

# Indicators from 2022 GAP Guidance

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## Introduction

This document contains the list of indicators that will be utilized in ETEPs beginning in FY23 (hereafter referred to as the “2022 GAP Capacity Indicators”). These indicators will be used by OITA/AIEO to measure the GAP program’s progress in supporting Tribes to develop environmental program capacity. AIEO developed these indicators through both: 1) a review of materials including the Federal Registry, the 2013 GAP capacity indicators, and additional program-specific documents; and 2) collaboration with EPA program and regional office staff.

This document is structured to present the 2022 GAP Capacity Indicators and provide supplemental information about their development and utilization. This document also highlights changes from the 2013 GAP capacity indicators. The remaining sections are structured as follows:

- **Frequently Asked Questions Related to GAP Capacity Indicators** – Provides information regarding the development of the 2022 GAP Capacity indicators, along with details about how AIEO will use the information that it collects through tracking these indicators. It also provides details on how the 2013 GAP capacity indicators will be used moving forward.
- **2022 GAP Capacity Indicators** – Provides the full and current list of indicators, split into individual tables across ten media areas (e.g., Clean Air, Clean Water, etc.).
- **GAP Capacity Indicators Crosswalk: 2013 to 2022** – Provides three separate tables, showing:
  - Indicators that have been retained from the 2013 Gap Guidance<sup>1</sup>,
  - Indicators that are new from the 2013 Gap Guidance, and,
  - Indicators included in the 2013 GAP Guidance that are no longer included in the 2022 GAP Capacity indicators.

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<sup>1</sup> In some cases, there have been slight changes to the exact wording of the indicators.

## Frequently Asked Questions Related to GAP Capacity Indicators

### ***What are GAP capacity indicators?***

AIEO developed a performance management framework, comprised of capacity indicators and EPA Tribal Environmental Plans (ETEPs), to improve the office's management and oversight of the Indian Environmental General Assistance Program (GAP). This framework also satisfies the OIG (Office of Inspector General) recommendation that AIEO "develop and implement an overall framework for achieving capacity, including valid performance measures for each type of Tribal entity".

The purpose of capacity indicators is to measure Tribal environmental capacity to administer environmental programs built with GAP funding. Importantly, capacity indicators are representative of significant program development milestones and are not the same as GAP allowable activities (i.e., there are many allowable activities that are very important, but not key milestones, and thus there are no corresponding indicators for it). For example, Tribes can accompany EPA on inspections (a GAP allowable activity), but a key milestone of a Tribe's program development may be the Tribe's establishment of certified inspectors (a capacity indicator). Where possible, capacity indicators do not focus on activities such as attending a training, obtaining technical assistance, purchasing equipment, etc., but rather they focus on outcomes.

### ***What will happen to the 2013 list of capacity indicators?***

Historically, the 2013 GAP Guidance capacity indicators were useful to Tribes as a roadmap in developing new initiatives with GAP funding. The 2013 indicators are being repurposed into a new technical assistance/guidance document, a sample of which is included in consultation materials. This technical assistance document includes the level of work, types of training required, or total number of steps that one indicator can have (i.e., steps to fully accomplish the capacity building milestone in the indicator).

### ***Will there be future opportunities to make revisions to the indicators list?***

AIEO anticipates an evolving list of indicators over time. During consultation, AIEO can continue to receive feedback to refine indicators and add to the technical assistance/guidance document. AIEO will also develop a process for Tribes to create their own capacity indicators.

### ***Where should indicators be identified?***

Indicators should be identified in EPA-Tribal Environmental Plans (ETEPs) for activities that will be funded by GAP. Tribes are not required to tie workplan commitments to indicators, though workplan commitments should tie to an ETEP priority. As intertribal consortium aren't currently required to develop ETEPs, AIEO is in the process of developing a consistent process for intertribal consortium to provide critical performance management information, such as capacity indicators, to EPA.

### ***When will the new list of capacity indicators be required to be used?***

The new list of capacity indicators will be published at the beginning of Fiscal Year 2023. However, use of indicators from the new list will only be required when a Tribe's ETEP comes up for renewal. As ETEPs are generally renewed once every five years, this means that there will be a transition period of about 5 years before all Tribes' ETEPs are updated with indicators from the new list of indicators. AIEO is planning trainings to support POs and Tribes in using the new indicators.

### ***How will AIEO use capacity indicators?***

AIEO will use identified indicators, including indicators developed by Tribes,<sup>2</sup> to convey a Tribe's environmental program development and progress toward meeting priorities identified in the Tribe's ETEP. AIEO will develop a nationally consistent process for approving tribally developed indicators and will add those approved to the list of current indicators available at (<https://www.epa.gov/tribal/indian-environmental-general-assistance-program-gap>).

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<sup>2</sup> While initial indicators are developed by EPA, Tribes may continue to recommend additional indicators for EPA approval.

## 2022 GAP Capacity Indicators

The following tables show the revised list of indicators that will be utilized in ETEPs starting in FY23, split out by media area. This indicator list will replace the current list of indicators which can be found in the 2013 GAP Guidance. The media areas are as follows:

- Core Capacity Indicators
- Clean Water Act (CWA)
- Safe Drinking Water Act (SDWA)
- Clean Air Act (CAA)
- Resource Conservation and Recovery Act (RCRA)
- Solid Waste (SW)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Toxic Substances Control Act (TSCA)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
- Pollution Prevention Act (PPA)

Some global indicators (mainly Cross-Cutting Capacity indicators) will apply to several media-specific areas. This list of indicators remains subject to change, and therefore this list should not be considered final. For more information on capacity indicators, including how they are intended to be used and what the review process entailed, please review the GAP Capacity Indicators FAQ.

### Indicators Cutting Across Statutes and Media Areas

Cross-Cutting Indicators
Tribal staff are obtaining program-specific certification: <ul style="list-style-type: none"><li>-Drinking water operator certification (SDWA)</li><li>-Wastewater operator certification (SDWA)</li><li>-HAZWOPER certification (RCRA)</li><li>-Federal Certification of Applicators of Restricted Use Pesticides within Indian Country, Under EPA's Plan (FIFRA)</li><li>-Lead-based paint hazard evaluations/Lead Abatement Program (TSCA)</li><li>Incident Command System (EPCRA)</li></ul>
Tribal staff are obtaining program-specific inspector credentials: <ul style="list-style-type: none"><li>-NPDES inspector (CWA)</li><li>-Drinking water inspector (Public Water System) (SDWA)</li><li>-Wastewater inspector (SDWA)</li><li>-Underground Injection Control (UIC) inspector (SDWA)</li><li>-UST/AST inspector (RCRA)</li><li>-Air pollution Control inspector (CAA)</li><li>- SPCC inspector (CERCLA)</li></ul>
Tribe is developing policies and procedures to coordinate Tribal environmental protection programs with other Tribal government initiatives (e.g., transportation, housing, infrastructure, economic development, and natural resource management).
Tribe is establishing written public participation procedures to ensure meaningful involvement and fair treatment in public participation.

Cross-Cutting Indicators
Tribe is compiling a written inventory of administrative and technical procedures, policies, regulations, and/or other guidelines developed to implement the environmental program.
Tribe is establishing written policies and procedures for protecting sensitive Tribal environmental and human health data (e.g., traditional ecological knowledge and cultural resources).
Tribe is developing environmental mapping (Geographic Information System) capabilities.
Tribe is establishing a program to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of Tribal programs, policies, and activities on minority populations and low-income populations within the Tribe's area of program responsibility.
Tribe has specific methods that can be used to identify public concerns and respond to issues raised.
Tribe has specific methods in place to conduct general public education, awareness, community engagement, and information exchange on issues related to human health and the environment.
<p>Tribe is preparing an emergency response plan for the provision of resources and/or hazard removal under emergency circumstances including, but not limited to, earthquakes, floods, hurricanes, and other natural disasters.</p> <ul style="list-style-type: none"> <li>- CAA</li> <li>- CWA</li> <li>- CERCLA/128a</li> <li>- FIFRA</li> <li>- TSCA</li> <li>- RCRA</li> <li>- SDWA</li> </ul>
<p>Tribe is establishing a cooperative agreement to conduct monitoring/inspections.</p> <ul style="list-style-type: none"> <li>- CAA</li> <li>- CWA</li> <li>- CERCLA/128a</li> <li>- FIFRA</li> <li>- TSCA</li> <li>- RCRA</li> <li>- SDWA</li> </ul>
<p>Tribe is establishing an intergovernmental agreement (MOU/MOA).</p> <ul style="list-style-type: none"> <li>- CAA</li> <li>- CWA</li> <li>- CERCLA/128a</li> <li>- FIFRA</li> <li>- TSCA</li> <li>- RCRA</li> <li>- SDWA</li> </ul>
<p>Tribe is developing their community outreach process, procedures, and/or plan.</p> <ul style="list-style-type: none"> <li>- CAA</li> <li>- CWA</li> <li>- CERCLA/128a</li> </ul>

### Cross-Cutting Indicators

- FIFRA
- TSCA
- PPA
- RCRA
- SDWA

Tribe is developing an EPA-approved quality assurance project plan.

- CAA
- CWA
- SDWA

Tribe is conducting a Test Drive.

- CAA (delegable)
- CWA (delegable)
- CERCLA (cooperative agreement with EPA)
- FIFRA (cooperative agreement with EPA)
- SDWA (delegable)
- TSCA (delegable)
- Tribal Laws + Ordinances

## Clean Water Act

<b>Clean Water Act (CWA) Indicators</b>
Tribe is developing water quality standards for adoption under Tribal law and/or the Clean Water Act.
Tribe is preparing to submit TAS request to Regional Administrator for authorization to administer a water quality standards program.
Tribe is seeking authorization to administer the NPDES program from the Regional Administrator.
Tribe is establishing intergovernmental partnerships with federal, state, local, and Tribal governments to address clean water issues (e.g., memoranda of understanding, interagency agreements).
Tribe is completing inventory of its water resources and associated environmental and human health issues.
Tribe is developing the funding structure and legal framework (e.g., laws, codes, and/or regulations with effective enforcement provisions that are at least as stringent as the CWA) to implement a permit program.
Tribe is developing a water quality monitoring program (i.e. submitting data to WQX).
Tribe is developing an above-ground tank program.

## Safe Water Drinking Act

Safe Drinking Water Act (SDWA) Indicators
Tribe is conducting a source water assessment consistent with SDWA Section 1453.
Tribe is developing drinking water regulations which are no less stringent than the national primary drinking water regulations (NPDWRs) in effect under part 141.
Tribe maintains an inventory of public water systems.
Tribe is pursuing statutory or regulatory enforcement authority adequate to compel compliance with the Tribe's primary drinking water regulations.
Tribe is creating a systematic program for conducting sanitary surveys of public water systems, with priority given to systems not in compliance with applicable primary drinking water regulations.
Tribe has primacy [TAS] for implementing the Public Water Supervision System (PWSS) program (SDWA Section 1451).
Tribe is creating or maintains record keeping and reporting of its activities under paragraphs (a), (b) and (d) in compliance with §§ 142.14 and 142.15
Tribe is preparing a plan for the provision of safe drinking water under emergency circumstances including, but not limited to, earthquakes, floods, hurricanes, and other natural disasters.
Tribe is developing authority for assessing administrative penalties unless the constitution of the Tribe prohibits the adoption of such authority. [3]
Tribe is preparing a request to the Regional Administrator for a determination of "eligibility to administer an effective Underground Injection Control program." [WG-7]
Tribe is receiving funding under the SDWA EPA Grant Awards Database.

## Clean Air Act

Clean Air Act (CAA) Indicators
Tribe is establishing intergovernmental partnerships with federal, state, local, and Tribal governments to address air quality issues.
Tribe is receiving funding (i.e. 105 funding) for planning, developing, establishing, improving, and maintaining adequate Air Pollution Control Support programs.
Tribe is establishing an air quality monitoring program (i.e. submitting data to AQS or doing regulatory monitoring).
Tribe is establishing a program to assist EPA with implementing the federal CAA program (e.g., assisting the Agency to develop/update an inventory of regulated entities, compliance assistance activities for regulated entities, obtaining federal inspection credentials to inspect regulated entities, and assisting EPA to draft permits for regulated entities).
Tribe is developing/preparing to enact ambient air quality laws, codes, and/or regulations with effective compliance assurance and enforcement provisions that are at least as stringent as the federal statutes.
<p>Tribe is pursuing TAS program delegation under the CAA.</p> <ul style="list-style-type: none"> <li>- Tribal Implementation Plan (TIP)</li> <li>- New Source Performance Standards (NSPS)</li> <li>- National Emissions Standards for Hazardous Air Pollutants (NESHAP)</li> <li>- Title V Operating Permit Program</li> <li>- Permit Action Notification and Petition</li> </ul>
Tribe is establishing a comprehensive air quality permitting system that meets the minimum elements required by 40 CFR Part 70.
Tribe is preparing a plan for control of designated facilities and pollutants.
Tribe is preparing a plan for hazardous air pollutants for source categories.
Tribe is developing a program for administering the noncompliance penalty program under section 120 of the Clean Air Act.
Tribe is developing a program to provide compliance assurance (including inspections).
Tribe is preparing a plan providing for attainment and maintenance of national standards and a control strategy that meets requirements laid out in 40 CFR Part 51.
Tribe is developing an air monitoring strategy.
Tribe is developing a report analyzing air quality issues impacting the Tribe and evaluated air pollution control options (identifies air pollution sources and known levels of emissions, defines potential human health and environmental impacts of current air quality, and provides recommendations for action).
Tribe is receiving funding under the CAA or other related EPA media specific program.
Tribe is developing air quality codes, such as laws that address air quality concerns that do not have standards/rules/provisions in the CAA including addressing odors, speed limits to minimize road dust/fugitive emissions, limiting activities or emissions at industrial sources during wildfire events/air pollution episodes, prohibiting smoking in facilities (IAQ) and code related to agricultural activities.

#### Clean Air Act (CAA) Indicators

Tribe is adopting EPA's recommended standards and techniques for controlling radon levels within buildings.

Tribes is establishing a radon program.

Tribe is developing a climate change preparedness/adaptation program (e.g., zoning rules and regulations; tax incentives; building codes/design standards; utility rates/fee setting; public safety rules and regulations; outreach and education; emergency management powers).

Tribe is enacting green building codes, guidelines and/or protocols that promote healthier indoor air quality and apply these practices to new and retrofitted buildings.

Tribe is enacting indoor air quality laws, codes, and/or regulations with effective compliance assurance and enforcement provisions.

Tribe is inventorying emissions sources to report to EPA.

## Resource Conservation and Recovery Act

Resource Conservation and Recovery Act (RCRA) Indicators
Tribe is developing waste management laws, codes, and/or regulations with effective compliance assurance and enforcement mechanisms.
Tribe is developing solid waste infrastructure. <ul style="list-style-type: none"><li>- NEPA training</li><li>- Prepared NEPA documents for solid waste facility</li><li>- Prepared NEPA documents for transfer station</li><li>- Prepared NEPA documents for recycling center</li><li>- Design/development of facilities</li><li>- Construction of facilities</li></ul>
Tribe is preparing a Tribally approved Integrated Waste Management Plan (IWMP). Tribe can point to existence of signed document verifying plan.
Tribe is developing a program to provide waste minimization, recycling, household hazardous waste collection, used oil collection, junk vehicle removal, bulk waste/appliance/electronic waste collection, and/or composting.
Tribe is conducting a waste assessment (e.g., a waste stream characterization study of the solid and hazardous waste generated by the residential and/or commercial generators in the community).
Tribe is developing a compliance monitoring and enforcement strategy for the Tribe's solid waste management laws, codes, and/or regulations.
Tribe is using funding to support UST Program activities.
Tribe is developing UST Program Tribal laws, codes, or regulations.
Tribe is conducting UST compliance assistance activities.
Tribe is using credentialed inspectors to inspect UST facilities.

## Solid Waste

### **Solid Waste (SW) Indicators**

Tribal staff are conducting cleanup and closure activities, which include documentation on the amount of waste removed/recycled, the types of wastes removed, and the disposition of the waste (see 40 C.F.R. Part 257).

## Comprehensive Environmental Response, Compensation, and Liability Act

<b>Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Indicators</b>
Tribe is completing a site inventory of properties of environmental concern and identified potential EPA program(s) associated with the sites.
Tribe is establishing an EPCRA compliant Tribal emergency planning organization (TERC, LEPC members, or SERC coordination).
Tribe is creating a Tribal Development Plan that outlines future development on contaminated Brownfields properties after site assessment and remediation.
Tribe is conducting, alone or in collaboration with other governmental entities, annual HAZMAT or oil spill incident exercises (tabletop, functional or full-scale).
Tribe is enacting laws, codes, and/or regulations establishing oversight and enforcement authority to address contaminated sites, including emergency response authority.
Tribe is pursuing cooperative agreement and financial assistance under CERCLA.
Tribe is establishing a 128(a) Brownfields program.
Tribe is performing CERCLA cleanup actions pursuant to a Section 104(d) cooperative agreement with EPA.
Tribe is developing a plan to conduct CERCLA cleanup activities, including site assessments, sampling, remedial or removal actions, PRP oversight, or remedy operation and maintenance.

## Toxic Substances Control Act

<b>Toxic Substances Control Act (TSCA) Indicators</b>
Tribe is establishing an agreement with EPA to establish an authorized Renovation, Repair and Painting Program.
Tribe is entering into an agreement with EPA to establish an authorized Lead-Based Paint Programs (402a and 406b).
Tribe (or certified lead-safe professional) completes inventory of all older structures (e.g., pre-1978 housing and child-occupied buildings) for Lead Based Paint program.
Tribe is completing an inventory of asbestos (in accordance with the AHERA) and toxics in K-12 schools.

## Federal Insecticide, Fungicide, and Rodenticide Act

<b>Federal Insecticide, Fungicide, and Rodenticide Act Indicators</b>
Tribe is establishing Tribal pesticide ordinances and codes.
Tribe enters into a FIFRA cooperative agreement (including a circuit rider program) to support pesticide activities for pesticide program development and implementation, including education, outreach, training, technical assistance and evaluation activities.
Tribe is establishing a FIFRA cooperative agreement (including a circuit rider program) to support pesticide compliance and enforcement activities.
Tribes is developing procedures for Worker Protection Standards.
Tribe is developing an Integrated Pest Management Program.
Tribe is conducting an inventory of pesticides or conducts an assessment of current use of pesticides within Indian country, including K-12 schools.

## Pollution Prevention Act

PPA Indicators
Tribe is conducting an assessment (e.g., an Economy, Energy and Environment Assessment or other similar assessment) to evaluate pollution prevention opportunities, through the establishment of baselines, for individual businesses (e.g., casinos, hotels, manufacturing facilities).
Tribe is developing a Pollution Prevention Program.

## GAP Capacity Indicators Crosswalk: 2013 to 2022

### Familiar Capacity Indicators

The 2022 GAP Capacity Indicators here are classified as “familiar” because they have minor or no change from the 2013 version the indicator (i.e., the capacity indicators should be familiar for users of the 2013 GAP Guidance). While the capacity indicator phrasing may have changed, the purpose of the indicator and its general sentiment remains the same.

Where the 2022 GAP Capacity Indicator framing and phrasing are substantively different from the 2013 version, we have identified that there is not enough similar content between the 2013 version and the 2022 version to classify them as “familiar”. These substantively different indicators (and in some cases completely novel indicators) are listed as “all new”. It is important to note that while the exact indicator phrasing is dropped, the general intent has been absorbed into one or more 2022 GAP Capacity Indicators.

Note: in some cases, the familiar indicators for 2022 are a 1:X (one-to-many) match with the 2013 indicator. This is because the 2022 GAP Guidance indicators represent milestone actions for Tribes. Please review the GAP Guidance Frequently Asked Questions section above for more information about this decision-making process.

Cross-Cutting Indicators
Tribal staff are obtaining program-specific inspector credentials: <ul style="list-style-type: none"><li>-NPDES inspector (CWA)</li><li>-Drinking water inspector (Public Water System) (SDWA)</li><li>-Wastewater inspector (SDWA)</li><li>-Underground Injection Control (UIC) inspector (SDWA)</li><li>-UST/AST inspector (RCRA)</li><li>-Air pollution Control inspector (CAA)</li><li>- SPCC inspector (CERCLA)</li></ul>
Tribal staff are obtaining program-specific certification. <ul style="list-style-type: none"><li>- Drinking water operator certification (SDWA)</li><li>- Wastewater operator certification (SDWA)</li><li>- UST inspector certification (RCRA)</li><li>- Pesticides applicator (FIFRA)</li><li>- Lead-based paint hazard evaluations/Lead Abatement Program (TSCA)</li><li>- Air pollution Control Support Systems/105 (CAA)</li><li>- 103 Training (CAA)</li><li>- HAZWOPER certification (RCRA)</li><li>- Brownfields/UST (CERCLA) [e.g., HAZWOPER/Incident Command System (ICS)]</li><li>- SPCC inspector certification</li></ul>
Tribe is developing policies and procedures to coordinate Tribal environmental protection programs with other Tribal government initiatives (e.g., transportation, housing, infrastructure, economic development, and natural resource management).
Tribe is establishing written public participation procedures to ensure meaningful involvement and fair treatment in public participation.
Tribe is establishing written policies and procedures for protecting sensitive Tribal environmental and human health data (e.g., traditional ecological knowledge and cultural resources).

Cross-Cutting Indicators
Tribe is developing environmental mapping (Geographic Information System) capabilities.
Tribe is establishing a program to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of Tribal programs, policies, and activities on minority populations and low-income populations within the Tribe's area of program responsibility.
Tribe has specific methods that can be used to identify public concerns and respond to issues raised.
Tribe has specific methods in place to conduct general public education, awareness, community engagement, and information exchange on issues related to human health and the environment.
<p>Tribe is establishing an intergovernmental agreement (MOU/MOA).</p> <ul style="list-style-type: none"> <li>- CAA</li> <li>- CWA</li> <li>- CERCLA/128a</li> <li>- FIFRA/TSCA</li> <li>- RCRA</li> <li>- SDWA</li> </ul>
<p>Tribe is developing a community outreach process, procedures, and/or plan.</p> <ul style="list-style-type: none"> <li>- CAA</li> <li>- CWA</li> <li>- CERCLA/128a</li> <li>- FIFRA/TSCA</li> <li>- P2</li> <li>- RCRA</li> <li>- SDWA</li> </ul>
<p>Tribe is establishing a cooperative agreement to conduct monitoring/inspections.</p> <ul style="list-style-type: none"> <li>- CAA</li> <li>- CWA</li> <li>- CERCLA/128a</li> <li>- FIFRA/TSCA</li> <li>- RCRA</li> <li>- SDWA</li> </ul>
<p>Tribe is developing an EPA-approved quality assurance project plan.</p> <ul style="list-style-type: none"> <li>- CAA</li> <li>- CWA</li> <li>- SDWA</li> </ul>
<p>Tribe is conducting a Test Drive.</p> <ul style="list-style-type: none"> <li>- CAA (delegable)</li> <li>- CWA (delegable)</li> <li>- CERCLA (cooperative agreement with EPA)</li> <li>-FIFRA (cooperative agreement with EPA)</li> <li>-SDWA (delegable)</li> <li>-TSCA (delegable)</li> <li>- Tribal Laws + Ordinances</li> </ul>

**Clean Water Act (CWA) Indicators**

Tribe is developing water quality standards for adoption under Tribal law and/or the Clean Water Act.

Tribe is preparing to submit TAS request to Regional Administrator for authorization to administer a water quality standards program.

Tribe is seeking authorization to administer the NPDES program from the Regional Administrator.

Tribe is completing inventory of its water resources and associated environmental and human health issues.

Tribe is developing the funding structure and legal framework (e.g., laws, codes, and/or regulations with effective enforcement provisions that are at least as stringent as the CWA) to implement a permit program.

Tribe is developing a water quality monitoring program (i.e., submitting data to WQX).

**Safe Drinking Water Act (SDWA) Indicators**

Tribe has primacy [TAS] for implementing the Public Water Supervision System (PWSS) program (SDWA Section 1451).

Tribe is receiving funding under the SDWA EPA Grant Awards Database.

Tribe is conducting a source water assessment consistent with SDWA Section 1453.

Tribe maintains an inventory of public water systems.

Tribe is pursuing statutory or regulatory enforcement authority adequate to compel compliance with the Tribe's primary drinking water regulations.

Tribe is preparing a request to the Regional Administrator for a determination of "eligibility to administer an effective Underground Injection Control program."

Tribe is preparing a plan for the provision of safe drinking water under emergency circumstances including, but not limited to, earthquakes, floods, hurricanes, and other natural disasters.

**Clean Air Act (CAA) Indicators**

Tribe is receiving funding (i.e., 105 funding) for planning, developing, establishing, improving, and maintaining adequate Air Pollution Control Support programs.

Tribe is establishing an air quality monitoring program (i.e., submitting data to AQS or doing regulatory monitoring).

Tribe is establishing a program to assist EPA with implementing the federal CAA program (e.g., assisting the Agency to develop/update an inventory of regulated entities, compliance assistance activities for regulated entities, obtaining federal inspection credentials to inspect regulated entities, and assisting EPA to draft permits for regulated entities).

Tribe is developing/preparing to enact ambient air quality laws, codes, and/or regulations with effective compliance assurance and enforcement provisions that are at least as stringent as the federal statutes.

Tribe is establishing a comprehensive air quality permitting system that meets the minimum elements required by 40 CFR Part 70.

Tribe is developing a program to provide compliance assurance (including inspections).

Tribe is developing an air monitoring strategy.

### Clean Air Act (CAA) Indicators

Tribe is developing a report analyzing air quality issues impacting the Tribe and evaluated air pollution control options (identifies air pollution sources and known levels of emissions, defines potential human health and environmental impacts of current air quality, and provides recommendations for action).

Tribe is receiving funding under the CAA or other related EPA media specific program.

Tribe is adopting EPA's recommended standards and techniques for controlling radon levels within buildings.

Tribe is establishing a radon program.

Tribe is developing a climate change preparedness/adaptation program (e.g., zoning rules and regulations; tax incentives; building codes/design standards; utility rates/fee setting; public safety rules and regulations; outreach and education; emergency management powers).

Tribe is enacting green building codes, guidelines and/or protocols that promote healthier indoor air quality and apply these practices to new and retrofitted buildings.

Tribe is enacting indoor air quality laws, codes, and/or regulations with effective compliance assurance and enforcement provisions.

Tribe is inventorying emissions sources to report to EPA.

Tribe is pursuing TAS program delegation under the CAA.

- Tribal Implementation Plan (TIP)
- New Source Performance Standards (NSPS)
- National Emissions Standards for Hazardous Air Pollutants (NESHAP)
- Title V Operating Permit Program
- Permit Action Notification and Petition

### Resource Conservation and Recovery Act (RCRA) Indicators

Tribe is preparing a Tribally approved Integrated Waste Management Plan (IWMP). Tribe can point to existence of signed document verifying plan.

Tribe is developing a program to provide waste minimization, recycling, household hazardous waste collection, used oil collection, junk vehicle removal, bulk waste/appliance/electronic waste collection, and/or composting.

Tribe is conducting a waste assessment (e.g., a waste stream characterization study of the solid and hazardous waste generated by the residential and/or commercial generators in the community).

Tribe is developing a compliance monitoring and enforcement strategy for the Tribe's solid waste management laws, codes, and/or regulations.

Tribe is conducting UST compliance assistance activities.

Tribe is using funding to support UST Program activities.

Tribe is developing waste management laws, codes, and/or regulations with effective compliance assurance and enforcement mechanisms.

#### **Solid Waste (SW) Indicators**

There are no Solid Waste Indicators from the 2013 guidance.

#### **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Indicators**

Tribe is completing a site inventory of properties of environmental concern and identified potential EPA program(s) associated with the sites.

Tribe is establishing an EPCRA compliant Tribal emergency planning organization (TERC, LEPC members, or SERC coordination).

Tribe is conducting, alone or in collaboration with other governmental entities, annual HAZMAT or oil spill incident exercises (tabletop, functional or full-scale).

Tribe is enacting laws, codes, and/or regulations establishing oversight and enforcement authority to address contaminated sites, including emergency response authority.

Tribe is pursuing cooperative agreement and financial assistance under CERCLA.

#### **Toxic Substances Control Act (TSCA) Indicators**

Tribe is establishing an agreement with EPA to establish an authorized Renovation, Repair and Painting Program.

Tribe is entering into an agreement with EPA to establish an authorized Lead-Based Paint Programs (402a and 406b).

Tribe (or certified lead-safe professional) completes inventory of all older structures (e.g., pre-1978 housing and child-occupied buildings) for Lead Based Paint program.

Tribe is completing an inventory of asbestos (in accordance with the AHERA) and toxics in K-12 schools.

#### **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Indicators**

Tribe is conducting an inventory of pesticides or conducts an assessment of current use of pesticides within Indian country, including K-12 schools.

Tribe is developing an Integrated Pest Management Program.

#### **Pollution Prevention Act (PPA) Indicators**

Tribe is developing a Pollution Prevention Program.

## ALL NEW Capacity Indicators

The capacity indicators here are the set of 2022 GAP Capacity Indicators that are unique to the 2022 GAP Guidance. These indicators are classified as new if they were not previously listed under the 2013 GAP Guidance; either they are completely novel or they have changed substantively, such that they no longer map to the 2013 indicators that inspired their design.

### Cross-Cutting Indicators

Tribe is compiling a written inventory of administrative and technical procedures, policies, regulations, and/or other guidelines developed to implement the environmental program.

Tribe is preparing an emergency response plan for the provision of resources and/or hazard removal under emergency circumstances including, but not limited to, earthquakes, floods, hurricanes, and other natural disasters.

- CAA
- CWA
- CERCLA/128a
- FIFRA/TSCA
- RCRA
- SDWA

### Clean Water Act (CWA) Indicators

Tribe is developing an above-ground tank program.

### Safe Drinking Water Act (SDWA) Indicators

Tribe is developing drinking water regulations which are no less stringent than the national primary drinking water regulations (NPDWRs) in effect under part 141.

Tribe is creating a systematic program for conducting sanitary surveys of public water systems, with priority given to systems not in compliance with applicable primary drinking water regulations.

Tribe is creating or maintains record keeping and reporting of its activities under paragraphs (a), (b) and (d) in compliance with §§ 142.14 and 142.15

Tribe is developing authority for assessing administrative penalties unless the constitution of the Tribe prohibits the adoption of such authority.

### Clean Air Act (CAA) Indicators

Tribe is preparing a plan for control of designated facilities and pollutants.

Tribe is preparing a plan for hazardous air pollutants for source categories.

Tribe is developing a program for administering the noncompliance penalty program under section 120 of the Clean Air Act.

Tribe is preparing a plan providing for attainment and maintenance of national standards and a control strategy that meets requirements laid out in 40 CFR Part 51.

#### **Clean Air Act (CAA) Indicators**

Tribe is developing air quality codes, such as laws that address air quality concerns that do not have standards/rules/provisions in the CAA including addressing odors, speed limits to minimize road dust/fugitive emissions, limiting activities or emissions at industrial sources during wildfire events/air pollution episodes, prohibiting smoking in facilities (IAQ) and code related to agricultural activities.

#### **Resource Conservation and Recovery Act (RCRA) Indicators**

Tribe is developing solid waste infrastructure.

- NEPA training
- Prepared NEPA documents for solid waste facility
- Prepared NEPA documents for transfer station
- Prepared NEPA documents for recycling center
- Design/development of facilities
- Construction of facilities

Tribe is developing UST Program Tribal laws, codes, or regulations.

Tribe is using credentialed inspectors to inspect UST facilities.

#### **Solid Waste (SW) Indicators**

Tribal staff are conducting cleanup and closure activities, which include documentation on the amount of waste removed/recycled, the types of wastes removed, and the disposition of the waste (see 40 C.F.R. Part 257).

#### **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Indicators**

Tribe is creating a Tribal Development Plan that outlines future development on contaminated Brownfields properties after site assessment and remediation.

Tribe is establishing a 128(a) Brownfields program.

Tribe is performing CERCLA cleanup actions pursuant to a Section 104(d) cooperative agreement with EPA.

Tribe is developing a plan to conduct CERCLA cleanup activities, including site assessments, sampling, remedial or removal actions, PRP oversight, or remedy operation and maintenance.

#### **Toxic Substances Control Act (TSCA) Indicators**

There are no new TSCA indicators.

#### **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Indicators**

Tribe is establishing Tribal pesticide ordinances and codes.

Tribe enters into a FIFRA cooperative agreement (including a circuit rider program) to support pesticide activities for pesticide program development and implementation, including education, outreach, training, technical assistance, and evaluation activities.

Tribe is establishing a FIFRA cooperative agreement (including a circuit rider program) to support pesticide compliance and enforcement activities.

**Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Indicators**

Tribes is developing procedures for Worker Protection Standards.

**Pollution Prevention Act (PPA) Indicators**

Tribe is conducting an assessment (e.g., an Economy, Energy and Environment Assessment or other similar assessment) to evaluate pollution prevention opportunities, through the establishment of baselines, for individual businesses (e.g., casinos, hotels, manufacturing facilities).

## Dropped Capacity Indicators

Though the 2013 indicators here are listed as “dropped”, elements of many of these indicators are still incorporated into 2022 GAP Capacity Indicators. For example, B.2.2 and B.2.7.7 listed below in the table of cross cutting are woven through multiple activities relevant to existing indicators. Another good example of this designation is the “all new” list of FIFRA indicators. Many FIFRA indicators are classified as “dropped” here because the framing and phrasing are substantively different from the updated version – there is not enough similar content between the 2013 version and the 2022 version to classify them as “familiar”, but it is important to note that while the exact indicator phrasing is dropped, the general intent has been absorbed into one or more 2022 Capacity Indicators.

Where indicator elements (e.g., activities) have not been incorporated into the list of 2022 GAP Capacity Indicators, many of the indicators listed here as “dropped” still have a place in the Technical Assistance checklist. Just because activities have been removed from the indicator list does not mean that they are not allowable activities – they are not considered milestones. The goal of the 2022 GAP Capacity Indicator list is to capture key information while minimizing reporting burden.

Cross-Cutting Indicators
B.2.1 Organizational system for the environmental program that defines staff roles and responsibilities, describes the relationship of the environmental program to tribal leadership and other departments, and includes supporting personnel management policies/procedures.
B.2.2 Staff with appropriate skills, knowledge and experience to manage the environmental program
B.2.3 Training plan for staff that reflects the capacity-building priorities for the environmental program.
B.2.4 Program evaluation system for use in determining whether program objectives are met, fiscal resources are appropriately managed, and assistance award requirements satisfied.
B.2.6 Written procedures similar to the Administrative Procedure Act to ensure meaningful involvement and fair treatment in public participation.
B.2.7 Organizational filing/records retention system and policies (paper and electronic).
B.3.1 A statement by the appropriate tribal financial department demonstrating that the tribe’s accounting system, internal controls, and financial reporting procedures adhere to the requirements found in 40 C.F.R. § 31 “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”; 40 C.F.R. § 35 “Environmental Program Grants for Tribes”; 2 C.F.R., § 225 “Cost Principles for State, Local and Indian Tribal Governments” (formerly OMB Circular A-87); and OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations.”
B.3.2 A statement by the appropriate tribal financial department demonstrating that the tribe has a procurement procedure that meets the minimum requirements for purchasing systems as outlined in 40 C.F.R. § 31.
B.3.4 Written procedure that describes how the environmental program will coordinate with other tribal departments to satisfy grant terms and conditions and reporting requirements (for example, application development/review/approval, creation and submission of required reports, maintenance of official file, closeout of award).
B.3.5 Current indirect cost rate agreement.
B.3.6 Tribe demonstrates proficiency in processing financial payment requests, submits required annual Federal Financial Reports, and performs annual financial audits as required.
B.4.1 Written procedure for establishing an official file for each assistance award that contains all documentation from application through final closeout and that requires record retention in compliance with 40 C.F.R. Part 31, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.”
B.4.2 Written inventory of administrative and technical procedures, policies, regulations, or other guidelines developed to implement the environmental program.

## Cross-Cutting Indicators

B.4.3 System to store and organize data and information collected or generated by the environmental program for future use in characterizing environmental and human health conditions, responding to information requests, developing environmental projects/initiatives, or other project management data systems.

B.4.4 Exchanging and/or sharing data through the National Environmental Information Exchange Network.

B.5.1 A current baseline needs assessment or comparable planning document, such as a tribal Integrated Resource Management Plan, tribal environmental inventory, natural resource assessment that reflects: (1) environmental resources needing protection; (2) known information about existing/potential threats to human health and the environment within the tribe's area; (3) an evaluation of the potential impact of these threats to tribal members and resources (4) strategic plan with long term program development and implementation goals identified; and (5) prioritization of activities by the environmental program to address identified threats.

B.6.4 Format for public notices, press releases, and other types of communications.

B.6.6 Contact lists for other governmental entities and types of information that will be shared.

B.6.8 Methods for collaborating and sharing information with other tribal, federal, state, and local governments, or with other organizations.

B.6.9 Tribal consultation policies and procedures.

B.6.10 Development of tribal community-based advisory groups to assist with planning and implementation of the tribal environmental program.

B.7.1 A statement by tribal legal counsel demonstrating that the tribe has authority to pass and enforce laws/ordinances to protect human health and the environment.

B.7.2 A statement by tribal legal counsel demonstrating that tribal government authority provides the tribe with power to enjoin activities determined to be harmful to the health or welfare of persons or the environment.

B.7.3 A dedicated section of the tribe's laws/codes/ordinances for environmental protection program activities that establish standards, permitting processes, certification requirements, compliance assurance, and enforcement procedures.

B.7.4 A program to provide compliance assistance to regulated entities to promote an understanding of applicable environmental requirements and assist them in attaining and maintaining compliance.

B.7.5 Documentation supporting the tribe's claim of interests to usual and accustomed areas and to cultural resources potentially affected by environmental protection activities.

B.7.7 Procedures and systems for maintaining an inventory of regulated entities or activities.

B.7.9 A program to require regulated entities to keep records, review records, and provide applicable records to the tribe.

B.7.10 Incentives and voluntary reporting of noncompliance that encourages compliance and environmental stewardship.

B.7.11 Procedures for receipt, evaluation, retention and investigation for possible enforcement of all notices and reports required of regulated entities.

B.7.12 Procedures and resources to assure adequate coverage of regulated entities through compliance monitoring activities. Compliance monitoring activities, including inspections, should be conducted to: (a) determine compliance with applicable program requirements, including but not limited to permit conditions; (b) document noncompliance; (c) verify the accuracy of information required to be reported or maintained by the regulated entity; and (d) verify the adequacy of sampling, monitoring, and other methods used to develop the information submitted.

B.7.13 A program to enter a site potentially subject to regulation – or in which records relevant to applicable program requirements are kept – in order to copy records, inspect, monitor emissions or take samples, or otherwise investigate compliance.

B.7.15 Procedures for encouraging public reporting of violations, including a mechanism for the public to submit such rep

B.7.16 A program to immediately and effectively enjoin any activity that may present an imminent and substantial endangerment to public health or the environment.

### Cross-Cutting Indicators

B.7.17 A program to restrain unauthorized activity, compel compliance with applicable requirements, and impose injunctive relief to remedy noncompliance.

B.7.18 A program to compel regulated entities to submit reports and provide documents to the tribe for the purpose of assessing compliance with applicable requirements.

B.7.19 A program to compel regulated entities to conduct monitoring or sampling and provide results to the tribe for the purpose of assessing compliance with applicable requirements.

B.7.20 A program to assess or sue to recover civil penalties appropriate to the violation.

B.7.21 A program to assess penalties for violations of applicable requirements, such as fines or imprisonment for environmental crimes.

B.8.3 Funding from other sources.

B.8.4 Environmental monitoring/sampling programs.

### Clean Water Act (CWA) Indicators

D.3.1 Tribe has established a staffing plan (position description and recruitment/retention/promotion plan) for who will serve as tribal water quality program coordinator

D.3.3 Tribe has established a program to meaningfully participate in water quality management programs administered by other tribal, federal, state, or local governments (including reviewing and commenting on technical water documents, water quality standards, and facility permit actions).

D.3.7 Tribe has established water efficiency policies and program(s) (e.g., building design standards/codes, WaterSense initiatives for government operations, water use restrictions).

D.3.9 Tribe has completed a water quality assessment report that analyzes water quality issues impacting the tribe and evaluated water pollution control options (e.g., identifies dischargers and types/amounts of discharge, defines potential human health and environmental impacts of current water quality, provides recommendations for action, identifies water program financial needs, and identifies water quality program goals, objectives, and milestones).

D.3.10 Tribe has developed a water quality monitoring strategy.

D.3.12 Tribe has established data management functions for its water quality monitoring data, including a program to collect and upload all required quality assured surface monitoring data into WQX/STORET database where applicable.

D.3.15 Tribe has worked with other stakeholders in the watershed to develop a watershed based plan that identifies nonpoint source pollution problems and options for best management practices.

D.3.16 Tribe has submitted an eligibility package for CWA Section 319, including a TAS package and a Nonpoint Source Assessment Report and Management Plan.

D.3.17 Tribe has developed a Wetlands Program Plan.

D.3.18 Tribe has developed a wetlands protection program pursuing one or more of the core wetland program elements (Monitoring & Assessment, Regulation, Voluntary Restoration & Protection, and Water Quality Standards for Wetlands).

D.3.19 Tribe has developed and promulgated tribal water quality standards, including designated uses for tribal waters.

D.3.20 Tribe has established a program to provide water quality-related data and information on geographically-relevant waters to EPA.

D.3.21 Tribe has established a program to review and comment on water quality reports, TMDLs, and other watershed-based planning efforts undertaken by other government agencies (federal, state, local, or tribal).

D.3.22 Tribe has established a program to assess water quality conditions, including comparing water quality monitoring information and data against applicable water quality standards.

D.3.23 Tribe has established a program to assist EPA with implementing the federal CWA programs (e.g., compliance assurance activities for regulated entities, obtaining federal inspection credentials to inspect regulated entities, and assisting EPA to draft permits for regulated entities).

#### **Clean Water Act (CWA) Indicators**

D.3.26 Tribe has established a program to provide compliance assurance (including inspections) and enforcement for a tribal permit program.

D.3.28 Tribe has developed and submitted a TAS package for EPA-approved NPDES program.

D.3.29 Tribe has developed and submitted a TAS package for a CWA Section 401 certification program.

D.3.30 Tribe has developed and submitted a TAS package for a CWA Section 404 dredge and fill permit program.

D.3.31 Tribe has established a program (including modeling) to develop TMDLs and other water quality based planning efforts.

D.3.32 EPA-approved Water Quality Standards are in place.

D.3.33 Tribe has established program to monitor federally-approved surface and/or wetlands water quality standards and perform triennial review.

D.3.34 Tribe has delineated source water protection areas.

D.3.37 Tribe has established a program to assist EPA with implementing the federal Underground Injection Control (UIC) program (e.g., compliance assurance activities, obtaining federal inspection credentials, and assisting EPA to draft permits).

D.3.38 Tribe reports quality assured Underground Injection Control (UIC) inventory information to EPA (especially Class V wells).

D.3.41 Tribe has developed and submitted a draft authorization package to EPA for approval to enforce federal UIC requirements and manage injection wells on tribal lands.

D.3.42 Tribe has primacy for implementing Underground Injection Control wells regulatory program.

#### **Safe Drinking Water Act (SDWA) Indicators**

D.3.34 Tribe has delineated source water protection areas.

D.3.36 Tribe has established a program to assist EPA with implementing the federal Public Water System Supervision (PWSS) program (e.g., compliance assurance activities, obtaining federal inspection credentials, and assisting EPA to draft permits).

#### **Clean Air Act (CAA) Indicators**

C.3.1 Tribe has established a staffing plan (position description and recruitment/retention/promotion plan) for who will serve as tribal air quality/indoor air quality program coordinator(s).

C.3.2 Staff has completed appropriate training and acquired baseline knowledge and skills related to the CAA (become familiar with the major goals, programs, and requirements of the CAA; the national structure for implementing the CAA; and the EPA regional personnel and organization).

C.3.4 Tribe has established a program to meaningfully participate in air quality management programs administered by other tribal, federal, state, or local governments (including reviewing and commenting on air quality standards and facility permit actions).

C.3.10 Tribe has completed an indoor air quality assessment and report.

C.3.12 Tribe has prepared a report recommending actions to improve indoor air quality and reduce levels for radon, mold, moisture, and environmental pollutants.

C.3.13 Tribe has incorporated indoor air quality improvements or features as part of building renovation programs (e.g., weatherization and rehabilitation) and new construction

C.3.14 Tribe has developed a climate change vulnerability/risk assessment.

#### Clean Air Act (CAA) Indicators

C.3.16 Tribe has established a Diesel Emissions Reduction Program (identified diesel engine use; evaluated short- and long-term priorities for reduction of emissions; selected implementation options such as installing diesel retrofit devices with verified technologies on school buses, maintaining/repairing/rebuilding engines, replacing older vehicles/equipment with more efficient engines or engines that run on cleaner fuel, improve operational strategies).

C.3.17 Tribe has established energy efficiency policies and program(s) (e.g., building design standards/codes, ENERGY STAR initiatives for government operations and tribal housing).

C.3.18 Tribe has established an air toxics program (capacity to: monitor for acid and mercury deposition; sample subsistence food sources to measure the accumulation of toxics; partner with other jurisdictions on assessment projects; communicate potential threats to community members; implement actions to reduce sources of air toxics pollution).

C.3.21 Tribe has established a program to comply with Federal Air Rules for Indian Reservations (FARR) requirements, where applicable.

C.3.23 Tribe has developed a Tribal Implementation Plan (TIP) under CAA Section 301 to identify sources of air pollution and to determine what reductions are necessary to meet air quality standards.

C.3.24 Tribe has developed/submitted request to redesignate a reservation as a CAA Class I area.

C.3.25 Tribe has developed/submitted recommendations on designations for new National Ambient Air Quality Standards.

C.3.29 Tribe has developed program to implement new source review permitting program for minor sources of air pollution.

#### Resource Conservation and Recovery Act (RCRA) Indicators

E.3.13 Tribe has coordinated with EPA to ensure accuracy of EPA's regulated hazardous waste facility inventory and operating status.

E.3.14 Tribe has coordinated with EPA to ensure accuracy of EPA's regulated UST & LUST facility inventory and operating status.

E.3.15 Tribe has established capacity to provide information to EPA that may be used to conduct compliance monitoring inspections or in a RCRA § 3008, § 7003, § 4005(c)(2), or § 9006 enforcement action.

E.3.16 Tribe has established a program to assist EPA with implementing the federal RCRA program(s) (e.g., assisting the Agency to conduct compliance assistance activities for regulated entities, obtaining federal inspection credentials to inspect regulated entities, and assisting EPA to draft permits for regulated entities).

E.3.19 Tribe has established mechanisms to assure a financially sustainable waste management program, including financing for trash collection services (e.g., fee for service, tribal government funding of trash collection services, or other cost recovery systems).

E.3.20 Tribal staff is leading circuit rider, train the trainer, and peer-match programs

#### Solid Waste (SW) Indicators

E.3.1 Tribe has established a staffing plan (position description and recruitment/retention/promotion plan) for who will serve as tribal waste management program coordinator(s).

E.3.3 Tribe has established a program to meaningfully participate in waste management programs administered by other tribal, federal, state, or local governments (including reviewing and commenting on waste disposal facility permits and applicable waste management regulations).

E.3.10 Tribe has completed a solid waste facility plan/feasibility study.

### **Solid Waste (SW) Indicators**

E.3.11 Tribe has completed an open dump inventory and submitted to EPA and IHS for inclusion in the w/STARS database (including: GPS location; estimated size/volume; contents/type of waste; estimated distance to nearest homes, surface water and groundwater; estimated project costs; and site name).

E.3.12 Sites included in the open dump inventory have a health hazard ranking score.

### **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Indicators**

F.3.1 Tribe has established a staffing plan (position description and recruitment/retention/promotion plan) for who will serve as tribal program coordinator(s)

F.3.3 Tribal response staff has completed and developed proficiency in OSHA required HAZWOPER baseline and annual refresher training to qualify them to safely respond to spills and emergency incidents, and other appropriate training (e.g., acquire certification in an Incident Command System (ICS) course).

F.3.4 Tribal staff has completed and developed proficiency in All Appropriate Inquiries (EPA 40 C.F.R. § 312), Phase 1 ESA (ASTM E 1527-05), and ECM 10-2 (Department of Interior).

F.3.6 Tribe is meaningfully participating in programs administered by other tribal, federal, state, or local governments (including reviewing and commenting on cleanup and response standards/plans).

F.3.9 Tribe has established program to conduct emergency response training and exercises for community members (e.g., orientation seminars to review the contents of the emergency response plan; table tops drills to verify understanding of notification procedures and response actions; and field exercises to ensure that response personnel are familiar with equipment and responsibilities).

F.3.10 Tribe has established a program to receive and manage material safety data sheets under EPCRA's Hazardous Chemical Storage Reporting Requirements.

F.3.11 Tribal lands and resources covered by an EPCRA-compliant emergency response plan.

F.3.16 Tribe has promulgated cleanup standards for soil, surface water, and groundwater to guide response and remediation decisions on contaminated sites (e.g., tribal "Applicable or Relevant and Appropriate Requirements" (ARARs)).

F.3.17 Tribe has established capacity to conduct Phase I and Phase II site assessments.

F.3.18 Tribe has established program to participate in Department of Defense and Department of Energy advisory boards (Federal Facilities Restoration and Reuse) that involve stakeholders in cleanup decisions.

F.3.19 Tribe has established support agency cooperative agreements with EPA to provide for tribal input in cleanup decisions at CERCLA sites.

### **Toxic Substances Control Act (TSCA) Indicators**

G.3.1 Staff has established a staffing plan (position description and recruitment/retention/promotion plan) for who will serve as tribal program coordinator(s).

G.3.3 Tribe is receiving funding under FIFRA, TSCA, Pollution Prevention Act, or other similar program to support projects or programs related to managing chemical safety and pollution prevention.

G.3.4 Tribe has completed an asbestos, pesticides, lead-based paint, and pesticides needs assessment that: collects and evaluates existing data on pesticide use and other relevant factors; assesses the need to develop related projects and/or programs; and evaluates short-term and long-term options to address those identified needs.

G.3.11 Tribe has adopted a pollution prevention strategy and/or policy (e.g., integrate pollution prevention practices through government services, policies, and initiatives; establish environmentally preferable purchasing standards, green building codes/standards, greenhouse gas emission reduction targets; reduction targets for the use of hazardous materials; establish an integrated pest management program; and adopt natural resources protection policies/procedures).

#### **Toxic Substances Control Act (TSCA) Indicators**

G.3.12 Tribe is meaningfully participating in programs administered by other tribal, federal, state, or local governments

G.3.13 Tribe has established an EPA-tribal MOA/MOU or interagency agreement concerning joint implementation of FIFRA, TSCA, or other authorities.

G.3.15 Tribe has established certification and training plan for restricted use pesticide applicators (commercial and private) to educate applicators and control restricted use pesticides in Indian country.

G.3.16 Tribe has established a training/accreditation/certification program similar to TSCA Section 402 for individuals and firms engaged in lead-paint activities and for asbestos related accredited training under AHERA requirements (i.e., a model accreditation plan).

G.3.21 Tribal staff has capacity to lead circuit rider, train the trainer, and peer-match programs.

#### **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Indicators**

G.3.4 Tribe has completed an asbestos, pesticides, lead-based paint, and pesticides needs assessment that: collects and evaluates existing data on pesticide use and other relevant factors; assesses the need to develop related projects and/or programs; and evaluates short-term and long-term options to address those identified needs

G.3.13 Tribe has established an EPA-tribal MOA/MOU or interagency agreement concerning joint implementation of FIFRA, TSCA, or other authorities.

G.3.17 Tribe has established a Pesticides Field Program, including identification of possible pesticide inspection targets and pesticide-specific issues to determine the kind of approach needed to address concerns related to the use and sale of pesticides.

G.3.18 Tribe has established a pesticides compliance assurance and enforcement program under which a tribal inspector completes all required training and, upon EPA approval, obtains federal credentials to conduct inspections of the regulated community (e.g., pesticide applicators, marketplaces that sell pesticides, etc.) to determine compliance with FIFRA or tribal pesticide regulations.

G.3.20 Tribe has established a compliance assurance and enforcement program for tribal laws and regulations to manage asbestos, pesticides, toxics, or other chemical risks that are at least as stringent as the applicable federal statutes.

G.3.22 Tribe has enacted tribal laws, codes, and regulations with effective compliance assurance and enforcement provisions to manage asbestos, pesticides, toxics, or other chemical risks that are at least as stringent as the applicable federal statutes.

#### **Pollution Prevention Act (PPA) Indicators**

There were no PPA indicators dropped in the 2022 GAP Capacity Indicators.