

**U.S. Environmental Protection Agency
Office of Solid Waste and Emergency Response (OSWER)
TRIBAL FORUM ON OSWER'S TRIBAL STRATEGY
December 2-4, 2008 - EPA East, Room 1153**

DRAFT MEETING SUMMARY

On December 2-4, 2008, the U.S. Environmental Protection Agency's (EPA) Office of Solid Waste and Emergency Response convened a tribal forum in Washington, DC, to begin implementing a new tribal strategy in partnership with Native American Indian Tribes. The event provided an opportunity for tribes and EPA to discuss key environmental topics, activities and issues that could be used to direct work over the next five years, in the context of the tribal strategy. The forum was also an opportunity for OSWER to announce a new cooperative agreement that was recently awarded to the Institute for Tribal Environmental Professionals (ITEP), which is part of the Northern Arizona University. This cooperative agreement is a key component of the OSWER tribal strategy because it will support tribal input and participation in OSWER programs, tribal priorities in OSWER's programs, and provide training, technical assistance, and hazardous substance research to tribes. The meeting was open to all tribes and native Alaskans. This document summarizes the presentations and discussions that took place during the forum.

The agenda for this Tribal Forum can be found in Attachment 1. The agenda was based on input provided by tribes in a June, 2008, planning meeting. The first day of the forum focused on orienting participants to OSWER's programs and resources. The day included remarks by OSWER Office Directors on each program and four interactive sessions, or "scenarios" designed to show participants how OSWER programs could be of help to tribes dealing with similar challenges. The second and third days focused on discussion of four different policy topics; surfacing waste management challenges particular to different geographic regions; and prioritizing the list of issues that participants had raised throughout the forum. As can be seen from the agenda, speakers included a range of individuals from EPA, tribes, and Alaska native groups. Where speakers used a power point presentation, a copy of the speaker's slides has been posted at the following website: www.epa.gov/oswer/tribal. A list of participants can be found in Attachment 2.

DAY I: ORIENTATION TO EPA'S OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE (Programmatic Training and Tribal Discussion)

Opening Remarks and Participant Introductions

Marsha Minter, Director of EPA's Innovations, Partnerships, and Communications Office (IPCO), welcomed participants to the forum. Chief Earl Old Person of the Blackfeet Nation led everyone in an opening prayer. Marci DuPraw, meeting facilitator with SRA International, provided participants with an orientation to the three days of the forum, encouraged all to participate, and asked for candor, diplomacy, and succinctness so that the many participants would all have an opportunity to contribute. Each participant then introduced himself or herself to the group.

Overview of OSWER Programs

Marsha Minter briefly explained the structure of OSWER, and the various offices contained within OSWER. The Director from each of OSWER's program offices provided an overview of his or her

office, and explained policies and programs of interest to tribes and Alaska native villages. Each presentation is summarized below.

Office of Superfund Remediation and Technology Innovation (OSRTI) -- Jim Wolford, Office Director

OSRTI is one of the offices that implements the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as "Superfund." The office is responsible for long-term clean-up of sites. While other federal agencies generally handle issues related to restoring damaged natural resources at Superfund sites (e.g., once the contamination has been contained), OSRTI assists the other agencies with these sites.

Nationally, there are 1,575 Superfund sites listed on the National Priority List (NPL). On two-thirds of these sites, all remediation and construction is completed. OSRTI maintains oversight of these completed sites to make sure any Long-Term Stewardship responsibilities are maintained. On an additional 515 sites, pre-construction activities have been completed and OSRTI is actively working to complete activities at these sites. EPA's Office of Site Remediation Enforcement (OSRE), under the Office of Enforcement and Compliance Assurance, handles the enforcement aspects of cleanup regulation.

EPA estimates that 75 of the 1,575 NPL sites may be impacting tribes nationally. While this number is relatively small, the potential impact of these sites on tribes is large. To increase consideration of potential impacts to tribes at contaminated sites, OSRTI developed additional guidance on regulatory ranking criteria so that EPA staff can better account for impacts to tribal lifeways when determining if sites are eligible for the NPL.

About fifteen to twenty sites on tribal lands are assessed in the Superfund program each year. EPA Regional staff investigates sites for potential listing. To further encourage tribal involvement in OSWER programs, OSRTI revised regulations governing the administering of Superfund cooperative agreements to States, Indian Tribes and political subdivisions (40 CFR Part 35 (Subpart O)). The changes include: allowing intertribal consortia (meeting certain criteria) as eligible entities to receive Superfund cooperative agreements; eliminating the requirement that tribes provide a ten percent cost share in order to be eligible to receive a cooperative agreement; and clarifying situations in which tribes would not have to demonstrate jurisdiction over a site in order to be eligible to receive certain types of Superfund cooperative agreements. Currently, seventeen tribes are participating in Superfund cooperative agreements. Three tribes provided comments on the OSRTI section of the OSWER tribal strategy.

Federal Facilities Restoration and Reuse Office (FFRRO) -- John Reeder, Office Director

FFRRO is also part of Superfund and focuses on the cleanup of contaminated federal properties. The Federal government is responsible for approximately 172 sites listed on the NPL. This is approximately ten percent of the total number of sites, and the largest percentage of sites attributable to a single entity. There are several unique features of federal sites. By executive order, federal agencies besides EPA have responsibilities for these sites. The work is not delegated to states or tribes. Thus, it is a federal responsibility to work with states and tribes (e.g., through federal facility agreements) to determine steps for site cleanup. Although not directly responsible for these sites, FFRRO provides technical assistance to the EPA regions, states, tribes and cleanup teams addressing them. EPA can make sure tribal opinion is respected throughout the cleanup process. One way to do this is by encouraging tribes to participate in the Munitions Response Committee, a forum for dialogue to ensure all stakeholder interests are represented and respected.

There are many abandoned mines in the west that may affect or be located on tribal lands. FFRRO is beginning to develop a strategy for addressing contamination on mining lands. The EPA "FFRRO Talking Stick" brochure is a good resource for tribes to learn more about the activities in FFRRO. This document gives an overview of FFRRO and its tribal resources.

Office of Solid Waste (OSW) -- Maria Vickers, Deputy Director

OSW is the lead office that implements the Resource Conservation and Recovery Act (RCRA). This Act regulates hazardous and solid waste at active facilities across the country in order to protect human health and the environment. The OSW mission is to conserve resources by reducing waste, reusing and recycling materials, and cleaning up areas where waste is improperly disposed. The goal for tribal programs is to create sustainable and stable waste management programs. OSW partners with tribes, states, EPA regional offices, and other federal agencies to accomplish this. OSW leverages resources to optimize resources provided to tribal programs across the country. One of the principle goals in OSW's strategic plan is to close or cleanup open dumps.

OSW provides grant funding through the Tribal Solid Waste Management Assistance Project, in coordination with the Tribal Solid Waste Interagency Workgroup. One tribe in California that had fourteen open dump sites on its reservation was able to close six of the fourteen sites in 2007, using OSW funding. In 2008, the tribe received funding to close the remaining open dumps. The dump sites will be converted to areas with native plantings. Another tribe in north central Oklahoma received funding in 2005 to clean and close five open dump sites and install a hidden camera system to deter illegal dumping; this tribe also built a transfer station to properly manage community solid waste.

OSW also has a program called the Resource Conservation Challenge (RCC), which is a voluntary program aimed at conserving natural resources and energy by managing materials more efficiently. This program makes apparent to its participants the link between materials management and climate change. One of the tools developed by EPA that allows partners undertaking the challenge to understand the climate change implications of their resource conservation activities is a model called "WARM," which will be presented as part of the Forum.

Office of Underground Storage Tanks (OUST) -- Cliff Rothenstein, Office Director

OUST is a comparatively small program in OSWER that regulates gas stations and their storage tanks and pipes to make sure they do not leak. There are 250,000 facilities with tanks nationwide, with about one percent (2,600) buried in Indian country. Between four and five percent of OUST funding goes to Indian country, even though they only have about one percent of all tanks. There are 106,000 underground storage tank leaks nationally that OUST has not cleaned up - 350 of those are in Indian country. OUST is spending significant resources in Indian country. Nearly fifty percent of tribes have a facility on their land; many tribes have a few tanks on their property and a few tribes have many tanks. OUST supports fifteen tribal consortia that can help support the many tribes with few tanks. OUST holds an annual tribal conference to discuss the needs of tribes and the needs of the program. OUST's Web site includes a new area for tribal information.

One of the most important things to do to prevent releases is to increase rates of compliance with storage tank regulations. In the past, compliance rates in Indian country were twenty percent lower than the national average. Now the compliance gap is only ten percent, and OUST hopes to continue closing the gap by providing additional tools and information. The Energy Policy Act of 2005 requires that each underground storage tank (UST) be inspected every three years. OUST is working to redesign

compliance assistance workbooks to help gas station owners understand the requirements. The goal is to gather more information on common violations and how those can be addressed. OUST is hoping to increase compliance rates in the future by having the funding to provide training and technical assistance through cooperative agreements with tribes. OUST is dealing with additional regulations due to a national shift toward alternative fuels; when these fuels are stored in USTs, the equipment needs to be properly operated and maintained to prevent leaks.

OUST also wants to reduce its backlog of properties awaiting remediation activities. Currently Indian country has a ten percent higher backlog rate than the national average. This has decreased in recent years. It is important for tribes to have a cleanup contract in place so that when there is a release, tribes and EPA can begin the cleanup process. OUST recently issued a Petroleum Brownfields Action Plan. Many of the actions outlined in the plan aim to improve efforts in cleaning up and reusing abandoned gas station sites, and are applicable at sites in Indian country.

The Energy Policy Act of 2005 includes several requirements for states and EPA that are not required in Indian country. In order to ensure states and tribes are treated consistently, OUST is hoping to develop a proposed rule by the first quarter of 2009 that will make mandatory for tribes any actions mandatory for State and Federal governments under the Energy Policy Act of 2005.

National Tribal Caucus -- Gerald Wagner, Goal 3 Lead

Goal 3 for the National Tribal Caucus focuses on land preservation and restoration. Tribal solid waste issues cannot be solved overnight, but through EPA's and tribes' dedication, the issues can be resolved. Working with the Institute for Tribal Environmental Professionals (ITEP), EPA and tribes are working to take solid waste management in Indian country to the next level. Originally, tribal people did not have trash; they reused materials or turned them back to the earth. Becoming a throw-away society left tribes with a great problem. Indian country is a small part of the national picture, but the land is all we have and we have to protect it. Tribal people have to become engaged in decision-making processes in order to protect their land. Tribes look forward to working with ITEP and EPA going forward.

Office of Brownfields and Land Revitalization (OBLR) -- David Lloyd, Office Director

OBLR priorities include: continuing to make Brownfields grants as flexible and useful as possible; encouraging sustainable property reuse; siting clean energy generation facilities on formerly contaminated lands; ensuring reuse takes public health issues into account; and providing job training.

OBLR values tribal experience and their commitment to the land. Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, authorizes a noncompetitive \$50 million grant program to establish and enhance state and tribal response programs. Tribes develop response programs to assess, cleanup, and redevelop their contaminated properties. In 2008, OSWER provided \$9 million in funding to 57 tribal partners through this response funding. Tribal response programs are critical partners because they have direct oversight of the site assessment and cleanup process. Through response programs, almost 19,000 sites, totaling 250,000 acres, have been cleaned up and Institutional Controls (e.g., land use restrictions, soil caps) implemented where necessary. Tribes have also received 25 competitive grants authorized by CERCLA Section 104(k), over the life of the EPA Brownfields program.

There have been many Tribal successes on brownfields properties. The Gila River Indian Community assessed a 160-acre property using a Brownfields grant. The property has been redeveloped as a diabetes

education and research center. Another native village purchased a contaminated property in Alaska. The property will be put back into trust and the facility on the property will be used by the village as a training facility. The Reno Sparks Indian Colony used a \$900,000 loan to clean a 28-acre parcel in an exurban area. The property will eventually house a Super Wal-Mart to meet this community's needs.

OBLR also awards grants to train workers in communities impacted by brownfields. OBLR has awarded more than \$1 million in Job Training grants to six tribes. One grantee, the Absentee Shawnee Tribe, will train at least 75 students. The tribe already has plans to place 53 of the trainees in permanent jobs.

Office of Emergency Management (OEM) -- Debbie Dietrich, Office Director

Following 9/11, we formed this office by consolidating several emergency preparedness groups within OSWER. The office focuses on three main issues: emergency prevention, the emergency response and cleanup, and homeland security.

In the area of prevention, OEM regulates 15,000 chemical facilities nationwide. Under federal regulations, industry must report the type of materials in storage, and must have plans in place for responding to emergencies that could occur at the facilities due to these materials. Organizations storing more than 1 million gallons of oil must have a Facility Response Plan.

The Response Program, authorized under Superfund, is a safety net for state, local, and tribal entities in case of a chemical release. There are 250 On-Scene Coordinators across the country who oversee cleanups.

Examples of OEM's involvement in homeland security include: assisting after the World Trade Center event; providing a cleanup strategy for the anthrax incidents; assisting with Hurricane Katrina recovery; and working with the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) to prepare for emergency situations.

OEM does not have a large grant program, but tries to provide technical assistance and support to tribes through EPA regional offices. They provide trainings on OEM programs, inspections on Indian land, and can perform emergency responses on tribal lands. Sixteen federal agencies and the Regional Response Teams participate in the National Response Team. The National Response Team is an interagency group co-chaired by EPA and the U.S. Coast Guard. Tribes are encouraged to participate in their respective Regional Response Teams to work on emergency preparedness and contingency plans.

OSWER Program Training Scenarios

Scenario #1: Finding Answers for Open Dumps -- Lead Speaker: Gary J. Olson, Tohono O'odham Nation of Arizona. Mr. Olson was joined by the following panelists, who expanded upon his remarks and assisted in fielding questions during the discussion session that followed: Tonya Hawkins, EPA Office of Solid Waste; Bob Myers, EPA Office of Superfund Remediation and Technology Innovation ; Ginny Fornillo, EPA Office of Brownfields and Land Revitalization; Rodges Ankrah, EPA American Indian Environmental Office; Jonathan Binder, EPA Office of Enforcement and Compliance Assurance; Mary Cooke, EPA Federal Facilities Restoration and Reuse Office).

The Tohono O'odham Nation has identified 113 open dumps throughout tribal lands. The tribe had to characterize the dumps by talking to community elders and getting an oral history of what materials were

dumped. It was estimated to cost \$6.2 million to close all of the dumps, money which the tribe does not have. EPA Region 9 worked with the tribe to help find innovative remediation approaches to addressing the dumps at a lower cost; Tohono O'odham Nation used evapotranspiration coverings to clean and close many open dump sites. To date, they have received \$1.9 million from EPA to clean up 70 dumps. Eighteen more are in the cleanup process. The tribe is looking for additional funding to clean and close 25 more. Mr. Olson noted the importance of building tribal capacity to remediate the sites instead of contracting outside cleanup contractors to do the work on tribal lands.

There are many funding mechanisms available to tribes from the following EPA entities:

- Tribal Solid Waste Interagency Workgroup;
- Indian Environmental General Assistance Program;
- Office of Brownfields and Land Revitalization;
- Office of Superfund Remediation and Technology Innovation;
- Office of Enforcement and Compliance Assurance; and
- Federal Facilities Restoration and Reuse Office.

(Please refer to the following Training Scenario power point presentation: Scenario 1 Finding Answers for Open Dumps Gary Olson.ppt.)

Scenario #1 Question and Answer Session

Question: Is EPA preparing to address uranium mining that will occur on tribal lands as a result of increased nuclear power generation?

Response: Tribes should work with their state on these issues. The National Environmental Policy Act (NEPA) would require an Environmental Impact Statement or Environmental Assessment before mining activities could take place.

Comment: In the past, EPA has given NEPA trainings, but they have not been offered for a few years. It is a wonderful tool.

Response: The Intertribal Council of Arizona compiled a NEPA handbook for tribes. Some tribes may be interested in looking at this handbook.

Question: When working under the CERCLA Section 128(a) response program, there are many bureaucratic hurdles. Performance Partnership Grants have not been successful in Indian country because of the difficult reporting requirements. What will OSWER do to eliminate these barriers?

Response: The tribal strategy involves development of partnerships with other offices and programs to encourage cross-programmatic efforts that will make it easier for tribes to access resources to successfully meet grant requirements. Since Section 128(a) funding crosses offices, OSWER will encourage further efforts to reach across programs.

Question: There is a lack of congruency between The U.S. Department of Interior Bureau of Indian Affairs (BIA) and EPA. BIA has a more stringent All Appropriate Inquiry (AAI) requirement. "All appropriate inquiries" is the process of evaluating a property's environmental conditions and assessing potential liability for any contamination. The U.S. Department of the Interior is currently revising their protocol for conducting AAI with respect to tribal programs; hopefully this protocol is congruent with EPA requirements.

Response: The Office of Brownfields and Land Revitalization developed the AAI standards for EPA.

Patricia Overmeyer of OBLR met with BIA and they developed a tribally focused AAI training course. They are working to make it seamless for tribes to comply with both protocols.

Comment: There is a general lack of participation from BIA and the U.S. Department of Health and Human Services Indian Health Service (IHS) in forums such as these.

Response: BIA and IHS representatives were invited to this meeting, and OSWER will encourage their participation in future discussions.

Question: In Alaska, goods have to be transported by barge or plane. A percentage of waste materials that are transported include recyclable paper or cardboard. We can extend life of landfills by diverting this material. Are there resources available to help with this? One innovative reuse option is to turn cardboard boxes into logs for burning.

Response: Materials reuse issues are an OSW priority. OSW can look into the cardboard box reuse idea.

Comment: Tribes do not have all of the resources that states do to implement a recycling program so they need a good recycling program that is economically viable and sustainable. Recycling has an important link to climate change mitigation. Maybe a tribal/EPA recycling workgroup should be formed to discuss these issues.

Question: How can tribes and Alaska native villages access money to dispose of tires without a state tire program?

Comment: There are markets for tires, but finding them is difficult, and there may be liability issues associated with marketing the tires. One solution is to take them to the nearest landfill that will accept them.

Comment: It is often difficult for tribes to work with states.

Comment: In Region 10, EPA helped get state money to clean up a tire pile on tribal lands. The tires were shredded and landfilled. One problem is that the technology to make tires is more advanced than the technology to reuse them. The tribal chair can contact the state to see if the state can help.

Scenario #2A: Responding to a Spill -- Nick Nichols, EPA Office of Emergency Management

To help prevent emergencies, tribes can request through their respective EPA regional office to have a facility inspected. All tribes have the opportunity to be a part of a Regional Response Team (RRT). RRTs hold meetings to review worst case scenarios and responses to them. EPA OEM is trying to get the funding to award more grants, but their best resource for tribes is their technical expertise. Mr. Nichols presented an emergency scenario of an oil spill. (Please refer to: Scenario 2a Spill Scenario Nick Nichols.doc.)

All tribes should learn who the On-Scene Coordinator (OSC) in their EPA regional office is. If there is an emergency, call the national response center after calling 911. Tribes should know what types of materials are stored at the facilities on or near their land. If tribes have the authority to respond to an emergency, they can construct berms to contain the spill temporarily and prevent it from spreading. In most cases, the tribe, state, and federal government will work together to address the emergency.

The Oil Spill Liability Trust Fund, managed by the U.S. Coast Guard, can help pay for cleanup of an oil

spill. Tribes can submit a claim to this trust fund if they incurred any costs as a result of the spill. Tribes can work with their OSC and Regional Response Team to access this funding.

Scenario #2A Question and Answer Session

Question: Do tribes have authority to respond to spills under CERCLA Section 128(a)?

Response: A 128(a) grant may give tribes the resources and capacity to respond to the spill, but not necessarily the authority.

Question: How will biofuels be regulated?

Response: Biofuels are a form of oil and will be regulated as such. The way EPA responds to a biofuel spill may be different than a response to a petroleum spill.

Scenario #2B: Responding to a Spill -- Bill Lienesch, EPA Office of Underground Storage Tanks

The Leaking Underground Storage Tank (LUST) Trust Fund is a federal fund administered by EPA that can be used to pay for cleanups in Indian country. The Trust Fund, created in 1986, is financed by a 0.1 cent tax on every gallon of gas sold. Four percent of Trust Fund expenditures are spent in Indian country. If the owner or operator of the facility is unknown, unwilling or unable to pay for cleanup, the LUST Trust Fund money is used. Approximately 40 states have cooperative agreements in place with EPA to access this funding, and many of them fund cleanups in Indian country.

Mr. Lienesch presented four leaking underground storage tank scenarios and, with audience participation, explained who is responsible for cleanup under each. These discussions took the place of a question and answer session for this scenario. (Please refer to the following Training Scenario documents: Scenario 2b Leaking Underground Storage Tank Scenarios Bill Lienesch.doc and Scenario 2b Leaking Underground Storage Tank Scenarios Bill Lienesch.ppt)

Scenario #3: Tribal Response Programs -- Ginny Fornillo, EPA Office of Brownfields and Land Revitalization

The Brownfields law authorizes \$50 million per year for states and tribes to establish or enhance a response program. The grant process is non-competitive for all eligible entities. This program is also referred to by various other names: CERCLA subtitle C, TRP (Tribal Response Program), and 128(a). Response programs oversee the assessment and cleanup of contaminated sites and may vary based on the needs of the tribe. Congress established response program funding with the requirements that whoever receives the money would: (a) strive to achieve four elements; and (b) maintain and make available a public record of sites which have been completed the year before, or will be addressed in the coming year. To make the information available to the public, Tribes can post information on a Web site, compile it in a binder, or find additional ways to make the information available. The four elements tribes must strive for are:

1. A timely survey and inventory of brownfields sites in tribal lands. This includes a reasonable estimate of the number, locations, types, and characteristics of sites in tribal jurisdiction. This list may be public; it is intended for tribal use. Fort Belknap Indian Community, for example, has a Web site listing each site they have identified as a potential brownfield. Yukon River Intertribal Watershed Council has a section of their Web site dedicated to discussing the sites

they have inventoried.

2. Oversight and enforcement authorities that ensure when a site is cleaned up it will protect human health and the environment. Clean up must be conducted in accordance with all laws. There are several tribal examples of effective oversight and enforcement. The Menominee Tribe of Wisconsin has monitored transport of hazardous waste to make sure they are in compliance with all regulations. The Oneida Nation of Wisconsin has conducted numerous training sessions to ensure workers understand how to comply with all regulations. The Shoshone Bannock tribe passed regulations to regulate the storage and transport of hazardous and waste materials. Navajo Nation used CERCLA Section 128(a) funding to establish the Navajo Nation EPA TRP in the Spring of 2008.
3. Mechanisms and resources to provide meaningful opportunities for public participation.
4. Mechanisms for approval of a cleanup plan and verification and certification that the cleanup is complete. Tribes need to verify that cleanup is complete, the cleanup remedy is monitored so the site will not pose a pollution threat, and any site use restrictions remain intact.

Tribes should be aware that the next time they can request 128(a) funding is December 1, 2008 through January 31, 2009. There is a guidance document published in the Federal Register, and this is now available on the Brownfields Web site as well. Tribes should contact their EPA regional office for additional guidance, especially for a first-time funding request. (Please refer to the following Training Scenario documents: Scenario 3 Brownfields Response Programs Ginny Fornillo.ppt and Scenario 3a Brownfields Response Program Ginny Fornillo.pdf)

Scenario #3: Tips and Tools for Developing a Tribal Environmental Program -- Victoria Flowers, Oneida Tribe of Indians of Wisconsin

The Oneida Tribe of Indians, located near Green Bay, Wisconsin, is implementing an Integrated Resources Management Plan. One of the biggest challenges they have faced is how to measure program effectiveness. To this end, they developed a logic model. They looked at how the program will meet goals and created a table charting resources, activities, and outcomes. This logic model provided the basis for a performance plan and quarterly progress reports. Ms. Flowers presented the Microsoft Access database developed by Oneida Tribe of Indians to show information and characteristics for properties in their jurisdiction. (Please refer to the following Training Scenario power point presentation: Scenario 3b Tips and Tools for Developing a Tribal Environmental Program Victoria Flowers.ppt)

Scenario #3 Question and Answer Session

Comment: EPA Region 10 recently held a conference at which one of the key issues discussed was the lack of funding available to tribes.

Response: The 128(a) program has had close to \$50 million available every year. There is a greater demand on that funding every year. Proper performance reporting and evaluation supports effective communication with members of Congress and helps to keep the program funded. For example, showing that \$50 million was used to clean up 250,000 acres will illustrate how successful this program is.

Question: What are disease clusters?

Response: Disease clusters are groupings of a disorder that are very frequent in one particular location. Asthma is a huge issue in Indian country. It is caused by particulate matter, but there may be additional environmental stressors that contribute to the high rate of asthma.

Scenario #4: Improving Community Health in the Site Cleanup and Redevelopment Process -- Ann Carroll, EPA Office of Brownfields and Land Revitalization

Sustainable redevelopment of brownfields is important because the way we build our communities influences public health. Typical brownfields contaminants are: petroleum and other hydrocarbons; lead and other metals; polycyclic aromatic hydrocarbons (PAHs); volatile organic compounds (VOCs); polychlorinated biphenyls; and controlled substances such as methamphetamine. Although about thirty percent of brownfields may be found to have no contamination, the abandoned properties may still present public health issues. For example, abandoned brownfield properties can pose safety, social, and economic issues that affect human health. In thinking about public health, it is important to consider how to protect the health of children and elders, the most sensitive groups in the community.

Ms. Carroll provided hard copies of the brownfields “path diagram,” which gives examples of sustainability efforts throughout the country.

Green remediation uses technologies to clean up contaminated land in a way that reduces the impact on the land and on public health compared to non-green technologies. For example, if diesel-powered cleanup equipment is required for remediation, reducing equipment idling time will reduce particulate matter in the air. An alternative cleanup approach that would avoid using diesel-powered equipment is bioremediation. When choosing a remediation approach, select one that reduces resource use and impact on the environment and public health.

Green buildings are a good potential reuse for brownfields. There is a need not just for green buildings, but for healthy homes as well. If brownfields are redeveloped for residential reuse, the building must ensure the health of its future residents. There are many examples of sustainable reuses of brownfields that consider community health. In an Atlanta, Georgia, neighborhood, children did not have a safe area to play. Redeveloping a brownfield as a soccer park gave children more opportunity for physical activity, thus creating a healthier community. In Lancaster, Pennsylvania, Roberto Clemente Park was cleaned up and reopened with a baseball park and playground where children can play. In Clearwater, Florida, an abandoned gas station was redeveloped as a free health clinic. These are examples of reuses that can have a positive impact on public health. Brownfields redevelopment brings benefits to the community, including improved social wellbeing, crime reduction, and recreation. (Please refer to the following Training Scenario power point presentation: Scenario 4 Brownfields and Public Health Ann Carroll.ppt)

Scenario #4 Question and Answer Session

Question: In one tribal community there is a housing site built by the U.S. Department of Housing and Urban Development on top of a landfill. The housing was contaminated with mold from moisture in the landfill and taken down. Can this be considered a brownfield?

Response: OBLR will look at the case specifically to see if it meets the brownfields definition established by the law.

Question: What are the benefits of using brownfields for carbon sequestration?

Response: Brownfields can also be reused as natural areas, such as a park or nature preserve. This type of reuse will allow the land to sequester carbon. Further, reusing a brownfield saves a greenfield from being developed, so this keeps greenspace undisturbed.

Question: Is EPA issuing new indoor air quality standards?

Response: OSWER has no authority in this area, so is not in a position to respond to this question.

Question: In the past, EPA had a Brownfields Showcase Community designation. This program model allowed the Gila River Indian Community to leverage \$8 million from the community; it was a very useful program. Can there be a similar showcase designation for tribes? This type of designation would allow tribes to more easily work with or receive funding from federal agencies and other entities.

Response: Showcase communities were a huge success. However, when the Brownfields Law passed, we were limited to competitive and 128(a) funding, so it was difficult to continue a program like the Showcase Communities. We encourage tribes to apply for the competitive grant program. This grant application process awards points to applicants who show a commitment to sustainable property reuses. In terms of partnerships, EPA is working with the Agency for Toxic Substances and Disease Registry (ATSDR) to conduct health monitoring studies in brownfields communities. EPA has also partnered with the U.S. Department of Justice Weed and Seed program. The Office of Brownfields and Land Revitalization is funding Sustainability Pilots to provide technical assistance to communities. The site does not have to be eligible for Brownfields funding to receive a Sustainability Pilot.

Geographic-based Tribal Environmental Issues

Tribes broke into five geographic-based groups to identify environmental issues of particular concern in their geographical areas: Alaska; the Pacific Northwest; the Southwest and West; the Plains; and the Eastern Woodlands. The groups then reported to all participants the issues and ideas they discussed. (Please see Attachment 3: Geographic-Based Tribal Environmental Issues” for the list of issues by geographic region.) Some of the common themes include a lack of funding; the need for training; the desire to harmonize plans and strategies across tribes, and between tribes and various federal agencies (e.g., BIA and EPA); information sharing; and the desire for assistance in translating plans into action.

DAY II: POLICY ISSUE DISCUSSION & INTRODUCTION OF NEW TRIBAL FRAMEWORK FOR IMPLEMENTING THE OSWER TRIBAL STRATEGY

Opening Plenary

Marsha Minter welcomed all participants to day two of the OSWER Tribal Forum, and Chief Earl Old Person led the group in an opening prayer. Chief Old Person also made opening remarks, reminding participants that the land does not belong to anyone, but inhabitants of the earth are the keepers of the lands. Carol Jorgensen, the Director of EPA’s American Indian Environmental Office (AIEO) discussed AIEO’s work with the EPA program offices, EPA regions, tribes, and Alaska native villages. Ms. Jorgensen provided a brief summary of key tribal program accomplishments and her hopes for the Indian Program at EPA.

Barry N. Breen, EPA OSWER’s Principal Deputy Assistant Administrator, provided an introduction to OSWER’s current tribal initiatives. Mr. Breen recognized that EPA’s American Indian Environmental Office provides a lot of support to tribes. Even though OSWER “completed” it’s tribal strategy, the

strategy is not finished, but will continue as a living document, and will be revised based on input from tribal representatives over time. OSWER spends approximately \$16 million per year on tribal programs, \$9 million of which is spent on developing and enhancing tribal response programs and assessing and cleaning up contaminated land.

Cal Seciwa, Director of the Institute for Tribal Environmental Professionals (ITEP) at Northern Arizona University), discussed ITEP's hopes for working with EPA to implement the OSWER tribal strategy in Indian country. ITEP has recently entered into a cooperative agreement with EPA to develop a tribal regulatory framework and establish a multidisciplinary team to help tribes address waste and emergency response issues. ITEP will help tribes address their concerns in conjunction with OSWER priorities. In order to do this, ITEP will conduct tribal outreach and needs assessments. ITEP will travel to tribal conferences to understand the issues that are important to tribes. ITEP will also develop training courses for tribes, as well as a special Web site with quarterly news announcements. ITEP will conduct Tribal hazardous substance research by completing the following four tasks:

1. Conduct outreach with tribes, including travel to regional and national conferences.
2. Produce research case studies, which include Superfund and Federal Facilities sites on Indian lands.
3. Conduct hazardous substance literature reviews to identify appropriate research topics in conjunction with tribes and produce communications materials.
4. Provide a tribal peer consultation summary and assessment of a Native American Risk Assessment model that was developed under another EPA grant.

Policy Topic #1: The Source Reduction Challenge for Tribes – Session Moderator Nicole Schindler, EPA Office of Solid Waste. Ms. Schindler introduced the topic of source reduction, and the EPA and tribal presenters who addressed various aspects of the source reduction challenge (see below).

Introducing the Resource Conservation Challenge (RCC) to Tribes -- Peter Grevatt, EPA Office of Solid Waste). EPA's first 25 years of implementing RCRA focused on managing wastes using a cradle-to-grave approach. In recent years, this has shifted to a cradle-to-cradle approach, which looks at how to manage and reuse materials at the end of life instead of simply landfilling them. Sustainability is a key component of the Resource Conservation Challenge (RCC). There are materials and energy inputs, and greenhouse gas outputs associated with every stage of materials management. This emphasizes the need to find ways to minimize energy and resource use to reduce greenhouse gas emissions. RCC programs have significant energy and greenhouse gas emission benefits, which OSW has quantified. The annual Resource Conservation Challenge workshop will be held in Arlington, Virginia on March 25-27, 2009. Tribal participation in the workshop is encouraged and funding for tribes to travel to the workshop may be available. (Please refer to the following Policy Topic 1 power point presentation: 1 RCC Intro Peter Grevatt.ppt)

National Partnership for Environmental Priorities (NPEP) Program Overview -- Shayla Powell, EPA Office of Solid Waste). EPA's NPEP focuses on reducing priority chemicals to reduce environmental risk. NPEP partners sign pledges to reduce a certain amount of waste. The NPEP Web site (<http://www.epa.gov/epawaste/partnerships/npep/index.htm>) has partner success stories that show the measurable benefits of their efforts. NPEP has more than 2,000 partners that are recognized for their waste reduction achievements. (Please refer to the following Policy Topic 1 power point presentation: 2 NPEP Shayla Powell.ppt)

Tribal Promising Practice: Tribal Actions in National Partnership for Environmental Priorities (NPEP) (Scott Hansen, Mille Lacs Band of Ojibwe). Matt Hale, EPA's Office of Solid Waste Director, presented Scott Hansen of the Mille Lacs Band of Ojibwe and Burdell Chapman of EPA Region 5 with a plaque to commemorate the first NPEP tribal partnership, which was formed with the Mille Lacs Band of Ojibwe. The tribe will collect and recycle all mercury-containing products from their casino, and collect used compact fluorescent lamps from employees. The tribe has pledged to recycle ten pounds of mercury in this effort. The tribe has established a relationship with the recycling company to ensure that recyclable materials that are collected are recycled and not landfilled. (Please refer to the following Policy Topic 1 power point presentation: 3 Mille Lacs NPEP Scott Hansen.ppt)

Tribal Promising Practice: Mercury Lamp Recycling -- Laura Weber, St. Regis Mohawk Tribe). Mercury is very toxic and it bioaccumulates in organisms; it is important to reduce the amount of mercury that goes into the environment. Many types of lamps contain mercury. A tribe can start a mercury waste lamp recycling program even if it does not have a solid waste management program. The tribe can act as a liaison between the recycling company and the generators. The St. Regis Mohawk Tribe charges for recycling materials. The tribe developed a tribal guide for managing waste lamps that they can share with any interested tribes. (Please refer to the following Policy Topic 1 power point presentation: 4 Mercury Lamp Recycling Laura Weber.ppt)

WasteWise Program Overview -- Janice Sims, EPA Office of Solid Waste. In 2001, EPA awarded the Robinson Rancheria of Pomo Indians a paper reduction award for their work with WasteWise. The WasteWise program has 2,300 partners to whom EPA provides technical assistance. OSW helps partners make connections with other organizations to address their waste issues. OSW can provide interested parties with a compact disc that contains all OSW publications. WasteWise partners can use the WARM model to measure the impact of their program, and Retrack, a solid waste management tool, to track their program results. (Please refer to the following Policy Topic 1 power point presentation: 5 WasteWise Janice Sims.ppt)

Policy Topic #1 Question and Answer Session

Question: Can EPA push for a deposit on aluminum can recycling?

Response: EPA has not taken a position on a "bottle bill."

Question: Is there grant funding for recycling programs?

Response: There are no specific EPA grants for recycling programs. The best way to make a recycling program sustainable is to charge to recycle. Tribes can include mercury lamp recycling as a component of their solid waste grants.

Question: What does one do with broken bulbs?

Response: EPA has a standard operating procedure for the safe cleanup and disposal of broken bulbs. They are cleaned up at each facility and then sent to a recycler.

Comment: In Mr. Grevatt's presentation (see "1 RCC Intro Peter Grevatt.ppt," slide 6) there is a section of the pie chart listing food as Twelve and a half percent (12.5%) of Municipal Solid Waste.

Response: Food waste is a big target of opportunity for reductions. Composting can be a sustainable answer to reducing food waste over the long term.

Question: Has anyone processed bulbs onsite?

Response: Processing bulbs onsite would require dealing with broken glass, lead, and mercury. There is a lot of liability in working with mercury. Home Depot and Ace Hardware have a compact fluorescent lamp program which may be a better alternative.

Question: Has any tribe looked into the issue of a disposal fee causing illegal dumping because people want to avoid the costs of properly disposing of their waste?

Response: Illegal dumping has not been a problem with the Pay-as-You-Throw program. Communicating to people that they can save money through this program leads to a high compliance rate.

Policy Topic #2: Setting Up Self-Supporting Programs for Implementing OSWER Programs in Indian Country and Alaska Native Villages – Session Moderator Ginny Fornillo, of EPA’s Office of Brownfields and Land Revitalization. Ms. Fornillo introduced the speakers who addressed various aspects of this policy topic (see below).

Tribal Promising Practice: Models and strategies that tribes have used successfully to make progress toward sustainable and self-sufficient tribal environmental programs -- Kami Snowden, Tribal Solid Waste Advisory Network (TSWAN). TSWAN is committed to developing sustainable tribal environmental programs. Many tribes are facing large budget cuts. Waste systems will require some type of subsidizing, mostly through user fees (i.e., tribal members paying to dispose of their garbage). Tribes need to treat their waste management systems as a business and need to find ways to cover their costs. There are many operating costs to consider when determining how much a waste disposal program will cost the tribe. Creating a budget will allow tribes to estimate the cost a tribe should charge for waste disposal to cover these operating costs. For example, one tribe worked with a contractor to understand what the contractor would charge for recycling and waste services.

Only a few tribes are operating a state-of-the-art recycling program. Many tribes and Alaska native villages have not begun recycling programs because they are still trying to deal with their basic solid waste disposal challenge. It is difficult to start charging people a fee when they have not done so in the past, however when there is no tax base, there is no revenue for tribes and villages to provide services for members. (Please refer to the following Policy Topic 2 power point presentations: 1 Rate Structuring Kami Snowden .pptx and 1a Rate Structuring Attachment Kami Snowden.pptx)

Tribal Promising Practice: Establishing a Fee Structure for Sustainability -- Ray Reed, Turtle Mountain Band of Chippewa Indians of North Dakota. Turtle Mountain Band of Chippewa Indians used the fee structure developed by the Standing Rock tribe as a model. The tribe has a one percent permit fee for prime contractors doing work on tribal lands. This fee is required in accordance with the tribal code. The fee pays for transporting any leftover construction materials to a waste transfer station. The tribe has collected \$32,000 in permit fees over the past year, which has been used to pay for recycling and cleanup of the tribal land. This fee holds contractors accountable for the wastes created by their projects. (Please refer to the following Policy Topic 2 presentation: 2 Fee Structure Ray Reed.ppt)

Tribal Response Programs -- David Lloyd, Director, EPA Office of Brownfields and Land Revitalization. There are many funding opportunities for tribes and Alaska native villages through EPA’s Office of Brownfields and Land Revitalization. EPA allocates funding through the Agency’s regional offices for land revitalization projects. This is done on an informal basis, rather than through a formal application process through EPA headquarters.

There are an estimated 1,000,000 brownfields throughout the country. Each year OBLR awards \$70-80 million in funding for Brownfields Assessment, Cleanup, and Revolving Loan Fund grants. Guidelines are published each year to help grant applicants complete their application materials. Each spring, the new grants are announced. Five million dollars in Assessment and Cleanup grants have been awarded to tribal entities. Assessment grants can be community-wide or site-specific. The money can be used for planning, site inventories, and conducting Phase I and II assessments. Cleanup grants on the other hand, must be site-specific, and the sites must be owned by the tribe. They require a twenty percent cost share (which can be in-kind services) and an assessment conducted on the site prior to cleanup grant award. The tribal organization cannot have contributed to or caused the contamination on the site. Revolving Loan Fund grants provide an opportunity for a tribe to capitalize its own revolving loan fund program to award money for cleanup activities.

Targeted Brownfield Assessment (TBA) funding is an additional Brownfields funding source that can be accessed by tribes very quickly through their EPA region. The tribe does not have to wait to apply for and receive their own Brownfields grant.

Job Training grants help tribal members get jobs in brownfields cleanup work. Spirit Lake Nation used a Job Training grant to train people to assess and clean up properties. Currently, \$2.5 million is allocated yearly to the Job Training program. This program helps to create sustainable, green jobs and give people careers.

Training, Research, and Technical Assistance grants are used to educate people about basic brownfields issues. The most recent grant recipients are focusing on sustainable redevelopment, public health, and equitable redevelopment.

If land is held in trust, it is considered to be owned by the tribe in the context of the Brownfields program. If trust land was leased to another entity, and that entity contaminated the land, the eligibility screen will determine if the site is eligible for funding. For Assessment grants or TBAs, tribes need to have access to the property, but do not need to own it. Ownership is only required for Cleanup grants.

Mr. Lloyd concluded his presentation by providing a handout on Brownfields grant timelines. In addition, he announced that the next Brownfields conference will be held in November 2009, in New Orleans, Louisiana (<http://www.brownfields2009.org>). (Please refer to the following Policy Topic 2 power point presentation: 3 Brownfields Funding David Lloyd.ppt)

Policy Topic #2 Question and Answer Session

A FEMA representative introduced himself to the group and provided his contact information for any tribes or Alaska native villages with emergency management planning or response issues, as follows:

Steve Golubic, Tribal Liaison, FEMA
202-646-4264
Steven.golubic@dhs.gov.

Policy Topic #3: Tribal Outreach Strategies and Tools That Work – Session Moderator Felicia Wright, National Tribal Program Coordinator, EPA / OSWER’s Innovations, Partnerships, and Communications Office. Ms. Wright introduced the speakers who addressed various aspects of the

outreach topic (see below).

Community Involvement Coordination with Navajo Nation -- Lillie Lane, Navajo Nation. The Navajo Nation Code contains all of the environmental laws for the tribe. The Navajo Nation EPA (NNEPA) was initially established in the 1970s to approve leases for resource mining. NNEPA developed a five year plan to address tribal environmental issues, including more than 500 uranium mines and associated contaminated homes. The tribe lacks the scientific, technical, and equipment resources that EPA has, which can cause some disconnect between the two entities. Ms. Lane conducts outreach in Navajo language so she cannot use EPA materials, but tries to use EPA methods. (Please refer to the following Policy Topic 3 power point presentations: 1 Navajo Nation Lillie Lane combined.pptx)

Community Involvement Coordination with Navajo Nation -- Viola Cooper, EPA Region 9. The EPA Community Involvement Office works with tribes to understand their needs and concerns. There are many outreach materials that the office creates for tribal use. Since tribal lands are so large in size, tribes and EPA face many challenges in addressing environmental issues. (Please refer to the following Policy Topic 3 power point presentation: 2 Community Involvement Coordination with Navajo Nation Viola Cooper.ppt)

Tribal Promising Practice—Tribal Youth Environmental Summer Camp -- Sage Deon, Eight Northern Indian Pueblos Council. The Eight Northern Indian Pueblos Council developed a youth program to encourage students to participate in the environmental and science fields. The ultimate goal of this type of education is to inspire youth to eventually play a role in their community's environmental programs. The summer camp began in 2008 as a way to actively engage students in environmental issues. After forming a partnership with Santa Fe Indian School's Information Technical Experience and Science Technical Program (ITEST), the planning committee visited several sites to determine where to hold the camp. The tribe also solicited in-kind services and donations to fund and provide supplies for the camp. The instructors developed the curriculum and activities to introduce students to environmental issues. In order to evaluate the effectiveness of the program, they developed performance measures to determine if the camp helped students to participate in tribal environmental activities. Students developed important friendships through the camp while participating in hands-on science and environmental activities. Margaret Chavez, also from Eight Northern Indian Pueblos, contributed to discussions and distributed a newsletter to participants entitled The Environmental Wire, which highlights their successful summer camp project. (Please refer to the following Policy Topic 3 power point presentation: 3 Promising Practices Tribal Youth Camp Margaret Chavez and Sage Deon.ppt)

Community Action for a Renewed Environment (CARE) Program -- Pat Carey, EPA CARE Program. CARE is a community-based, community-driven program that helps communities to build partnerships with other local organizations to address their toxic risks. CARE is a competitive grant and technical assistance program. There have been a total of 68 CARE communities from 2005 to 2008. More information can be found on the CARE Web site: <http://www.epa.gov/care>. Ms. Carey provided a CARE program brochure. (Please refer to the following Policy Topic 3 power point presentation: 4a CARE Program Pat Carey.ppt)

Tribal Promising Practice: Community Action for a Renewed Environment (CARE) Tribal Project -- Margaret Cook, Gila River Indian Community. Gila River Indian Community has applied for a CARE project twice, but did not receive a grant because they did not structure their proposal to include partnering with other organizations outside of the tribe. The tribe would like the CARE program to

consider changing this requirement in recognition that tribes often encompass many different organizations that should count as partners. In the meantime, the Intertribal Council of Arizona applied for and received a CARE grant that it is using with Gila River Indian Community.

Gila River has been successful in many aspects of this CARE project. In order to encourage participation in the project, they used traditional food to entice people to their meetings. Through the CARE project, they learn how to effectively communicate environmental issues to the tribal community. The CARE program participants must build on tribal traditions and customs in order to get community member trust and support. It was difficult getting started with the CARE process, but it is a very useful tool for the community. (Please refer to the following Policy Topic 3 power point presentation: 4b Gila River CARE Project Margaret Cook.ppt)

Policy Topic #3 Question and Answer Session

Comment: It takes some time and investment for EPA staff to understand tribal perspectives, so when new EPA staff come in, it sets things back significantly. EPA Region 6 has a video to train EPA staff on tribal issues. Government employees need to be able to talk directly with tribes in order to develop relationships with their members. The human interaction component of in-person training is very valuable. Tribes want EPA to come to Indian country to understand the realities of tribal life. EPA needs to get tribal input when developing its programs.

DAY III: POLICY ISSUE DISCUSSION & ISSUE PRIORITIZATION

Opening Remarks

Forum facilitator, Marci DuPraw provided an overview of the last day of the forum. EPA's Office of Superfund Remediation and Technology Innovation made two announcements to forum participants:

1. EPA is working to amend progress report requirements for Cooperative Agreements and Superfund State Contracts for Superfund Response Actions to extend the deadline for report submission from 30 days to 60 days after the end of the period. This amendment will hopefully help tribes comply with the terms of their grants.
2. CERCLA Section 108(b) requires EPA to identify classes of facilities that pose the highest risk of injury and put forth regulations for these facilities. OSRTI and OSW are currently focusing on this issue and would like to talk to tribes about any research they have conducted and any insight they have on facility regulation. Mining, for example, has emerged from the research as one of the priority facility issues. If you are interested in participating and sharing your opinion, contact project lead Elaine Eby in OSW: eby.elaine@epa.gov or 703-308-8449.

Policy Topic #4: Climate Change Implications for Tribes and OSWER – Session Moderator Cathy Allen, OSWER Center for Program Analysis, EPA.

Ms. Allen provided an overview of the session, briefly described highlights from OSWER's efforts to respond to climate change, and introduced the speakers who addressed various aspects of the climate change topic (see below). Ms. Allen noted that there is a scientific consensus that climate change is caused at least in part by humans, and presents risks to human health. A "cap-and-trade" or carbon tax program may help address this problem by putting a price on carbon. OSWER is examining greenhouse gas emissions from a systems-based perspective. OSWER programs, together with tribes and other

stakeholders, can contribute to greenhouse gas reductions. OSWER is focusing on four land management strategies for doing this: land conservation; reusing sites that have limited economic value for renewable energy facilities; carbon sequestration on OSWER-tracked sites; and green remediation. (Please refer to the following Policy Topic 4 power point presentation: 1 Climate Change Overview Cathy Allen.ppt)

Integrating Tribal Knowledge and Western Science on Climate Change with the USGS -- Jon Waterhouse, Yukon River Intertribal Watershed Council. The Yukon River Watershed covers a large portion of Alaska. There is a significant problem with solid waste in the watershed. The U.S. military, for example, has left many barrels of contaminants behind. There are health issues related to the disposal of solid waste, particularly in remote villages. Open burning is very common in Alaska. Because their lives are closely tied to the environment, tribes recognized climate change a long time ago, before there was scientific consensus that it is occurring.

YRIWC took samples and created a water quality profile along the length of the Yukon River based on several water quality parameters. The tribe found alarming patterns in temperature and nitrate levels. Along the 2,000 mile river, they found algal blooms, large drifts of foam on the river, and changes in the ranges of caterpillars and beavers - all signs of significant environmental change. A scientific study may not have found all of these issues along the river. All of the results of the study will be available this spring, and anyone interested in finding out about the study should contact Jon Waterhouse. (Please refer to the following Policy Topic 4 power point presentation: 2 Yukon River Intertribal Watershed Jon Waterhouse.ppt)

Materials Management and Reducing Greenhouse Gases: OSWER's "WARM" (Waste Reduction Model) -- Sara Hartwell, EPA Office of Solid Waste. Recycling can make a huge impact on greenhouse gas reductions because of the energy used in a product's life cycle. It is much less energy intensive to make a product from recycled materials than from virgin materials. In 2007, the U.S. recycled 33 percent of municipal solid waste. The energy not used because of these recycling efforts equates to 1.3 quadrillion BTUs, the equivalent of thirteen percent of U.S. household energy use, or the energy production of 50 coal-fired power plants. Recycling is a cost effective way of reducing greenhouse gas emissions; it can have a large effect at a cheaper cost than other emissions reduction strategies. EPA's WARM model, which can be accessed at: <http://www.epa.gov/warm>, allows organizations to track their greenhouse gas emission reductions resulting from their waste management activities. It has a greenhouse gas equivalencies calculator for energy savings, showing fifteen energy savings equivalencies that are easy for the general public to conceptualize (e.g., number of cars taken off the road, number of power plants not needed).

OSWER's models were developed specifically for waste management issues, and do not have a place to input land management characteristics, although that could be an important component. The U.S. Forest Service has models to calculate the benefits of land management practices. For those interested in using WARM to assess the greenhouse gas emissions benefits attributable to their waste management practices, EPA Region 10 is holding a WARM training session on December 15, 2008. (Please refer to the following Policy Topic 4 power point presentation: 3 WARM - Sara Hartwell.ppt)

Tribes and Climate Change -- Jose Aguto, National Congress of American Indians. The reality of climate change has been supported by scientific data that shows temperature and carbon dioxide in the atmosphere are at high levels. Models predict that both of these variables will continue to rise. The Intergovernmental Panel on Climate Change (IPCC) explains climate change impacts and likelihood of

their occurrence in the future. The IPCC recognizes that tribes and Alaska native villages are very vulnerable to climate change because many are located in coastal areas and depend heavily on natural resources. A U.S. General Accounting Office report estimated 86 percent of Alaska Native villages are subject to coastal flooding issues, and four villages need to be relocated in the next ten years. The villages have begun washing away. It will cost millions of dollars to relocate these villages, but natives will have some input in where they relocate. The IPCC has developed a model that can help tribes respond to climate change with both adaptation and mitigation strategies.

The National Congress of American Indians (NCAI) facilitated the development of the National Tribal Climate Change Strategy and is currently working to implement it by creating four workgroups to address various components of the strategy. NCAI is trying to coordinate with tribes and Alaska native villages to leverage their existing climate change tools and resources to help shape the national plan. Information about the strategy will be posted to the Web site (<http://www.ncai.org>). (Please refer to the following Policy Topic 4 documents: 4 Tribes and Climate Change Jose Aguto.ppt and 4a Adaptation and Mitigation Tables Jose Aguto.doc.)

Policy Topic #4 Question and Answer Session

Question: Does EPA have a regulatory agenda set for the new administration?

Response: There are a lot of discussions underway on priorities and next steps for EPA.

Comment: Corn monoculture has had an impact on our health, diets, and climate change. OSWER typically does not look at this issue, but looking at crops holistically reveals a variety of issues under EPA's domain— this may encourage closer government coordination to address all aspects of this issue. Many tribes and Alaska native villages are very protective of their native species of food crops. This year's Farm Bill supports production of tribal and local foods.

Comment: EPA can help tribes to maintain their carbon sinks to sequester carbon. A carbon sink is a location where carbon is stored, decreasing the amount of carbon in the atmosphere. Many carbon trading programs include a carbon offset program, which allows an entity to develop land with the intention of using it to sequester carbon. An offset has to be additive; a current sink would not be considered an offset under most carbon sequestration legislation that could be passed in the future.

Comment: EPA is set up as a collection of “boxes” due to congressional mandates, but tribes tend to think in circles. We need to find a way to mesh these two views of environmental issues. It would be nice if there were a way to reorganize EPA to make more sense for tribes and the planet!

Priority Issues for the Attention of the Tribal Council

Forum facilitator Marci DuPraw reported the list of issues that had emerged during the workshop. Participants refined this list and added additional issues of importance, for a total of 38 issues. Eighteen tribal representatives in attendance prioritized the issues on the list, using the following criteria for prioritization:

- Issue is under EPA/OSWER jurisdiction;
- Issue is directly related to the OSWER tribal strategy;
- Issue is of significant concern to tribes and native groups around the country or of deep concern in at least one geographic region; and

- Addressing this issue is expected to have rapid positive impact.

See Attachment 4 for a list of the resulting priorities, and Attachment 5 for a list of the native attendees who participated in this prioritization exercise. After the vote, the facilitator asked participants if the results seemed to reflect their views accurately. They indicated that it did, although some issues not highly ranked could be important in particular geographic areas.

Closing Remarks

Mehrdad Khatibi, the Associate Director of ITEP provided some closing comments and thoughts on addressing priority issues and recommended action items within the OSWER Tribal Framework. Felicia Wright and Marsha Minter thanked all participants for their attendance at a successful forum.