Turtle Mountain Band of Chippewa Indians
Brownfields Grant Proposal for Eight (8) San Haven Buildings

Narrative Information Sheet

IV.D.1 Applicant Identification
a. Turtle Mountain Band of Chippewa Indians, PO Box 900, Belcourt, North Dakota 58316
b. DUNS Number: 12-120-3483

IV.D.2. Funding Requested
IV.D.2.a. Grant Type
Brownfields Cleanup/Multiple Site Cleanups

IV.C.2.b. Federal Funds Requested
IV.D.2.b.i Funds Requested
$500,000.

IV.D.2.b.ii Cost Share Waiver
A Hardship Waiver is being requested for the 20% cost-share match and is documented in Attachment G.

IV.D.2.c Contamination
Hazardous Substances

IV.D.3. Location
98th St NE, San Haven Road, Dunseith, Rolette County, ND 58329, Lat/Long [48.835351, -100.041743], The property is located approximately 7 miles west of the Turtle Mountain Indian Reservation.

IV.D.4. Property Information
The eight San Haven Buildings are located on 14 acres of the 600-acre San Haven complex and include:
• Main Hospital - Buildings 1, 2, 3, and 4
• Southview (Residence) – Building 5
• Maintenance Shop – Building 7
• Power Plant – Building 8, and
• Refectory (Dining Hall) – Building 19

IV.D.5. Contacts
IV.D.5.a. Project Director
Ray Reed, Brownfields Coordinator
Cora Champagne, Environmental Director
Tribal Environmental Protection Agency
P.O. Box 900
Belcourt, N.D. 58316
Phone: (701) 477-8337; Fax: (701) 477-9398
Email: reed_627@hotmail.com

IV.D.5.b. Chief Executive/Highest Ranking Elected Official
IV.D.6. Population
The 2010 U.S. Census lists the Reservation population as 8,656 with 8,320 being American Indian. The 2010 population in Belcourt, North Dakota (Census Designate Place) was 2,078 with American Indian being 1991.

IV.D.7. Other Factors Checklist – See Attachment B for “Other Factors Checklist” items that are applicable to this proposal including population less than 10,000; Federally Recognized Indian Tribe; leveraged funding/assistance, and renewable energy/energy efficient projects.

IV.D.8. Letter from the State or Tribal Environmental Authority – See Attachment C for letter from Tribal Environmental Authority acknowledging the Tribal Environmental Program is the Tribal Environmental Authority and it supports the Tribal Brownfields Program (under its authority) in planning to conduct cleanup activities for the San Haven Buildings and to submit a Brownfields Grant for this purpose.
Dear Mr. Heffernan:

As Tribal Chairman of the Turtle Mountain Band of Chippewa Indians, I am writing with the intent of supporting the application of the Turtle Mountain Environmental Protection Agency's Brownfields Program for cleanup of the San Haven site.

As the leader of the Turtle Mountain Tribe, I feel that it is my responsibility to ensure our tribal members have access to a safe environment and are not exposed to harmful contaminants that could affect their health. As you may know, the San Haven site was resurrected in the early 1900’s. We have acquired the property in the early 90’s and the buildings and property has become a victim of depreciation and are now the source of ACM and lead. Therefore, I feel that it must be our priority to focus efforts toward this project so the Tribe can redevelop and reuse the property.

Our people living near this site are being exposed to very dangerous elements. In addition to our people, the environmental hazards that are sourced from this site are eye-opening and dangerous. Any type of support and assistance that we can receive will allow our Tribe to progress closer to new development on this tribal property and provide our Tribe income and job security.

We must focus on redeveloping this site. The health of our people is not something that can be compromised. Therefore, it is our responsibility as leaders, to work toward the betterment of this site and the conditions of San Haven. On behalf of the children and families being affected by these dangerous elements, I would like to thank you for your efforts in progressing this very important project.

Sincerely,

Jamie Azure
TMBCI Tribal Chairman
**Narrative/Ranking Criteria for Cleanup Grants**

**Brownfields Grant Proposal for Eight (8) San Haven Buildings**

IV.E.1.a.i Background and Description of Target Area - The Turtle Mountain Reservation is located in Rolette County in extreme north central North Dakota and close to the Canadian border with a total area of 72 square miles. The Tribe also owns and maintains a considerable amount of Tribal land off the Reservation (about 56 square miles), including the San Haven property, yet Tribal members often travel to the Reservations for services such as health care, support under social programs, etc. Belcourt, the County’s largest City, is located on the Reservation and is the site of most Tribal offices and a number of the County’s major employers. The Reservation and surrounding Tribal Lands are densely populated and have more residents per square mile than Cass County, North Dakota’s most populated county. The unemployment rate on the Reservation is extremely high at 60.2% and the poverty rate is 46.3% in the targeted community. Most of brownfield challenges are related to abandoned buildings and homes with asbestos and other contamination. Many have become abandoned because of the deteriorating condition and contamination. Being in a rural area of a rural state, resources are limited from Tribal and non-Tribal sources to address any issues including environmental problems. In relation to the San Haven property, the Tribe needs to take advantage of its touristic location and create a more sustainable economy that generates more revenues to support the community and members of the Tribe. This approach is within the Turtle Mountain Band of Chippewa’s Sustainable Tribal Tourism Research Program here on the Reservation for the resiliency of its vulnerable community.

IV.E.1.a.ii Description of the Brownfield Site(s)

The San Haven facility was built in 1909 as a Tuberculosis Sanitarium and opened its doors to the patients in 1912. From later 50’s to 1970, the site was used for the tuberculosis patients and in 1971, for use as the State Hospital until 1987 when closing its doors. The Turtle Mountain Band of Chippewa Indians acquired the property in 1992. This grant application is proposing to cleanup 8 contaminated buildings on approximately 14 acres of the 600-acre San Haven complex. Originally, there were 43 buildings or structures as part of the Tuberculosis Sanitarium. By late 1990s, through vandalism, salvaging and fires, the structures had been reduced to 23. Nine remain today. EPA Emergency Removal will remove one of buildings and this cleanup grant proposal will address the remaining 8 buildings including the Main Hospital - Buildings 1, 2, 3, and 4; Southview (Residence) - Building 5; Maintenance Shop – Building 7; Power Plant – Building 8; and Refectory (Dining Hall) – Building 19.

Prior to the Tribe acquiring the property, the State of North Dakota conducted a cleanup of contamination that was detected at the time including asbestos, USTs, PCBs and contaminated soil and water. As vandalism, salvaging and fires occurred, there was concern further contamination was present. The Tribe received an EPA Brownfields Assessment Grant in 1998, a EPA Brownfields Supplemental Assessment Grant in 2000 and a third EPA Brownfields Assessment Grant in 2003. The Grants showed additional contamination of asbestos, lead-based paint, oil in soils and PCBs. To address immediate concerns in 2004, EPA’s Region 8 START contractor removed friable asbestos under a Time Critical Action, exempting the Tribe from cost recovery under CERCLA. In October 2020, the START contractor conducted another Phase II Assessment under a Targeted Brownfields Assessment and identified widespread Asbestos Containing Materials (ACM) and elevated lead-based paint in 8 structures, including ACM in
floor tile, floor mastics, caulk, roofing materials, piping insulation, exterior plaster, vermiculite, interior and exterior walls, etc. It also identified mold and potential PCB transformers.

The buildings have been severely vandalized and salvaged; they are in extremely poor condition with extensive asbestos and loose lead-based paint commingled with lots of debris. They can also be structurally unstable, thus creating exposure risks to people, including authorized personnel such as Tribal Council and maintenance staff, contractors, and unauthorized people intruding the currently fenced property. Back in 2001, a 17-year-old male fell 40 feet down the elevator shaft to his death in spite of previous boarding up of hazards on the site.

The 8 structures that will be abated from this grant are all vacant and are ready for cleanup. Attempts have been made to board up and fence off these buildings to prevent exposures, but vandalism, adolescents and scavengers can get through despite additional measures taken by the Tribe such as placing no trespassing signs, blocking access roads and underground utility passage ways, and other interior and exterior hazards. The Tribe wishes to remediate, salvage and demo the structures to re-use the site for economic development and tourist attraction such as an RV Park and Campground. Such a facility will complement the 2,300-acre International Peace Gardens located approximately 10 miles north, another tourist attraction in the area.

**IV.E.1.b.i Redevelopment Strategy & Alignment with Revitalization Plans** - The Tribe plans to redevelop the San Haven site for new housing and an RV Park and Campground attracting tourists from Canada and the United States after the buildings have been cleaned up, demolished and properly recycled and disposed under environmental regulations. This plan follows with the Turtle Mountain Tribal Strategic Economic Development and Revitalization plan, which is to address the health and welfare improvement of tribal members, including lack of Tourism. The Tribe will also utilize Tribal Planning to seek funding opportunities. Tribal Programs are exploring options for solar and wind energy with DOE and NREL. We are implementing green remediation plans and recycling at the Transfer Station to reduce disposal in the landfill. The Tribe was recently granted a Promise Zone status, along with a Tourism Research Program which they will also take advantage while seeking for funding and grant opportunities. The redevelopment of San Haven Site would help the Turtle Mountain Band of Chippewa’s Sustainable Tribal Development reach its goals on the Reservation and for the resiliency of its vulnerable community. This economic development initiative is a major priority of Tribal Council and the Chairman.

**IV.E.1.b.ii Outcomes & Benefits of Redevelopment Strategy** – San Haven is in an Opportunity Zone. By removing the contaminated structures, these sites will be available for reuse as RV Park and Campground and for constructing new amenities that supports the RV project. The San Haven building sites are in very poor condition and are a major environmental and safety hazard. Youths still go into the buildings. Back in 2001, a 17-year-old fell 40 feet down the elevator shaft to his death. Removing the contamination to allow for demolition and redevelopment will be a major outcome the Tribe supports. This is very important considering the desperate Tribal needs for revenues that can support the construction of new homes for over 200 families on a waiting list for housing. The new sites will not require any reuse restrictions (Institutional Control). Since infrastructure is already in-place, costs will be initially saved by utilizing exiting water and sewer lines, electricity, etc. At later phases of project development, the Tribe will substitute the current sewer and electricity infrastructure with a more sustainable eco-friendly system (e.g. wind and solar). Jobs will be increased during the cleanup,
construction, and operation of the proposed RV Park and Campground with attractive state of the art accommodations, including unique amenities, campgrounds, recreational areas, worldly foods, coffee cabin, grocery, propane and gas, dog park, grocery and gas, first aid, etc. Construction of new homes will also create jobs.

**IV.E.1.c.i Resources Needed for Site Reuse**
If awarded the grant, the Tribe will be able to expand on its current resources and optimally manage its limited funds to gradually enable families to benefit from safe living conditions as the contaminated structures are removed and new housing complexes and tribal offices are redeveloped and constructed. The Tribal Public Utilities currently has funds to upgrade the existing infrastructure to allow redevelopment at and adjacent to the cleaned-up sites. If the grant is awarded, the Tribe will have more federal tax credits for reuse due to abatement activities. Other sources of funding will include the Tribal Casino, CARES ACT, COVID, 128(A), TBA’s, 500,000, TRIBAL ROADS cleanup and EMERGENCY RESPONSE which has committed to allocate some of its funds towards the redevelopment, and assistance through USDA loans and grants.

**IV.E.1.c.ii Use of Existing Infrastructure** - The Tribe will take advantage of the current sewer, water and electric infrastructures left in place at San Haven. All roads, sidewalks will be reused and updated for future redevelopments. The Tribal Roads and Tribal EPA 1% fund workers will do a joint effort in demolishing the structures once all abatement of contamination is met. Also, the Turtle Mountain Public Utilities Commission will work with Indian Health Services to make all needed updates.

**IV.E.2.a.i The Community's Need for Funding** - The Tribe has very limited funding and resources to clean up the abandoned San Haven site and redevelop the property. There are also many other needs and programs competing for the scarce funding. Small population, rural isolation, limited jobs, high unemployment have contributed to high poverty rates. With high fuel prices and increased cost of living in recent years, transportation to rural areas of rural states has been more limited. Privately owned businesses on the Reservation are few. Drug and alcohol abuse are high among many residents. Because of the recent world-wide spread of the COVID virus, the Tribe needs to apply funding to address the costs of health and hygiene threats. If awarded the grant, the Tribe would be able to spend some of its limited funds and resources on the redevelopment, hence enable families to benefit from safe living conditions as the contaminated structures are removed and new sustainable income development and Tribal offices are constructed on the same site. The need for a “No Poverty and Zero Hunger” condition on the Reservation and livable and warm homes are very important here in the Turtle Mountains because of the fierce and brutal winters in North Dakota. Due to these extreme economic conditions and a small population, there is no other funding available for environmental cleanup.

**IV.E.2.a.ii.1 Health or Welfare of Sensitive Population** - The Tribe is concerned that the San Haven buildings and their location adversely affects the children and people that live nearby due to the contaminants identified at the Sites and that were discovered in the Phase II Environmental Assessments. Sensitive populations in our target area for San Haven include children, pregnant women, elderly, almost all of whom are minority and low income. The potential for exposures of asbestos containing materials at San Haven is extremely high, as many of the structures are still occupied. The structures that will be addressed under this current proposal are vacant, but still entered by kids and scavengers.
As contamination is released, it can easily be carried long distances, especially during high winds or fires and deposited in water and soil further impacting the environmental and public health away from their original sources. By mitigating asbestos and lead and removing the building and surrounding contaminated soils, environmental, health and safety hazards will be eliminated from the community and the sites will be ready for reuse. After cleanup, the Tribe plans to redevelop the sites for future housing with sustainable eco-friendly economic development project, including an RV Park and Campground. This plan follows the Turtle Mountain Tribal Strategic Plan to address the housing and Tribal office problem on the Reservation, which are also stated in the Comprehensive Housing Plan and the Indian Housing Plan prepared by Tribal Housing Authority. Hazard elimination resulting from this grant will drastically improve the health, environmental, social and economic conditions on the Reservation populace.

IV.E.2.a.ii.2 Greater Than Normal Incidence of Disease and Adverse Health Conditions - Abandoned buildings are attractive nuisances for youth, drug/alcohol consumption, meth labs and salvagers; increasing the potential to come into contact with asbestos, lead, hazardous substances, pollutants and contaminants. According to the Center for Disease Control (CDC), direct contact and ingestion of asbestos, a known carcinogen, can cause lung cancer and mesothelioma, a form of neoplasm of the lining of the chest and abdominal cavities. Cancer of the larynx has also been associated with exposure to asbestos. CDC further states that hazards related to breathing or eating lead-based paint dust in adults this may include difficulties in pregnancy, other reproductive problems, high blood pressure, nerve disorders, memory and concentration problems, muscle and joint pain and digestive problems. In children and babies, lead levels are more dangerous and include damage to the brain and nervous system, behavioral and learning problems, slowed growth, hearing problems, and headaches. The CDC website provides information on its website correlating health hazards from Black Mold and other types of mold to respiratory and asthma problems. In recognition of these greater than normal incidents of health issues, the Turtle Mountain Band of Chippewa Indians received a 2017 HUD Promise Zone Designation, which can provide funding for promoting quality healthcare and wellness and improving community infrastructure and strategic land use.

IV.E.2.a.ii.3 Economically Impoverished/Disproportionately Impacted Populations - The Center for Disease Control and Prevention (CDC) shows American Indians and other minorities have been disproportionately affected by the new COVID virus with an 3.5 higher incidence than non-Hispanic whites. According to the Socio-Economic statistics published by the Indian Health Service (IHS), American Indians in the State combat poverty, unemployment, underemployment, and inadequate health care. Poor housing and nutrition, lack of career and job opportunities exacerbate their problems. It says that the North and South Dakota American Indian population is in transition: socially, economically, demographically and culturally. Although improvements have been made in high educational attainment, the drop-out rate is still high. High unemployment and underemployment persist as many are employed in the lower paying sectors. The ND Indian Affairs Commission reports the following Socio–Economic Profile on Tribes in ND including data from Turtle Mountain Band of Chippewa Indians:

- 78% of young Indian women (14-24) are at high risk for contracting the HIV/AIDS virus
- Indian youth (15-24) have a 382% higher suicide rate than white youth
- Poverty rate for Indians is three times higher than entire state rate

The Reservation and surrounding Tribal Lands are densely populated and have more residents per square mile than Cass County,
the State’s most populated county. According to the 2013 American Indian Population and Labor Force Report, Unemployment on the Reservation is extremely high at 60.2% as a factor of the workforce who are 16 years and older and who are not employed. Unemployment for the Reservation is significantly greater than the State at 2.7% and the Nation at 3.9% according to the 2018 Bureau of Labor Statistics. Being in a rural area of a rural state, resources are limited from Tribal and non-Tribal sources to address any issues including environmental problems. The Tribe finds it difficult to assess Fees and will not use Trust Land as collateral to secure funds.

**IV.E.2.b.i Project Involvement** – Listed below are the project partners:
- **Tribal Planning/Grant Writer’s** – Tribal Planning Department researches and explores all funding sources for the Tribe. Collaborates and coordinates with local, state, and federal agencies. Provides an avenue assistance to improve the economic conditions for the Tribal communities. Will be able to provide valuable input for reuse options for the Tribal Administration to consider on future reuse of sites.
- **Tribal Lands Management** – Documents and is the record keeper of all Tribal Lands inventory. Maintains all land transactions and changes to land records. Will record any Institutional Controls. Can discuss reuse options with Tribal Administration and Housing Auth.
- **Tribal Solid Waste/Transfer Station Program** – Support letter provides cost-share in the form of equipment and operations & maintenance usage, and through a reduction of tipping fees at the Transfer Station.
- **Tribal EPA Solid Waste 1% Fee Fund** – The Director provided a support letter documenting a Cost-Share match through contributions of manpower and operations of equipment usages.
- **Tribal Roads Maintenance Department** – The Department has assisted with cleanups in the past and can help with this cleanup. It can donate a loader, dump truck and excavator. Because the match is being provided by the Solid Waste/1% (Fee) Department, this Roads contribution is being considered leveraged funding.
- **IHS** – We often work with the IHS on environmental health issues and the staff has significant training on hazardous waste control and disposal. IHS has assisted the Brownfields Program on a cleanup project that was conducted by the IHS. We will also maintain coordination with our EPA Project Manager on all activities.
- **Tribal Housing Authority** – The Director provided a support letter documenting a Cost-Share match through contributions of manpower, equipment and operations of equipment usages.

**IV.E.2.b.ii.** The table below lists Project Partners names, point-of-contact, contact information and their specific roles. (See Attachment E for support letters from Tribal partners – Please Note: Because of the COVID-19 Virus, it was difficult to obtain all of the committed Support Letters)

<table>
<thead>
<tr>
<th>Partner Name</th>
<th>Point of contact (name, email &amp; phone)</th>
<th>Specific role in the project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grants Dept.</td>
<td>Alice Lunday 701-477-2648</td>
<td>Review &amp; Submit Grant</td>
</tr>
<tr>
<td>Land Management</td>
<td>Ernie Azure 701-477-0407</td>
<td>Land Status/Reuse of Lands</td>
</tr>
<tr>
<td>Solid Waste Dept.</td>
<td>Max Defender 701-244-2222</td>
<td>Cost Share for Tipping Fees</td>
</tr>
<tr>
<td>EPA 1% Fee</td>
<td>Cora Champagne 701-477-8328</td>
<td>Cost Share/Labor for Demo</td>
</tr>
<tr>
<td>Roads Department</td>
<td>Ron Trotter 701-477-0407</td>
<td>Cost Share/Equipment for Demo</td>
</tr>
<tr>
<td>Tribal Housing</td>
<td>Murton Gillis 701-477-5673</td>
<td>Cost share for Demo</td>
</tr>
</tbody>
</table>

**IV.E.2.b.iii Incorporating Community Input** – The Brownfields Community Involvement Plan, developed for previous Brownfields Assessment and Cleanup Grants that were awarded to
the Tribe, will be updated as part of the Workplan. It includes internal Tribal procedures for involving the public as well as U.S. EPA requirements. As part of the Brownfields Tribal Response Program, we have continually refined interactions under the grant Element, Provide Meaningful Public Outreach, and in this case have held meetings with HUD on mechanisms for redevelopment of the San Haven space. We have already held an advertised Public Meeting to discuss, seek input and answer questions related to the draft proposed Brownfields Cleanup Grant including Analysis of Brownfields Cleanup Alternatives (ABCAs). If we receive the Cleanup Grant, there will be several internal and Tribal Council meetings (open to the public) to coordinate the cleanup with stakeholders and seek input. We typically post Public Notices and hand out pamphlets at various community bulletin boards about issues affecting the Reservation. Our local radio station invites speakers to discuss current issues and take questions from callers. Respect for our Elders is an integral part of our culture. Their opinions and ideas are solicited on projects at the Concerned Citizens meetings that are held monthly at the Transportation Building. Cleanup information will be made available on our website and Facebook page. Information and documents will be part of the Brownfields Public Record file available for review at the Tribal Brownfields Office. Some of our Tribal residents, especially the elderly, speak our native language; but most are also fluent in English, if this is a problem, we have other Tribal members who can communicate with the Elders. A Public Meeting will be held as least two weeks prior to the cleanup to explain procedures and safety measures and answer questions. The Tribal radio station and local paper will also be used to distribute information on the status of the cleanup.

V.E.3.a Proposed Cleanup Plan - A Phase II ASTM Environmental Site Assessment was conducted by EPA Region 8 START contractor in October 2020. The Phase II Site Assessment confirmed the presence of Contaminants of Concern (COCs) in all the structures at the San Haven Site. The following below is a list of the COC's and associated media identified by START contractors at the Site:

- ACM identified in all 8 structures at the San Haven buildings.
- Elevated LBP identified in all 8 structures at the San Haven Buildings
- Potential PCB-containing transformers were observed in buildings 1, 3, and 19.
- Mold was observed throughout the buildings.

To address contamination at the sites, three different alternatives were considered. The alternatives were outlined in the Analysis of Brownfields Cleanup Alternatives (ABCAs) and discussed at an advertised Public Meeting held October 20, 2020 to discuss submitting a Brownfields Cleanup Grant for the San Haven buildings.

- **Alternative #1:** *No action* is not cost effective in removing or containing contamination.
- **Alternative #2:** *Abatement, Building Demolition and Disposal*
- **Alternative #3:** *Demolition and Disposal of All Building Materials as ACM*

Based on Tribal government and community input during our Public Meeting held October 20, 2020 and internal government discussions with Tribal EPA, it was suggested that if awarded the grant that we will abate the 8 buildings that need to be remediated and demolished. It is estimated if a certified contractor was to remove all the ACM out of the 8 buildings it will cost approximately $600,000. This includes the 20% cost share, therefore it was suggested that we prioritize the structures and determine which ones would be abated and ready for demo with the $500,000. Also, once the prioritized buildings are cleaned from contaminants, the Tribal EPA 1% fund, Tribal Roads, Tribal Planning, Tribal Housing Authority and Solid Waste/Transfer Station will do a joint effort in demolishing the abated structures.
The recommended cleanup alternative is Alternative #2: Abatement, Building Demolition and Disposal. Since the Tribe is suggesting another alternative such as Remediation and/or removal of asbestos, lead, PCB transformers, and mold or other contaminants prior to demolition is more cost effective for us than the alternative #2. The alternative suggested will include remediation cleanup prior to demolition, milestones, community outreach component, protection for the environment and public health, and detailed costs. The Cleanup Plan will describe how the cleanup process will need to protect the workers and nearby residents. It will also address correct disposal procedures, so that the environment is protected. The contractor will work with the Tribal Environmental Protection Agency and the EPA Region 8 to assure the safe and required practices will be followed. We estimate the total costs of the prioritized abandoned structures and buildings to be remediated and ready for demo will be approximately $500,000.

IV.E.3.b Description of Tasks/Activities and Outputs; b.i Project Implementation; ii. Anticipated Project Schedule; iii. Task/Activity Lead(s); iv. Output(s)

<table>
<thead>
<tr>
<th>Task/Activity 1: Cleanup Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Project Implementation</td>
</tr>
<tr>
<td>□ Discussion of EPA-funded activities: Develop and issue RFP, hire qualified environmental professional(s)/contractor(s), develop Cleanup Plan with ABCAs with partners and input from hired environmental professional(s)/contractor(s), and seek approval from EPA on QAPP and Cleanup Plan. Plan will include remediation strategies, cleanup phases, closure concepts, milestones, community outreach component, protection for the environment and public health, detailed costs, and reuse options.</td>
</tr>
<tr>
<td>□ Non-EPA grant resources needed to carry out task/activity, if applicable: Technical assistance and coordination will also be sought from Tribal Housing, Planning, Administration, TERO, BIA, and IHS.</td>
</tr>
<tr>
<td><strong>Estimated Contractual Cost:</strong> $4,000. Approval from EPA Project Manager on QAPP, Confirmation Sampling QAPP and Cleanup Plan.</td>
</tr>
<tr>
<td>ii. Anticipated Project Schedule: 1 month – 8 months</td>
</tr>
<tr>
<td>iii. Task/Activity Lead(s): <strong>Tribal Brownfields Coordinator and Compliance Officer</strong> (develop and issue RFP, hire contractor(s), develop Cleanup Plan with ABCAs with partners and input from hired contractor(s), and seek approval from EPA on QAPP and Cleanup Plan.</td>
</tr>
<tr>
<td>iv. Output(s): RFP, Contract, QAPP, Cleanup Plan with ABCAs</td>
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<tr>
<th>Task/Activity 2: Site Cleanups</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Project Implementation</td>
</tr>
<tr>
<td>□ Discussion of EPA-funded activities: Site Cleanups, Recycling, Disposal, and Confirmation Sampling.</td>
</tr>
<tr>
<td>1) Demo walls to access asbestos floor tile under walls: $70,000; 2) Removal of asbestos floor tile and mastic: $336,000; 3) Disposal of asbestos floor tile, mastic, and asbestos impacted flooring: $50,000, 4) Removal, segregation, and disposal of hazardous materials (lead-based paint structural components etc.): $10,000:</td>
</tr>
<tr>
<td><strong>Estimated Contractual Cost:</strong> $496,000.</td>
</tr>
<tr>
<td>□ Non-EPA grant resources needed to carry out task/activity, if applicable: Technical assistance and coordination will also be sought from Tribal Housing, Planning, Administration, TERO, BIA, and IHS.</td>
</tr>
<tr>
<td>ii. Anticipated Project Schedule: 8 months – 2 ½ years.</td>
</tr>
<tr>
<td>iii. Task/Activity Lead(s): <strong>Hired Environmental Professional(s)/Contractor(s)</strong> (conduct abatement activities; recycle, transport and properly disposal of contamination and debris; and conduct confirmation sampling). <strong>Tribal Brownfields Coordinator and Compliance Officer</strong> (Oversee environmental professional(s)/contractor(s)’ work).</td>
</tr>
<tr>
<td>iv. Output(s): Progress Reports and Final Report from Hired Professional(s)/Contractor(s), Invoices, Confirmation Sampling Results</td>
</tr>
</tbody>
</table>

| Task/Activity 3: Community Involvement |
i. Project Implementation  Discussion of EPA-funded activities: The Tribal Environmental staff will involve the community through the planning and cleanup stages. This will include interactions at 2-3 outreach educational meetings to explain lead and asbestos concerns and proper maintenance.

Non-EPA grant resources needed to carry out task/activity, if applicable:
Partners can provide comments and advice on outreach including Tribal Grants Writer, Lands Management, Roads, Housing, Natural Resources, Solid Waste/Transfer Station, Department, and IHS Sanitarian.

ii. Anticipated Project Schedule: 1 month – 3 years, continually

iii. Task/Activity Lead(s): Tribal Brownfields Coordinator and Compliance Officer

iv. Output(s): Updated Brownfields Community Involvement Plan, News releases. Documentation of any concerns and responses from Community.

Task/Activity 4: Reporting

i. Project Implementation

Discussion of EPA-funded activities: Reporting – Prepare Progress, Financial Status and Final Reports and Administrative Record. Prepare Success Story. Update reporting in BIT and ACRES.

Non-EPA grant resources needed to carry out task/activity, if applicable:
The Brownfields staff will submit Progress Reports and Financial Status Reports and Success Story to EPA; will update BIT and ACRES. The contractor will provide a draft and final Remediation Cleanup Report that will include information on all tasks completed, including the results of confirmation sampling and also detailed costs. Estimated Reporting Costs for Contractor: $2,000. Provide a basis for this cost (contractor rate of $60/hour at 15 hours = 900 – adjust as needed

ii. Anticipated Project Schedule: 3 months – 3 years, continually as due

iii. Task/Activity Lead(s): Tribal Brownfields Coordinator and Compliance Officer


Consolidate into one response (c.i. Development of Cost Estim.; c.ii. Application of Cost Estim.; c.iii. Eligibility of Cost Share Activities) - Cost estimates were derived from previous Brownfields site cleanups of other buildings on the Turtle Mountain Reservation as well as nature and amounts of contamination provided by the USEPA in-house START Contractor’s Phase II ESA, which are also documented in ACRES. Tribal Refuse Services provided a Support letter committing $40,000 towards the cost-share in the form of equipment and operations & maintenance usage, and through a reduction of tipping fee at the Transfer Station and for clean fill. Additionally, The Tribal EPA Director provided a support Letter committing up to $60,000 in cost share for demolition labor from the Tribal 1% Fee on contractors.

A breakdown of estimated costs are as follows:

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Cost per Building</th>
<th>Cost Breakdown (# of staff, days, rate)</th>
<th>Explanation of Cost Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building #1</td>
<td>$120,000</td>
<td>4 staff, 2.15 weeks of work/staff, 40 hrs/week, $70.00/hr.</td>
<td>Based on START grant cost and similar scope of work on Turtle Mountain Reservation</td>
</tr>
<tr>
<td>Building #2</td>
<td>$120,000</td>
<td>4 staff, 2.15 weeks of work/staff, 40 hrs/week, $70.00/hr.</td>
<td></td>
</tr>
<tr>
<td>Building #3</td>
<td>$70,000</td>
<td>2 staff, 2.5 weeks of work/staff, 40 hrs/week, $70.00/hr.</td>
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Proposed Budget:
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<tr>
<th>Budget Categories</th>
<th>Task 1 - Cleanup Planning</th>
<th>Task 2 - Cleanup, Recy., Disp., Conf., Sampling</th>
<th>Task 3 - Public Involvement</th>
<th>Task 4 - Reporting</th>
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<td>$2,300</td>
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**IV.E.3.d Measuring Environmental Results** – The Tribal Brownfields Program has a history of completing the Tasks in its Brownfields grants in a timely manner and will complete a new Cleanup Grant within the three-year period. In the past, the Tribal Brownfields Program has managed four Brownfields Cleanup grants. It has completed its Brownfields Assessment and Cleanup grants on schedule, complied with the Terms and Conditions, and completed the Tasks, which is one of the reasons we were awarded our last Cleanup Grant – for 3 buildings of the L’BelCour Housing ($200,000, start date was June 2019 completion date was August 2019), for the 5 buildings of the L’BelCour Housing ($500,000, completion date was February 2020), and for the 7 buildings of the L’Belcour Housing ($500,000, completion date was October 2020).

**4.a Prog. Capability (a.i Organize. Structure; a.ii Description of Key Staff; a.iii Acquiring Additional Resources)** - The Tribal Environmental Program has successfully maintained for many years, the GAP, Water and UST Programs with 128(a) Tribal Response Program-Brownfields being the newest addition in 2005. During that time, it benefited from two long-standing Environmental Directors. The Brownfields Coordinator and Compliance Officer have both received certified OSHA 40-Hour Hazwoper training, overseen or assisted with assessments and cleanup, and attended various inspections and compliance training courses, Meth Lab training, solid waste trainings, and numerous Brownfields, Solid Waste and Environmental workshops. We coordinate with TERO, Property & Supply and Legal Counsel when issuing RFPs and writing agreements with qualified and certified contractors for assessments and
cleanups. The Tribe has established procurement procedures that comply with federal guidelines. Contractors are required to meet all Tribal, EPA and other agency requirements, have appropriate insurance, and hire Tribal subcontractors/laborers certified on the TERO list. We seek EPA approval on contractor’s QAPPs and Cleanup Plans. We work with our partners including the Tribal Rds, Housing, Natural Resources and Solid Waste Dept. and IHS Sanitarian who all have experience in conducting cleanups and will be of valuable assistance in maintaining continuity throughout the project and dealing with unexpected problems or personnel overturn.

4.b.i Currently Has or Previously Received an EPA Brownfields Grant

(1) Accomplishments - Past Brownfields Grants Awarded:
- 2005 - Present, the Tribe has annually received an EPA 128(a) Brownfields Tribal Response Program Grant and has established the Public Record; is making progress on the Four Elements; conducts/oversees site work of assessments (some through TBAs) and cleanups; have assisted and managed the IHS clean-up of the Alano Club (Treatment after Care Center) and the BIA clean-up of the Old Elementary School. We also oversaw the cleanups of 250+ open dumps and 100 plus abandoned/burned home sites under the 1% Fund.
- 1998 - Brownfields Assessment grant and a Brownfields Supplemental Assessment grant for the San Haven Hospital, a former State Tuberculosis Sanitarium and State Hospital.
- 2004 – Brownfields Job Training Grant - Trained 40 students (in some courses many more) in OSHA 40-hour, lead, asbestos/mold abatement, First Aid/CPR and OSHA health/safety.
- 2011 - Brownfields cleanup grant for the Tribal Administration Building in Belcourt, ND.
- 2018 - Brownfields cleanup grant for three buildings in the L’BelCour Housing area.
  Completed the abatement and demolition - success stories on the USEPA website.
- 2019-2020 – Two Brownfields cleanup grant for 15 buildings in the L’BelCour Housing area.

(2) Compliance with Grant Requirements –We have completed quarterly reports and grant deliverables for all of our EPA grants in a timely manner. Under the Brownfields Program, we established the Public Record utilizing internal Tribal announcement and recording procedures; also recorded on the Tribal website. Additionally, progress has been made on the Four Elements. We have established a Brownfields Inventory (in BIT) with over 150 sites that include 10, large buildings; an area where 100+ former HUD homes were abandoned due to massive mold issues and were burnt leaving unsafe debris piles in the middle of the community; and many open dumps. We are especially proud that we have developed Environmental Codes passed by a Tribal Council Resolution in 2007 followed by a Matrix Penalty Table Resolution in 2011, hired an Enforcement Officer, conducted extensive outreach to inform the public of the new procedures, and issued numerous citations in relations to violations. We are encouraged that the enforcement and public outreach will have an impact on reducing future Brownfields sites. We participate in many outreach activities and use planned events to promote our Program including distributions at Pow Wows, Earth Day and Native American Day. We attend District meetings, internal Program meetings and Tribal Council sessions to provide information and seek input on current or proposed Brownfields projects. Information is distributed through various media on Brownfields and other environmental issues. Our staff provides oversight on all aspects of assessment and cleanups. The Inventory and response sites are updated in BIT and ACRES.
Attachment A: Threshold Criteria

III.B. Threshold Criteria for Cleanup Grants

III.B.1 Applicant Eligibility
The Turtle Mountain Band of Chippewa Indians is a Federally Recognized Tribe. The Turtle Mountain Indian Reservation was established by Presidential Executive Orders on December 21, 1882 and March 29, 1884. The main Reservation lies in the northern part of Rolette County, North Dakota and has a land area of 67.583 sq. mi (175.039 km²).

III.B.2 Previously Awarded Cleanup Grants
Turtle Mountain Band of Chippewa Indians (TMBCI) was awarded four EPA Brownfields Cleanup Grants in 2011, 2018, 2019, and 2020. These include the cleanup of the Tribal Administration Building and fifteen structures within the L'BelCOUR (Old Housing/Barnesville) area. TMBCI affirms that the currently proposed sites have not received funding from any previously awarded EPA Brownfields Cleanup grants.

III.B.3 Site Ownership
In 1992, the Turtle Mountain Band of Chippewa Indians purchased the 600-acre San Haven facility, which was built by the State in 1909 as a Tuberculosis Sanitarium. It is located approximately seven miles west of the Turtle Mountain Reservation.

III.B.4 Basic Site Information
(a) Name of sites: Eight (8) San Haven Buildings

The 8 buildings are located on approximately 14 acres of the 600-acre complex and include: Main Hospital - Buildings 1, 2, 3, and 4; Southview (Residence) - Building 5; Maintenance Shop – Building 7; Power Plant – Building 8; and Refectory (Dining Hall) – Building 19.

(b) Address of sites: 98th St NE, San Haven Road, Dunseith, Rolette County, ND 58329, Lat/Long [48.835351, -100.041743]

(c) Current owner of sites: Turtle Mountain Band of Chippewa Indians.

III.B.5 Status and History of Contamination at the Site
(a) Whether this site is contaminated by petroleum or hazardous substances: The sites are contaminated with hazardous substances.

(b) The operational history and current use(s) of the site:
The San Haven facility was built in 1909 as a Tuberculosis Sanitarium and opened its doors to the patients in 1912. From later 50’s to 1970, the site was used for the tuberculosis patients and in 1971, for use as the State Hospital until 1987 when closing its doors. The Turtle Mountain Band of Chippewa Indians acquired the property in 1992. After acquisition in 1992, the Tribe utilized several of the buildings for non-hazardous business enterprises, such as sewing clothing, until the ventures were no longer profitable. The Tribe intends to sustainably reuse and redevelop the sites by having an RV Park and Campground built once the contaminated structures are cleaned up. and for future sustainable housing.
(c) **Environmental concern, if known, at the site:** According to an Environmental Assessment conducted by EPA’s START contractor in October 2020, environmental concerns are Asbestos Containing Materials (ACM) and elevated lead-based paint in 8 structures, including ACM in floor tile, floor mastics, caulk, roofing materials, piping insulation, exterior plaster, vermiculite, interior and exterior walls, etc; and mold and potential PCB transformers.

**III.B.6 Brownfields Site Definition**
The Turtle Mountain Band of Chippewa Indians affirms that the sites are: (a) not listed or proposed for listing on the National Priorities List; (b) not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and (c) not subject to the jurisdiction, custody, or control of the United States government. (Note: Land held in trust by the United States government for an Indian tribe is eligible for Brownfields funding.)

**III.B.7 Environmental Assessment Required for Cleanup Proposals**
EPA Region 8 utilized the in-house START contractor to conduct an ASTM E1903-11 or equivalent Phase II site assessments in October 2020. START provided final reports for the sites and has been reviewed by US EPA. The Phase II report has confirmed the presence of Contaminants of Concern (COCs) at the San Haven Buildings structures. The following is a list of the COCs and associated media identified by START:

- **Asbestos Containing Materials (ACM):** Of the 863 bulk samples submitted for laboratory analysis, a total of 162 samples were determined to be “positive” (>1% asbestos) for asbestos as well as one material assumed to be ACM. ACM is considered to be a contaminant of concern (COC) in the buildings. Based on the laboratory results reported for the confirmed ACM samples, asbestos is present in block filler, dry wall (ceilings & walls) floor tiles, floor tile mastic, underlayment, vermiculite, stair tread mastic, linoleum, pipe insulation and debris, window and door caulk, window glazing, roofing sealant, duct sealant, exterior caulk, wire insulation, and pipe flange gasket in the eight buildings.
- **Lead-Based Paint (LBP):** Of the nine (8) buildings XRF screened for LBP, all buildings were determined to have positive readings (≥1.0 milligrams per centimeter square [mg/cm²]) for LBP.
- **Polychlorinated biphenyls (PCBs):** Potential PCB-containing transformers were observed in buildings 1, 3, and 19. PCBs are considered COCs in relation to the Site.
- **Mold:** Based on the results of the mold inspection every building has a significant amount of mold in them. Mold is considered to be a COC.

**III.B.8 Enforcement or Other Actions**
The Turtle Mountain Tribe is not aware of any ongoing or anticipated enforcement actions related to the units within the San Haven area. Also, we are not aware of any inquiries or orders from federal, state, or local government entities that the applicant is aware of regarding the responsibility of any party (including the applicant) for the contamination or hazardous substances at this site.

**III.B.9 Sites Requiring a Property-Specific Determination**
This site does not require a property specific determination.
III.B.10 Threshold Criteria Related to CERCLA/Petroleum Liability

III.B.10.a Property Ownership Eligibility - Hazardous Substance Sites

III.B.10.a.i Exemptions to CERCLA Liability

III.B.10.a.i.1 Indian Tribes

The Turtle Mountain Band of Chippewa Indians of North Dakota affirms it is a Federally Recognized Tribe and is therefore exempt from demonstrating that it meets the requirements of a CERCLA liability defense. The Turtle Mountain Indian Reservation was established by Presidential Executive Orders on December 21, 1882 and March 29, 1884.

III.B.10.a.i.2 Alaska Native Village Corporations and Alaska Native Regional Corporations

Not applicable.

III.B.10.a.i.3 Property Acquired Under Certain Circumstances by Units of State and Local Government

Not applicable

III.B.10.a.ii. Exceptions to Meeting the Requirement for Asserting an Affirmative Defense to CERCLA Liability

III.B.10.a.ii.1 Publicly Owned Brownfield Sites Acquired Prior to January 11, 2002

Provide the following information to demonstrate that the applicant qualifies for the exception at CERCLA § 104(k)(3)(E):

(a) Describe in detail the circumstances under which the property was acquired. The Turtle Mountain Band of Chippewa Indians acquired the San Haven property in 1992. The facility was built by the State of North Dakota in 1909 as a Tuberculosis Sanitarium and opened its doors to the patients in 1912. From later 50’s to 1970, the site was used for the tuberculosis patients and in 1971, for use as the State Hospital until 1987 when closing its doors.

(b) Provide the date on which the property was acquired.

The property was acquired in 1992.

(c) Identify whether all disposal of hazardous substances at the site occurred before you acquired the property. Prior to the Tribe acquiring the property, the State of North Dakota conducted a cleanup of contamination that was detected at the time including asbestos, USTs, PCBs and contaminated soil and water.

(d) Affirm that you have not caused or contributed to any release of hazardous substances at the site. The Tribe affirms that it has not caused or contributed to any release of hazardous substances at the site. It has secured the buildings by boarding up and fencing them off to prevent exposures and has placed no trespassing signs, blocked road accesses and underground passage ways, and other interior and exterior hazards.

(e) Affirm that you have not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site. The Tribe affirms it has not at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.
III.B.10.a.iii Landowner Liability Protections from CERCLA Liability

III.B.10.a.iii.1 Bona Fide Prospective Purchaser Liability Protection

Not applicable

III.B.10.a.iii.1.a Information on the Property Acquisition

The property was undeveloped until the San Haven area was constructed in 1909 as a Tuberculosis Sanitarium. From later 50’s to 1970, the site was used for the tuberculosis patients and in 1971, for use as the State Hospital up until 1987 when it closed its doors. The Turtle Mountain Band of Chippewa Indians acquired the property in 1992.

III.B.10.a.iii.1.b Pre-Purchase Inquiry

When the Tribe purchased the property in 1992, it was not a practice to conduct environmental assessments nor was pre-purchase inquiry a typical process. Even so, prior to the Tribe acquiring the property, the State of North Dakota conducted a cleanup of contamination that was detected at the time including asbestos, USTs, PCBs and contaminated soil and water.

III.B.10.a.iii.1.c Timing and/or Contribution toward Hazardous Substances Disposal

The Tribe has not caused or contributed to any releases of hazardous substances at the sites. When the structures were built, asbestos building products were not recognized as health and environmental hazards. In addition, lead-based paint was used because it was known to yield a more durable, long-lasting end product that can resist moisture, and reduce the risk of cracking and molding. It wasn’t until recent years, that it became apparent and eventually regulated by Standards and Regulations that lead and asbestos could become contamination issues. The Tribe affirms it has not at any time disposed of any hazardous substances at the sites.

III.B.10.a.iii.1.d Post-Acquisition Uses

After acquisition in 1992, the Tribe utilized several of the buildings for non-hazardous business enterprises, such as sewing clothing, until the ventures were no longer profitable. The Tribe intends to sustainably reuse and redevelop the site by having an RV Park and Campground and future sustainable housing built once the contaminated structures are cleaned up.

III.B.10.a.iii.1.e Continuing Obligations

i) The Tribe has taken reasonable steps to:

Stop any continuing releases; Prevent any threatened future release; and prevent or limit exposure to any previously released hazardous substances: Throughout the years, the Tribe has provided maintenance on the buildings at the Site and has attempted to manage any contamination, but through normal deterioration it is no longer cost effective and the Tribe would like to remediate and/or cleanup and remove the structures at this sites depending upon what would be the most cost effective way. Attempts have been made to board up and fence off these buildings to prevent exposures, but vandalism, adolescents and scavengers can get through despite additional measures taken by the Tribe such as placing no trespassing signs, blocking access roads and underground passageways, and other interior and exterior hazards.

ii) The Tribe confirms its commitment to:

The Tribe confirms it will implement and comply with all land-use restrictions and institutional controls as needed; Assist and cooperate with those performing the cleanup and provide access to the property; Comply with all information requests and administrative subpoenas that have or
may be issued in connection with the property; and provide all legally required notices. The Brownfields Tribal Response Program has developed procedures for announcing the start and completion of cleanups through its Public Record notification process. Additionally, it has developed processes for conducting verification and certification processes after the cleanup is completed. This also includes documenting any necessary Institutional Controls. The staff has received OSHA 40-Hour and Lead and Asbestos training and has conducted several environmental assessments and cleanups. Brownfields/TRP program will oversee the cleanup of the structures and hire a certified contractor(s) to conduct the cleanup.

III.B.10.b Property Ownership Eligibility - Petroleum Sites
III.B.10.b.i Information Required for a Petroleum Site Eligibility Determination
III.B.10.b.i.1 Current and Immediate Past Owners
Does Not Apply.
III.B.10.b.i.2 Acquisition of Site
Does Not Apply.
III.B.10.b.i.3 No Responsible Party for the Site
Does Not Apply.
III.B.10.b.i.4 Cleaned Up by a Person Not Potentially Liable
Does Not Apply.
III.B.10.b.i.5 Judgments, Orders, or Third Party Suits
Does Not Apply.
III.B.10.b.i.6 Subject to RCRA
Does Not Apply.
III.B.10.b.i.7 Financial Viability of Responsible Parties
Does Not Apply.

III.B.11 Cleanup Authority and Oversight Structure
III.B.11.a Cleanup Oversight
The Tribe, being a sovereign entity, has not participated in the State Voluntary Cleanup Program. The Cleanup shall be conducted in conformance with “Title 40, Turtle Mountain Band of Chippewa, Solid and Hazardous Waste Management and Remediation Code” and in consultation with EPA to ensure the cleanup is protective of human health and the environment. In addition to coordinating activities with EPA, the Turtle Mountain Band of Chippewa Indians Brownfields CERCLA 128(a) Tribal Response Program has been working towards building its environmental capability. The Brownfields Coordinator and Compliance Officer have both received certified OSHA 40-Hour Hazwoper training, have overseen or assisted with assessments and cleanup (under the Brownfields Program and other Programs), have attended various inspections and compliance training courses, Meth Lab training, solid waste trainings, and numerous Brownfields, Solid Waste and Energy workshops. Even though the Tribal Coordinator and Compliance Officer have received appropriate training and have adequate experience to qualify as Environmental Professionals to manage the cleanup, they will work with the TERO Program to issue RFP's to select a qualified and certified contractor to conduct the cleanups. The Tribe has established procurement procedures that meet federal guidelines when hiring contractors, which will be adhered under an EPA Cleanup grant. The contractor will be required to meet all Tribal, EPA and other agency requirements, have appropriate insurance, and hire Tribal subcontractors and laborers certified on the TERO list. All activities under the grant will be coordinated with
our EPA Region 8 Project Manager. Access to adjacent properties will not be a problem because they are located on Tribal Trust Lands under the authority of the Tribe.

III.B.11.b Access to Adjacent Properties
The Tribe will have access from public roads that lead into the site and will not need to enter and exit through the adjacent properties. Cleanup will not affect the adjoining properties because none of the San Haven structures on the 600-acre site are in close proximity to the surrounding private properties.

III.B.12 Community Notification
III.B.12.a. Draft Analysis of Brownfields Cleanup Alternatives
III.B.12.b Community Notification Ad
III.B.12.c Community Notification Public Meeting
III.B.12.d Submission of Community Notification Documents

III.B.12.a. Draft Analysis of Brownfields Cleanup Alternatives
(See Attachment F for Draft Analysis of Brownfields Cleanup Alternatives (ABCAs))

III.B.12.b Community Notification Ad
An announcement for the Public Meeting for the proposed Cleanup Grant for the San Haven Buildings was put in the Turtle Mountain Times Newspaper on October 9, 2020. (See Attachment D for a copy of the ad.)

III.B.12.c Community Notification Public Meeting
The Public Meeting was held on October 20, 2020 at 10:00 am at the Tribal Transportation Building. At the meeting, a Sign-In sheet was distributed, the project was discussed, and drafts of the Cleanup Grant Proposal and ABCAs were distributed and discussed. Additionally, answers were provided to the public questions. (See Attachment D for information on the Public Meeting, a copy of the Sign-In Sheet and a summary of public comments with answers.)

III.B.12.d Submission of Community Notification Documents
(See Attachment D for copies of Community Notification Documents and Attachment F for the ABCAs)

III.B.12.e Discussion on how the cost share will be met; or a cost share waiver request, if applicable (See Attachment G for Cost share Waiver Request)
## Attachment B. Other Factors Checklist

Other Factors Checklist Please identify which of the below items apply to your community/proposed project. If none of the Other Factors are applicable to your community/proposed project, please provide a statement to that effect.

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<th>Other Factors</th>
<th>Comments</th>
<th>Page #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community population is 10,000 or less.</td>
<td>X 8,565 (Reservation); 2,078 (Belcourt)</td>
<td>ii, Attachment G</td>
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<tr>
<td>The applicant is, or will assist, a federally recognized Indian tribe or United States territory.</td>
<td>X Applicant is a Federally recognized Indian Tribe.</td>
<td>Attachment A</td>
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<tr>
<td>The proposed brownfield site(s) is impacted by mine-scarred land.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secured firm leveraging commitment ties directly to the project and will facilitate completion of the project/redevelopment; secured resource is identified in the Narrative and substantiated in the attached documentation.</td>
<td>X Leverage funding and/or assistance will come from Tribal Planning/Grant Writer, Tribal Lands Management, Tribal Solid Waste/Transfer Station Program, and Tribal EPA Solid Waste 1% Fee Fund, and Tribal Roads Maintenance Department. IHS and Tribal Housing Authority.</td>
<td>2 – 8, 10 Attachments E &amp; G</td>
</tr>
<tr>
<td>The proposed site(s) is adjacent to a body of water (i.e., the border of the site(s) is contiguous or partially contiguous to the body of water; or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The proposed site(s) is in a federally designated flood plain.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The redevelopment of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or any energy efficiency improvement projects.</td>
<td>X Tribal Programs are exploring options for solar and wind energy with DOE and NREL. Community is implementing green remediation plans - The Turtle Mountain Transfer Station sorts trash for recycling options saving on disposal costs and delivering less waste to fill-up landfills.</td>
<td>1, 2, 3 Attachment F</td>
</tr>
</tbody>
</table>
November 29, 2021

Ray Reed
TMBCI Tribal Environmental
Brownfields Coordinator

Dear Mr. Reed,

As the director of the Turtle Mountain Band of Chippewa Tribe (TMBCI) Department of Environmental Program, I am writing this letter to confirm that the TMBCI Environmental Program is the Tribal Environmental Authority for the Tribe. Additionally, I am acknowledging the TMBCI Brownfields Program under the Tribal Environmental Program is planning to conduct cleanup activities on the San Haven site. The TRP program will be submitting a Brownfields Cleanup Grant to the US EPA to possibly receive funding to continue the cleanup of this site.

Sincerely,

Cora Champagne
Environmental Director
Turtle Mountain Band of Chippewa
Attachment D. Public Notice Documentation

TRIBAL ENVIRONMENTAL PROTECTION AGENCY OPEN PUBLIC MEETING

Copies of the Newspaper ad, Receipts showing the ad was run twice, Signup Sheet are provided in II.B.12.d below.

III.B.12.c Public Meeting

Public Notice, Agenda, Discussion Topics, Questions and Answers, Minutes
San Haven site. November 22, 2021
10:00 AM at Turtle Mountain Tribal Transportation Building

Public Notice
November 22\textsuperscript{nd} 2021

This meeting will give the Tribal Council and the people of the Tribe an opportunity to ask questions and make comments on the proposed environmental cleanup of the San Haven Site which consists of 8 remaining buildings (#1, 2, 3, 4, 5, 7, 8 and 19). All of the buildings are abandoned and are listed on the Tribal Brownfields Inventory List. There are several other sites that are on the Tribal Brownfields Inventory List that is located in the Tribal Response Program’s office. This site has the highest priority than the others that are listed in the inventory. The Tribal Response Program has assisted US EPA contractors on conducting a Phase I and Phase II environmental site assessment on these buildings this past summer. We are now requesting to have a public meeting on this site concerning submission of a Cleanup Grant to EPA to conduct cleanup of the sites and eventual reuse/redevelopment of the site. Draft copies of the grant proposals will be available for review and comment at the meeting and also will be available at the Turtle Mountain Tribal EPA Brownfields Program Office at 1300 Ogema Road in the Tribal Transportation Building, Belcourt, N.D. An Analysis of Brownfields Cleanup Alternatives (ABCAs) are in the proposals and will also be discussed at the meeting.

III.B.12.c Community Notification Public Meeting

Meeting opened at 10:00 a.m. and Introductions and identify each person attending the meeting.
10:15 – 10:30: Ray gave the History and Overview of the San Haven site.
10:30 – 10:45: Ray explained how he is going to apply for a cleanup grant for the site. Ray noted that he has applied for the 104(k) Brownfields Cleanup Grants the past four years for the L’BelCour Housing site which his program was successful and that the people have seen the progress and are aware that this is the same type of grant he is applying for the San Haven site. Ray also explained that he has received a grant in 2018 to do 3 units and also received a grant in 2019 to do 6 more units at the L’BelCour Housing site and that the site has finished completion of the cleanup and in conjunction with the Cares Act grant received by housing that the site is nearly completed with demo and development of 8 units adjacent to the property. Ray also explained that the main part of receiving such a grant is the reuse and redevelopment of these sites and that San Haven is the best economically place for the Tribe to redevelop and began future use of the site.
10:45 – 11:00: Ray had passed out a copy of the ABCA to the attendees and went through it briefly on the recommendations on the alternatives for cleanup of the sites. Ray explained that the alternative #2 was suggested but that when he spoke with council previously that it would go
with the alternative that the program and council suggested to prioritize the site and remediate and/or remove all contaminants. Ray explained how this grant will be used to just remediate the ACM, Lead and Mercury switches and that in a joint effort with several Tribal entities that they would do the demo after all hazardous waste was abated and the buildings were ready for demo.

11:00 – 11:30: Ray discussed the possible future development or reuse of the site after cleanup is completed. Ray also explained that this past summer a TBA was performed on the property and all results were in the Phase II Assessment and is available to the public if wanted to review the reports.

11:30 – 11:45: Questions, Concerns, Comments or Suggestions:

Comments, Questions and Answers from the Turtle Mountain Tribal EPA Public Meeting Held November 22\textsuperscript{nd} 2021
At Tribal Transportation Building Belcourt, ND

**Question:** How much money will you get if you receive this grant?

**Response:** We are asking for up to $500,000 dollars which is the maximum amount that a single applicant can receive. We may not get the full amount but depending on their reviews and determination we can get less or none at all. It all depends on the proposal submitted and if our Tribe is in need of the dollars more than other Brownfields programs. This is a competitive grant and not every Brownfields program receives one. These cleanup grants are competitive grants so we will be competing with all Federally Recognized Tribes, Regions and States for these grants and we are not guaranteed to receive a cleanup grant.

**Question:** What will the tribe use the site for once the area is cleaned up and ready for redevelopment?

**Response:** The site will be used for whatever the tribe and people come up with through planning and other concerned entities and of course input from the members. There has been talks of healing such as alcohol, drug, handicap and other rehab needed for our people. The council has noted in past discussions of self-sustainable projects such as RV park/vamp ground, 18 hole golf course and a duty free annex along with a possible truck stop for the simple fact that it is on the main road that has the port of entry just 7m miles North of the site and on the same road as the International Peace Garden which is a huge tourist attraction in our area.

**Question:** There are several buildings on the site will this grant cover all buildings and cleanup the entire site cause it seems that 500,000 dollars is not a lot of money considering the magnitude of the site in size and the amount of contamination?

**Response:** The TRP program will continue to apply for cleanup grants every year and we are hoping that with the Cares Act funding and with state officials that some other funding can help if needed. We are hoping that with the right contractors that we can get the abatement of the buildings completed with the grant fully funded and that if not we will continue to write grants every year. Also remember this grant is only for abatement and that our program will continue to assist with other programs and council on demo and cleanup efforts after abatement is fully completed until we get all buildings cleaned up. If we don’t receive any more cleanup grants then hopefully the Tribe can determine that at some point in the future.

**Question:** What sort of contamination is in the buildings?

**Response:** Asbestos, lead based paint, mercury switches and mold have been identified in the buildings that were assessed. The Asbestos identified is located in the floor tiles, mastics and
compound joints of the sheet rock materials. Asbestos is considered to be a contaminant of concern (COC) in all the buildings. Lead based paint is minimal and that can be removed or demolished in place as long as a TCLIP is done and qualifies for demo in place.

**Question:** How will your program determine that these buildings will no longer have contamination there and that we can rebuild or reuse the site?

**Response:** The sites will be cleaned up to meet the residential cleanup standards approved by the Tribe and Tribal EPA. Also, will require the contractor to provide verification and certification of the site once they are done performing the abatement work or demo of the buildings. The contractor will provide all proper documentation needed for reuse or redevelopment.

**Question:** Is there any local contractors that can do this type of work and I ask only because these are federal dollars and would not want politics to cause this project to not be completed properly?

**Response:** The cleanup will have to be done by a certified contractor that specializes in cleanup of Hazardous materials and we are not aware of any contractors here on the reservation that are certified. The Tribal EPA Brownfields coordinator will draft a request for proposal and advertise the RFP for two weeks in the newspapers, radio and other social networking. When the tribe receives the bid proposals from certified contractors the Tribal Property & Supply, TERO and Tribal EPA will open all bids and make recommendations on which contractor they want to select or who came in as the lowest bidder and met the budget. The recommendation will go to the Tribal Council for approval. I can say that the contractor that has been awarded the last 3 contracts for the L’BelCour site which was again from this same grant we applying for San Haven has utilized the TERO list people and actually trained several local members and hired them to help perform the cleanup that they were trained in. A certified supervisor has to be on site and monitor the employees helping and our program documents all workers and assures that they are qualified for performing such tasks.

**Question:** Where will the asbestos and other contaminates be disposed of and can they be buried on site?

**Response:** No asbestos containing materials or other hazardous waste will not be buried anywhere or anytime at the site. All materials that are contaminated and need to be treated as hazardous waste will be properly contained and hauled to a certified hazardous waste disposal site which the closest one is in Sawyer, N.D. Our program will receive and monitor all waste being brought off site and disposed of properly. Our local landfill does not accept asbestos, lead based paint or mercury switches and that all contaminated debris will need to be disposed of properly and will not be accepted at our local inert pit.

Ray concluded that the proposal, ABCA and Phase II site assessments can be obtained or reviewed in our office and are available M-F during work hours for anybody wanting to see them.

Meeting adjourned at 12:07 p.m.
Minutes from the Turtle Mountain Tribal EPA Public Meeting
Held November 22nd 2021
At Tribal Transportation Building in Belcourt, ND

1. Ray Reed, the Brownfields Tribal Response Coordinator, and Philip Lenoir, Compliance Office, gave a brief explanation of the Brownfields Program and what the staff has accomplished under the Program.

2. Discussion occurred on the San Haven site, for which the Tribal Brownfields Response Program is submitting a cleanup grant proposal to EPA. Ray and Phillip provided history of the site and summarized the findings from the Phase II Assessment’s that was conducted under a Targeted Brownfields Assessment (TBA) by EPA’s contractor.

3. The attendees asked many questions about the contamination and how it will be addressed. The attendees also made several recommendations on ways to handle the cleanup, which generated much discussion and clarification of the proposed activities.

4. Attendees asked if local Tribal laborers could be hired to conduct the cleanup so Tribal residents could benefit from the job opportunities. Ray and Philip noted that a certified contractor would need to be hired as the Prime Contractor, who could then hire Tribal subcontractors and laborers who were certified by TERO to conduct the work.

5. It was mentioned that contamination would need to be transported and disposed of at a certified landfill and lesser contaminated C&D waste could go to the Tribal C&D landfill.

6. A draft copy summarizing the Alternative Brownfields Cleanup Actions (ABCAs) was distributed and discussed.

7. Ray passed out the Draft Cleanup Proposal for the site and also noted copies would be available at the Tribal Environmental Program Office for the public to review and make comments. Although some people thumbed through the draft, no one made comments during the meeting.

8. Ray explained that the Brownfields Cleanup grants are very competitive and there is no guarantee the Tribe will receive one. He also mentioned that money was saved by having EPA conduct the Site Assessments through a TBA.

9. There was some discussion explaining that this site was previously prioritized by Tribal Council/Administration because, not only of the health, safety and environmental issues, but also there is high potential for redevelopment since there is a much need for housing here on the reservation.

10. The attendees inquired about how and if the all of San Haven will eventually be cleaned up in the near future. The attendees also asked questions about several other Brownfields sites and asked if the Tribal Brownfields Response Program can address them. He can apply for more
cleanup grants in the future and his Program receives some contractual funding each year, but not enough to fully address every site listed under the inventory.

11. Ray explained that the reports such as the proposal, ABCA and Phase II assessment were too big to make everyone copies and if they wanted copies or to review the documents that they can come to the Brownfields office during work hours and get copies or review them. Ray did hand out a copy of the documents and the audience passed them around throughout the meeting.