

Tribal Infrastructure Task Force Meeting Summary
September 19, 2012 2:00-3:30 PM

Introductions

Dana Baer, Indian Health Service (IHS) Sanitation Facilities Construction (SFC) Program
Tedd Buelow, U.S. Department of Agriculture (USDA) Rural Development (RD)
Marta Burg, U.S. Environmental Protection Agency (EPA), Region 9 Tribal Caucus
Lori Davis, USDA
Kevin Dragon, Squaxin Island Tribe
Ron Ferguson, IHS
Sheila Frace, EPA Office of Water (OW), Office of Wastewater Management (OWM)
David Harvey, EPA OW, Office of Ground Water and Drinking Water (OGWDW)
Kellie Kubena, EPA OW, OWM
Jon Melhus, USDA RD
Cheryl O'Neil, U.S. Department of Housing and Urban Development (HUD) Office of Native American Program
Meredith Parker, Makah Nation
Steve Pendleton, Makah Nation
Stephen Poloncsik, EPA Region 5
Connie Praiswater, Washoe Tribe of Nevada and California
Nate Rawding, Horsley Witten Group, Inc.
Charles Reddoor, EPA Office of Resource Conservation and Recovery (ORCR)
Linda Reeves, EPA Region 9
Matt Richardson, EPA OWM
Ben Shuman, USDA
Kelly Titensor, U.S. Department of the Interior, Bureau of Reclamation
Dennis Wagner, EPA Region 10
John Wheaton, Nez Perce Tribe (NPT), Idaho
Teresa Willie, IHS
Michaelle Wilson, EPA ORCR

A. Welcome & Introductions for Today's Speaker (Sheila Frace)

Matt Richardson welcomed everyone to the call and gave an overview of the agenda. Sheila Frace thanked Mr. Pendleton from the Makah Nation who is presenting information on solid waste management. Sheila encouraged all meeting participants to provide feedback on the meetings, on the process, and other comments.

B. Review of ITF Process Flow Chart, Distribution of Previous Meeting Notes, and Schedule for Future ITF Meetings (Matt Richardson)

The Roadmap document was sent out prior to the call. It identifies the ITF accomplishments since winter 2011 and lists pending items. Over the past spring and summer, the ITF has refocused its goals to incorporate more sustainability. Two additional work groups were formed:

- A workgroup working on developing a common preliminary engineering report, and
- Another workgroup focused on operation and maintenance costs on tribal lands.

The July meeting was replaced by an email update that was sent out on August 4th and included a number of action items. The next call is scheduled for November 15, 2012 and will include a discussion about the common preliminary engineering report work group.

C. The future of the ITF: Drafting an Action Plan (Kellie Kubena)

Over the past six to nine months, the federal partners have discussed the commonalities to support sustainability of system management for tribes. A draft Action Plan based on the Goals & Concepts document for sustainable management identifies what is being done to support these goals. The draft Action Plan is being circulated among the federal partners for review and comment. The Action Plan will be shared with the ITF at an upcoming meeting. Kellie is looking for ideas on how to best support communities in tribal lands to achieve sustainable management of water and wastewater.

D. Solid Waste Management in Indian Country - A Success Story from the Makah Nation (Mr. Pendleton) and Discussion Questions (Listed below)

Michaëlle Wilson introduced Steve Pendleton from the Makah Nation. Michaëlle and Charles Reddoor recently visited the Makah Nation to view the opening of their new transfer station. The transfer station was paid for in part by EPA's tribal solid waste management assistance project funds. Michaëlle was impressed by the sophistication of the transfer facility as well as by the planning that went into the project. The Makah Nation tribal government worked with many different partners to create a comprehensive plan for its solid waste infrastructure and for its implementation. The Makah Nation is a good example of a successful program for waste management.

Matt Richardson noted that a PowerPoint presentation was sent out with an email for today's meeting. Meeting participants can view the PowerPoint along with the discussion.

Steven Pendleton, Makah Nation

The transfer station for the Makah Nation is an alternative to the issues with solid waste. The Warmhouse Beach dump has been an active dump until the opening of the new transfer station. The Makah Nation is on the verge of closing the Warmhouse Beach dump.

The transfer station has been a long struggle for the Tribe. In Indian Country, there is a patchwork of grants and tribal money to help projects get started. The Warmhouse Beach dump has been in place since about 1960, and prior to that, another open dump was adjacent to it.

The large amount of rainfall in the area of the Makah Nation affects the Tribe's resources because any contaminants in the waste dump are washed into the waters. The location of the Warmhouse Beach dump is very close to the coastline. It is a picturesque location with views of the British Vancouver Islands to the north.

The first slide of the PowerPoint shows a picture of the village in Neah Bay. The second slide shows the location of the Makah Nation at the northwestern most portion of the continental United States in Washington. The Tribe traditionally had five villages, and today the main village is in Neah Bay. More information on the Makah Nation history and location is provided on its website.

The Tribe has several pristine beaches that they are trying to protect for the next generation. Children are considered the most important resource to the Tribe. The Tribe's location is in a tsunami zone, so they are moving infrastructure up the hill and out of the tsunami zone. The Tribe has already relocated its health services, and is developing a new housing area on the hilltop out of the tsunami zone. The Tribe is also expanding its breakwater wall, which protects the village from winter storms. They also recently opened a new solid waste transfer station.

Makah Healthcare Campus

The Makah Healthcare campus was relocated out of the tsunami zone and further uphill. It is a three-phase developmental project, and phase one will be completed by December 2012. The foundation is being constructed and a modular office building will be installed next week. Partners for this project are IHS, the U.S. Army Corps of Engineers, and the Makah Tribe.

Sail River Heights Housing Project

The Sail River Heights housing project is moving 109 housing units out of the tsunami zone up the hillside. Approximately 1,500 Tribal members across 492 households are in the Makah Nation. The majority of the population now lives in Neah Bay, which is the only incorporated town. Relocating to higher ground is a priority for the Tribe, and is often a requirement to receive funding. In this project, federal partners are the Bureau of Indian Affairs (BIA), the U.S. Department of Health and Human Services (HHS), the Department of Energy (DOE), HUD, USDA RD, IHS, and the Makah Tribe.

Makah Nation Transfer Station

The solid waste transfer station is part of the necessary infrastructure for the Tribe's other new projects, and is an important component of the Tribe's utility. An integrated solid waste plan was completed with funding from EPA, and was used to identify, evaluate, and select improved methods of solid waste management. This plan also looked at all alternatives that the Tribe needed to consider before developing a transfer station, such as barging and incineration. The transfer station waste will be trucked off the reservation at this time. However, whether the Tribe uses barging or incineration of waste, a solid waste facility is still needed.

A Preliminary Engineering Report and an Environmental Report were completed with funding from EPA to support the development of alternative solid waste handling facilities as part of discontinuing the use of the Warmhouse Beach Open Dump. The development of the transfer station is under the umbrella of the dump closure project.

General waste collection on the Makah Reservation includes municipal waste collection and recycling. The recycling component is a big key to the Tribe's success and an important

component to future plans. Any type of reuse activities reduce the amount of waste that is trucked off the reservation. Residential accounts, Tribal offices, and most commercial accounts are serviced once per week. Federal Partners for this project are IHS, EPA, USDA RD, and the Makah Nation.

By leveraging efforts with Federal Partners and other outside resources, these projects can move forward in a positive manner. Continued funding for these projects is a key factor in the environmental health and safety of the Makah Nation.

The Tribe is not proud of the Warmhouse Beach dump. In most rural communities, open dumps were the only option for disposing solid waste. The following issues are associated with the Warmhouse beach dump:

- The dump is 3.4 acres in size.
- It was also used by Makah Air Force Station, Department of Defense (left the area in the 1980s), IHS, and BIA. These federal agencies disposed of solid waste in this dump. The Tribe is looking to them for assistance in closing the dump.
- Household wastes, and various hazardous materials are disposed in the dump.
- Open dump burning occurs regularly. The Tribe does not set the dump on fire, but vandalism occurs and is responsible of setting the dump on fire. The smoke is very toxic and it needs to be closed down to help the health of the Tribe and its neighbors.
- A hydro-geologic investigation, including installing monitoring wells, and sampling and analyzing ground water, was completed in 2001 with funding from IHS. The Tribe conducts tests semi-annually on the wells, monitors the streams when it rains, and takes samples from the runoff.
- A Draft Dump Closure Plan was developed by EPA and the Tribe is now prepared to start the closure process for the Warmhouse Beach open dump.

The Warmhouse Beach dump is located close to the waters in the Strait of Juan de Fuca. Because the runoff from the dump runs downhill, the Tribe is unable to use the resources in that area, including berries and shellfish on the beaches. The Warmhouse Beach has been identified as a former summer encampment for the Tribe by archeologists. This is a historical location for the Tribe, and it is very important to protect resources in this area.

Steve provided his contact information on the last slide of the presentation. Michaëlle thanked Steve for his presentation and introduced Charles Reddoor, the tribal coordinator for the EPA's Office of Resource Conservation and Recovery.

Charles provided a history of EPA's Office of Resource Conservation and Recovery (ORCR) work on dumps in Indian Country. In 2006, a meeting in Denver, CO convened on the issue of open dumps in tribal lands. The initial inventory was just over 1,400 open dumps on tribal lands. ORCR began the process of updating the inventory

Today, the database has information on over 4,200 dumps. RCRA provides States the authority of controlling household and hazardous wastes. However for Tribes, under RCRA Tribes are considered a municipality. This hinders Tribes from taking steps to address solid waste, but it also creates an opportunity for EPA to provide assistance. In the past, assistance to Tribes was provided through the Tribal Solid Waste Management Assistance Project. This program started

in the late 1990s with approximately \$13 million, and over time, these funds have decreased due to budget cuts and new focuses. This past year was the last year the solicitation was released. Over the past decade the funding closed over 500 open dumps.

Makah Nation is a good example to use for other Tribes, because they do not have a casino and there is not a lot of outside money. This funding is the result of the Tribe's communication and outreach efforts to federal, state, and county partners. From this outreach, the Tribe accomplished several major projects, including the following.

1. The Makah Nation constructed a new seawall built by the Army Corps of Engineers. It is a mile long, and twenty feet high and is designed to slow down a tsunami wave.
2. The health care facility was moved up the hill out of the floodzone.
3. Residential areas were moved up the hill and out of the tsunami flood zone.

The other project is their transfer station. The engineering plans for the transfer station, used by the Makah Tribe, were shared with them by Bonnie Burke from the Umatilla Indian Reservation. This saved the Makah Nation thousands of dollars by reusing the Umatilla transfer station plans with minor edits. The site was excellent. When you go into the transfer station, there is a weighing station, recycling station, white goods station, and the actual transfer station. All of this has come together by leveraging and developing strong communication outreach with the federal and state agencies in the area. Charles sees the ITF providing assistance to Tribes to find funding options as well as knowledge and technical assistance Michaelle mentioned that the salmon is an important resource of the Makah Nation.

Questions

Ron Ferguson: Where is the waste being hauled to and how is it being paid for?

The waste is being transported to the Port Angeles, Washington transfer station. This is approximately 70 miles in one direction. The road has not washed out recently, but can on occasion. The cost for hauling the waste is covered by the rates that were developed by the Tribe. Users of the transfer station will be charged at the gate by the truckload. There will be certain rates for community members. Any of the funded state or federal projects will now have a solid waste haul component built in.

Michaelle Wilson: How did you put together the resources with different federal partners?

You have to go out and knock on doors and talk to people. The Tribe uses its money to have staff go and lobby for funds. This is difficult, as the Tribe does not have a casino. There is some revenue from timber operations on the Tribe's reservation.

The Tribe does have regulations and ordinances to assist in the protection of its resources. This allows the tribe to enforce against illegal dump sites that may take place because of the new charges for waste disposal. The Tribe foresaw this as an issue, and put the regulation in place to protect the resources.

Matt noted that the development of regulations is very important, and something the ITF has heard during other calls.

Matt Richardson: How did the tribe create the regulations?

Anytime on-reservation ordinances are developed, they go through a special committee. There are Tribal attorneys that review the regulations, and then they are brought to the Tribal Council for review. Finally, they are posted on the website for the community to comment on before they are enacted into law by resolution.

Marta Burg: How are the regulations working to minimize open dumping in the future?

As the Tribe moves forward, public outreach and education is an important component. The Tribe is having discussions in the schools with students on recycling and outreach materials. Marta is welcome to call Steve back for an update.

Marta shared that Region 9 is reviewing the current draft agency-wide solid waste management capacity plan that is going through its consultation process. One observation by many Tribes in Region 9 is that solid waste lacks the robust coordinated effort available to the ITF group. Tribes in Region 9 strongly support the ITF group, or a similar group, working to address tribal solid waste needs.

Matt noted that with the exception of EPA, the respective personnel in the other federal agencies were mostly the same across different agencies.

Marta is unclear whether the ITF Action Plan will be specific to drinking water and wastewater, or if anyone else has ideas on moving forward. Marta is interested in participating in discussions to determine how solid waste will be addressed by the ITF, and what the needs are.

Ron clarified that the Action Plan is in terms of water supply and waste disposal. It is not limited to wastewater, and includes “waste disposal.” Solid waste is very challenging. It is a challenge to get people to pay for water, and is even more difficult to get people to pay for disposal of solid waste.

Marta responded that for solid waste disposal, RCRA created a lack in regulatory oversight. EPA does not have the same level of regulatory authority as it does in other areas and Tribes are not given the same status as state governments to receive funding or delegated authority. There is a gap that Tribes are looking to address through working with federal partners.

Kellie Kubena: Is there a governing organization for the solid waste plan, such as a utility?

The Tribal Council oversees the different Tribal branches, including water, wastewater treatment, and solid waste transfer station. Our organizational department works closely with the Tribal Council to assist with oversight on larger issues.

Kellie Kubena: Did the transfer station take a champion to get things going?

It has always been a struggle to get the solid waste issues prioritized. The big issues are water and wastewater, and solid waste is always on the back burner. What really assisted us was the prioritization of the Council. The chairman at the time, Michael Lawrence, was doing eagle nest surveys via helicopter and noticed the dump via the helicopter. From that time forward, closing the dump was a real concern. He was the one who got the project moving forward and coordinated efforts from the Tribe.

Charles Reddoor provided a historical background on the Makah Nation. The site of the Makah Nation is very remote, and during World War II, the federal government placed an air force radar system on the Makah Nation land. During that time, open dumping of waste was a common occurrence. A site was selected to dump waste generated by the construction of the air force radar station, and this was the beginning of the Warmhouse beach dump. Therefore, it has been a long process of putting trash in this location. There have been a number of dumps closed at the Makah Nation in the past. The Warmhouse open dump is that last of them to be closed. This has been decades in the working.

Charles Reddoor: Can you talk about the open dumps you have closed in the past?

The Department of Defense (DOD) has been telling the Tribe what to do for a long time. The Tribe is a member of an organization on grant cleanups under DOD called the Native American Land Environmental Mitigation program. Back in 1998 and 1999 when the Tribe was first receiving clean up funds, they had the opportunity to look at all of the DOD activities on the reservation, beginning with the Coast Guard, the Army, and activities in the mid-1950s by the air force. Tribal staff was increased from one to two people to oversee the DOD cleanup activities. The most recent garbage dump started in the 1960s at the Warmhouse beach when an air force commander, and others, selected a spot for solid waste disposal. November 1st 2012 is the closure date for this dump and the Tribe is in the process of developing outreach and education for Tribal members on how the transfer station works.

E. ITF Operations and Maintenance workgroup (Jon Melhus and David Harvey)

Jon Melhus provided a summary and update on the efforts of the Operations and Maintenance (O&M) workgroup. A document was emailed to the ITF members titled “Water & Wastewater Utility Operation & Maintenance Cost Evaluation Methodology at Tribally Owned and Operated Facilities” dated September 19, 2012. This document summarizes the work of the O&M workgroup and provides an update. One of the key goals of the workgroup is to establish a knowledge base to assess the financial capacity of tribes nationally to operate and maintain their water systems. USDA RD has historically focused on the capital costs but not on O&M costs when funding projects. The result is that some of the projects did not last as long as they should have. The workgroup objectives are to develop a methodology for estimating actual and optimal O&M costs for water and wastewater systems, and to develop a single set of O&M cost categories to be used by tribes and federal agencies. The current progress in section three of the summary report lists the common O&M categories. The last category, “Short lived assets” is still being developed. This category lists equipment that wears out in shorter periods, such as pumps, and valves. EPA is entering into a contract to support the development of this methodology. Once the contractor has gathered the information the workgroup is looking for, they aim to sample actual tribal systems.

David Harvey mentioned that in 2008 the ITF discussed the topic of infrastructure being recapitalized before the useful design life, and that O&M costs are higher on marginal density housing in remote territories. It is possible that some of the higher non-compliance rates with the drinking water rules could be the result of higher O&M costs. The first step is establishing a knowledge base to assess, on a national basis, the financial capacity of tribes to operate and maintain their water and wastewater systems. The output will only be a methodology, and the

ITF group will decide whether and how to move forward and implement the methodology, which would be a larger effort and would require additional consultation with the tribes.

Currently, the workgroup is developing a proposal to bring to the ITF, with recommendations on how to collect the data so it is statistically representative. Other next steps include working with a contractor on the protocol for assessing the O&M costs, and a survey instrument to collect the data. The survey will contain questions about the assets under management and the population served, and will compare this to budget numbers on salary costs, administrative cost, and operating costs. This is a large task, and the workgroup may have some preliminary materials for discussion in October. The workgroup aims to pilot test the methodology in nine tribal communities, revise the methodology and the cost categories, and incorporate this into a final report. This will include a description of how the cost categories will be used, the methodology for statistically sampling the tribes, and how to potentially collect the data with an estimate of the cost to collect the data. There may be different options for collecting the data and these would have different costs. The methodology report is scheduled to be provided to the ITF Principals in March 2013.

General questions and other areas of interest to include in the O&M survey should be sent to Matt Richardson. It may make sense to include solid waste in this survey effort since it is already under development. There is time to consider changes to the O&M survey. Matt asked if there was anything that the ITF would like to hear about, or to be considered in the O&M workgroup.

Michaelle: Will the analysis include costs for services at a large construction site in a tribal community, for example?

The intent is to look at services that are provided by the tribe such as water, wastewater, and solid waste that are usually provided by the tribal government. Construction activities are “one-time events” that could be handled by better contracting practices, or construction oversight practices. The range of topics that the O&M workgroup will consider is limited to services that customers or rate payers for ongoing services typically pay for.

Ron Ferguson: Are complete lifecycle costs for assets included?

Lifecycle costs need to be part of this type of analysis. This is useful when you look at the age of a facility, and what it is going to cost to maintain them.

Jon Melhus noted that the O&M workgroup’s efforts are dynamic and long term. There will be opportunities to revise the survey in the future.

F. Next ITF Call and Action Item List (Sheila Frace)

The next ITF meeting is scheduled for November 15, 2012. The ITF workgroup will give an update or a report out on the workgroup that is looking to develop a common preliminary engineering report applicable to all the ITF Federal agencies. This is designed to make cross-funding of projects by different agencies easier. Suggestions or comments should be sent to Matt Richardson.

Action items from this meeting are listed below:

- The next call is scheduled for November 15, 2012 and will include a discussion on the common preliminary engineering report work group.
- Ideas on how to best support communities in tribal land to achieve sustainable management of water and wastewater should be sent to Kellie Kubena for the draft Action Plan.
- Additional ITF items of interest, such as ideas to be considered in the O&M workgroup, should be emailed to Matt Richardson.
- Suggestions or comments on the ITF meetings should be sent to Matt Richardson.