



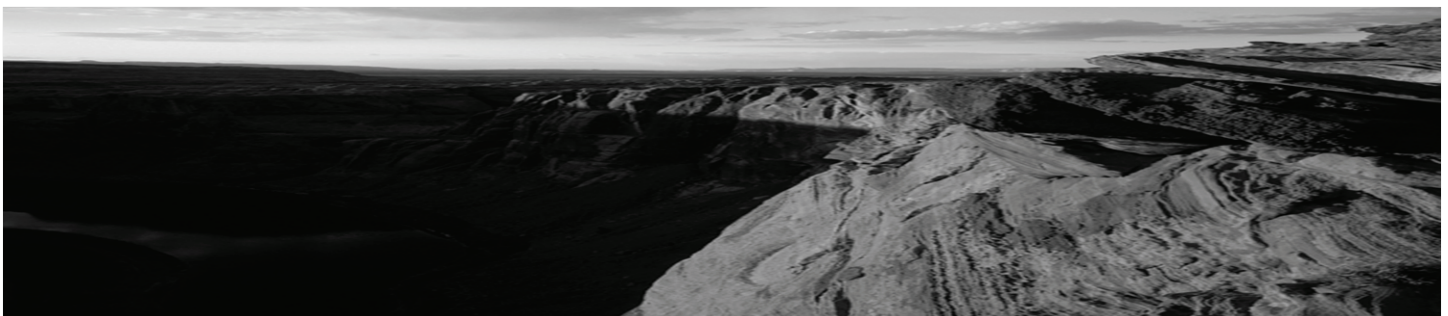
OSWER Tribal Accomplishments Report 2010

EPA and Tribal Partnership To Preserve and Restore Land In Indian Country

OSWER National Tribal Program

OSWER Tribal Strategy:

<http://www.epa.gov/oswer/tribal/strategy.htm>



I. Introduction

Administrator Lisa P. Jackson made strengthening EPA partnerships with tribal nations a top priority for EPA (<http://blog.epa.gov/administrator/2010/01/12/seven-priorities-for-epas-future/>). OSWER's Tribal Strategy helps EPA fulfill this commitment and protect human health and the environment in Indian country. This Accomplishments Report provides an update on the progress OSWER has achieved in our second year of implementing the Tribal Strategy. In addition to highlighting program-specific accomplishments, the report provides information and successes related to special OSWER initiatives. Within each section you'll find each OSWER program's Tribal Strategy Indicators, current year grant and funding numbers, success stories and various conference and training information. This report may be used to identify needed changes or updates to the OSWER Tribal Strategy so OSWER can continue to evaluate and refine the Tribal Strategy over time as a living document.

Special points of interest:

- Tribal Lands and Environment Forum
Aug. 23-25, 2011
Pg. 5
- Tribal Tanks Meeting
May 3-4, 2011
Pg. 14

2010—A Year In Summary

OSWER successfully accomplished many of the major initiatives outlined in the OSWER Tribal Strategy in 2010. OSWER provided financial and technical assistance to tribal governments to build capacity in OSWER programs. OSWER funding supported over 135 cooperative agreements with tribes to build program capacity in OSWER programs, and supported a strong array of tribal-specific training on solid and hazardous waste, emergency preparedness, tribal response programs, and underground storage tank prevention and cleanup.

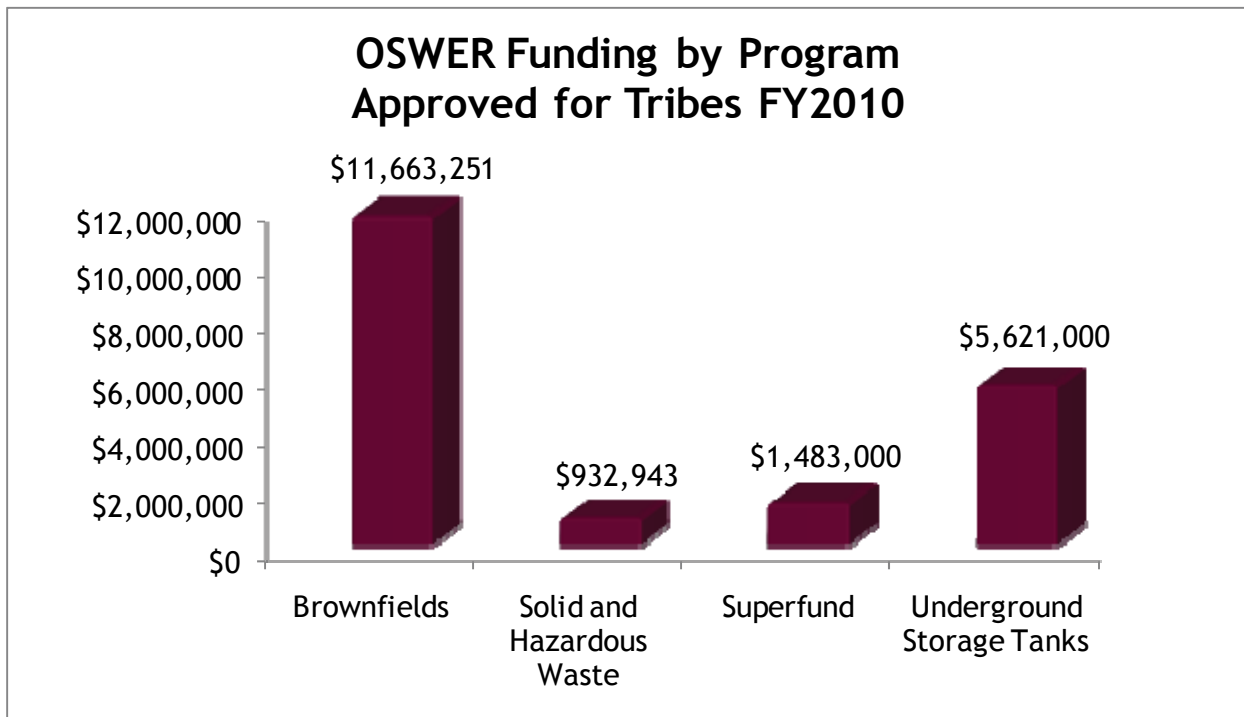
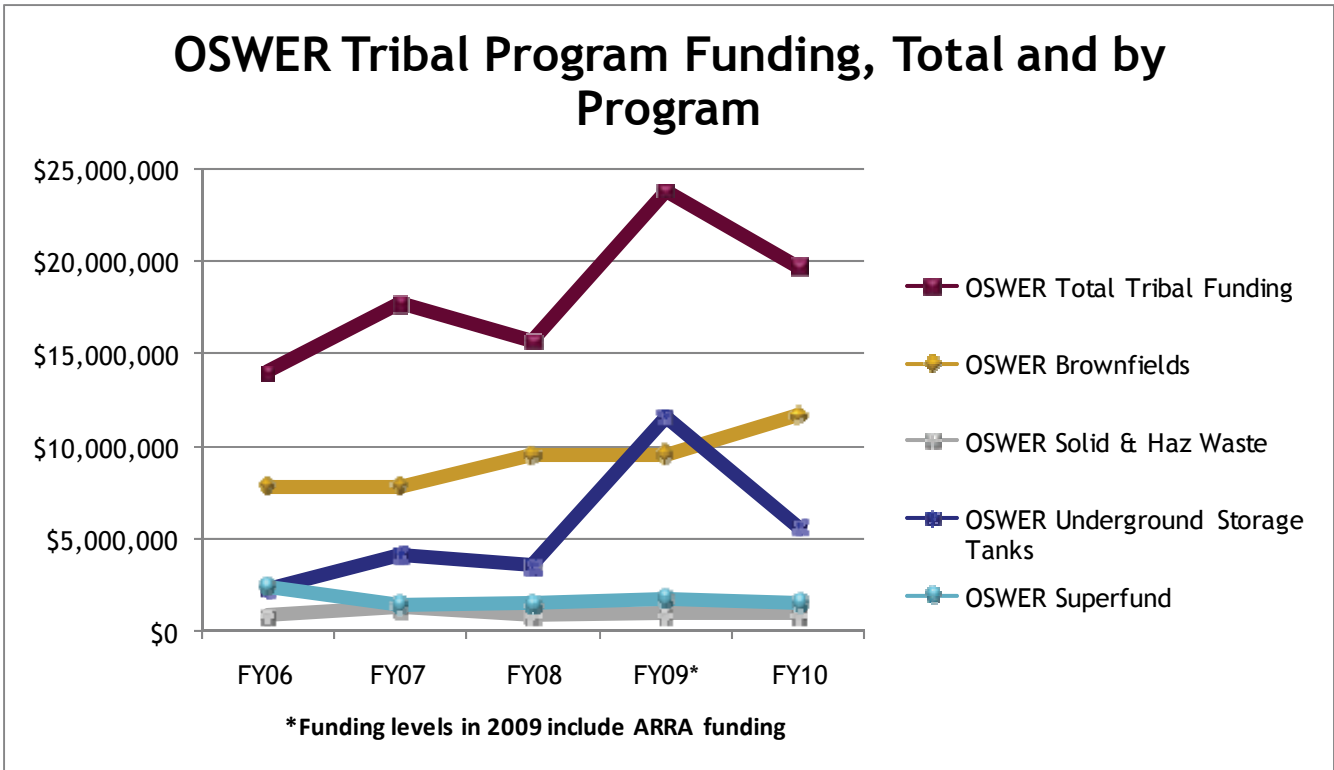
OSWER exceeded our strategic target for closing, cleaning up or upgrading open dumps in Indian country, and our annual goal for underground storage tank cleanups in Indian country. This past year, we continued our partnership with the Institute for Tribal Environmental Professionals (ITEP) to promote information exchange and stronger partnerships with tribes and EPA. The highlight of this partnership was the *Tribal Lands and Environment Forum* held in San Diego in August. The Forum allowed EPA and tribal environmental practitioners to meet and focus on environmental issues in Indian country. We are looking forward to another successful Forum August 23-25, 2011, at the Oneida Tribe of Indians of Wisconsin's Radisson Hotel in Green Bay, Wisconsin.

Inside:

Introduction	2
Funding of the Tribal Program in OSWER	3
OSWER-wide (IPCD)	4-5
Federal Facilities (FFRRO)	6
Emergency Management (OEM)	7-8
Superfund (OSRTI)	9-10
Solid Waste/Hazardous Waste (ORCR)	11-13
Underground Storage Tanks (OUST)	14-18
Brownfields (OBLR)	19-22
Looking Forward in 2011	23

II. Funding of the Tribal Program in OSWER

OSWER provides on average, between \$16 and \$18 million dollars annually in grant funding to support tribal program development and site cleanup work in Indian country. OSWER funds cooperative agreements with tribes in the Brownfields, Hazardous Waste, Solid Waste, Superfund and Underground Storage Tank programs.



III. Program by program tribal accomplishments

OSWER-WIDE

Office of Solid Waste and Emergency Response (OSWER)

Innovation, Partnerships and Communication Office (IPCO)

The Innovation, Partnerships and Communication Office's (IPCO) goal is to coordinate with the Agency's various tribal programs, provide direction and support for OSWER's Tribal program, enhance consultation and outreach efforts with tribes on environmental protection in Indian country, and maintain consistency with EPA's Indian Policy. In 2010, IPCO provided cross-program analysis on tribal issues, and supported training, financial assistance and technical assistance to tribes as part of implementing the OSWER Tribal Strategy. For example, IPCO participated in the Agency's development of a Draft Tribal Consultation Policy in accordance with the Presidential Memorandum on Tribal Consultation issued November 5, 2009, directing agencies to develop a plan to implement fully, Executive Order 13175. Through these efforts, EPA works to build tribal capacity in assuming program management responsibilities in OSWER-related programs, forge strong partnerships with tribes and engage tribes in meaningful dialogue and information sharing in a timely manner.

OSWER Cross-Program Coordination

OSWER recognizes that there are opportunities to leverage and integrate tribal activities across related OSWER programs to increase effectiveness and efficiencies in the program. In 2010, several OSWER programs continued actively coordinating on tribal response activities. The Office of Superfund Remediation and Technology Innovation, Office of Brownfields and Land Revitalization, Office of Emergency Management and Office of Underground Storage Tanks, are working together to more effectively coordinate programmatic capacity on oversight and enforcement of response actions to protect human health and the environment, mechanisms for meaningful public participation, and guidance for assessing and cleaning up petroleum contamination on tribal lands.

OSWER Cooperative Agreement with the Institute for Tribal Environmental Professionals (ITEP)

OSWER has a five year cooperative agreement with ITEP to provide training, technical assistance, research and studies on subjects such as brownfields, contaminated sites, solid waste, hazardous materials, underground storage tanks and emergency response programs to Native American tribes and Alaska Native Villages. The grant with ITEP is unique because the scope of the grant supports all six OSWER program offices and their related missions and authorities. OSWER looks forward to sharing many successes with ITEP that will benefit tribes nationally.

Tribal Lands and Environment Forum

In 2010, OSWER sponsored and ITEP hosted the first Tribal Lands and Environment Forum. The Forum was a success with 263 participants, including 170 Tribal participants, as well as staff and management from EPA and several other federal agencies. The Forum featured presentations and breakout sessions on a wide range of OSWER topics. The Forum also provided several specific meetings and trainings including a meeting of the Tribal Superfund Working Group as well as trainings on solid waste, grant writing, tribal response programs, and Hazardous Waste Operations and Emergency Response.

For information on the 2010 Forum or the upcoming 2011 Forum, August 23-25, 2011 at the Oneida Tribe of Indians of Wisconsin's Radisson Hotel in Green Bay, Wisconsin please see the Tribal Lands and Environment Forum website: http://www4.nau.edu/itep/waste/twrap_tlf.asp



"TLF 2010 Plenary Panel" Left to Right: Jeff Scott, John Persell, James W. Ransom, Dean Suagee, Michelle DePass, Mathy Stanislaus"

ITEP Tribal Steering Committee

The ITEP Tribal Steering Committee continued their outstanding work guiding ITEP's efforts. In November, the Steering Committee held elections and selected Katherine Kruse, of the Keweenaw Bay Indian Community as Steering Committee Chairperson and Dino Chavarria, of the Pueblo of Santa Clara as Vice Chairperson. The Steering Committee guides ITEP's activities pursuant to the cooperative agreement and is responsible for promoting information exchange among tribes and EPA, assisting tribes with training, compliance and technical assistance, and analyzing policy to find improved approaches and solutions to issues within the scope of OSWER programs.



Left to Right: Mathy Stanislaus, Katherine Kruse, Dino Chavarria

Link to ITEP Steering Committee: <http://www4.nau.edu/itep/waste/twrap.asp>

Community Action for a Renewed Environment (CARE) www.epa.gov/CARE

CARE is a competitive grant program that offers an innovative way for a community to organize and take action to reduce toxic pollution in its local environment. Through CARE, a community creates partnerships that implement solutions to reduce releases of toxic pollutants and minimize people's exposure to them. By providing financial and technical assistance, EPA helps CARE communities get on the path to a renewed environment.



Left to right: Richard Grow, Anne Marie Wolf, Ben Stout, Margaret Millard, Linda Strauss, Marybeth Smuts, Mike Bandrowski, Kathleen Fenton

Since 2005, EPA has awarded nine CARE grants that involve tribes. Through these grants, tribes address a variety of concerns such as contamination from methamphetamine labs, inadequate solid waste disposal systems and open dumping, household chemicals, gas and oil well operations, and uranium mining. In 2010, EPA awarded two Level I cooperative agreements to tribal communities. The first was to the Chickasaw Nation Community Aware project to identify and prioritize the potential risks of exposure to toxic pollutants and other environmental concerns in the community, develop a prioritized list of risks and concerns with an action plan to address the risks and concerns, and build on existing and new partnerships within the community. The Native Village of Eyak also received a Level I CARE grant. Some of the known contaminants that will be addressed through this cooperative agreement are lingering oil contamination from Exxon Valdez, storm water pollution, contaminated drinking water, solid waste, hazardous waste, toxins, and other public health threats. The Native Village of Eyak's Sustainable Community project will be broken into four major milestones: 1) capacity building 2) site inventory mapping 3) contamination education and prevention and 4) creating a "sustainable community."

Innovation www.epa.gov/oswer/iwg

OSWER's Innovations Workgroup (IWG) funded two innovation projects on tribal lands in 2010. One project received \$50,000 for an Alaska statewide effort to characterize microbial and chemical contaminants that may be found within Alaska's 200 plus tribal open dumps and evaluate the effects of these contaminants on local drinking water sources. The project team's tribal members will adapt the Alaska Federation of Natives International Indigenous Research protocols to guide how research information is reported to the tribal governments and to external organizations. Tribal members also have a critical role as field scientists. They will be trained and equipped to measure data and ship samples to laboratories for testing.

The second tribal project will promote upstream food waste reduction and recovery at the largest food waste generator venues, including tribal casinos. Region 9 will partner with the Cabazon Band of Mission Indians to audit their casino/resort and create a Food Waste Assessment Management Plan based on the results. The Cabazon Mission Indians have 14 food-service venues that produce 18 tons of waste per month, accounting for approximately 30 percent of total waste disposed. Data will be collected to determine actual food waste reduction/diversion. Quantitative results will include food waste reduction, food waste diversion, packaging reduction and diversion and methane emissions reductions from landfills.

From nuclear weapons plants and military bases to landfills and fuel distribution stations, the U.S. government operates thousands of facilities across the country that promote the security and welfare of American citizens. To reduce the cost of cleanup and reuse of such sites, EPA coordinates creative solutions that protect both human health and the environment. EPA is involved in the cleanup of federal sites listed on the National Priority List (NPL) and Base Realignment and Closure (BRAC) sites, as well as other potentially contaminated federal facilities.

EPA's Federal Facilities Response Program:

- ⇒ Provides technical and regulatory oversight at NPL sites to ensure protection of human health, effective program implementation, and meaningful public involvement.
- ⇒ Works with other federal agencies, including DoD, DOE, DOI and USDA to assist in finding appropriate cleanup solutions at both NPL and BRAC sites, all of which have sites located at or around tribal lands.
- ⇒ The Response Program, which includes EPA's Regions and Headquarters, continues to identify contaminated sites on or near tribal lands, as well as site property which may be transferred to tribes.
- ⇒ FFRRO collaborates with tribes on munitions related projects including:
 - ⇒ [EPA Munitions Response Guidelines](#)
 - ⇒ [Handbook on the Management of Munitions Response Actions](#)
- ⇒ FFRRO provides ongoing support to tribes during both conventional and munitions cleanup projects.

FFRRO's priorities focus primarily to ensure meaningful government-to-government consultation and tribal involvement in the cleanup decision-making process so that tribal concerns, including cultural lifeway concerns, can be an integral part.

Federal Facility Cleanup Dialogue

FFRRO organized the Federal Facility Cleanup Dialogue (Dialogue), held in Washington, DC on October 20-21, 2010. Chaired by OSWER Assistant Administrator Mathy Stanislaus, the Dialogue served as a forum for Federal agencies; tribal, state, and local governments; communities, environmental groups and academia to discuss the federal facilities cleanup program progress. The objectives of the Dialogue included fostering effective communication among stakeholders, discussing and prioritizing challenges of federal cleanups, and establishing potential next steps for addressing the future challenges of federal facility site cleanups.

Participants included officials from EPA, DOE, DoD (including Air Force, Army, and Navy officials), DOI, USDA, the Army Corps of Engineers, state, tribal, and local government representatives; and national and local community members from across the country who are actively engaged in and/or concerned about the federal facility cleanup program.

During the meeting, tribal government participants stressed the importance of involving tribal leaders in national and site specific discussions early in the process to increase the likelihood of success. Tribal government participants also noted the importance of the federal government trust responsibility to tribes and complying with tribal treaty rights. Tribal participants emphasized that a thorough understanding of the federal trust responsibility and treaty rights are necessary for true government-to-government consultation.

FFRRO will continue work begun during the Dialogue by developing a framework for EPA and other stakeholders to address concerns and work on the resolution of issues raised at the meeting.

EPA's mission in emergency management is to work through our Regional offices with federal, tribal, state and local partners to prevent, prepare for and respond to releases of oil and hazardous substances. EPA Regional offices coordinate with tribes regarding emergency management activities that affect Indian Country. Our goal in working with tribes is to increase compliance at regulated facilities, improve local emergency response plans and increase chemical and oil spill prevention awareness and preparedness for response.

OIL SPILL RESPONSE

BP Oil Spill (Region 6) The largest oil spill in U.S. history occurred on April 22, 2010 in the Gulf of Mexico. The British Petroleum Deepwater Horizon Oil Spill caused severe impacts to parts of the Gulf coastline including to tribal communities. The state recognized tribes, Houma and Isle de Charles Point au Chiene, suffered the greatest impact to their fishery and natural resources. Some federally recognized tribes have had a historic presence in the area but no longer depend on the area for subsistence; however, some were concerned about the effect the spill would have on burial mounds. Region 6 tribal coordinators met with tribal members to hear their concerns. Region 6 recommended that these tribes be represented on the Gulf Restoration Task Force.

Enbridge Pipeline Oil Spill (Region 5) On July 26, 2010, the Enbridge Pipeline Oil Spill occurred in the Kalamazoo River near Marshall, MI. Three tribes (Nottawaseppi Huron Band of Potawatomi Indians, Pokagon Tribe and Gun Lake Tribe) are located in the area of the spill and/or their ancestors historically occupied the river environment. Early on the tribal issues were impacts on burial mounds on islands in the Kalamazoo River, impacts on tribal members who own land or residences (off-reservation, non-trust land) along the impacted segment of the river, and impacts on a tribal casino very close to the main spill. Nottawaseppi Huron was concerned about three issues relating to the impact of the spill and response on its casino:

- 1) air quality and whether it presented a risk to humans at the casino;
- 2) response vehicles in large numbers coming and going from the staging area across from their parking lot;
- 3) risks presented by whatever oily debris or soil may be stored at the staging area.

The Incident Commander enlisted EPA Regional Indian Environmental Liaison assistance within days of the spill to reach out to tribes, hear their concerns and set up an opportunity for the tribes to fully understand the spill and the response. Tribal representatives toured the Incident Command Post and had an aerial tour of the site. The above concerns were fully addressed. The National Historic Preservation Act 106 process is being followed to protect archeological resources that are encountered in the spill response.

Another broad aspect of the interest in the site for Nottawaseppi Huron continues to be natural resource damage caused by the spill or the response, especially to areas along the river that had been targeted by the tribe before the spill for re-establishment of wild rice beds. Incident Command staff has continued to work with Nottawaseppi Huron on the rice beds concern, and the tribe is using some funding from its 128(a) Site Response Program Grant to support its participation in the NRDA process.

TRIBAL TRAINING AND OUTREACH

Region 5 continued its quarterly conference calls for tribes on Emergency Preparedness and Homeland Security. This call is hosted jointly by EPA, Coast Guard and FEMA.

Region 6 had tribes participate in seven Spill Prevention Control and Countermeasure (SPCC) workshops in Oklahoma and New Mexico.

Region 7 provided training for emergency management related purposes for 10 tribal staff. Region 7 also had one radiological removal action on tribal land in Kansas.

Region 8 successfully established an interagency agreement with the Indian Health Service to assist with planning and preparedness activities for FY2011 with tribes in Region 8. The first goal is to assess each tribe’s current capabilities. A kick-off meeting to scope out implementation was held in November.

The Three Affiliated Tribes of the Ft. Berthold reservation has initiated oil drilling to access oil in the Bakken Formation. In the past two years, the number of wells has increased from two to approximately 50, with a potential for many more in the near future. The Region 8 Spill Prevention Control and Countermeasure (SPCC) program held an SPCC workshop for the Three Affiliated Tribes to help ensure compliance with federal regulations. Region 8 plans SPCC inspections on the reservation in FY2011.

Region 9 reached out to tribes, including through the 16th Annual Region 9 Tribal EPA Conference, which included sessions on Hazard Emergency Response to Tribal Lands, Tribal Community Emergency Response Teams, Smoke-related Emergency Response Issues & Resolutions, and Response to Transportation Accidents Involving Radioactive Materials. The Region 9 Tribal Operations Committee offered three Emergency Planning & Response Workgroup Meetings with the Alfreida Jake of the Elko Band of TeMoak Tribe. In addition, the Regional Collaboration and Tribal Partnerships conference was held on March 19, 2009, in Hoopa, CA (150 participants) and the Tribal Emergency Management and Homeland Security Summit was held on Sept. 22, 2009, in Corning, CA (200 participants).

Region 10 delivered 10 Emergency Planning & Community Right to Know Act (EPCRA), Oil Pollution Act (OPA), and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) training courses with 65 tribal participants.

Funding for the United Tribes Technical College (UTTC)

OSWER provided a third year of funding to the United Tribes Technical College (UTTC) in North Dakota to sponsor an online semester course entitled, *Indian Country Environmental Hazards Assessment Process* (ICEHAP). This course teaches participants to recognize environmental conditions that may cause harm to tribal community health; develop work plans which can be used in writing grant proposals; survey their communities to identify environmental issues of concern; and identify available and potential resources for environmental problem resolution. UTTC offers the course "tuition-free" to tribes for college credit, and has benefited from the opportunity to offer a unique class that enriches their environmental curriculum and attracts more students. Tribal students have benefited from the opportunity to learn valuable environmental problem-solving techniques and apply these techniques in their communities to improve the environment and health of the tribe. As a result of this project, almost 20 tribes are implementing or beginning to implement environmental work plans to address identified hazards in their communities.

OSWER Tribal Strategy Indicators for OEM

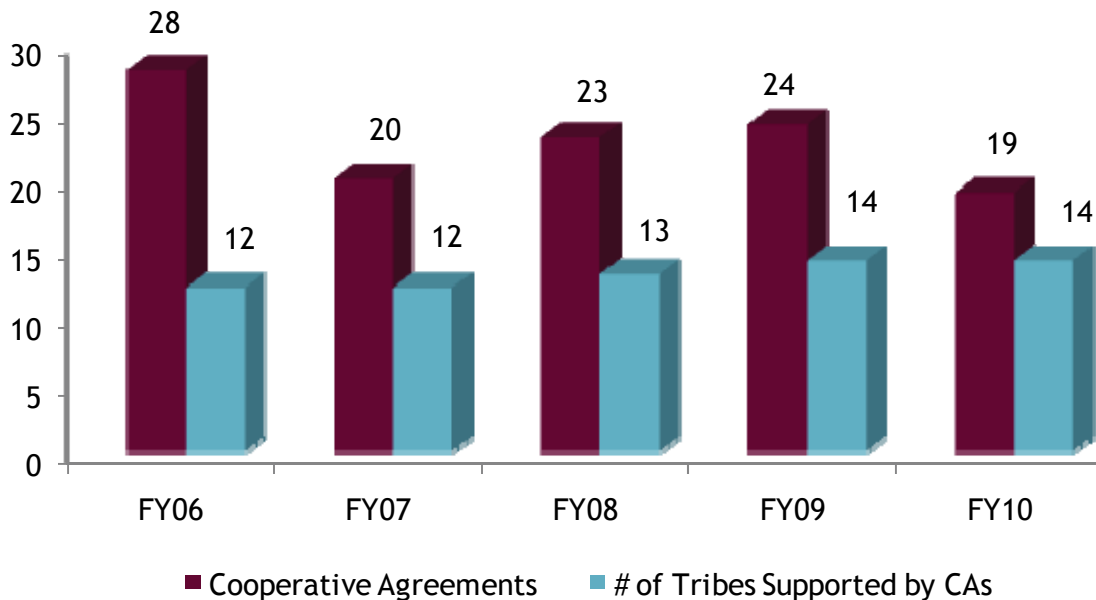
OSWER Tribal Strategy Indicators for OEM	
Number of SPCC regulated facilities inspected in Indian country	35
Number of oil spills and releases of hazardous substances occurring in Indian country, where EPA is the lead	1
Number of EPA-led trainings offered and the number of tribal staff trained for emergency management-related purposes	Trainings - 29 Tribal participants - 655
EPA-lead Removal Actions	8
RMP inspections	11

Superfund is a federal program that EPA, often working with a state or another federal agency, is ultimately responsible for implementing. A number of tribes are closely involved at Superfund sites that represent significant risks and are impacting tribal communities. In addition, EPA supports tribal Superfund programs, such as the Navajo Nation and Cherokee Nation, to assess sites and determine the level of contamination at the sites.

In 2010, remediation efforts continued at a number of tribal Superfund National Priorities List (NPL) sites. American Recovery and Reinvestment Act (ARRA) funds were used during FY2010 at a number of sites, including Sulfur Bank Mercury Mine (CA), Arsenic Trioxides Site (ND), and Bunker Hill (ID). EPA remedial and removal efforts in Regions 6 and 9 were expanded to more thoroughly address uranium contamination impacting the Navajo Nation and other tribes located primarily in New Mexico and Arizona. Superfund’s assessment and removal programs have so far evaluated over 200 Navajo structures and about the same number of mines and screened 235 drinking water wells. The same programs have completed approximately 400 assessments at structures in the Laguna Pueblo, for both uranium and radon contamination.

In conjunction with OSWER’s Integrated Cleanup Initiative, OSRTI has looked into methods to increase tribal involvement in Superfund program activities. One major example is our effort to seek tribal input as we begin the process of considering whether to revise the Hazard Ranking System (HRS) to consider vapor intrusion contamination. OSRTI also organized a meeting of the Tribal Superfund Working Group at the EPA sponsored Tribal Lands and Environment forum in San Diego, and anticipate future meetings of the group.

Superfund Cooperative Agreements, By Fiscal Year



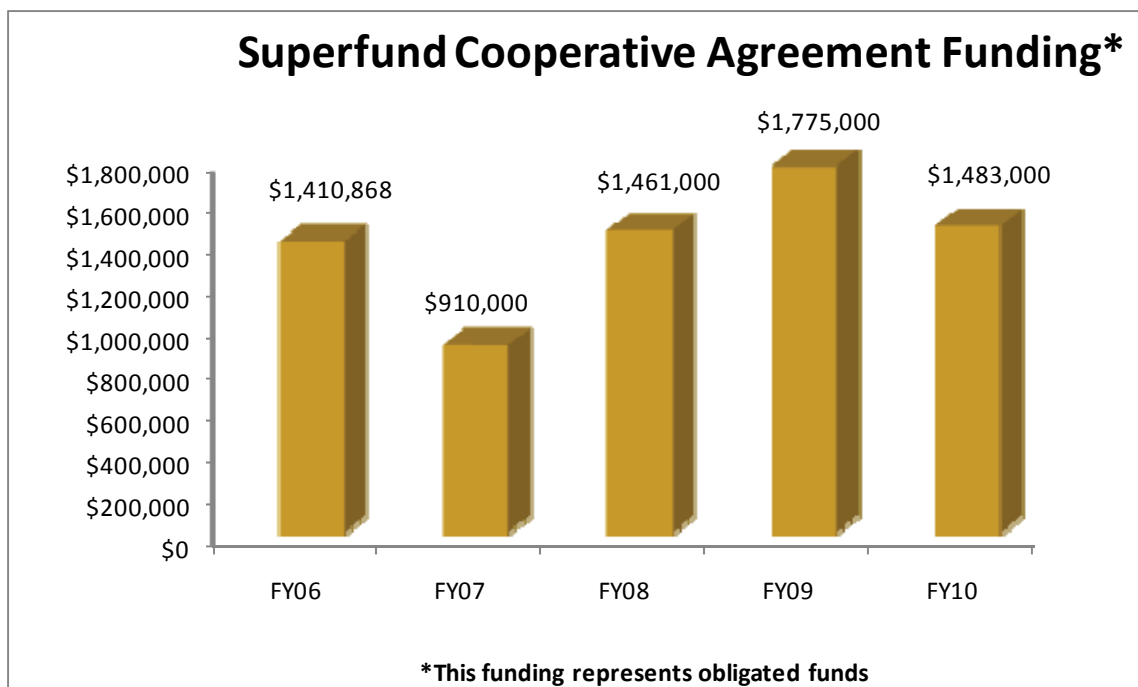
OSWER Tribal Strategy Indicator

Track	Number of tribes supported by a Superfund cooperative agreement and type of cooperative agreements used.
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Types of Superfund Tribal Cooperative Agreements in FY2010

In FY2010, EPA maintained approximately 19 cooperative agreements (CAs) with 12 tribes and intertribal consortia, for a total of \$1.483 million. This funding includes:

- ⇒ \$504,000 for Support Agency CAs. These fund tribes to provide necessary data, review response documents and provide other assistance to EPA. About half of the funding went to the Little Traverse Band (Region 5) and the Coeur d'Alene Tribe (Region 10).
- ⇒ \$139,000 for one core CA with the St. Regis Mohawk Tribe (Region 2). Core CAs fund non-site-specific activities supporting tribal involvement in CERCLA responses.
- ⇒ \$140,000 for bulk funding for the Cherokee (Region 6). Bulk funding is used to fund the Intertribal Environmental Council consortia.
- ⇒ \$625,000 for a Preliminary Assessment/Site Inspection CA with the Navajo Nation (Region 9) for their assessment programs.
- ⇒ \$50,000 for a Remedial Investigation/Feasibility Study CA for the Elem Tribe (Region 9)
- ⇒ \$25,000 for other CAs.



Funding for tribal CAs has remained relatively constant over the past several years, and the number of tribes receiving CAs has also remained constant between 12 and 14.

The number of CAs has varied, based on the type and amount of site activity expected in the next project period. Sometimes, several CAs are combined into one to make the process more efficient.

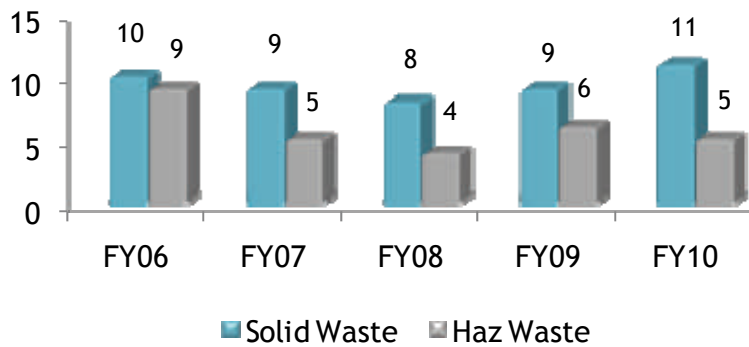
Tribal Superfund Work Group Meeting

Improved coordination and consultation have been the big successes this year for the OSRTI Tribal Program. About 20 tribal members participated in a Tribal Superfund Work Group meeting held in San Diego as part of the Tribal Lands and Environment Forum. The Tribal Superfund Work Group has not met in several years and the meeting was the first of what OSRTI hopes will be an ongoing effort to facilitate discussion of tribal Superfund issues between tribes and federal officials. Tribal participants were pleased with the meeting and agreed to work with OSRTI to set up future meetings. The Tribal Leaders Summit, organized by Region 10 and held in Juneau, Alaska, was another successful coordination effort. Over 200 tribal and EPA personnel participated and attendees overwhelmingly viewed it as a success. Region 6's site assessment group has been communicating with Region 6 tribes through the Region 6 RTOC and meetings, to start a Region 6 Round Table Discussion with the tribes on Superfund issues.

The Office of Resource, Conservation and Recovery (ORCR) is helping tribes to achieve sustainable waste management programs in Indian country by developing integrated waste management plans (IWMPs); supporting the cleanup, closure, or upgrading of open dumps; and collaborating with IHS and EPA Regions to complete an inventory of open dumps on tribal lands.

ORCR also assists tribes in developing and implementing hazardous waste management programs. ORCR is working to expand the existing National Tribal Training Initiative by developing a national tribal training strategy. This strategy will be a more comprehensive approach to providing training to tribes on solid and hazardous waste management. In addition, ORCR provides a variety of outreach materials for tribes, such as the Tribal Waste Journal, fact sheets on various solid and hazardous waste issues, and is currently developing a web based Technical Assistance Directory, which will be found on the Waste Management in Indian Country Web site at: <http://www.epa.gov/epawaste/wycd/tribal/index.htm>.

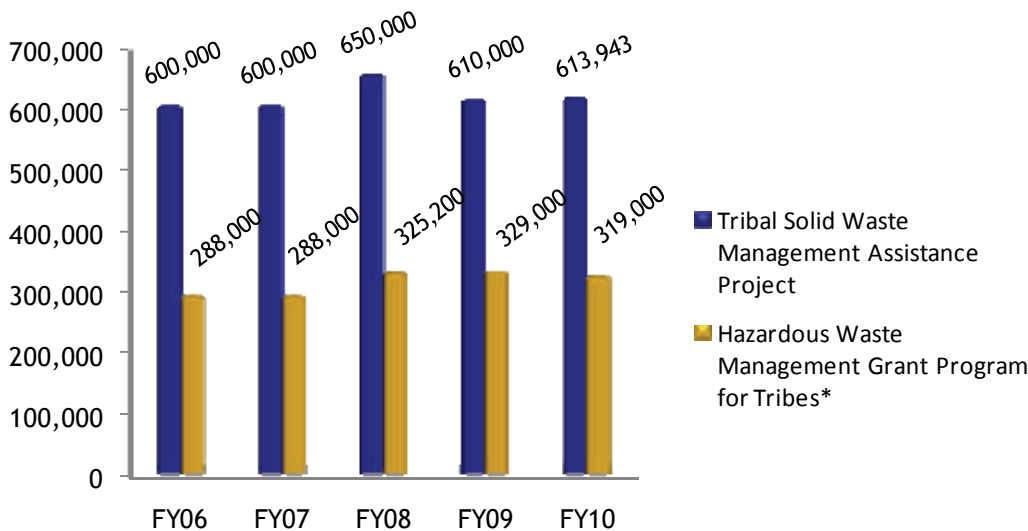
Number of Funded Projects for the Tribal Solid and Hazardous Waste Management Grant Programs



In FY2010, EPA funded 11 grants through the Tribal Solid Waste Management Assistance Project totaling \$613,943.

EPA funded 5 projects totaling \$319,000 through the Hazardous Waste Management Grant Programs for Tribes.

ORCR Total Tribal Program Funding



*Primarily Funded through STAG Appropriations but Supplemented with Additional EPM Funding

Rural Alaska Landfill Operator Trainings



In FY2010, the Rural Alaska Landfill Operator (RALO) trainings, which began in 2007, continued in EPA Region 10. EPA Solid Waste Liaison, Ted Jacobson, collaborated with other Alaska waste experts to deliver the training. The training is provided in different Alaskan hub communities each year. The RALO courses are hosted by the Alaska Forum, Inc.

The course materials were created by the Alaska Chapter of the Solid Waste Association of North America to address the unique needs and conditions in Alaska.

Participants learn about landfill regulations and requirements, household hazardous waste, waste separation and screening, waste reduction, recycling, personal protective equipment and more. The picture above shows attendees of a FY2010 RALO class representing nine villages.

Household Hazardous Waste Training on the Yukon River

In FY2010, EPA's Hazardous Waste Management Grant Program for Tribes supported hands-on field training to household hazardous waste workers in Alaska. Through a grant to the Yukon River Inter-Tribal Watershed Council (YRITWC), an organization of 70 Indigenous governments on the Yukon River, workers were trained on how to properly identify, package, stage, and transport household hazardous waste from remote villages to regional hubs. This training, in conjunction with logistical support from YRITWC, diverted thousands of televisions, fluorescent light bulbs, used oil, glycol, and lead-acid batteries from unlined landfills and shipped these products to centers for proper recycling and reuse. The effort reached more than 20 villages in FY2010.

Visit the [YRITWC Web Site](#) for pictures and newsletter stories about the ongoing efforts to backhaul wastes out of rural Alaska to protect villagers from toxics.

Tribal Staff Learn to Spot and Respond to Mobile Meth Labs

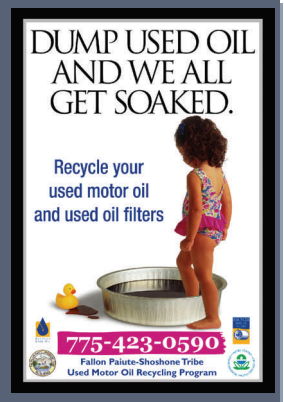
The presence of mobile meth labs is a significant environmental issue in Indian Country. Tribal solid waste personnel are often tasked with the disposal of waste and cleaning of these mobile meth labs. This new face of waste presents unique challenges to tribes.

The Tribal Solid Waste Advisory Network (TSWAN) was awarded a grant through EPA's Tribal Hazardous Waste Management Grant Program to develop and deliver training to tribal staff and community leaders on how to identify meth labs and safely respond. TSWAN offered a two-day training which included classroom time and hands on training through mock meth lab scenes staged by the Washington State Patrol. Participants received certification through the University of Washington Northwest Center for Occupational Health and Safety Continuing Education Program. In FY2010, trainings were held at Snoqualmie Nation and Yakama Nation with participants from the Pacific Northwest and Alaska.

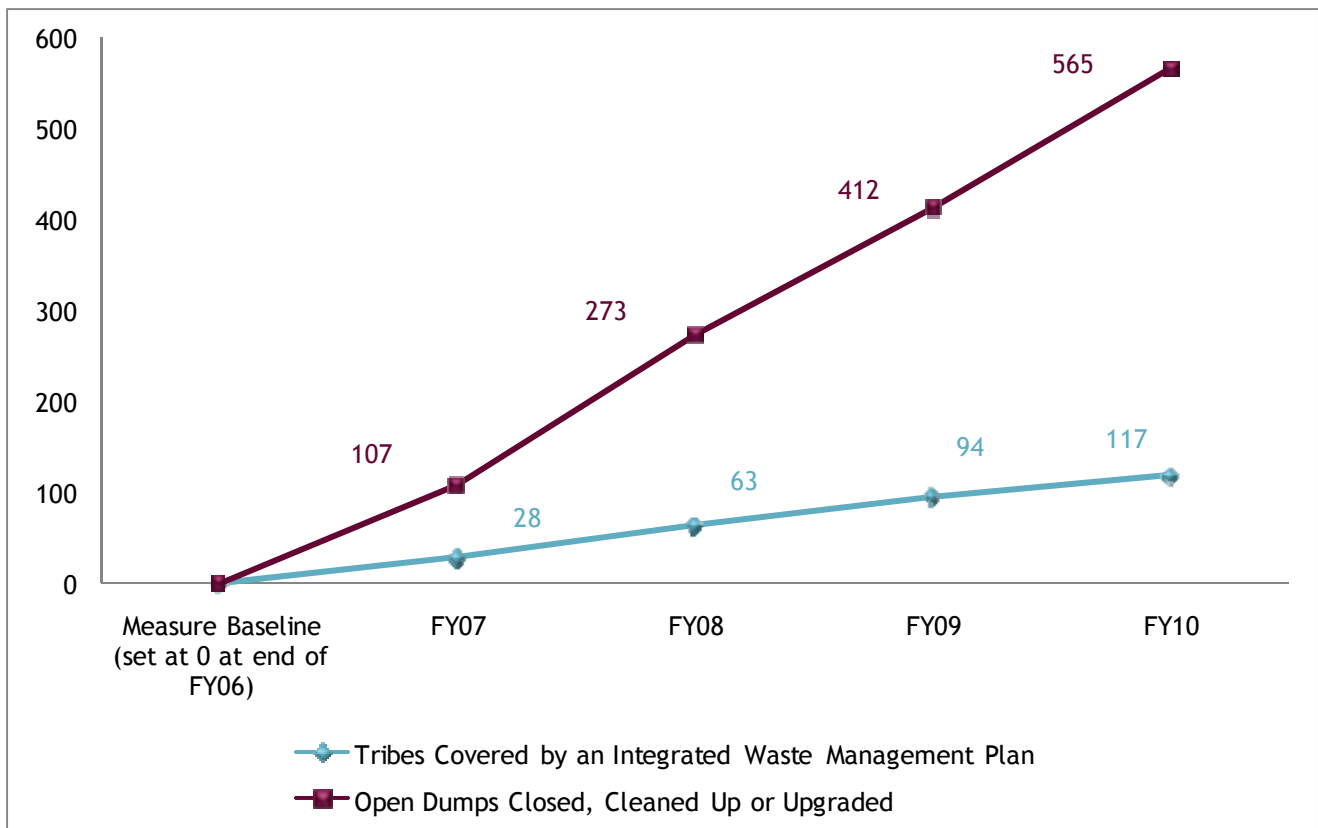


Fallon Paiute-Shoshone Tribe Used Oil Recycling

Last year the Fallon Paiute-Shoshone Tribe's Environmental Protection Department (EPD) started a Used Oil and Oil Filter Recycling program with funds from EPA's Hazardous Waste Management Grant Program. This recycling program was developed to accept used oil and oil filters from tribal "do-it-yourself" oil changers and to dispose of the used oil by burning it in a used oil furnace, which now provides heat for the tribal auto shop. In FY2010, EPD worked to develop partnerships with neighboring tribes in Nevada to recycle their used oil. These partnerships could help reduce the cost of hazardous waste disposal for the other tribes, and further reduce heating costs for the Fallon Paiute-Shoshone Tribe.



2010 - 2015 EPA Strategic Plan Strategic Targets and (External Measures)		2010-2015 Targets
Goal 3.2	By 2015, increase by 78 the number of tribes covered an integrated waste management plan compared to FY2009.	78
Goal 3.2	By 2015, close, clean up, or upgrade 281 open dumps in Indian country and other tribal lands compared to FY2009.	281



Tribes and EPA continue to work to prevent releases and improve underground storage tanks (UST) compliance in Indian country by:

- ⇒ Enhancing inspection frequency at UST facilities to at least once every three years; issuing federal credentials to tribal inspectors; developing additional compliance-focused assistance agreements with tribes; providing training to tribal environmental professionals and facility owners and operators; and working to develop regulations to implement the provisions of the 2005 Energy Policy Act.

EPA is responsible for ensuring the cleanup of Underground Storage Tank (UST) releases in Indian country and actively works with tribes to identify, assess, and cleanup these releases by:

- ⇒ Analyzing the backlog of cleanups yet to be completed; identifying Leaking Underground Storage Tank (LUST) Trust Fund eligible sites; continuing use of national and regional cleanup contracts; providing cleanup grant funding directly to tribes and providing corrective action training to tribes.

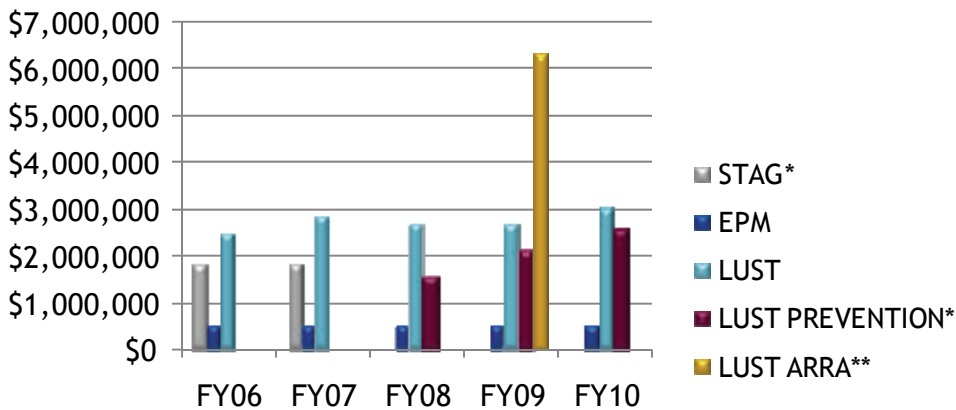
Tribal EPA- UST/LUST Meeting

May 3-4, 2011
Oneida Tribe of Indians of Wisconsin

Contact: William Lienesch
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<http://www.epa.gov/oust/tribes/>

OUST Tribal Funding by Appropriation



*STAG Appropriations were replaced with LUST Prevention Appropriations

**For use in existing HQ and R8 tribal contracts from FY2009 - FY2011

EPA provided \$2.6 million in FY2010 for the UST Indian country prevention program.

EPA provided \$3.0 million in FY2010 for LUST cleanups in Indian country.

Grants to Tribes for Prevention and Cleanup

In FY2010, EPA provided over \$2.3 million in LUST Prevention and LUST Cleanup grant funding to 25 tribes. The LUST Prevention funding is used by tribes to help owners and operators prevent releases and mitigate environmental damage when releases do occur. The LUST Cleanup funding is used by tribes to develop and manage their cleanup programs and reduce the number of remaining cleanups in Indian country.

National Tribal Grant for Compliance Assistance

In April 2009, EPA awarded a \$2.5 million, five-year grant with the Inter-Tribal Council of Arizona (ITCA) to provide compliance assistance training to tribes and owners/operators in Indian country, and inspector training and certification for tribal staff to conduct inspections at tribal facilities. In 2010, ITCA conducted 11 trainings and trained 185 people.

Tribal Inspectors Authorized to Conduct Federal UST Inspections

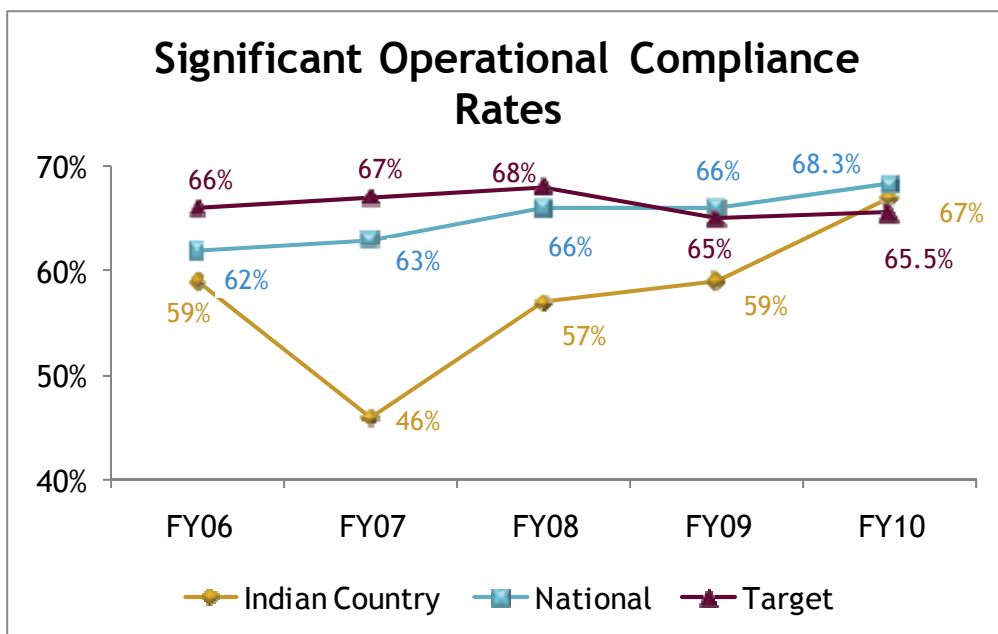
Designating tribal inspectors as authorized representatives of EPA to inspect USTs can help increase the geographic coverage and frequency of inspections in Indian country. It helps enhance relationships and increase the capabilities of tribal inspectors. Since EPA's commitment in 2006 to issue federal credentials for tribal inspectors, a total of six inspectors have received credentials, although currently only four hold credentials due to changes in tribal staff responsibilities and turnover. These federally credentialed tribal inspectors contributed significantly to the number of inspections conducted in FY2010, having completed 63 inspections. EPA anticipates at least two additional tribal staff will receive federal credentials in FY2011.

	FY2007	FY2008	FY2009	2010
Tribal Inspectors	0	2	6	4
Tribal Inspections	0	4	85	63

Significant Operational Compliance Rates

Significant operational compliance (SOC) is a key element to preventing releases because it means that a facility has the equipment required by regulations and performs operation and maintenance to prevent and detect releases. SOC rates in Indian country have varied considerably from year to year due to the relatively small number of USTs. Between 2006-2010, SOC rates in Indian country have been on average about 8 percent below the national rate. However, at the end of FY2010, the gap was 2.3 percent.

Additionally, for the first time the SOC rate for Indian country has exceeded the national target, although narrowly, by only half a percent. Increased compliance assistance by EPA staff and tribal compliance assistance officers, in particular, due to their close proximity to regulated facilities play an invaluable role in educating owners and operators and promoting compliance. Training for tribal environmental staff and UST owners and operators is important for maintaining and improving SOC. EPA, in partnership with tribes, will continue to identify ways to improve SOC in Indian country.



First time in FY2010 the SOC rate for Indian country has exceeded the national target.

EPA, in consultation with OMB, modified the SOC target for FY09 to 65% , with an annual increase of 0.5% planned for each year through FY2015.

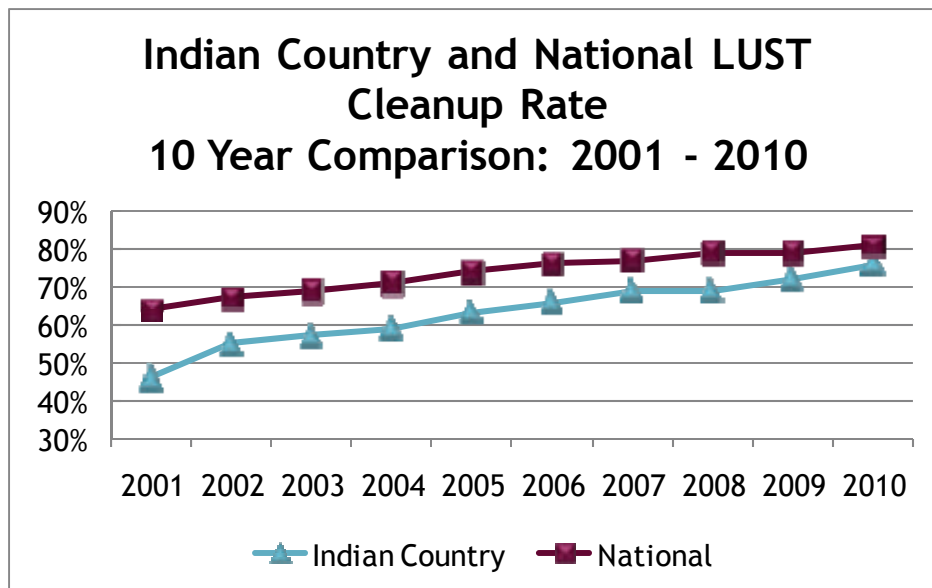
OUST Performance Measures		Targets				
		'07	'08	'09	'10	'11
Goal 3.1.2	Percentage of UST facilities in Indian country that are in significant operational compliance with both release detection and release prevention (spill, overfill, and corrosion protection) requirements.	67%	68%	65%	65.5%	66%
OSWER National Program Manager's Guidance National Target						
Goal 3.2.2	The number of LUST cleanups in Indian country that meet risk-based standards for human exposure and groundwater migration (tracked as the number of LUST cleanups completed).	30	30	30	30	38

LUST Cleanups Completed in Indian Country

EPA actively works with tribes to implement the LUST Program in Indian country and to identify, assess and cleanup UST releases.

For several years the cleanup rate in Indian country lagged behind the national rate by 15-20 percent. In FY2010, the gap closed to about five percent. At the end of FY2010, there were 295 LUST cleanups that had yet to be completed in Indian country. Over the past seven years, the LUST cleanup backlog in Indian country has declined by more than 30 percent. This success is due partly to focused efforts by EPA and tribes to complete the remaining cleanups necessary at older sites and to the increased use of the national and regional Indian country cleanup contracts. These contracts help: assess LUST Trust Fund eligible sites; design corrective action plans; and remediate contaminated sites. However, completing cleanups and reducing the backlog of sites in Indian country is likely to become more difficult because of two factors. Some EPA Regions are conducting comprehensive surveys to identify abandoned tanks; some of these tanks may have unreported releases that will add to the backlog of sites. Also, EPA is addressing more sites that require complex cleanups which take more time to complete.

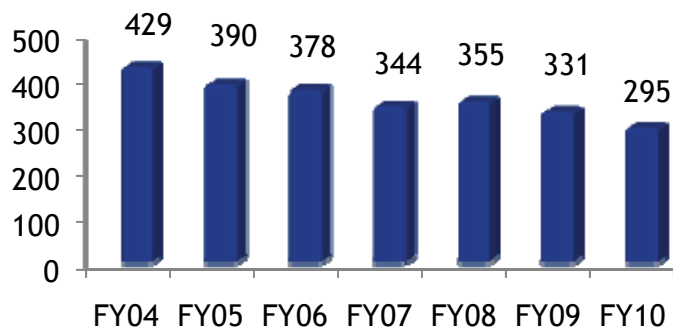
In FY2010, EPA exceeded its goal of 30 LUST cleanups completed for Indian country by completing 62 cleanups. This success is due partly to increased use of the Indian country cleanup contracts supported by the LUST Trust Fund and maintained by EPA for cleanup activities in Indian country; and due to a large number of cleanups completed in Wyoming. There is no reason to expect that this level of cleanup will be sustainable in coming years. EPA's annual goal for completing cleanups in Indian country has been 30 but will increase to 38 cleanups in FY2011.



EPA has primary responsibility for implementing the LUST Program in Indian country and actively works with tribes to identify, assess and cleanup UST releases.

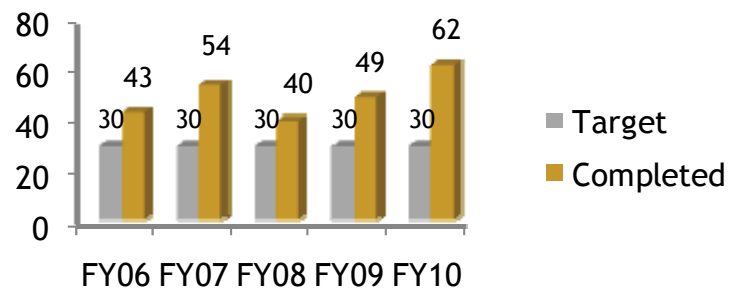
Over the past 10 years, the cleanup rate in Indian country has significantly improved and in 2010 is nearly equal to the national cleanup rate.

LUST Cleanup Backlog in Indian Country



Over the past 7 years, the LUST cleanup backlog in Indian country has declined by more than 30 percent.

LUST Cleanups Completed in Indian Country

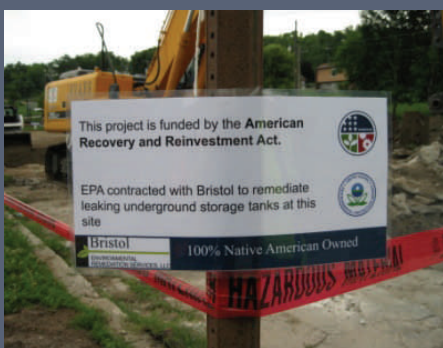


Recovery Act Money Supports Cleanup of LUST sites

In 2010, EPA continued its work to cleanup sites in Indian country using an additional \$6.3 million from the 2009 Recovery Act. EPA allocated this money to existing EPA cleanup contracts with Alaska Native or Native American firms. This one-time addition substantially increased EPA's ability to assess and clean up leaking underground storage tank sites in Indian country. It is supporting work at approximately 50 sites in Indian country benefiting over 20 Tribal communities. Below are highlights about LUST Recovery Act sites.

Winnebago Tribe of Nebraska, Former Skelly Gas Station

EPA Region 7's UST program, in partnership with the Winnebago Tribe of Nebraska, used LUST Recovery Act money to clean up the former Skelly Gas Station site. Work has included assessing the site, removing underground storage tanks in conjunction with contaminated soil, and addressing petroleum vapor exposure that affected the Tribal Courthouse. The former Skelly Gas Station was abandoned in the 1960s. The remediation activities, paid for by LUST Recovery Act money, have reduced the risks to human health and the environment from petroleum vapor and soil contamination and improved the neighborhood environment for the nearby elderly community center and boys and girls club. This cleanup has also created several jobs on the reservation and will facilitate the reuse of this site for commercial purposes.



The remediation activities, paid for by LUST Recovery Act money, have reduced the risks to human health and the environment from petroleum vapor and soil contamination and improved the neighborhood environment for the nearby elderly community center and boys and girls club. This cleanup has also created several jobs on the reservation and will facilitate the reuse of this site for commercial purposes.

Navajo Nation, Former Painted Desert Inn Gas Station

EPA Region 9's UST program is working in partnership with the Navajo Nation Tribe to use LUST Recovery Act money to clean up the former Painted Desert Inn Gas Station. This gas station originally operated two 10,000 gallon and two 2,000 gallon USTs, which were removed in August 1991. The remediation activities have been instrumental in helping determine the extent of soil and groundwater contamination. Navajo Nation plans to improve the drinking and wastewater system for the residents in the area and revitalize the site for potential commercial purposes.



Region 8's Use of Recovery Act Funding

EPA Region 8 used Recovery Act Funding to help assess and clean up 17 sites benefiting eight tribal communities: Assiniboine and Sioux Tribes; Blackfeet Tribe; Cheyenne River Sioux; Confederated Salish and Kootenai Tribes; Crow Creek Sioux Tribe, Northern Cheyenne Tribe; Oglala Sioux Tribe; and Standing Rock Sioux Tribe of North and South Dakota. The region completed 10 site assessments and seven remediation activities, resulting in seven cleanups completed. The remedial activities completed on the Crow Creek Reservation reduced the risk to human health and the environment from petroleum vapor and soil contamination and facilitated the reuse of this site for construction of a boys and girls club and office space for non-profit companies.

Developing Regulations to Improve Consistency in Implementing EPA's UST Program

OUST is revising the 1988 federal UST regulations to require that the Energy Policy Act provisions apply to USTs in Indian country and in states that do not have state program approval. OUST is also considering changes to the original 1988 regulations to increase protection of human health and the environment and prevent UST releases and detect them quickly, should they occur.

Proposed changes include: adding secondary containment requirements for new and replaced USTs and piping; adding operator training requirements for UST system owners and operators; adding periodic operation and maintenance requirements for UST systems; removing certain deferrals; adding new release prevention and detection technologies; updating codes of practice; making editorial and technical corrections; and updating state program approval requirements to incorporate these new changes.

OUST worked closely with states, tribes, industry, and other stakeholders to obtain their early input. OUST plans to issue a proposed rule in summer 2011.

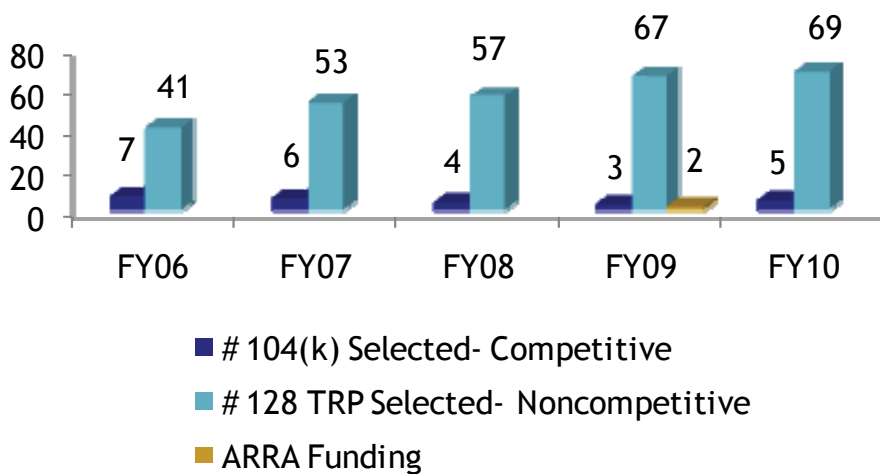
Many contaminated sites, that have long been abandoned, resulted from past activities by federal interests, tribal entities, and/or other enterprises. The Brownfields program, through brownfields grants and technical assistance, enables tribal communities to establish and enhance tribal response programs, assess and cleanup contaminated properties, and return the areas to uses that meet tribal needs.

OBLR’s Brownfields program promotes community involvement with public and private partners in the revitalization of contaminated sites in Indian country and other tribal areas to their best use. Decisions on future uses are determined by tribal governments based on their priorities and needs. The support for cleanup and revitalization can help tribes achieve reuse of contaminated properties and increase environmental, economic, and public health benefits in Indian country.

EPA provides tribes with brownfields funding under the authority of CERCLA Section 128(a) to establish and enhance Tribal Response Programs. In FY2010, the CERCLA 128(a) State and Tribal Response Program Grant program allocated over \$10 million dollars to 69 tribes. Of these 69 grants, nine grantees were new to the CERCLA 128(a) grant program. Tribes also compete for brownfields grant funding under CERCLA 104(k) for assessment, revolving loan fund, cleanup, job training, and research and technical assistance grants. In addition to grants, EPA provides funding to support direct technical assistance for environmental assessments (i.e., Targeted Brownfields Assessments).

This year the Brownfields program initiated an Area-Wide Planning Pilot Program. Through the pilot program EPA is providing assistance to 23 communities to facilitate community involvement in developing an area-wide plan for brownfields assessment, cleanup and subsequent reuse. The Confederated Tribes of the Colville Reservation was one of the 23 grantees selected for a grant. With the help of this grant, the Confederated Tribes of the Colville Reservation will complete an area wide plan of a targeted area to encourage and inform the assessment, cleanup and revitalization of brownfields within their tribe.

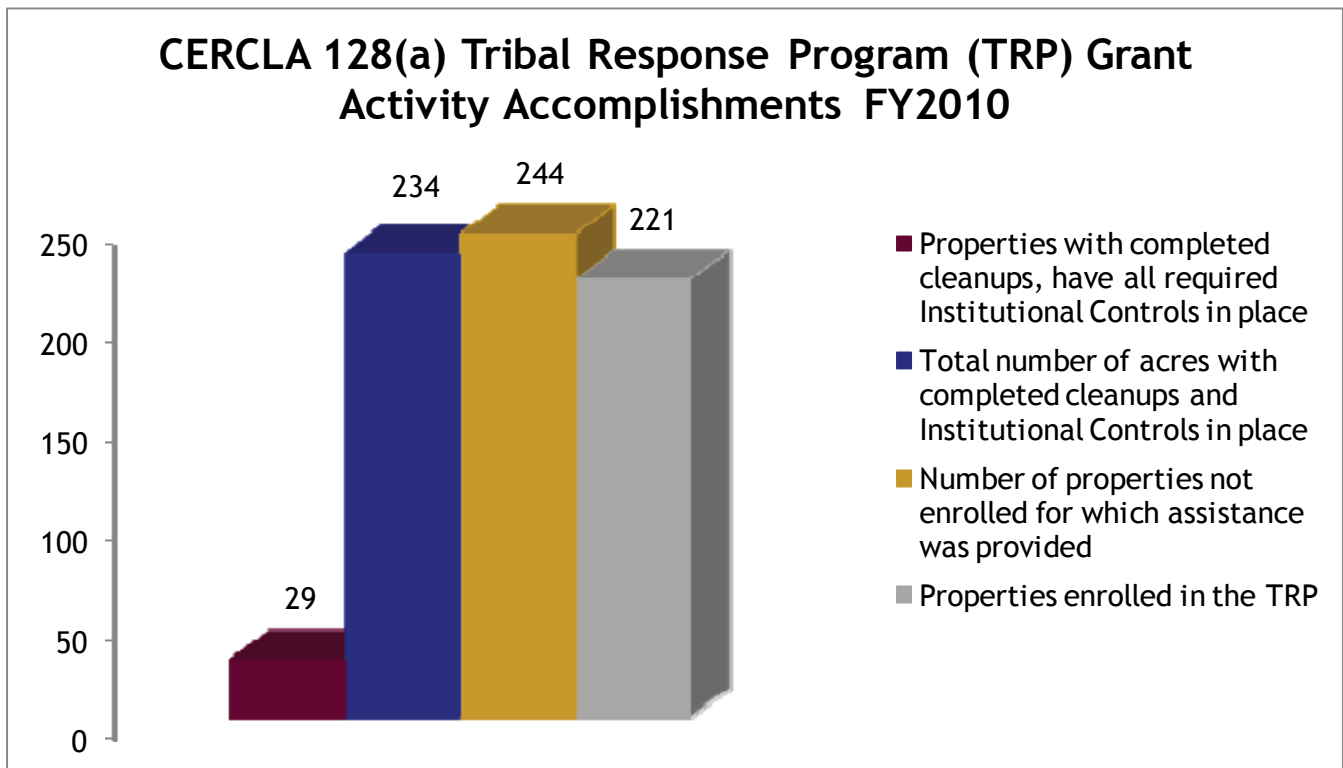
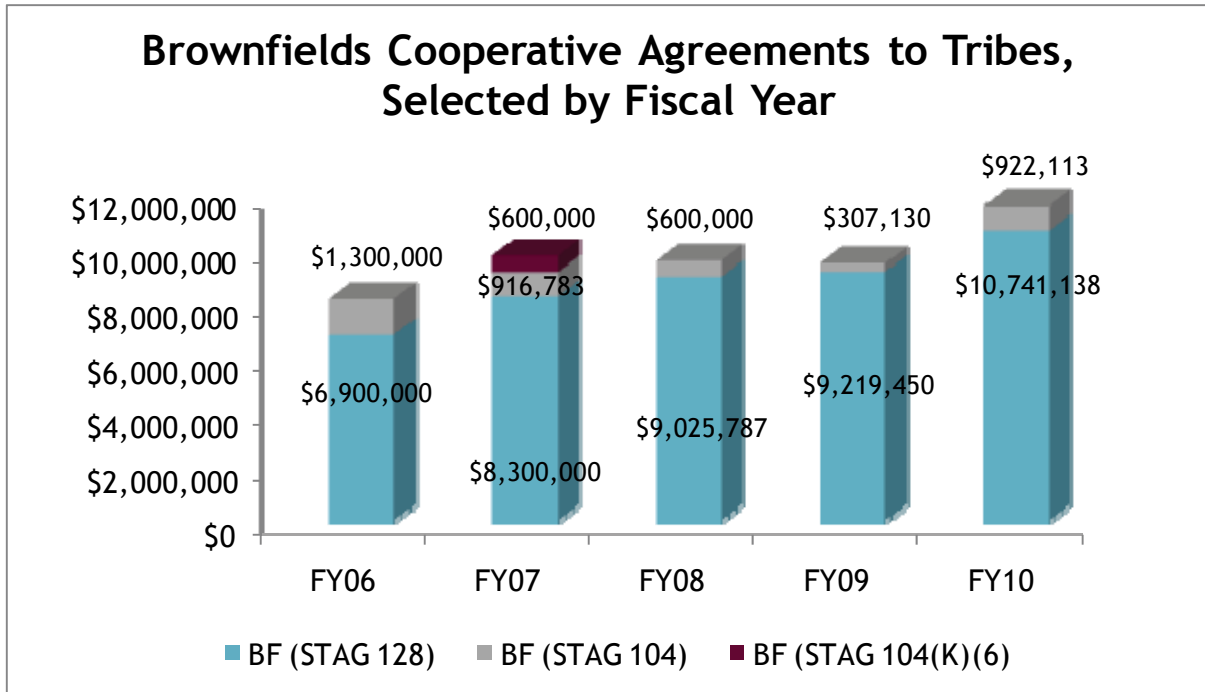
Number of Brownfields Grants to Tribes, By Fiscal Year



The number of tribes seeking to develop and enhance a Tribal Response program has increased every year since FY2006.

In FY2010, nine new tribal co-regulators were selected to participate in the 128(a) grant program.

OSWER Tribal Strategy Indicator	
Goal	<p>Provide breakdown of the number of tribes awarded brownfields cooperative agreements into: the number of 128(a) tribal response program cooperative agreements (to indicate the number of tribes developing response program capacity), and the number 104(k) competitive cooperative agreements (to indicate the number of tribes successfully competing for site activity funding, and changes of activities over time, in comparison to changes in the number of tribes with response programs).</p> <p>Number of tribes awarded cooperative agreements in FY2010: 128(a): 69 (9 new grantees) 104(k): 5</p>



Red Lake Band of Chippewa Indians

The Red Lake Band of Chippewa Indians used Section 128(a) Response Program grant funds to provide Hazardous Materials Technician training to approximately 20 tribal responders from June 28-July 2, 2010. The tribe hosted the training for environmental, fire, emergency medical services, and police staff from Red Lake and three other EPA Region 5 tribes. Tribes realize that when their reservation is located far from emergency response resources they need more local staff trained and ready to act in the face of a spill or release incident. The course involved two exercises focused on stopping leaks and emergency containment. The Center for Labor Education and Research/Workplace Safety Training Program at Jefferson State Community College delivered the training under a grant from the National Institute of Environmental Health Sciences (NIEHS) in partnership with the Native American Fish and Wildlife Society.

Yurok Tribe Environmental Program (YTEP)

The Yurok Tribe Environmental Program (YTEP) is creating capacity to perform Phase I environmental assessments using tribal staff. Prior to 2010, YTEP lacked the capacity to conduct and write assessment reports for its own lands and relied on outside environmental contractors to perform assessments. During 2009, YTEP used an environmental contractor to conduct four Phase I assessments on the Yurok Reservation. As part of that contract, YTEP received training and professional expertise on how to conduct Phase I assessments using American Society for Testing and Materials (ASTM) standards. YTEP used Section 128(a) Response Program grant funding to attend and complete the ASTM International training class: Phase I-II Environmental Site Assessments for Commercial Real Estate. During the course, YTEP staff met and networked with other environmental professionals. YTEP used these network resources during the development and review process of its first Phase I assessment, which is currently under review by Region 9 staff.

Cheyenne River Sioux Tribe (CRST)

In August 2010, EPA's Emergency Response Unit conducted a removal action to clean up asbestos released from a dilapidated administrative building in Eagle Butte, South Dakota. The Old Prosecutor Building, located in close proximity to several residences, removal was triggered by continued vandalism and arson attempts. Cheyenne River Sioux Tribe's (CRST) Department of Environment and Natural Resources personnel were instrumental in the initial identification of the hazard and worked closely with EPA's On-Scene Coordinator (OSC) in the planning and execution of the removal. CRST used Section 128(a) Response Program funding to provide onsite coordination and support. The close coordination between tribal personnel and EPA's OSC during the removal action provided valuable insight into the cleanup process and the lessons learned will be transferable to subsequent brownfields projects conducted by CRST.



Shoshone-Bannock Tribe

Over the last year the Shoshone- Bannock Tribes' Environmental Waste Program Manager used Section 128(a) Response Program funding to hold "Brownfields' Days" in each district of the 815-square mile reservation in southeast Idaho. The program created presentations, newsletters and brochures to provide outreach and address a legacy of pesticide, lead and asbestos contamination from agriculture, industry, mining, and illegal dumping. The most visible outcome of "Brownfields' Days" was the cleanup of lead and asbestos at a former railroad station that made the building ready for re-use as a tribal veterans center. In addition, the tribe is partnering with Idaho State University to transform an old hospital into an environmental education center. Some brownfields properties on the reservation have also undergone ecological restoration and three properties are being studied as possible locations for a wind farm or a waste-to-energy plant.

Yukon River Inter-Tribal Watershed Council (YRITWC)

With Section 128(a) Response Program grant funding, YRITWC conducted Phase I environmental assessments in two communities. The first assessment, at Hooper Bay, focused on nine plywood sewage disposal containers and the second, at Pilot Station, focused on a well pump station to determine whether a release had occurred. YRITWC also worked with the Anvik Brownfields Program to conduct a Phase II assessment at the old Alaska Village Electric Cooperative (AVEC) tank farm and former generator building. The Community of Anvik plans to cleanup the property and develop it into a multi-use facility and boat storage. The YRITWC Brownfields Team submitted the environmental assessment findings to EPA, Alaska Department of Environmental Control (DEC), and each of the three villages with recommended action plans. The environmental assessments helped characterize the extent of contamination and outlined clear cleanup plans that will lead to reuse and redevelopment.



	Tribal ARC* Grant Accomplishments FY2006–FY2010	Tribal Section 128(a) TRP Accomplishments FY2006–FY2010	Total Tribal Accomplishments FY2006–FY2010
Assessments Completed	117	158	275
Cleanups Completed	18	24	42
Jobs Leveraged	91	129	220
Funding Leveraged	\$7,446,420	\$10,876,432	\$18,322,852
<i>*ARC is Assessment, Revolving Loan Fund and Cleanup Grants</i>			

OSWER Tribal Strategy Commitments

In addition to tribal grant activity accomplishments, OBLR implemented the OSWER Tribal Strategy by:

- ⇒ Continuing regional Targeted Brownfields Assessments of sites identified by tribes, upon request by tribes, as resources allow.
- ⇒ Working in conjunction with OEM and OUST develop a tribal petroleum brownfields decision aid. The decision aid will inform tribes about which OSWER programs provide technical assistance and/or funding to address the petroleum contamination.
- ⇒ Providing grant funding and technical assistance over a four year project period to support the development of a train-the-trainer program for tribal response programs.
- ⇒ Improving support for tribal participation and achievement in Brownfields. EPA continues to involve tribes in the planning of tribal sessions at the Brownfields Conference that includes a networking luncheon and discussion.

IV. Looking Forward in 2011

In September of 2010 the Agency released EPA's [FY2011-2015 Strategic Plan](#) which provides a blueprint for advancing [Administrator Lisa Jackson's seven priorities](#) and EPA's mission to protect human health and the environment. The Plan also introduced five cross-cutting fundamental strategies which set clear expectations for changing the way EPA does business in achieving its results. One of the cross-cutting strategies is, "[Strengthening State, Tribal, and International Partnerships.](#)" Other cross-cutting strategies include Expanding the Conversation on Environmentalism and Working for Environmental Justice. To achieve these strategies EPA is developing documents such as the Plan EJ 2014, the first Agency-wide environmental justice strategic plan.

EPA's FY2011 Action Plans provide specific Agency commitments to implement and advance each of the strategies this year. OSWER intends to update the OSWER Tribal Strategy to reflect the priorities and cross-cutting strategies. In this way, the OSWER Tribal Strategy will continue to stay current with environmental activities in Indian country and clearly align with the EPA Strategic Plan into the future. An important continuing priority for OSWER in 2011 is the implementation of the [Community Engagement Initiative](#). Tribes have opportunities to participate in and benefit from this initiative, and EPA will work with tribes to identify and effectively engage tribal communities in actions related to this initiative.

In addition, new issues are consistently raised, such as the desire for more technical assistance related to mining issues (especially abandoned uranium mines), and new opportunities for integrating "green" approaches into environmental management programs and revitalization efforts (such as developing alternative energy enterprises on contaminated lands). OSWER will continue to examine these issues with tribes in 2011 to determine whether new strategies on these topics should be developed and included in the OSWER tribal strategy.

For up to date information please visit the [OSWER Tribal Web page](#) and the [EPA Tribal Portal](#).

Acronym Summary

AIEO — American Indian Environmental Office	OBLR —Office of Brownfields and Land Revitalization
ARRA —American Recovery & Reinvestment Act	OEM — Office of Emergency Management
CERCLA —Comprehensive Environmental Response, Compensation, and Liability Act	O&M — Operations and Maintenance
DoD — Department of Defense	OMB —Office of Management and Budget
DOE — Department of Energy	OSRTI —Office of Superfund Remediation and Technology Innovation
DOI — Department of the Interior	ORCR —Office of Resource Conservation and Recovery
EPCRA —Emergency Planning & Community Right-to-Know Act	OSWER —Office of Solid Waste and Emergency Response
EPM — Environmental Programs and Management	OUST —Office of Underground Storage Tanks
FFRRO —Federal Facilities Restoration and Reuse Office	RCRA —Resource Conservation and Recovery Act
FY — Fiscal Year	RMP — Risk Management Program
IHS — Indian Health Service	RTOC —Regional Tribal Operations Committee
ITEP — Institute for Tribal Environmental Professionals	SOC — Significant Operational Compliance
IPCO — Innovation, Partnerships, and Communication Office	SPCC — Spill Prevention, Control, and Countermeasures
IWM — Integrated Waste Management	STAG —State and Tribal Assistance Grant
LUST — Leaking Underground Storage Tank	TERC — Tribal Emergency Response Planning Committee
NIWG —National Indian Workgroup	USDA —United States Department of Agriculture
NPL — National Priorities List	UST — Underground Storage Tank
NRC — National Response Center	
NTOC —National Tribal Operations Committee	