



Partnerships in Solid Waste Management

WASTE MANAGEMENT



IN INDIAN COUNTRY

High capital costs for solid waste projects, such as constructing landfills and purchasing equipment, along with operating and maintenance costs, present serious obstacles for many tribal communities. In addition, the small size and remoteness of many tribal communities, as well as insufficient access to training and technical support programs, hinder the efforts of many tribes to tackle solid waste management issues.

To overcome these barriers, many tribes partner with states, local governments, and other tribes to open lines of communication and share resources. These partnerships help tribes supplement and combine resources to establish municipal solid waste (MSW) management projects that might otherwise be too costly for a single tribe. For example, a tribe can share MSW equipment, such as collection trucks, with other tribes or local communities in order to reduce costs. Partnerships also can provide tribal environmental personnel with wider access to technical assistance, training programs, and financial support mechanisms. By working together, tribes and other small communities with limited resources can expand their waste management options to establish effective waste prevention and recycling programs, state-of-the-art landfills, and waste-to-energy facilities.

WHY SHOULD MY TRIBE PURSUE AN MSW MANAGEMENT PARTNERSHIP?

Tribes can gain significant economic and environmental benefits from partnering. The following are some of the reasons you might want to consider establishing an MSW partnership.

Greater economies of scale.

Through a partnership agreement, you can implement projects that may otherwise be too expensive for

your tribe. By pooling financial and administrative resources, personnel, and equipment, project costs can be spread among several jurisdictions or tribes, making them more affordable.

Protection of human health and the environment.

A partnership arrangement can make more waste management options available to you, thereby ensuring selection of the most appropriate solid waste management strategy. This in turn can help prevent contamination of

drinking water and soil and enhance environmental protection. In addition, a sound waste management strategy minimizes waste-related risks, such as fire, injury, and the spread of disease.

Reduction in capital costs.

By partnering with other communities, you can combine resources and gain better access to financial assistance available from federal and state agencies and private sources.



Grants and loans are often more readily available to solid waste management programs that are regional, rather than local, in scope. Consequently, as a multi-tribal partnership, you may be more likely to obtain financial assistance for MSW management than you would be when applying as a single tribe.

Operational cost savings.

By joining forces, you can cut solid waste hauling and disposal costs. Instead of paying to landfill recyclable materials, for example, you can avoid disposal costs through an intertribal waste prevention and recycling program. In some cases, you might even generate revenue from the sale of recyclables.

Job creation.

Waste management partnerships in tribal communities can help create local jobs through recycling centers, transfer stations, and other partnership activities.

Increase in compliance with state and federal regulatory guidelines.

Through increased access to funding opportunities and technical assistance, you can acquire the resources and know-how to manage your waste in accordance with solid waste management regulations. You can thus avoid costly cleanups and other liabilities that can result from improper management of solid waste.

WHAT ARE SOME OF THE POTENTIAL OBSTACLES TO IMPLEMENTING A PARTNERSHIP AGREEMENT?

Although a partnership agreement can offer many advantages, there are potential barriers as well.

Potential partners can have different MSW management goals.

While neighboring communities might share many common solid waste management needs and concerns, disparities in population, geography, industrial base, or other characteristics can make it difficult for communities to agree upon specific regional projects.

Multijurisdictional programs can face varying regulations.

Regions that straddle two or more jurisdictions, such as a reservation and a nearby state, might need to resolve issues raised by contradictory or conflicting laws, regulations, and solid waste management plans.

Potential inequities can exist among neighboring tribes.

If you are considering a partnership agreement, you should recognize that the costs and benefits of partnership projects, although shared, will not necessarily be identical for all communities. A tribe sending its waste to a facility shared with its neighbors, for example, benefits from not having to site and manage a landfill within

its jurisdiction. It probably will be subject to tipping fees, however, levied by the tribe in which the waste management site is located. Conversely, while the community hosting the regional facility bears the financial costs and the potential conflicts associated with siting a solid waste management facility within its jurisdiction, it is likely to receive such benefits as revenue from tipping fees and less costly local disposal.

Hauling waste across jurisdictions can cause conflicts.

Partnership agreements can sometimes require waste to be transported long distances or through neighboring areas. Communities along routes leading to a regional solid waste management facility might see an increase in traffic. Concerns over the resulting congestion, pollution, dust, and wear and tear on roads can create conflicts among potential partners.

HOW DO I KNOW WHETHER A PARTNERSHIP IS RIGHT FOR MY TRIBE?

In most cases, partnership in MSW management means tangible environmental and economic benefits for your tribe. Consider, however, the potential advantages and disadvantages of any partnership before making a commitment. The following is a set of questions to help you decide whether a partnership or agreement is right for your tribe:

- ◆ Are the MSW management needs and goals of neighboring communities compatible with your own?
- ◆ What services and benefits does your community need from a partnership?
- ◆ What services and benefits does the neighboring community (your potential partner) hope to receive?
- ◆ What are the potential drawbacks of entering into a partnership? How can these be minimized or overcome?
- ◆ What MSW management activities are possible candidates for cooperation?

HOW CAN I BEGIN TO DEVELOP A PARTNERSHIP AGREEMENT?

Once you determine that an MSW management partnership can work for your tribe, you can begin to design an agreement. At that point in the process, you might want to obtain legal counsel to help negotiate an agreement that maximizes benefits for all parties involved. The following questions can help you toward that end:

- ◆ What form could the partnership take? A contract, a memorandum of understanding, and a mutual aid agreement are all possibilities.

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CASE STUDY

The Eastern Band of Cherokee Indians and neighboring Swain County, North Carolina, both needed to close their existing landfills and find a new way to dispose of their MSW. After evaluating their options, the Eastern Cherokee decided the best approach was to construct a transfer station on their reservation. The \$350,000 state-of-the-art facility, funded partly by the Indian Health Service, now manages all of the Tribe's MSW (except for recyclables, which are collected separately). The Tribe also contracts with Swain County to manage their MSW.

This cooperative agreement helps offset the cost of running the transfer station in two ways: by collecting tipping fees from the county, and by decreasing per-ton operating expenses as the total volume of waste increases. Waste is hauled from the transfer station to a landfill in South Carolina through a contract with the Cherokee Boys' Club, a nonprofit organization that provides a variety of services.

According to Eddie Almond, Director, Tribal Environmental Office, the main benefit of this arrangement is that both the Tribe and the county were able to close their existing landfills, thereby eliminating landfill operating expenses and associated liability costs.

For more information about this project, contact Eddie Almond, Director, Tribal Environmental Office, Eastern Band of Cherokee Indians, at 704 497-3814.

RESOURCES

U.S. EPA. 1994. *Joining Forces on Solid Waste Management: Regionalization Is Working in Rural and Small Communities*. EPA 530-K-93-001. Washington, DC (October). To order, call the EPA RCRA, Superfund, and EPCRA Hotline at 800 424-9346 or TDD 800 533-7672 (hearing impaired). Callers in the Washington, DC, metropolitan area must dial 703 412-9810 or TDD 703 412-3323.

- ◆ Are there mechanisms in the agreement that allow you to discontinue the partnership if problems arise?
 - ◆ Does the agreement require your tribe to accept total responsibility for certain MSW management activities? Does it limit tribal control or authority over the proposed operation?
 - ◆ Are there potential costs or revenues associated with the partnership? If so, how can these be equitably divided or reinvested into the project?
- WHAT CAN I DO TO CARRY OUT A PARTNERSHIP AGREEMENT?**
- Once you successfully negotiate an agreement, there are several actions you can take to implement the partnership:
- ◆ *Enlist the help of federal agencies.* The Bureau of Indian Affairs (BIA), the Indian Health Service (IHS), and the U.S. Environmental Protection Agency (EPA) provide communities with technical and financial assistance to facilitate the closure of open dumps, comply with solid waste regulations, and support partnership agreements.
 - ◆ *Acquire technical assistance.* State and local officials can help you connect with appropriate local councils or planning commissions. State and local agencies that oversee environmental protection efforts, community planning, or other activities can provide assistance as well. Contact other tribes and nontribal communities that are already working in partnership to get their ideas.
 - ◆ *Secure financing for the partnership.* Financial assistance is available from federal and state agencies responsible for environmental protection, community planning, and rural development. Private foundations also have grants available for this purpose. When seeking grant money, be sure to emphasize that the funds will be used for a regional project. If funds are unavailable from outside sources, divide the costs evenly between the communities involved or according to community population or budget size.
 - ◆ *Educate tribal members about the partnership.* Informing your community about the purposes of the agreement is essential to the success of the project. Inform citizens about how the planned changes will affect them and how the tribe as a whole stands to benefit.



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