplace of Ideas to discuss federal resources available to facilitate remediation and redevelopment. OSW also collaborated with OBCR and tribal representatives on a Brownfields presentation.

Training: Region 8 (and other regions) continued to host a series of brownfields training courses in Indian country. Region 8 shared a toolkit, entitled, *Tribal Brownfields Response Program Workshop—An Integrated Approach,* as an effective training course which was developed in FY2004.

Solid and Hazardous Waste

Tribal Grants: Through collaborative partnership, EPA's Office of Solid Waste, the Indian Health Service (IHS), Bureau of Indian Affairs (BIA), and USDA Rural Utilities Service combined efforts to fund $1.9 million in projects with 20 tribes. These projects assess and close municipal solid waste open dumps in Indian Country (EPA contributed a total of $752,117). Cumulatively since 1999, the Interagency Workgroup has provided over $16 million to131 tribes. Ongoing environmental results from this effort are the closing of over 30 open dumps and many activities to prevent future dumping of wastes in Indian country. OSW provided $422,600 in grants to tribes to assist with RCRA hazardous waste management needs in Indian country.

Integrated tribal strategy: Region 8 & 10, the Tribal Program sub-lead region, published its first "strategy" for Indian country in June 2005. The Regional Tribal Integrated Waste Management (IWM) Strategy, was adopted to ensure that the Office of Solid Waste continues to operate within the guidelines of the Agency's Strategic Plan. The new document provides a consolidated statement of OSW's targeted objectives and activities for Indian country during the years 2005 - 2008, and identifies high priority, trackable, program efforts that will be used to measure progress toward defined goals. The tribal comment period ended September 30, 2004, and the final document is now being prepared for publication.

Training: Through a cooperative agreement with the Tribal Association on Solid Waste and Emergency Response, EPA provided hands-on training to over 150 tribal representatives on how to set up integrated solid waste management programs on tribal lands (Tribes Talk Trash!) and the ABC's of Construction & Debris Management.

Outreach: In September 2005, OSW joined with Office of Native American Programs, HUD (Housing and Urban Development) to develop and facilitate a "Greening of Tribes Training" track during the 2005 National HUD Tribal Housing Summit offered in Reno, NV. The three-day conference attracted approximately 1000 tribal and federal attendees. It covered: tribal and cultural considerations in the green products and buildings for tribes, affordable strawbale housing, development of a construction and demolition waste management plans, and developing cooperative federal/tribal working relationships, between the regions and the tribes.

Performance Measurement- OSW submitted four National Tribal Performance Measures for the FY 2006 OSWER National Program Guidance to support GPRA Goal 3, Objective 1 and 2.

Federal Facilities

Federal Facilities Impacts: OSWER supported the Agency's National Environmental Justice Advisory Council's Federal Facilities Working Group in examining impacts of Federal facilities surrounding Environmental Justice and Tribal communities. The final report was completed in October 2005. The report includes policy recommendations to EPA and other Federal agencies to alleviate these impacts. (http://www.epa.gov/fedfac/pdf/ffwg_final_102504.pdf)

Emergency Response

Training: Region 2 provided a presentation on EPA's capabilities and support to the Nations in November 2004. The Nations' had expressed an interest on the implications of the recent approval of the National Response Plan (NRP) and the requirement for their "compliance" with the National Incident Management System (NIMS) in order to continue their eligibility for federal grants. For FY 2006, state, local, tribal and other grant applicants will be required to certify as part of their grant applications that they have met the FY 2005 NIMS requirements. For FY 2007, Full NIMS compliance will be a condition for Federal preparedness assistance, with the criteria yet to be established by the Department of Homeland Security (DHS). EPA offered assistance to the Nations in meeting their NIMS compliance requirements, contingency planning, and environmental response.

Training: Office of Emergency Management (OEM) supported training through the Indian Country Environmental Hazard Assessment Training Project (ICEHAP) (in an IAG with the Food & Drug Administration, BIA and HIS) to two additional tribes in FY 2005—the Woody Island Tribe in Kodiak, Alaska, and the Makah Indian Tribe in Washington State. Outcome of these trainings are tribally-developed workplans to resolve issues identified during class. These issues included: mold, mercury, lead and radon. ICEHAP provides community-based training to American Indian and Alaska Native Tribes to identify community environmental health hazards and learn environmental problem solving skills.

Underground Storage Tanks

Tribal Grants and Training: The Office of Underground Storage Tanks (OUST) continued to provide grants to tribes to build tribal capacity. Approximately 10 grants are made annually, some of which go to tribal consortia. OUST provided funding to the Inter-tribal Council of Arizona for training. ITCA conducted 19 on-site workshops in Indian country on Underground Storage Tank Owner/Operator Compliance to a total of 156 tribal participants. In addition, ITCA conducted 6 training sessions on Underground Storage Tank requirements to a total of 125 participants, composed primarily of tribal staff.

Removing barriers: With the assistance of AIEO and OGC, OUST and the Office of Site Remediation Enforcement, developed and finalized policy that is intended to remove a barrier to conducting cleanups in Indian country with LUST funds for certain abandoned USTs. This memo clarifies the eligible uses of LUST funds, and identifies situations where cost recovery equities for Indian trust beneficiaries should be considered.

Regional Offices

The Regional offices are the EPA "on the ground" component for implementation of most of EPA's Tribal program. We are providing specific examples of some of the work done by the Regions in protecting the environment and public health in Indian Country.

Region 4 Tribal Program Office

Continued to develop the concept of *Centers of Excellence*, a different approach to building capacity, one based around groupings of tribes, not individual tribes. Examples included data collection and reporting, safe pesticide use, peer review and operator certification functions and support of a technical expert at the United South and Eastern Tribes (USET).

Region 4 is working cooperatively with the its Tribal Operations Committee to set priorities for the expenditure of federal dollars. This process, when complete, will be the ultimate in consultation, with our tribal partners at the budget table. Example: the RTOC developed a funding recommendation for the PWSS funds which the Region will follow for the next 6 years.

The Region is planning to fund a mentoring program in 2006. This program will provide individual tribal employees with a mentor in his/her technical field over a year's time frame. This experiment will demonstrate the value of one-on-one relationships in building tribal capacity.

Region 5 Indian Program

In April 2005 , the Region issued a permit to the Shakopee Mdewakanton Sioux Community (SMSC) located at Prior Lake, Minnesota. The permit regulates storm water discharges from SMSC's municipal separate storm sewer system. SMSC has developed a Storm Water Pollution

Prevention Program, consisting of best management practices and measurable goals required to meet the six minimum control measures of the Phase II storm water regulation. Implementation of the program will help tribal members and others understand the impacts of storm water pollution , allow the tribal community to become involved in implementing the storm water program, and result in higher quality surface water within the Shakopee Mdewakanton Sioux Community.

Region 5 hosted a workshop on Tribal Composting Programs in August 2005 in conjunction with the 24th Annual National Recycling Coalition Annual Congress and Exposition in Minneapolis. The workshop featured tribes that have developed various scales of composting, such as individual home bins, school vermiculture, casino food waste, and wastewater sludge. Several tribes that have characterized their waste generated on the reservations have found that organic waste comprises an average 60-70% of their waste stream, mostly from their school cafeterias and hotel/casino food service operations. Tribes discussed how composting and reconnecting with nature has allowed them to save money on transportation and disposal fees while reinforcing cultural values and traditions, especially with the younger generation. Tribes also shared their lessons learned when implementing their composting programs, such as the importance of proper planning and data measurement. This was the first tribal focused workshop offered at NRC conferences; hopefully there will be more to encourage tribes to reduce and recycle waste wherever possible.

The Region issued and began implementing three Direct Implementation Tribal Cooperative Agreement (DITCA) for UST compliance assistance. The DITCAs are with the Inter- Tribal Council of Michigan, Red Lake Band of Chippewa Indians, and Oneida. The DITCAs will provide on-site compliance assistance to regulated USTs to help ensure that RCRA Subtitle I is fully implemented in Indian Country. In addition, the Region performed 44 UST inspections in FY05 which is on target of our goal of visiting each facility once every three years.

Region 7 Tribal Program

Improved State/Federal/Tribal relations: On November 10, 2004, the Prairie Band Potawatomi Nation, the KS Dept of Agriculture and EPA R7 signed a pesticide MOU for the purpose of clarifying the roles and responsibilities of each of the partners in conducting inspections and enforcing FIFRA on the reservation.

NPDES Permits Issued: In FY05, EPA R7 issued 5 NPDES wastewater discharge permits to facilities located in Region 7 Indian country (Santee Sioux Nation, 2 at Prairie Band Potawatomi Nation, Omaha Tribe of Nebraska and Winnebago Tribe of Nebraska). An additional 9 permits are drafted and under internal review.

HINU Hosts NTOC, NIWG and RICs: Haskell Indian Nations University hosted the national meeting of the Tribal Caucus, the National Indian Workgroup and EPA's Regional Indian Coordinators on Nov 15-18, 2004. Over 120 people attended the meeting which included a tour of the Prairie Band Potawatomi reservation.

Region 8 Tribal Assistance Program

Energy development (coal bed methane and oil and gas development) is increasingly consuming Regional resources. Significant development is occurring on eight reservations in the Region.

o NPDES permitting would be facilitated by completion of the DOE BPJ analysis.

o A proposed Three Affiliated Tribes refinery producing diesel, gasoline and propane also has triggered NEPA because of the transfer of fee lands into trust. The Region has a multi-media team working with the tribes, their contractors, and BIA.

The Region has emphasized the increased national scrutiny of grant programs and the associated need for tribes to demonstrate environmental and public health results. The Region also emphasizes the need for tribes to demonstrate increased capacity to administer their own programs, with continued EPA technical support. Several tribes have been required to take corrective actions because of a failure to meet grant requirements.

Region 9 Tribal Program

Between 1996 and 2003, EPA's Tribal Border Infrastructure Program provided $28.4 million to provide 7,765 homes with safe drinking water, and 1,888 homes with better wastewater disposal facilities.

The Klamath Basin Tribes -- Karuk, Hoopa, and Yurok Tribes, Resighini Rancheria and Quartz Valley Reservation -- responded to toxic blue-green algae conditions in the Klamath River by participating in collaborative monitoring effort with the other agencies, including EPA, the State of California, and the Salmon River Restoration Council.

EPA, the State of California, U.S. Bureau of Reclamation, and the Salton Sea jointly funded the Torres Martinez Desert Cahuilla Indian Tribe for an 85-acre, $1.5 million pilot wetland treatment project that will improve water quality and enhance local wildlife. The wetlands project is designed to remove pollutants from NPS runoff that flows into the Salton Sea.