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Solid Waste
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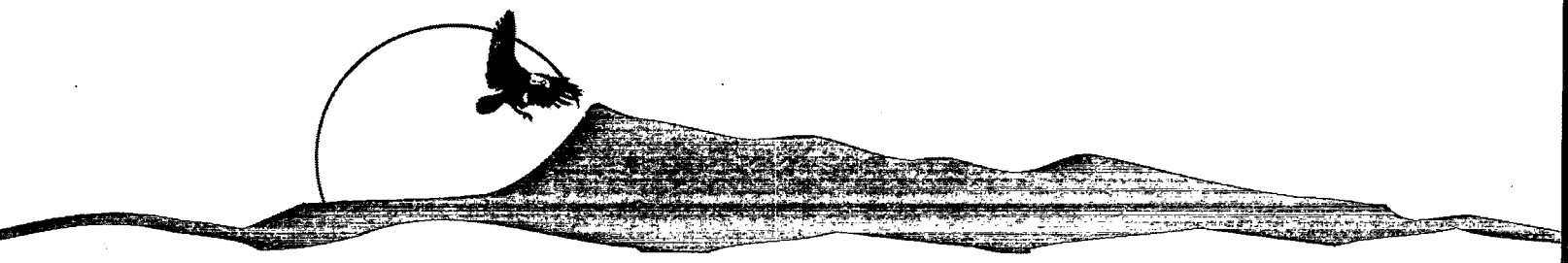
Native American Network



Welcome

Yaa ah teh, GamYu, Guw'aadzi. It is good. You are holding the eighth issue of the *Native American Network*, an EPA Office of Solid Waste and Emergency Response (OSWER) publication. Since the first issue came out in September 1990, EPA and tribal governments have progressed as partners in environmental protection. The EPA-Tribal relationship is dynamic and growing.

On a somber note, change is also difficult. EPA is saddened to learn of the passing of Mr. Mike Frost. Mike was a charter member of the EPA Tribal Operations Committee (TOC), representing his Southern Ute people and other tribes across Indian Country. We would like to echo EPA Administrator Carol Browner, and "... convey our deepest sympathies on the loss of Mike Frost, Environmental Director of the Southern Ute Tribe." We will miss his energy and capabilities at the 1998 National Tribal Conference on Environmental Management on May 1998, but we will continue our work.

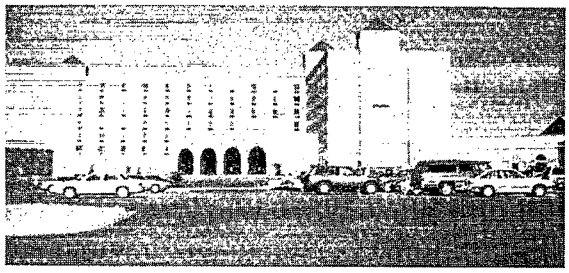
The *Native American Network* is still a RCRA Information Exchange publication. It is also a forum for other environmental programs EPA is developing with tribes. Let us know your ideas for future articles, or submit your own articles for publication. Enjoy the information we have prepared for this issue.

Stephen B. Etsitty,
National Native American Program Manager

Prairie Island Indian Community Hosts 4th National Tribal Conference on Environmental Managment

The Office of Solid Waste and Emergency Response (OSWER) is pleased to announce that the Prairie Island Indian Community of Mdewakanton and Wahpekute Dakota Sioux will host the Fourth National Tribal Conference on Environmental Management (NTCEM) at their Treasure Island Resort and Casino, May 19-21, 1998. The Prairie Island Indian Community is located at the confluence of the Vermillion and Mississippi Rivers in Red Wing, Minnesota, which is approximately 40 miles south of Minneapolis/St. Paul.

The NTCEM has been held every other year since 1992. Based on the attendance at the 1996 conference, more than 600 participants are expected, including representatives from over 120 different tribes, Native Alaskan Villages, tribal consortia, and organizations. Representatives of various federal agencies, such as EPA, Department of Justice, Department of Energy, Department of Defense, Bureau of Indian Affairs, and Indian Health Service attended previous conferences and are expected to participate once again.



Treasure Island Resort and Casino, home of the 4th National Tribal Conference on Environmental Management

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"Those Who Were Born of the Waters"

The Prairie Island Indian Community has a tradition and heritage of a great nation that once flourished on the plains of Southern Minnesota, and a culture that continues to thrive. For countless generations, the Mdewakanton ("Those Who Were Born of the Waters") and Wahpekute Bands of Eastern Dakota, also known as the Mississippi or Minnesota Sioux, have lived on Prairie Island.

The Prairie Island Reservation was created when the Secretary of the Interior purchased land and placed it into trust for the tribe in 1889.

Today, there are approximately 500 enrolled members governed by a five member Tribal Council that directly employs approximately 50 people. The new Tribal Council members, sworn in on December 18, 1997, include Audrey Kohnen, President

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Deputy Administrator Addresses NCAI 54th Annual Convention

Deputy Administrator Fred Hansen addressed the General Assembly at the National Congress of American Indians (NCAI) 54th Annual Convention in Santa Fe, New Mexico, November 16-21, 1997. The occasion marked the first time that a representative from the highest level in EPA addressed the NCAI convention, which is one of the largest and oldest national tribal meetings. Deputy Administrator Hansen spoke on behalf of EPA and expressed his appreciation to all of the tribes, and the tribal officers of the EPA Tribal Operations Committee (TOC), for their leadership in environmental management.

EPA Deputy Administrator Fred Hansen

The Deputy Administrator praised the members of the TOC by saying, "Without these people's leadership and that of NCAI, EPA could never have taken the steps it has taken to strengthen its tribal policies." He thanked Jim Fletcher, TOC Co-Chair and Environmental Officer of the Morongo Band of Mission Indians (CA); John Banks, TOC Vice-Chair and Natural Resource Director of the Penobscot Indian Nation; and Lorenda Joe, TOC Secretary and Deputy Director of the Navajo Nation Environmental Protection Agency, for helping EPA be more responsive to tribal needs.

The Deputy Administrator took the opportunity to highlight several EPA accomplishments of the past five years in partnership with the tribes: the reaffirmation of the EPA Indian Policy by Administrator Carol Browner in 1994; the establishment of the Tribal Operations Committee (TOC) in 1994 to improve communications between EPA and the tribes; and the establishment of the American Indian Environmental Office (AIEO) in 1995 to help tribes improve the environment in Indian Country and raise awareness within the Agency. Mr. Hansen emphasized the increases to the EPA Indian program's funding and resources for Indian Country since 1994, from $36 million to $137 million overall, and from $19 million to $79 million for grants specifically. "This money," Mr. Hansen said, "used in many different ways, will go far in helping you to keep clean your air, your water and your land." As of September

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"Those Who Were Born of the Waters" *continued*

(the first female to serve as a Tribal Council president); Noah White, Vice President; Darrell Campbell, Secretary; Ron Johnson, Treasurer; and Lu Taylor-Jacobson, Assistant Secretary/Treasurer.

The tribe's main economic venture is the Treasure Island Resort and Casino, which is owned and operated by the tribe. Approximately 1,500 people are employed by the casino, and on any given day there may be as many as 4,500 visitors. The tribe also has an R.V. Park, a marina, and Pow-Wow grounds. Other facilities that enhance the quality of life on the reservation include a community center; an administrative building; a health clinic staffed by doctors from the Mayo Clinic in Rochester, Minnesota; and a water treatment plant. Nearby attractions for recreation include golfing, boating, biking, hiking, and shopping.

Located in the Mississippi River floodplain and within half-mile of the Norther States Nuclear Power Plant, the Prairie Island Indian Community is involved in an array of environmental and natural resource issues. The tribe's Environmental Department was started in December 1992 with a Multi-Media Assistance Program grant from EPA Region 5. The Environmental Department is currently working on establishing a water quality laboratory, writing emergency and hazards analysis plans, and placing new land into trust. The Environmental Department works to protect the resources of the Mdewakanton and Wahpekute people to meet current needs and for future generations.

WASTE MANAGEMENT IN INDIAN COUNTRY

Municipal Solid Waste

MSW Unveils New Tribal MSW Web Site

EPA's Office of Solid Waste (OSW) is pleased to announce that the Municipal Solid Waste (MSW) Management in Indian Country web site is now up and running on the EPA server. The new site provides easy access to OSW information that specifically targets MSW management issues in Indian Country. It also provides links to the new OSW home page, EPA regions, other EPA offices, other government agencies, tribal environmental web sites, and relevant industry web sites. For additional information on the tribal MSW web site, contact Karen Rudek, EPA Office of Solid Waste, at (703) 308-1682, or via e-mail rudek.karen@epamail.epa.gov. The new tribal MSW web site may be accessed at **www.epa.gov/tribalmsw**

National Tribal Environmental Council Holds Solid Waste Focus Meetings

On December 6, 1997, the National Tribal Environmental Council (NTEC) completed its solid waste focus meeting series with a meeting in Anchorage, Alaska. The NTEC meetings, which were funded by EPA's Office of Solid Waste (OSW), provided the opportunity for tribal representatives, EPA, and other federal agencies, including BIA and IHS, to discuss solid waste problems, feasible solutions, and strategy development for capacity building across Indian Country. In addition to the Anchorage meeting, NTEC hosted seven prior focus meetings in Washington, D.C.; Billings, Montana; San Francisco, California; Cass Lake, Minnesota; Seattle, Washington; Albuquerque, New Mexico; and Norman, Oklahoma. NTEC also presented their findings at their Fourth Annual Conference in Philadelphia, MI; at the EPA Region 10 Tribal Solid

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OSW Awards FY 1997 Municipal Solid Waste Grants for Indian Country

In September 1997, EPA's Office of Solid Waste awarded demonstration grants to six tribes and two tribal consortia for comprehensive integrated solid waste management projects. The demonstration projects can be funded up to three years. The initial awards range from $52,000 to $99,500 for first year activities. The following tribes and tribal organizations were awarded grants at the end of FY 1997.

- Bois Forte Reservation, Minnesota
- Omaha Tribe of Nebraska
- Santa Clara Pueblo, New Mexico
- Eastern Band of Cherokee Indians, North Carolina
- St. Regis Mohawk Tribe, New York
- All Indian Pueblo Council: Pueblo Office of Environmental Protection, New Mexico
- Morongo Consortium of Coachella Valley Tribes, California
- Shoshone-Paiute Tribes of the Duck Valley Reservation, Idaho and Nevada

For more information about the Municipal Solid Waste Grant Program for Indian Country, contact Beverly Goldblatt, EPA Office of Solid Waste at (703) 308-7278, consult your EPA regional solid waste tribal contact, or check out the new MSW Tribal Web site: **www.epa.gov/tribalmsw**

Around

"Living Government-to-Government Partnerships for Tribal Environmental Management"

Region 9 Fifth Annual Tribal EPA Conference, San Francisco, CA November 4-6, 1997

The opening remarks by Regional Administrator Felicia Marcus set the tone for the Fifth Annual Tribal EPA Conference in Region 9, based in San Francisco, California. For two and a half days, November 4 - 6, over 220 tribal participants from the states of Arizona, California and Nevada joined their EPA federal partners for a continuing dialogue on environmental protection in Indian country.

Since 1993, the conference participation by both tribal and EPA staff has doubled in numbers. The evidence of the growth of tribal environmental programs was visible as tribal speakers co-presented and moderated nearly every session at the conference.

The rapid growth of tribal programs parallels the advancement of EPA's Indian program. The number of Indian Environmental General Assistance Program (GAP) grants managed by Region 9 has grown from 19 to 90. About 80% of the tribes in the region have received some type of technical assistance from EPA.

Much of the conference focused on the GAP program - ranging from highlights from mature tribal environmental programs to first-year tribal recipients. Other workshop sessions highlighted many of the success stories from Tribes such as the White Mountain Apache Tribe (AZ), the Gila River Indian Community (AZ), the Hoopa Valley Tribe (CA) and the Hualapai Tribe (AZ) whose environmental programs have expanded due to consistent GAP assistance.

Many tribes voiced their common concern about the need for dependable, long-term GAP funding. Tribes expressed concern about the limitation of four-year GAP funding and the level of funding for Tribes once they receive program delegations. The main point conveyed was that the ability of tribes to protect their resources and communities into the long-term increasingly depends on the sustainability of their environmental programs.

Darrell Gerlaugh from the Gila River Indian Community (AZ) shared the experience of his tribe's response to a recent "tire fire" when several thousands of tons of abandoned shredded tires suddenly ignited. With a health threat to tribal and local communities, the tribe's emergency response program lead the response, and coordinated with county and state officials.

As part of a plenary session on the National Environmental Policy Act (NEPA), Keith Jones, Environmental Planner for the White Mountain Apache Tribe (AZ), discussed his tribe's internal project review process which integrates comprehensive community planning with environmental, social, economic and cultural considerations in tribal decision-making. By tribal resolution, the "Tribal Plan and Project Review" process requires the tribe to interface with the Elders Advisory Committee, tribal staff and BIA cultural, historical and archeological staff. Mr. Jones' presentation drew many questions from other tribes interested in developing similar environmental review processes for their own governments.

Complementing this plenary session was a panel of tribal environmental managers from the Campo Band of Kumeyaay (CA), Morongo Band of Mission Indians (CA), Hualapai (AZ) and Hoopa Valley (CA) Tribes discussing their experience in developing environmental codes and ordinances for implementation and enforcement on their reservations.

With half of the 1997 GAP recipients being first-time recipients and new to EPA programs, workshops and presentations were also targeted to reach Tribal audiences with different levels of expertise. For example, the Air Division divided workshops into Introductory and Advanced Topics sessions.

Based on recommendations from

> *"We definitely have our work cut out for us to reach consistent and stable Tribal environmental management in Indian country. I can see only one way to make this work - as partners. Until federal programs are delegated, we must rely on partnerships between EPA and Tribes to direct EPA resources to where they are needed most and to make regulatory decisions to protect tribal resources. We must work as partners to demonstrate to other federal agencies the meaning of government-to-government relationships."*
>
> - Felicia Marcus, Regional Administrator

the Regions

the previous conference, other key topics included tribal participation in the Border XXI workgroups, tribal concerns about inadequate resources to meet looming solid waste and UST deadlines, and national issues involved with tribal program authorization decisions. The Nevada Indian Environmental Coalition (NIEC) presented a unique workshop on cultural and Tribal resource protection in natural and environmental resource management.

Many of the tribes restated the national concern of improving the participation of Tribes in federal decision-making and activities that impact tribal resources and environments. The White House Domestic Policy Council Subgroup on American Indians and Alaska Natives met in Olympia, Washington, on October 15 and 16, 1997, to discuss ways to implement more effective collaboration when major federal activities affect tribal lands and resources. Felicia Marcus and many of the region's tribal leaders participated in this meeting and committed to work jointly in providing leadership among federal agencies and the Administration to encourage stronger federal policy that enhances the role of Tribes in the protection of their resources.

Regional Administrator Felicia Marcus acknowledged that EPA has a long way to go before the needs of Indian Country are met. With the precedent set by making tribal programs a priority for the region, tribes are helping EPA more effectively raise the priority of tribal environmental issues.

For more information about the EPA Region 9 Indian Program contact Clancy Tenley, Indian Program Manager, at (415) 744-1607 or e-mail: **tenley.clancy@epamail.epa.gov.**

Minnesota Chippewa Tribe and EPA Host Tribal Casino Waste Reduction Workshop

For many Tribes, gaming and lodging facilities are significant, if not the largest, producers of solid waste. Waste is generated in the gaming rooms, administrative offices, hotel and food services. Additionally, the use of water, energy, and potentially hazardous materials can be extensive.

In response to Tribal concerns emanating from the growth of the gaming and hospitality industry in Tribal communities, the Minnesota Chippewa Tribe (MCT) and EPA Region 5 sponsored a Tribal Casino Waste Reduction Workshop on August 12, 1997. The Fond du Lac Reservation's Black Bear Hotel and Casino near Duluth, Minnesota was the host site for this workshop. About fifty people participated, representing environmental, casino, hotel and restaurant staff from numerous Tribes in Minnesota, Wisconsin and Michigan.

Dr. Robert B. Pojasek was the featured guest instructor for the workshop. Dr. Pojasek presented his proven approach for waste reduction, which uses process mapping as a foundation for fully understanding comprehensive facility operations. Through this understanding of facility operations, pollution prevention opportunities may be identified. Dr. Pojasek has developed this systems approach, using a variety of problem solving and decision making tools, to permit the continuous assessment and improvement of process efficiency by facility staff.

Dr. Robert Pojasek presents his proven approach to waste reduction

Prior to the workshop, personnel from the Black Bear Casino met with Dr. Pojasek, USEPA, and the director of the Fond du Lac Reservation Environmental Department to analyze various operations at the casino, hotel, and restaurant. This was to determine which facility processes could be best analyzed during the workshop.

In the workshop, four teams led by Black Bear Casino staff used team exercises to map four facility processes: food delivery and storage, laundry, beverage service bottle collection, and bingo hall waste management. Workshop

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Vermont Law School Offers Summer Courses in Indian Country Environmental Law

During the 1998 summer session, Vermont Law School (VLS) is offering two courses focusing exclusively on the development and application of Environmental law in Indian Country. The first course, "Introduction to Indian Country Environmental Law," addresses how the cooperative federalism model of environmental law (creating a federal-state partnership) applies to Indian country. Major course topics include federal environmental policies for Indian country, tribal regulatory authority over non-Indian polluters, actions for damages to tribal natural resources, tribal citizen suits, and regulation and taxation of on-reservation natural resource development. This course runs June 1-11, 1998 and will be taught by James M. Grijalva, Associate Professor of Law and Director, Tribal Environmental Law Project, University of North Dakota School of Law.

The second course, "Advanced Topics in Indian Country Environmental Law," covers the statutory and regulatory framework for carrying out federal environmental laws in Indian country, and the resolution of tribal-state disputes concerning regulatory authority. The course emphasizes the federal policy of treating tribes as states under the Clean Water Act, Clean Air Act, and the Resource Conservation and Recovery Act. In addition, federal laws providing protection for places that have cultural and religious importance to tribes, including the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act, will be covered. This course runs June 15-25, 1998 and will be taught by Dean B. Suagee, Of Counsel, Hobbs, Straus, Dean & Walker, Washington, D.C.

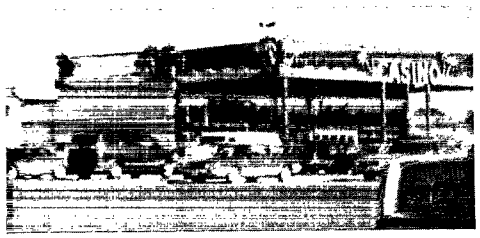
The 1998 summer program brochure is not out yet, but look for it soon. As in prior years, the deadline for registration is May 1, 1998. Prospective applicants do not have to be registered in a degree program at VLS to attend the summer program. Applicants do not even have to be law students. However, a bachelor's degree is a prerequisite. For law students attending other schools, credit for VLS summer program classes generally can be transferred to other law schools.

For more information on the VLS Summer Sessions, contact the Environmental Law Center at Vermont Law School at (800)227-1395 or (802) 763-8303; the fax number is (802)763-2940; or via e-mail: **elcinfo@vermontlaw.edu**. You can also check out the VLS website by using the following address: **www.vermontlaw.edu/elc.htm**

National Tribal Conference *Continued*

The focus of the conference is tribal capacity building. The NTCEM provides opportunities for training and information sharing, and will showcase Tribal partnerships. The conference agenda will address an array of environmental media issues throughout Indian Country. In the past, the NTCEM has included topics involving waste management, air and water quality standards, environmental justice grants, Alaska issues, and stream and wetland rehabilitation projects. Space will be available for exhibitors, such as federal agencies, private consulting firms, and local Native American artisans. The Tribe's conference facility can accommodate up to 40 vendors.

The Prairie Island Indian Community will provide travel assistance to tribal government representatives in the form of travel reimbursements. A reimbursement of up to $1000 will be available to one representative per tribe on a "first come, first served" basis. All tribes are invited to attend the conference. The Prairie Island Indian Community looks forward to continuing the tradition of hosting the premier environmental management conference for Indian Tribes.



Treasure Island Resort and Casino on the Prairie Island Indian Reservation

The NTCEM is a partnership and collaboration of efforts between the Prairie Island Indian Community, EPA Headquarters, and EPA Region 5. If you would like more information, contact Heather Westra, Environmental Coordinator, Prairie Island Indian Community at (800) 554-5473.

Deputy Administrator *continued*

1997, 129 tribes have begun to implement their own environmental programs in partnership with EPA.

The Deputy Administrator explained that the past five years of partnership are creating a greater level of collaboration between EPA and tribes now that many tribes are beginning to implement their own water quality standards under the Clean Water Act (CWA). Mr. Hansen spoke about the challenges this level of collaboration brings in working with tribes prior to final decisions that effect tribal lands, and defending EPA approvals of tribal programs in court such as the recent Supreme Court case City of Albuquerque vs. Browner. While this case upheld EPA's approval of the Pueblo of Isleta's (NM) water quality standards, other challenges loom. Mr. Hansen stated, "EPA has been busy defending tribal authority under the Clean Air Act, the Safe Drinking Water Act, and we have been trying to find solutions for the laws that fall short and do not allow us to develop full partnership with tribes, such as we are doing for solid waste management in the face of adverse court decisions."

Mr. Hansen reminded everyone about the White House Domestic Policy Council meeting in October 1997, and acknowledged the accolades of some tribes who consider EPA a model for other federal agencies that work with tribes. He admitted though that, "... few among you (tribes), or in the Agency for that matter, would say that our work is done."

Concerning the future, the Deputy Administrator conveyed his understanding of tribal frustrations with the inconsistencies between the federal agencies and said that EPA will be addressing those issues. He also remarked that he would do all he could to ensure that EPA continues to make a difference in Indian Country, and asked that tribal leaders continue to make environmental protection a priority. Mr. Hansen said, "We need strong leadership from both the Federal government and from Indian Country to form new and effective solutions."

For more information about the NCAI annual conventions and the midyear conventions, please call NCAI at (202) 466-7767.

Solid Waste Focus Meetings *continued*

Waste Network meeting in Warm Springs, OR; and at the EPA Region 9 Tribal Conference in San Francisco, CA.

The main topics discussed during the focus meetings were solid waste education, dump closure, federal grant processes, solid waste facilities, technical assistance, enforcement, solid waste as a priority item, and costs of solid waste management. Meeting participants recommended ways in which federal agencies can change or improve their policies dealing with tribal solid waste programs. Some of the recommendations include preparing guidance accompanied by financial assistance for dump closures, prioritizing tribal solid waste management issues at EPA headquarters level, simplifying the federal grant awarding process, providing tribal access to technical assistance centers and funding, and communicating to Congress the need for funding and the intricacies associated with solid waste management issues in Indian Country.

NTEC is currently developing a final report on the entire series of focus group meetings. EPA plans to use the final report to finalize its Municipal Solid Waste (MSW) Strategy for Indian Country. For more information on the focus meetings, contact Mr. Boyd Nystedt, NTEC, at (505) 242-2175 or (800) 727-2175.

"... WHERE'S MY TRAVEL PAPERWORK??"

A number of organizations will host solid waste conferences, training sessions, or other events of interest to tribes and EPA. A calendar of these events is provided below. For information on additional tribal environmental events, contact EPA's American Indian Environmental Office at (202) 260-7939 or visit their Web page at **www.epa.gov/indian/calen.html**

Calendar of Solid Waste Conferences, Training Sessions and Other Tribal Events

Date	Event and Location	Contact for More Information
April 6-10	Working Effectively With Tribal Governments EPA Region 8, Denver, CO	JaneMarie Freiheiter, EPA 303-312-6348
April 21-23	Fifth Annual National Tribal Environmental Council Conference Spokane, WA	Maggie Gover, NTEC (505) 242-2175 or 800) 727-2175
April 27-30	Ecosystem Based Mgmt. Workshop for Upper ColumbiaRiver Basin Castlegar, BC (Canada)	Don McDonald 205-753-1583 or EMail:sff-mes@island.net
April 28-29	EPA Region 2 Tribal Summit Location (TBD)	Christine Yost, EPA 212-637-3564
May 19-21	4th National Tribal Conference On Environmental Management Red Wing, MN	Heather Westra, Environmental Coordinator, Prairie Island Indian Community, (800) 554-5473
June 14-17	National Congress of American Indians, Mid Year Session Green Bay, WI	NCAI (202) 466-7767

Minnesota Chippewa *continued*

participants were urged to ask questions so they may understand each process. The end product for each team exercise was to make recommendations for waste reduction. Also presented during this portion of the workshop was a waste reduction case study, which was conducted as a pilot project by Lac du Flambeau Tribal staff in their Lake of the Torches casino near Minocqua, Wisconsin.

As measured by interest and feedback regarding this workshop, the information gained by tribes will be put to good use. Tribal staff will conduct pollution prevention audits at casinos as well as other tribal facilities such as government offices, clinics, and schools. Funding for this project came from MCT's Pollution Prevention Incentives for States grant, received from USEPA.

For more information, contact Karl Humphrey, MCT, at (218) 335-6303, or Dolly Tong, EPA, at (312) 886-1019.

EPA Will Fund New Brownfields Pilots in 1998

EPA is now accepting proposals for the second round of the 1998 National Brownfields Economic Redevelopment Pilots. The brownfields pilots, which may each be funded up to $200,000 over a two year period, are designed to empower states, communities, tribes and other parties interested in economic redevelopment to work together to prevent, assess, and reuse brownfields.

A brownfield is a commercial or industrial site or a portion of a site that has actual or perceived contamination, as well as an active potential for redevelopment or reuse. Chosen pilots test redevelopment models, direct special efforts toward removing regulatory barriers without sacrificing protectiveness, and facilitate coordinated environmental assessments and cleanup efforts at the federal, state, tribal and local levels. These funds are used to generate interest by pulling together community groups, investors, lenders, developers and other affected parties to address the issue of cleaning up sites contaminated with hazardous substances and returning them to appropriate productive use. However, these cooperative agreements may not be used for clean up activities. EPA expects to select approximately 100 additional national brownfields assessment pilots in fiscal year 1998.

The deadline for new applications for the 1998 assessment pilots is March 23, 1998. The national brownfields assessment pilots are administered on a competitive basis. To ensure a fair selection process, evaluation panels consisting of EPA Regional and Headquarters staff and other federal agency representatives will assess how well the proposals meet the selection criteria outlined in the newly revised application booklet, "The Brownfields Economic Redevelopment Initiative: Proposal Guidelines for Brownfields Assessment Demonstration Pilots" (dated October 1997). Copies of the application package and the solicitation notice can be obtained by calling the RCRA/Superfund Hotline at 1-800-424-9346 or 703-412-9810. Information can also be obtained through the Internet at: **www.epa.gov/brownfields/**

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