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EPA U.S. Environmental Protection Agency
Region 7

May 1995

Everything You Wanted To Know About Environmental Regulations ... but were afraid to ask

A Guide for Indian Nations

From Wakan Tanka, the Great Spirit, there came a great unifying life force that flowed in and through all things - the flowers of the plains, blowing winds, rocks, trees, birds, animals - and was the same force that has been breathed into the first man. Thus all things were kindred, and were brought together by the same Great Mystery.

Kinship with all creatures of the earth, sky, and water was a real and active principle. In the animal and bird world there existed a brotherly feeling that kept the Lakota safe among them. And so close did some of the Lakotas come to their feathered and furred friends that in true brotherhood they spoke a common tongue.

The animals had rights - the right of man's protection, the right to live, the right to multiply, the right to freedom, and the right to man's indebtedness - and in recognition of these rights the Lakota never enslaved an animal, and spared all life that was not needed for food and clothing.

This concept of life and its relations was humanizing, and gave to the Lakota an abiding love. It filled his being with the joy and mystery of living; it gave him reverence for all life; it made a place for all things in the scheme of existence with equal importance to all.

The Lakota could despise no creature, for all were of one blood, made by the same hand, and filled with the essence of the Great Mystery. In spirit, the Lakota was humble and meek. "Blessed are the meek, for they shall inherit the earth" - that was true for the Lakota, and from the earth they inherited secrets long since forgotten. Their religion was sane, natural, and human.

Chief Luther Standing Bear
Teton Sioux

907R95002

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

OFFICE OF
THE REGIONAL ADMINISTRATOR

Dear Tribal Representative:

Let us join in an effort to protect human health and the environment in Indian Country.

The document "Everything You Wanted to Know About Environmental Regulations But Were Afraid to Ask" has been prepared for you as a tool to assist your Nation with its environmental management issues. By offering technical assistance and a framework for regulatory compliance and program development, the Environmental Protection Agency supports the partnership between government and the tribes to protect public health and the environment.

We reaffirm the President's commitment to establish government-to-government relations with tribal nations, recognize tribal sovereignty, and fulfill federal trust responsibilities.

We understand that Tribes are stewards of their land, air and water, and that tribal nations play a vital role in educating the Environmental Protection Agency in valuable traditional stewardship perspectives. Through this document, we share a partnership in protecting the environment.

Sincerely,

Dennis Grams

Dennis Grams, P.E.
Regional Administrator

RECYCLE
PAPER CONTAINS RECYCLED FIBERS

Everything You Wanted To Know About Environmental Regulations

But Were Afraid To Ask

A Guide For Indian Nations

May, 1995

Preface

This handbook was prepared for use by representatives of tribal communities as a quick reference to the environmental issues facing their members. This handbook provides only a summary of basic environmental information. It is not a definitive statement to the specific ways in which a tribal community may assure environmental compliance; it is a quick guide to the environmental programs that typically apply to reservations.

The requirements and guidance presented in this handbook are based on federal regulations and/or guidance in place in early-1995. It should be expected that some of these requirements/guidance will change in the future.

The handbook is organized according to key program areas. After highlighting services available to you from EPA Region 7, the handbook explores Tribal, Cross Media, Air, Land, and Water programs. Cross media programs are those that can reach across any of the other program areas. Region-specific contacts, definitions/acronyms and hotlines are provided at the end of the handbook.

This document is based on one originally prepared in 1990 by the Midwest Assistance Program (MAP) under contract to the U.S. Environmental Protection Agency, Region 8. In Region 7, a decision was made to prepare a Tribal handbook and separate handbooks for each of the four states. The following people are responsible for the production of the Tribal handbook:

John Wilson, Tribal Liaison: Reviewed/edited first version, coordinated development of the second version.

Kelly Beard-Tittone: Coordinated development of the first version and produced the Pagemaker file of both versions.

Kim Olson, Region 7 Indian Program Coordinator: Reviewed/edited second version.

Bill Landis: Created art work in both versions.

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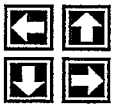

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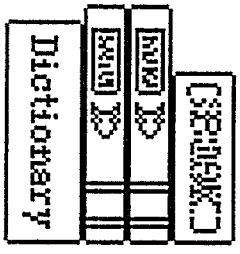

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EPA REGION 7 SERVICES

Toll-Free Access

Residents of tribal communities in Region 7 can call the U.S. Environmental Protection Agency, Region 7 Environmental Action Line, 1-800-223-0425. During the week, operators can connect you to appropriate contact persons or programs. After hours, and on the weekend, you will be able to leave a message.

EPA Regional Library

A number of services are available to residents of Region 7 from EPA's regional library in Kansas City, Kansas (726 Minnesota Ave. ; KC, KS 66101). The library is available for use from 9:00 a.m. to 5:00 p.m. Monday-Friday. The regional library provides interlibrary loans through the Online Computer Library Center (OCLC), or by using a standard American Library Association (ALA) form available through your reservation library.

The tribal members can also access the library via the Online Library System (OLS), a computer catalog of EPA's library network. An information handout about OLS and how to use it is available from the library. To contact the library, call (913) 551-7241, or (913)551-7358.

Tribal Contacts at Region 7

In addition to the toll free number list above, please contact

-Tribal Liaison:
John Wilson (913)551-7298

- Region 7 Indian Program Coordinator :
Kim Olson (913)551-7539

EMERGENCY RESPONSE

Region 7 operates an Emergency Response Program to receive reports and to respond to environmental spills. The number to call is 1-816-236-3778 to report a spill. The phone is answered 24 hours each day. Over 4,000 such calls are received each year. The person who answers the call will obtain as much information as possible about the spill and will then arrange to have a Tribal or Federal agency respond to the spill, as appropriate. The party responsible for the spill will be provided an opportunity to participate in the response and they usually do so to limit their liability.

In addition to the Emergency Response Program, the Region performs chemical safety inspections to help facilities reduce their chances of having a spill. During these inspections, a team of experts examines all parts of the facility, the equipment and the procedures in use at the facility and then makes recommendations to minimize losses from accidental releases. Many facilities request that Region 7 perform a chemical safety inspection at their facility. Inspections are routinely done at facilities that experience spills.

In the third part of the program, the Region provides training for first response personnel. First response personnel are most often the local fire or police departments. In the first responder training, information is provided on safety, communications and contacts who can provide assistance when necessary.

REGION 7 ORGANIZATIONAL DESIGN:

The Region's organizational structure has moved from being media-specific to a structure that balances flexibility, innovation and common sense with the best of prior practices. Our new structure is customer-driven while maintaining media and program linkage with our headquarters, state and tribal partners. We envision our organization as flexible and dynamic, and we are willing to make changes to it as we move ahead. The new Region 7 organizational structure is made up of eight offices/divisions. A brief overview of each of these follows:

SUPERFUND

This division will include the Superfund Emergency Response/Preparedness, Site Assessment, Remedial, Removal, and Federal Facilities programs. The Removal program was previously located in the Environmental Services Division. Integrating the Superfund program into one division will increase the efficiency of our hazardous waste clean-up program operations. This will reduce duplication of work processes,improve communications, streamline decision-making and planning, and better align with headquarters and state partners.

AIR/RCRA/TSCA

This division will include the Air, Resource Conservation & Recovery, Underground Storage Tank, regulatory (other than Water) and industrial sector programs. Combining our major regulatory programs (other than Water) into one division has provided an opportunity for a functional approach to enforcement and compliance work and the ability to take the lead for the Region with industrial sectors. This configuration will provide new opportunities for working with the regulated community to design efficient, customer-driven processes. The Pollution Prevention program serves as an advocate for pollution prevention approaches for all Regional programs and manages the pollution prevention grants that the Region awards.

WATER, WETLANDS, NEPA, PESTICIDES AND ECOSYSTEMS

This division includes the Water, Wetlands, National Environmental Policy Act, Pesticides and Ecosystems programs. It will address the Agency's ecosystem management thrusts and increase the focus on nonpoint sources and agriculture as well as the other current water permitting, enforcement and drinking water programs. By combining the Water, Pesticides and Wetlands programs, we will bring together major Regional expertise in dealing with ground and surface water issues. This will increase the emphasis on protecting and enhancing these resources and provide sound management for future beneficial uses.

ENFORCEMENT COORDINATION

This office will be the enforcement/compliance assurance point of contact; it will deal with cross-cutting issues including TRI and EPCRA. This office will coordinate regional cross-program enforcement and compliance issues, and it will serve as point of contact for our partners and customers concerning enforcement and compliance assurance. The targeting activities associated with TRI will be moved to this office.

MANAGEMENT SERVICES

In support of the Region's environmental mission, the Management Services Division provides management and administrative services while ensuring sound stewardship of the Agency's resources. This division has lead responsibility for policy, strategic planning, state relations (including capacity building), tribal multi-media program coordination, budget formulation, financial implementation, contracts, grants, facilities, human resources, health and safety, information management, computer services, library and other administrative services (supplies, motor pool, mail, etc.).

TECHNICAL SERVICES

This division will provide scientific and data analysis expertise and services to the regional programs. Responsibilities will include environmental accountability, developing an expanded cross-media environmental assessment program and providing laboratory services. Primary objectives will include: providing the best scientific results and products to the media programs; working with the media programs as partners in planning for and accomplishing national goals; and exploring ways to build an expanded environmental assessment program.

EXTERNAL PROGRAMS

This office will be responsible for external outreach and building partnerships with Agency customers, the states and our tribal partners. Other responsibilities will include: media relations, Congressional relations, small business, small community, information sharing, Freedom of Information Act, environmental education, and environmental justice coordination.

LEGAL SERVICES

All attorneys will remain in a central legal office and will continue to provide legal services and advice to the Regional Administrator, Senior Staff, managers, program and administrative staff. Under this configuration an emphasis will be placed on the need for balance between strong, independent legal counsel and responsive customer-driven processes for delivery of services to the programs.

TRIBAL PROGRAMS

TRIBAL PROGRAMS

AMERICAN INDIAN ENVIRONMENTAL OFFICE

The American Indian Environmental Office (AIEO), established in October of 1994 and housed in the EPA's Office of Water, is responsible for coordinating the Agency's Tribal operations and encouraging the ongoing development of a strong Agency-wide program to protect human and environmental health in Indian Country. The AIEO works with the Tribal Operations Committee (TOC), Assistant and Regional Administrators, and Headquarters (HQ) and Regional Indian Coordinators (RICs) to strengthen Tribal operations in the daily activities of Region and HQ program offices.

The AIEO is commited to EPA's continued implementation of the 1984 Indian Policy. It ensures that EPA maintains working government-to-government relationships with federally recognized Tribes, acts in a manner consistent with its trust responsibility, and effectively performs its duties as a co-regulator with Tribes.

General functions and responsibilities of the AIEO are to:

- Ensure that Tribal operations remain a priority throughout the Agency, with the appropriate management and staff support.

- Promote Agency-wide participation in the development of Tribal environmental programs.

- Coordinate with Regions and HQ program offices to try to meet the Agency's resource needs for Tribal operations.

- Coordinate with Regions and HQ program offices to develop and/or support, in a manner consistent with applicable law and the EPA Indian Policy, regulations, guidance and/or other policies regarding Tribal operations.

- Coordinate the activities and support the participation of the TOC.

- Coordinate the Agency's Indian program and ensure appropriate communication and consistency throughout the programs and regions.

- Serve as cross-program information clearinghouse and coordinate Agency-wide data collection for the Indian program.

-Serve as the National Program Manager for the General Assistance Program.

- Coordinate with Regions and HQ program offices to develop opportunities for Tribes to obtain environmental management training, education and technical assistance.

-Chair the National Indian Work Group which is made up of the HQ program offices and RICS.

TRIBAL PROGRAMS

TRIBAL OPERATIONS COMMITTEE

In February 1994, the EPA Administrator convened a Tribal Operations Committee (TOC) to facilitate the government-to-government relationship between EPA and Tribes. The purpose of the TOC is to meet regularly with EPA Senior Management as co-regulators to provide Tribal input into EPA decision-making that affects Indian country.

In recent years there has been an increasing awareness of the need for improved communication and partnerships between Indian Tribes and the EPA. This has come about due, in part, to a greater understanding by the Tribes and EPA of the seriousness of threats to human health and the environment within Indian country.

The TOC is composed of 19 Tribal representatives who are either Tribal Leaders or Tribal Environmental Officials selected by the Tribes within the EPA Regions. There are Tribal representatives from each of EPA's Regions except for Region 3 which has no Federally recognized Tribes.

The TOC members, together with EPA Senior Management at both the HQ and Regional levels, will work through the newly formed American Indian Environmental Office to continue to address the environmental and human health issues within Indian Country.

TRIBAL PROGRAMS

AMERICAN INDIAN ADVISORY COUNCIL (AIAC)

The Environmental Protection Agency American Indian Advisory Council (AIAC) is a Special Emphasis Program Council organized under the Office of Civil Rights. The central purpose of the AIAC is to serve as an advisory group to the Administrator of EPA to recommend actions that address the concerns of American Indians in the EPA workforce, and of the Indian Tribes for which EPA acts as trustee. Membership is open to all employees of EPA who share AIAC's beliefs.

Objectives of the AIAC:

- To assist the U.S. EPA in promoting a culturally sensitive work environment and achieving an effective and equitable representation of American Indians in the workforce through aggressive recruitment, hiring, development and promotion activities.

- To promote an understanding and awareness of the American Indian culture and of those elements that are consistent with the EPA mission.

- To promote a better understanding of employment related problems of American Indians in order to seek solutions to remedy specific problems in EPA.

- To facilitate effective communication and goodwill between American Indians and other individuals in EPA, and the community in general.

- To promote the career development and advancement of American Indians in EPA through the sponsorship of workshops, seminars, and similar programs.

- To ensure that EPA's programs and activities are open and available to all American Indians.

For more information, call the American Indian Employment Program Manager at 202-260-4569, or contact the Regional Indian Program Coordinator.

TRIBAL PROGRAMS

"TREATMENT-AS-A-STATE REGULATION"

Recognition of Tribal Sovereign Governments

The final rule under the Clean Water and Safe Drinking Water Acts is designed to simplify EPA's process for qualifying Indian Tribes for program approval. It was developed because the Agency process for approving Indian Tribes for "Treatment-as-a-State" (TAS) under various programs has proven to be burdensome and offensive to Tribes.

Background

The Clean Water, Safe Drinking Water and Clean Air Acts authorize EPA to treat Indian Tribes as States for purposes of certain types of grant awards and program authorization. The only statutory requirements are that a tribe be federally recognized, have a governing body carrying out substantial duties and powers, and have adequate jurisdiction and capability to carry out the proposed activities. The Agency has promulgated regulations for implementing this authority under the Water Acts and has proposed regulations under the Air Acts.

Changes to Existing Process

A. Elimination of Separate "TAS" Approval

None of the statutes compel the use of a formal TAS or other prequalification process separate from approval of the request for a grant or program approval. However, the Agency initially chose to implement provisions of the Clean Water and Safe Drinking Water Acts by establishing a formal prequalification process under which Tribes can seek eligibility under these statutes. Under the regulation, current regulations would be amended to eliminate TAS review as a separate step in the processing of a tribal application for program approval. Under the new, simplified process, the Agency will ensure compliance with statutory requirements as an integral process of reviewing program approval applications.

B. Minimize use of the term "Treatment-as-a-State"

The term "treatment-as-a-state" is somewhat misleading and may be offensive to Tribes. To the extent possible, the rule amends existing regulations so as to discontinue use of the term "treatment-as-a-state;" however, since this phrase is included in several statutes, its continued use is somewhat necessary.

C. Establish uniform requirements for "recognition" and "governmental" requirements under each statute.

As a general rule, the "recognition" and "governmental" requirements are essentially the same under the Clean Water, Safe Drinking Water, and Clean Air Acts. The new process will reflect this by establishing identical requirements for making this showing under each statute. Moreover, the fact that a tribe has met the "recognition" or "governmental functions" requirements under the Clean Air or either of the Water Acts will establish that it meets those requirements under all three statutes.

D. Eliminate unnecessary and/or duplicative requirements and expedite the process regarding the establishment of tribal jurisdiction.

Because a Tribe may have jurisdiction over, and capability to carry out, certain activities (e.g., protection of the quality of a particular lake for the Clean Lakes program under the Clean Water Act), but not others (e.g., waste management on a portion of the reservation far removed from any lakes), the new process does not preclude the Agency from making a specific determination that a Tribe has adequate jurisdictional authority and administrative and programmatic capability before it approves each Tribal program.

The portion of existing regulations on jurisdictional determination under which governments comment on tribal jurisdiction will be altered under the regulation:

(1) for approvals of all Drinking Water regulatory programs and most Clean Water programs under existing regulations, EPA will not authorize a state to operate a program without determining that the state has adequate authority to carry out those actions required to run the program. This applies also to a Tribe seeking approval, and ensures that a close analysis of the legal basis of a tribe's jurisdiction will occur before program authorization. Accordingly, a separate TAS jurisdictional review is not needed to verify that a tribe meets the statutory requirement, and is therefore eliminated for all programs under the Safe Drinking Water Act, and for the Clean Water Act's 404 and NPDES programs. This change will have the effect only of eliminating duplicative requirements;

(2) for the Water Quality Standards program, there is no review of tribal authority as part of the program approval process. Accordingly, for that process, a comment process will be retained. However, the Agency emphasizes that comments must be offered in a timely manner and specifies that where no timely comments are offered, the Agency will conclude that there is no objection to the tribal applicant's jurisdictional assertion.

EPA will no longer be required, by regulation, to consult with the Department of Interior although it may, in its discretion, seek additional information from the Tribe or the commenting party, and may consult as it sees fit with other federal agencies prior to making a decision as to tribal jurisdictional authority.

To encourage the expeditious resolution of tribal jurisdictional matters, the rule notes that once the Agency makes a jurisdictional determination in response to a tribal application regarding any EPA program, it will ordinarily make the same determination for other programs unless a subsequent application raises different legal issues. By contrast, however, a determination that a Tribe has inherent jurisdiction to regulate activities in one medium might not conclusively establish its jurisdiction over activities in another medium.

Under the new approval process, as under the old, the Agency will continue to retain authority to limit its approval of a tribal application to those land areas where the Tribe has demonstrated jurisdiction. This would allow EPA to approve the portion of a tribal application covering certain areas, while withholding approval of the portion of the application addressing those land areas where tribal authority has not been satisfactorily established.

E. Establish consistency among programs and flexibility in requirements for establishing tribal capability

EPA will continue to make a separate determination of tribal capability for each program for which it approves a Tribe. However, the Safe Drinking Water and Clean Water Act regulations will be amended to conform to the CWA grant regulations, which do not specifically prescribe the material a Tribe must submit to establish capability. Ordinarily, the inquiry EPA will make into the capability of any applicant, Tribal or state, for a grant or program approval, would be sufficient to enable the Agency to determine whether a Tribe meets the statutory capability requirement.

TRIBAL PROGRAMS

GENERAL ASSISTANCE PROGRAM

The EPA Indian Environmental General Assistance Program is administered by the American Indian Environmental Office, Office of Water under the Indian Environmental General Assistance Program Act of 1992, Public Law 102-497, Section 11, 42 U.S.C. 4368b, as amended, (Public Law 103-155, 11-24-93).

The objectives of the program are to provide general assistance grants to Indian tribal governments and intertribal consortium or consortia to build capacity to administer environmental regulatory programs on Indian lands, and provide technical assistance from EPA to Indian tribal governments and intertribal consortia in the development of multi-media programs to address environmental issues on Indian lands.

Activities eligible for funding under this program are those for planning, developing and establishing capability to implement environmental protection programs including development of solid and hazardous waste programs. General Assistance agreements offer the opportunity for a Tribe to develop an integrated environmental program, develop the capability to manage specific programs and establish a core program for environmental protection. The assistance agreements provide the opportunity for the Tribes to define and develop administrative and legal infrastructures, and to conduct assessments, monitoring, planning, and other actions and to undertake additional activities within a simplified administrative framework.

The primary purpose of these assistance agreements is to support the development of elements of a core environmental program, such as: providing for tribal capacity-building to assure an environmental presence for identifying programs and projects - including developing proposals for environmental program grants and managing environmental work; fostering compliance with Federal environmental statutes by developing appropriate tribal environmental programs, ordinances and services; and establishing a communications capability to work with Federal, State, local and other tribal environmental officials. Restriction: The principal focus of this program is on the development of general tribal environmental capability. Assistance will be provided under this program only for activities which the agency determines are appropriate to carry out the purposes of the Act. No single grant awarded under this program may be for an amount exceeding ten percent of the total annual funds appropriated under Section (h) of the Act.

Those eligible to receive financial assistance are Indian tribal governments and intertribal consortia. An Indian tribal government is any tribe, band, nation or other organized group or community, including any Alaska Native Village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 et seq.), which is recognized by the U.S. Department of the Interior as eligible for the special services provided by the United States to Indians because of their status as Indians. A consortium is a partnership between two or more Indian tribal governments authorized by the governing bodies of those tribes to apply for and receive assistance under this program.

PROGRAM HIGHLIGHTS:

- The Indian Environmental General Assistance Program replaces the Multi-Media Assistance Program which was offered by the Agency during Fiscal Years 1991 through 1993.

- The project period for General Assistance grants can be for 1-4 years; the grantee can reapply if additional time is needed for capacity-building.

- New grants will be for a minimum of $75,000. Amendments to grants may be made in amounts as are appropriate.

- Funds awarded under the grant remain available through the project term of grant.

- The Agency's standard grant application, reporting and audit procedures apply to the Program.

- Capacity-building activities are eligible for funding but not construction or site-specific actions.

- General assistance funding does not preclude a tribe from also receiving program or project-specific assistance.

- The Program provides for a simplified procurement process for procurements of $25,000 and over but less than $50,000.

The applicant should consult the Regional Indian Program Coordinator, designated as the single point of contact, for more information.

TRIBAL PROGRAMS

EPA'S ENVIRONMENTAL JUSTICE FOR NATIVE AMERICAN TRIBAL PROGRAMS

EPA will work with Tribes, indigenous constituents, the Tribal Operations Committee and the National Environmental Justice Advisory Council to integrate the subsistence and Native American provisions of the Order on environmental justice into EPA's regulations, policies, programs and activities.

IMPORTANCE OF NATIVE AMERICAN PROGRAMS

Environmental concerns differ throughout Indian Country, ranging from access to safe drinking water to remediation of hazardous waste. Furthermore, Tribal environmental priorities are affected by the Tribe's traditional cultural and religious relationship to the ecosystem in which they live, including subsistence on fish, game, and wild vegetation. For these reasons, Native Americans are often exposed to different types, degrees, and causes of environmental risks.

Tribal environmental justice advocates have raised a range of environmental concerns, including comprehensive Tribal environmental program development,environmental effects on urban Native Americans and Native Hawaiians and the participation of Native American grassroots advocates in environmental protection. However, while environmental justice has brought renewed attention to the environmental concerns of Native Americans, it is not meant to replace the more than two hundred years of Federal Indian law and policies. The Federal-Tribal relationship, as defined in the United States Constitution, treaties, statutes, and federal court decisions, sets forth a framework of rights and responsibilities to be carried out by the Federal government and the Tribes. Therefore, while environmental justice includes issues regarding Native American grassroots participation and disproportionate effects on indigenous communities, it is not intended to supersede Tribal sovereignty, treaty rights, the Federal trust responsibility or the government-to-government relationship. Rather it should support these tenets of Federal Indian law by encouraging the development of Federal-Tribal environmental programs comparable in protection to Federal-State environmental programs.

OBJECTIVES FOR NATIVE AMERICAN PROGRAMS

1) Tribal Environmental Programs: EPA will work with other Federal agencies and Tribes to develop comprehensive tribal environmental programs which address disproportionately high and adverse human health or environmental effects in Indian country.

Options for Actions:

- EPA will work with the tribes to develop comprehensive Tribal-EPA Environmental Agreements to address program delegations, direct implementation, and other activities to effectively protect Tribal health and environments.

- EPA will provide outreach, education, training, technical and financial assistance to support the implementation of environmental programs, including activities to address disproportionately high and adverse human health or environmental effects.

- EPA will identify and work to promote funding, statutory, and regulatory flexibility to assist Tribes in addressing environmental justice issues.

- EPA will integrate Tribal environmental issues, including concerns regarding differential consumption patterns and cultural, religious and/or traditional uses of natural resources, where appropriate, into EPA's regulations, guidance, policies, programs, implementation of statutes and other activities.

2) Native American Participation: EPA will ensure the participation of interested or affected Tribal members, organizations or other Native American and indigenous constituents in EPA decisions and/or activities that may affect the public health or environment of their community.

Options for Actions:

- EPA will provide outreach, education, and training to affected Native American and indigenous constituents, including affected urban Native American communities, Native Hawaiians, and non-Federally recognized Tribes.

- Offices and Regions will work with the Tribes to encourage public participation as part of their Tribal environmental programs and help facilitate, where necessary, public discussions on Tribal environmental protection.

- EPA will work to improve education and training opportunities and partnerships with Tribal colleges.

3) Interagency Coordination: EPA will take the lead to ensure coordination and cooperation between EPA and other Federal agencies to address cross-cutting Tribal environmental issues.

Options for Actions:

- EPA will promote active participation by the Agency on Tribal issues and on relevant interagency committees and initiatives.

- Each Office and Region will work to improve interagency cooperation and actions for addressing tribal environmental justice issues.

TRIBAL PROGRAMS

ENVIRONMENTAL JUSTICE THROUGH POLLUTION PREVENTION (EJP2)

I. Scope and Purpose of the EJP2 Grant Program

The primary purpose of this grant program is to provide financial assistance to tribal governments for projects that address environmental justice and use pollution prevention activities as the proposed solution. This grant program is designed to fund projects which have a direct impact on affected communities. EPA is seeking proposals for projects that will encourage institutionalization and innovative use of pollution prevention as the preferred approach for addressing environmental justice issues, and whose activities and products can be applied to other communities. The Agency also encourages cooperative efforts with business and industry to address common pollution prevention goals.

Projects funded under this grant program may involve public education, training, demonstrations, research, investigations, experiments, surveys, studies, public-private partnerships, or approaches to develop, evaluate, and demonstrate non-regulatory strategies and technologies.

What is Environmental Justice?

Environmental justice is the fair treatment of people of all races, cultures and incomes with respect to the development, implementation and enforcement of environmental laws, regulations, programs, and policies. Fair treatment means that no racial, ethnic or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from the operation of industrial, municipal, and commercial enterprises and from the execution of federal, state and local, and tribal programs and policies.

What is Pollution Prevention?

EPA has defined pollution prevention as "source reduction;" that is, any practice that reduces or eliminates any pollutant *prior* to recycling, treatment, or disposal. EPA further defines pollution prevention as the use of other practices that reduce or eliminate the creation of pollutants through:

- increased efficiency in the use of raw materials, energy, water, or other resources, or
- protection of natural resources by conservation.

To help better understand pollution prevention, EPA has established a hierarchy of environmental management practices. In order of preference, these practices include:

-Pollution Prevention
-Recycling
-Treatment
-Disposal

How is Pollution Prevention Different From Other EPA Programs?

EPA programs have traditionally focused on treatment, disposal, and remediation. These types of activities, though they are important parts of an overall environmental management program, are not pollutant prevention activities because they are concerned with the handling and management of waste and pollutants after they have been generated. EPA has other program funds available for recycling, treatment and disposal initiatives including funds to support lead abatement projects and to clean up hazardous waste sites.

What if the Project is not Pollution Prevention?

There are a number of other Agency grant programs to which interested Tribes may apply for funding. For example, EPA also funds community-based projects through the Environmental Justice Small Grant Program, managed out of the Office of Environmental Justice. These projects need not focus on pollution prevention.

II. Eligible Applicants

Who is Eligible to Apply for Funding?

May an Applicant Submit More Than One Proposal?

Eligible applicants include any Federally-recognized tribal government.

No applicant can have two grants for the same project at one time under the EJP2 grant program. EPA will consider only one proposal for a given project. Applicants may submit more than one application as long as the applications are for separate and distinct projects. However, no organization will receive more than one grant per Region per year under the EJP2 grant program.

All awardees must also comply with the requirements of 40 CFR Part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) or 40 CFR Part 30 (General Regulation for Assistance Program for other than State and Local Governments).

Grant Amounts: Tribes seeking funds from the EJP2 grants can request up to $100,000.

Cost Share Requirements: Organizations that apply and receive EJP2 grant funds in amounts up to and including $50,000 are not required to match the federal funds. Requests for grants above $50,000 must match federal funds by providing 10% of the total cost of the project.

Eligible Activities

The purpose of the EJP2 grants program is to support the use of pollution prevention solutions to address the environmental problems of minority and low-income communities and tribes. Funds awarded must be used to support pollution prevention projects in minority and low-income communities on tribal lands. Priority will be given to those projects that improve the environmental quality of affected communities using pollution prevention as the primary solution.

TRIBAL PROGRAMS

OFFICE OF ENVIRONMENTAL JUSTICE (OEJ) SMALL GRANTS PROGRAM

Purpose of the Grants Program

The purpose of this grants program is to provide financial assistance and stimulate a public purpose by supporting projects to any affected Tribal group, which is eligible under applicable statutory authorities (for example, community-based organization, church, school, education agency, college or university, or other non-profit organization) and Tribal government who are working on, or plan to carry out, projects to address environmental justice issues. Funds can be used to develop a new activity or to substantially improve the quality of existing activities.

Important Pre-Application Information

Pre-applications will serve as the sole basis for evaluation and recommendation for funding. This notice contains all information and forms necessary to submit a pre-application. EPA will award grants based on the merits of the pre-application.

Background

In its 1992 report, Environmental Equity: Reducing Risk for All Communities, EPA found that minority and low-income communities experience higher than average exposure to toxic pollutants than the general population. OEJ was established in 1992 to help these communities to identify and assess pollution sources, to implement environmental awareness and training programs for affected residents, and to work with Tribal community stakeholders to devise strategies for environmental improvements.

In June of 1993, OEJ was delegated granting authority to solicit projects, select suitable projects for the grants from among those proposed, supervise such projects, evaluate the results of projects, and distribute information on the effectiveness of the projects, and feasibility of the practices, methods, techniques, and processes in environmental justice areas.

Fiscal Year (FY) 1995 is the second year of the EJ Small Grants Program. Seventy-one (71) grants totaling $507,000 were awarded in FY 1994.

Eligible Activities

To be selected for an award, the project must include one or more of the following four objectives:

1. Identify the necessary improvements in communication and coordination among existing community-based/grassroots organizations, and local, state, tribal, and federal environmental programs, and all other stakeholders. Facilitate communication, information exchange, and partnerships among the Tribes to address environmental injustices (for example, workshops, awareness conferences, establishment of community stakeholder committees, community newsletters, etc.);

2. Motivate the general public to be more conscious of their local environmental justice issues or problems and encourage the community to take action to address these issues (for example, reforestation efforts, monitoring of socioeconomic changes due to environmental abuse, stream monitoring, etc.);

3. Develop and demonstrate an environmental justice practice, method or technique which has wide application and addresses an environmental justice issue which is of a high priority.

4. Teach about risk reduction and pollution prevention, and seek technical experts to demonstrate how to access, analyze, and interpret public environmental data (for example, Geographic Information Systems (GIS), Toxic Release Inventories (TRI), and other databases.)

Priority will be given to tribes whose projects will help improve the environmental quality of affected communities by a)developing an environmental justice project, activity, method, or technique which has wide application, b)enhancing the community's skills in addressing environmental justice issues and problems, and c) establishing or expanding environmental and public health information systems for local communities.

Environmental justice projects or activities should enhance critical thinking, problem solving, and the active participation of affected communities in decision-making processes. Environmental justice efforts may include, but are not necessarily limited to enhancing the gathering, observing, measuring, classifying, experimenting, and other data gathering techniques that assist individuals in discussing, inferring, predicting, and interpreting information about environmental justice issues and concerns. Environmental justice projects should engage and motivate individuals to weigh various issues to make informed and responsible decisions as they work to address environmental injustices.

The items discussed above are relative and can be defined differently among the applicants from various geographic regions. Each pre-application should define these items and terms as they relate to the specific project. Include a succinct explanation of how the project can serve as a model in other settings and how it addresses a high-priority environmental justice issue. The degree to which a project addresses a high-priority environmental justice issue will vary and must be defined by applicants according to their local environmental justice concerns.

How Much Money May Be Requested, and are Matching Funds Required?

In this program, the ceiling for any one grant is $20,000 in Federal funds. Depending on the funds appropriated by Congress, EPA's nine Regional Offices that have federally recognized tribes, will each have approximately $300,000 to award. Applicants are not required to cost share.

TRIBAL PROGRAMS

TRIBAL LANDS ENVIRONMENTAL SCHOLARSHIP PROGRAM

Purpose of Program:

EPA created this scholarship program to increase the number of American Indians who are educated in the environmental sciences and available for work at EPA and on Indian Reservations to improve the environmental protection of tribal lands.

Eligible Students:

In colleges and universities nationwide, juniors/seniors and graduate students compete for these scholarships based on weighted factors as follow:

- Grade point average (2.5 minimum)	35	
- Knowledge of Indian culture	20	
- Commitment to environmental protection	15	
- Character and leadership ability	10	
- Level of study	10	
- Work experience	10	Total = 100

Amount of Individual Award:

Each annual scholarship is set at $4,000 per student. Efforts are made to retain scholarship awardees on the program if they maintain their grade point average.

Application Process:

Students wishing to make application should do so through the American Indian Science and Engineering Society (AISES) which has chapters on many college campuses. AISES may also be contacted at 1630 30th St., Suite 301; Boulder, CO 80301, or by phone at 303-492-8658. AISES works with EPA to select the scholarship winners and make the annual awards because of its excellent reputation and its expertise in the area of assisting students with employment opportunities. Also, the overhead costs of AISES are below those of universities evaluated to provide similar services.

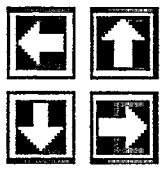
Funding/Scholarships:

Thus far, funds for the scholarships have been collected annually from offices throughout EPA and are issued to students the following fiscal year (due to lag time in selecting the scholarship winners). Efforts are underway to create a specific budget for this scholarship program to eliminate the need to annually contact all EPA Offices for assistance on funding.

FY91 - $120,000 for 27 scholarships
FY92 - $158,800 for 33 scholarships
FY93 - $182,000 for 41 scholarships

Management of Program:

In FY91, this program was created by the Office of Pesticides Programs, which managed the program for two years. In FY93, the Environmental Education Division assumed responsibility for managing the program. Inquiries about program management should be directed to Diane Berger at 202-260-4965.



POLLUTION PREVENTION

EPA's Pollution Prevention approach

The Pollution Prevention Act of 1990 establishes pollution prevention as national policy--EPA's preferred approach for protecting human health and the environment. The primary goal of pollution prevention is preventing or reducing the generation of wastes and pollutants at the source. Potential pollutants or wastes that cannot be prevented should be recycled whenever possible. Potential pollutants that cannot be prevented or recycled should be treated in an environmentally-safe manner. Disposal or other release into the environment should be used only as a last resort and should be conducted in an environmentally-safe manner. Instead of using traditional pollution treatment and control methods to stop existing pollutants from reaching the environment, pollution prevention aims to anticipate and avoid the generation of pollutants in the first place.

Actions For Tribal Communities

Rulings by courts, pronouncements by EPA, or wishing alone cannot clean up the environment or keep it from becoming more polluted. What we need is a unified effort. Tribal leaders can develop policies that encourage environmental awareness and provide mechanisms to help build/maintain the ethic of preventing pollution.

Here are suggestions on how tribal community leaders can fight pollution and preserve environmental quality, human health and natural resources:

-Set pollution prevention as a major goal and integrate the concept into governmental activities. Publicly recognize pollution prevention as a priority. Practice what you preach--set an example.

-Educate the tribal community about pollution prevention. Create an awareness of the profitability and benefits of pollution prevention through greater efficiency and stewardship of natural resources.

-Develop programs that provide environmental alternatives:

-Recycle paper, glass, plastic, aluminum, scrap metal, motor oil and yard wastes.

-Use less energy. Set back thermostats; insulate; buy energy-efficient lighting and appliances and make creative use of daylight.

-Use less water. Be conservative. Use ultra-low flush toilets; install water meters; repair leaks; review maintenance schedules and use water-conserving landscaping.

-Buy energy efficient automobiles and other fleet vehicles and keep them tuned. Carpool, bike, walk or use mass transit when possible.

-Encourage sustainable agriculture. Take advantage of natural methods of protection. Apply pesticides, such as insecticides and herbicides, carefully if they must be used.

-Reduce smoke, radon, asbestos and other indoor-air pollutants.

-Control hazardous waste. Reduce toxic use; encourage product substitution and environmentally sound operation modifications.

-Buy recycled or recyclable products. Seek out reusable, recyclable or returnable packages.

-Reduce risks from lead. Be careful around surfaces covered with lead-based paint, and be cautious when children are nearby during renovation or rehabilitation of old buildings. Be sure drinking water does not contain harmful levels of lead or other contaminants.

-Plant trees, shrubs and indoor plants. They replenish the earth's oxygen supply and clean the air by removing pollution.

TRIBAL-PRIVATE PARTNERSHIPS

As a tribal community leader, you face the prospect of building or upgrading facilities to meet environmental needs. You already may be feeling the squeeze of growing environmental protection needs and expectations coupled with decreased funding for infrastructure projects. As the pressure grows to minimize rate shock for facility users, tribal leaders must find new ways for their communities to hold down costs and build support for necessary additional expenses. Tribal-private partnerships offer one solution.

The "Self-Help Guide for Local Governments" has been written to acquaint local officials with the concept of public-private partnerships, their benefits and the steps a community must take to build relationships with the private sector. Much of this information is also applicable to tribal situations. This information will be conveyed in the following sections:

Tribal-Private Partnerships: What and Why

A tribal-private partnership is a contractual relationship between a tribal and private partner that commits both to providing an environmental service. The private sector can be involved in a variety of ways, from the initial design of a facility to its daily operation and maintenance.

Although each arrangement is unique, most partnerships fall into one of five categories. These types are contract services, turnkey facilities, developer financing, privatizations and merchant facilities. There are different benefits associated with each of these categories.

Tribal communities could enter into partnerships for various reasons. These include: access to more sophisticated technology; cost-effective design, construction and/or operation; flexible financing; delegation of responsibility and risk; and guaranteed cost.

Building a Tribal-Private Partnership: An Action Checklist

No two communities build a partnership in exactly the same way, but all must take roughly the same steps. This document presents an action checklist of the steps that will help a community make many decisions necessary to enter into a contract with a private firm.

A tribal community initiates the partnership process by evaluating its service needs, reviewing available technology, and identifying resources that may be able to

assist in the development of the contract. It is also important for tribal leaders to generate public support while they are evaluating financing prospects and studying laws and regulations.

Reviewing a potential private partner's track record is also an important part of the process. Eventually, tribal officials must narrow partnership options, select and conduct its procurement process and finally, develop the service agreement.

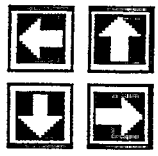
Financing, Procurement and the Service Agreement

Three of the most difficult steps in building a partnership are financing, procurement and the service agreement.

In choosing a financing method, a tribal community should estimate the capital required and identify various financing options. These financing strategies should then be assessed against the financial condition of the tribe, the project's costs and any risks. The tribal community must select the option which is most appropriate by comparing benefits and costs.

A tribal government starts to implement its choice by initiating the procurement process. The three types of procurement most communities select are advertised procurement, competitive negotiation and two-step advertising. While advertised procurement allows the community to dictate the terms of the solicitation, competitive negotiation offers greater flexibility. Two-step advertising is a mixture of the other two.

Finally, a partnership arrangement must be defined in a service agreement. Each contract must include a number of elements. The contract must define: the project and performance criteria, compensation method and timing, changing situations and risk allocations and contract termination and step-in-rights. Insurance and bonding should also be considered since they may affect the terms of the contract.



SARA TITLE III - THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

SARA Title III has two purposes: to encourage and support emergency planning for responding to chemical incidents, and to provide local governments and the public with timely and comprehensive information about possible chemical hazards in communities.

Does the Emergency Planning and Community Right-to-Know Act Apply To My Tribal Community?

Yes. The chemicals in your community may pose a threat to citizens and to those individuals being asked to respond to emergencies involving hazardous substances. All facilities in the tribal community storing certain hazardous chemicals (exceeding specified quantities) must provide information to government agencies and tribal communities. Also, if there is a chemical incident which results in the release of any one of a large number of hazardous substances, immediate notification must be made to governmental agencies.

The law provides stiff penalties for facilities and individuals that do not comply, and it allows citizens to file lawsuits against companies and government agencies to force them to obey the law.

What Are The Requirements Under This Law?

The law, passed in October 1986, had many requirements and deadlines. For example, governors were required to establish State Emergency Response Commissions (SERCs); facilities subject to emergency planning requirements were required to notify their state commissions; and SERCs were required to appoint Local Emergency Planning Committees (LEPCs). LEPCs were required to analyze hazards and develop a local emergency plan to respond to chemical emergencies in each local district. Additionally, the LEPC must exercise, review and update the plan annually, informing the tribal community of these activities.

The LEPC has other responsibilities besides developing an emergency response plan. It receives emergency release and hazardous chemical inventory information submitted by local facilities and must make this information available to the tribal community upon request.

Title III requires owners and operators of facilities storing specified hazardous substances to report to the LEPC within 60 days. When facilities provide the information required by the Act, local officials and tribal communities can better prepare themselves for chemical emergencies.

If the Emergency Planning and Community Right-to-Know Act applies, what should I do?

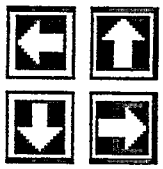
As a tribal official, you should insist on complete planning and adequate preparation for an emergency. There are three options for tribal compliance under EPCRA:

- The Tribe may form an independent Tribal Emergency Response Commission (TERC) with either a separate Local Emergency Planning Committee (LEPC) or a combination TERC/LEPC which serves both roles.

- Two or more Tribes may join together with a cooperative agreement to form a TERC. Each Tribe may form a separate LEPC or there may be one LEPC to serve all of the tribes.

- The Tribe(s) may form a cooperative agreement with the State where the State will do emergency actions, but the Tribe will do the planning. In this case, the Tribe will either be a separate LEPC within the State or participate in a nearby LEPC.

It is important to not only participate in emergency planning, but also to communicate with the members of the LEPC. Become familiar with the law so that you will know what tools are being made available to the tribal community to better assess and manage risks present within the community. Identify what needs to be done at the reservation level to better prepare the response community to deal more effectively with, and prevent, chemical emergencies.



ASBESTOS

Schools - Public and Private Nonprofit

On October 22, 1986, the President signed the Asbestos Hazard Emergency Response Act (AHERA) into law. The Act required EPA to develop regulations creating a comprehensive framework for addressing asbestos hazards in schools. The Act required EPA to construct a model accreditation program for individuals who conduct inspections for asbestos, develop management plans, and design and perform abatement work. Asbestos is also regulated under the authority of the National Emission Standards for Hazardous Air Pollutants in the Clean Air Act.

Other provisions of AHERA require all tribal, public and private elementary and secondary schools to conduct inspections for asbestos-containing building materials, develop management plans and implement response actions in a timely fashion. Specifically, each local education agency (or LEA, which means a public school district or private nonprofit school) must do the following:

-Designate and train a person to oversee asbestos-related activities in the LEA (designated person).

- Inspect every school building for both friable and nonfriable asbestos containing building materials.

- Prepare a management plan for managing asbestos and controlling exposure in each school and submit that plan to the appropriate state agency. The plan should include a time frame for implementation of recommended actions.

- Use only properly accredited persons to conduct inspections and develop the asbestos management plan. Accredited personnel must also conduct the required triennial reinspections.

- Provide custodial staff and short-term workers with information about the location of any asbestos-containing materials. Post warning labels as required.

- Survey all locations of asbestos-containing materials for damage every six months. Take appropriate steps to repair or replace damaged materials.

- Provide custodial and maintenance staff with two hours of awareness training and an additional 14 hours of training for employees whose duties may cause them to disturb asbestos. This additional training must include proper work practices and the use of protective equipment when disturbing asbestos containing materials.

- Notify parents, teachers and other school employees about the asbestos inspection and the availability of the asbestos management plan for review.

- Utilize properly accredited individuals to design and conduct asbestos abatement actions that are necessary and appropriate to protect health and the environment. These actions or methods must be documented in the management plan.

- Keep records of all asbestos-related activities in each school plan and make them available for citizen review.

LEAs were required to begin implementation of their management plans by July 9, 1989. LEAs are required to update and maintain management plans to reflect activities with ongoing operations and maintenance, periodic surveillance, inspection, reinspection and response action activities.

All Buildings

In 1971 the Administrator of the EPA determined that asbestos presents a significant risk to human health and is therefore a hazardous air pollutant. The National Emission Standards Hazardous Air Pollutants (NESHAP) for asbestos, promulgated under section 112 of the Clean Air Act, specifies emission control requirements for the milling, manufacturing and fabricating of asbestos; for demolition and renovation activities; and for the handling and disposal of asbestos-containing waste materials.

The NESHAP requires that each owner or operator of a demolition or renovation activity thoroughly inspect the affected facility or part of the facility for the presence of asbestos, including Categories I and II nonfriable asbestos, before commencement of the demolition or renovation. Private residences of four units or less are exempt from the NESHAP.

Under the NESHAP, all demolitions require notification to the appropriate regulatory agency, including facilities containing no asbestos. Work practice procedures, waste disposal requirements, and recordkeeping provisions apply to those demolition operations where the amount of regulated asbestos-containing material (RACM), as defined in Section 61.141, when measured, meets or exceeds 260 linear feet on piping, 160 square feet on other facility components, or 35 cubic feet of asbestos-containing material that has already been stripped or removed and placed in containers, or left on the floor or ground.

Under the NESHAP, renovations, including individual nonscheduled operations, require notification to the appropriate regulatory agency, as well as compliance with work practice procedures, waste disposal requirements and recordkeeping provisions where the amount of RACM, when measured, meets or exceeds 260 linear feet on piping, 160 square feet on other facility components, or 35 cubic feet of asbestos-containing material that has already been stripped or removed and placed in containers, or left on the floor or ground.

The NESHAP requires at least one representative trained in the provisions of this regulation be on site during any stripping, removal or handling of RACM. The AHERA contractor/supervisor course meets the NESHAP training requirements.

The NESHAP requires that notification be submitted at least 10 working days before any asbestos stripping, removal or any other activity begins that would otherwise disturb the asbestos material.

Please notify the EPA Regional Office if a demolition or renovation is to occur in your area.

How Do I Obtain More Information?

Under AHERA, LEA's afford citizens and applicable tribal communities the opportunity to become familiar with asbestos activities in their respective school districts. The initial point of contact to obtain information on asbestos activities should be the LEA designee. This individual is most familiar with the asbestos situation in your school.

For The Following Information, Please Call The EPA Regional Office Contact:

40 CFR 61 National Emission Standard for Hazardous Air Pollutants; Asbestos NESHAP Revision; Final Rule

"The Asbestos Informer"

"Asbestos/NESHAP Adequately Wet Guidance"

"Asbestos/NESHAP Regulated Asbestos-Containing Materials Guidance"

"Reporting and Recordkeeping Requirements for Waste Disposal"

"Common Questions on the Asbestos NESHAP"

"A Guide to the Asbestos NESHAP As Revised November 1990"

CROSS MEDIA PROGRAMS

INDOOR RADON

Radon is a naturally occurring radioactive gas that comes from the natural breakdown (radioactive decay) of uranium in soil, rock and water. Radon moves up through the ground to the air above and into homes and other buildings through cracks or holes in the foundation and other entry points. The home acts to trap radon gas, especially when the home is closed, increasing indoor radon levels. Most soils contain varying amounts of uranium and, therefore, elevated radon levels have been found in homes, schools and buildings throughout the U.S.

Exposure to high radon levels is dangerous. The health hazard from radon arises from inhaling its radioactive decay products. The Surgeon General has warned that radon is the second leading cause of lung cancer in the U.S. today. For persons who smoke, the health risk of inhaling radon is especially high.

EPA has established procedures for testing homes, schools and buildings. These testing procedures are described in various radon documents that are available from EPA. EPA has established an action level for indoor air radon levelsof 4 pCi/l (picocuries per liter). Nearly one out of every 15 homes in the U.S. is estimated to have radon levels that exceed the action level.

In 1988 Congress enacted the Indoor Radon Abatement Act (IRAA) with the goal of reducing indoor radon levels to radon levels found in outside air. Among other provisions, IRAA provided funds for tribal governments to establish radon programs and to assist tribal governments, and to encourage tribal members to test for radon and mitigate elevated radon levels. IRAA also required EPA and IHS to develop a national description of radon levels in homes and schools throughout the country. To date, seven Indian Nations in conjunction with EPA and IHS have conducted radon residential surveys to characterize statewide radon distributions. Additionally, about 1,200 schools were tested in the winter of 1991. Results of the National School Radon Survey are available from EPA.

IRAA also required EPA to develop a program to evaluate radon mitigation contractors and radon measurement labs. In response, EPA established four regional radon training centers to train radon professionals. EPA also developed a national proficiency exam to test the knowledge of radon contractors. Contractors who pass the exam are listed on the Radon Contractor Proficiency (RCP) list. EPA also established the Radon Measurement Proficiency (RMP) Program. This program tests and evaluates the accuracy of firms that supply radon test devices. Those that pass the program are included on the RMP list.

Does The Radon Program Apply To My Reservation?

Tribal communities, in concert with state governments, play a vital role in reducing the public health risk of radon. It is very likely that there are homes, day care centers, schools or commercial buildings on your reservation that have elevated indoor air concentrations of radon.

Currently, most radon-related policies are non-regulatory. EPA, IHS and tribal governments have focused their energies toward educating the tribal members about the health risk of radon and encouraging voluntary testing of homes and buildings. Some reservations, IHS and HUD, however, have developed radon regulations, including certification of radon professionals and mandatory testing of all schools. Additionally, model building codes for new construction have been developed that may be incorporated into the building codes of local jurisdictions. Finally, Congressional attention has been directed toward required radon disclosure during real estate transactions that involve federal agencies, such as FHA or HUD.

Tribal governments can act to protect their residents from radon in several ways. First, by developing radon education and outreach programs; second, by adopting radon-resistant building codes for new construction, such as the model codes; third, by encouraging voluntary testing in tribal communities; fourth, by ensuring that local radon contractors are RCP-listed or state-certified; and finally, by working in conjunction with EPA and community organizations, such as the American Lung Association , to elevate tribal attention to this important health risk.

Additional Information

Radon Measurement Proficiency Program
Research Technical Information Service
Research Triangle Institute
Research Triangle Park, NC 27709
1-919- 541-7131

Radon Contractor Proficiency Program
Midwest University Radon Consortium
1985 Buford Ave.
St. Paul, MN 55108
1-612- 624-8747

CROSS MEDIA PROGRAMS

PESTICIDES

Few chemicals have had as much impact or been the subject of as much controversy in recent decades as pesticides. The Environmental Protection Agency has the authority to regulate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug and Cosmetic Act. Under FIFRA, EPA has the authority and responsibility for regulating pesticide registration, production, sale, distribution, and use. No pesticide may legally be sold or used in the United States unless it has been registered by EPA and bears an EPA registration number. EPA also has the authority to suspend or cancel the registration of a pesticide.

All pesticides must have a label. The label includes instructions for use, storage and disposal of containers. The label, together with any literature to which it refers, has the force of law. The pesticide that stays in or on farm products or processed foods is called a residue. EPA regulates the safety of the food supply by setting limits for pesticide residues on food and animal feed available for sale in the United States.

In addition to enforcement for the production, sale, distribution and use of pesticides, issues currently being dealt with in the pesticide program include agricultural workers' and pesticide handlers' safety, applicator certification and training, pesticides in groundwater and endangered species.

With regards to agricultural workers' and pesticide handlers' safety, EPA proposed new Worker Protection Standards in 1988. These standards were published as final regulations on August 13, 1992. These standards, which were in response to a significant number of pesticide poisonings occurring every year, strengthened earlier protection provisions, reduced risks of exposure and extended additional coverage to handlers and field workers.

Currently there are about 100 active ingredients federally registered, which are classified as restricted use. Pesticides containing these active ingredients can only be applied by, or under the direct supervision of, a certified applicator.

Efforts are under way to strengthen reservation enforcement and pesticide applicator training programs, particularly with respect to groundwater protection, worker protection and endangered species protection. EPA prepared a Pesticides in Groundwater Strategy in 1991 to address risks of groundwater contamination by pesticide chemicals. EPA is required under the Endangered Species Act, to protect listed species and their habitat from the effects of pesticides. In 1989 EPA proposed an Endangered Species Protection Program to accomplish this.

Additional Information:

U.S. EPA, FIFRA Amendments of 1988; Schedule of Implementation.
54 Federal Register 18078 (April 26, 1989).

CROSS MEDIA PROGRAMS

TOXICS - LEAD

Title IV of the Toxic Substances Control Act was created by Title X - Residential Lead-Based Paint Hazard Reduction Act of 1992. Title X mandated EPA to do the following:

-Write regulations for training and certification of lead abatement workers.

-Develop a Model State Program for states, territories and tribes to adopt.

-Define proper abatement procedures.

-Develop a lead hazard information pamphlet.

-Develop renovation and remodeling guidelines.

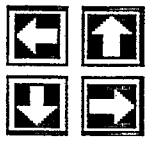
Title X regulations will require that anyone doing lead abatement work will be trained, certified, and will perform the abatement work in a safe manner to protect both human health and the environment. The regulations will also require that a person buying or leasing property will be notified of known lead hazards, issued a lead hazard information pamphlet, given an opportunity to inspect the property and include specific language regarding lead hazards in any contract for sale or lease.

Tribal governments can protect their members from lead poisoning in several ways. By educating their people in the identification of lead hazards and how to handle lead hazards properly, the tribal governments can not only protect its children but also those who work in lead-related industries.

Additional Information:

Lead-Based Paint Regulations: 40 CFR Part 745

CROSS MEDIA PROGRAMS



TOXICS - PCB'S

The Environmental Protection Agency was required by Congress under Section 6(e) of the Toxic Substances Control Act (TSCA) (Public Law 94-469, October 11, 1976) to promulgate rules for the marking, storage and disposal of Polychlorinated Biphenyls (PCBs).

Many reservations, and virtually every municipality and utility in the U.S. is, or has been, in possession of regulated PCB equipment. Manufacturers inadvertently contaminated about twelve percent of the mineral oil-filled electrical equipment in use prior to 1976 by using the same pumps and lines to fill their premium PCB equipment and their mineral oil equipment.

Disposal of dielectric fluid containing more than 2 part per million (ppm) and less than 50 ppm PCBs is regulated by the states/tribes. Dielectric fluid greater than 49 ppm PCBs must be disposed of by incineration or its equivalent.

Inspections on tribal land are conducted by federal inspectors or state inspectors working under a Cooperative Agreement with the Regional Office.

EPA intends to allow use of contaminated and PCB equipment for the remainder of its useful life as long as the equipment is properly monitored, maintained, and used in a totally enclosed manner. When its useful life has ended, the equipment must be disposed of as dictated by 40 CFR Part 761.

Additional Information

PCB Regulations; 40 CFR, Part 761.

AIR PROGRAMS

AIR PROGRAM

CLEAN AIR ACT AMENDMENTS

Will The Clean Air Act Amendments Apply To My Community?

The goal of the Clean Air Act Amendments is to reduce pollution by 56 billion pounds a year. This reduction will generally come from cutting emissions in large urban areas. However, there may be some impacts on reservations. Implementation of the Act will require the regulation of small businesses in order to attain and maintain the national air quality standards and control air toxic emissions.

To be eligible for technical and environmental compliance assistance under the Clean Air Act Amendments, a small business stationary source must meet the following criteria:

a. Owned or operated by a person employing 100 or fewer individuals;
b. A small business under the Small Business Act;
c. Not a major stationary source;
d. Does not emit 50 tons per year or more of any regulated pollutant; and
e. Emits less than 75 tons per year of all regulated pollutants.

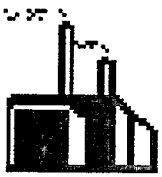
These small businesses frequently lack the technical expertise and financial resources necessary to evaluate state regulations and determine the appropriate mechanisms for compliance. The Act provides for the design of a program to render technical assistance and compliance information to small businesses.

Actions Your Reservation Should Be Taking

With regard to those regulations affecting small businesses, theEPA will designate a Small Business Ombudsman. The EPA will also implement a Small Business Assistance Program. This program will collect and disseminate information on 1) determining applicable requirements under the Act and permit issuance, 2) the rights of small businesses under the Act, 3) compliance methods and acceptable control technologies, 4) pollution prevention and accidental release/prevention/ detection and 5) audit programs.

A reservation should contact the Regional EPA Indian Program Coordinator, or the office listed at the back of the handbook, prior to addressing significant air pollution issues.

AIR PROGRAM



Refrigerant Recycling and the Prohibition on Venting

Under Section 608 of the Clean Air Act, EPA published proposed regulations on December 10, 1992, that would:

- Require service practices that maximize recycling of ozone-depleting compounds (chlorofluorocarbons [CFCs] and hydro-chlorofluorocarbons [HCFCs])during the servicing and disposal of air conditioning and refrigeration equipment.

- Set certification requirements for reclaimers and for recovery and recycling equipment.

- Establish safe disposal requirements to ensure removal of refrigerants from goods that enter the waste stream with the charge intact (e.g., motor vehicle and room air conditioners and home refrigerators).

Effective July 1, 1992, section 608 of the Act prohibits individuals from knowingly venting ozone-depleting compounds used as refrigerants into the atmosphere. Only three types of releases are permitted under the prohibition:

- Minute quantities of refrigerant released in the course of making good faith efforts to recapture and recycle or safely dispose of refrigerant.

- Refrigerant emitted in the course of normal operation of air conditioning and refrigeration equipment such as from leaks and mechanical purging.

- Mixtures of nitrogen and R-22 that are used as holding charges or as leak test gases because in these cases, the ozone-depleting compound is not used as a refrigerant.

Use of Approved Equipment

Technicians repairing or servicing motor vehicle air conditioners must use either refrigerant recover/recycle or recover-only equipment approved by EPA. Most certified equipment will be labeled as "design-certified to SAE standards." A list of both types of approved equipment is available from EPA at the address at the end of this section.

Technician Training and Certification

Technicians who repair or service motor vehicle air conditioners must be trained and certified by an EPA-approved organization. Training programs must cover the use of recycling equipment in compliance with the Society of Automotive Engineers (SAE) Standard J-1989, the regulatory requirements, the importance of refrigerant containment, and the effects of ozone depletion. A list of approved testing programs is available from EPA at the address at the end of this section.

Safe Disposal Requirements

Under EPA's proposal, equipment that is typically dismantled on site before disposal (e.g. retail food refrigeration) would have to have the refrigerant removed and recovered in accordance with EPA's requirements for servicing. However, equipment that typically enters the waste stream with the charge intact (e.g. motor and room air conditioners) would be subject to special safe disposal requirements. Under these requirements, the final person in the disposal chain would be responsible for ensuring that refrigerant is recovered from equipment before the final disposal of the equipment.

Hazardous Waste Disposal

If refrigerants are recycled or reclaimed, they are not considered hazardous under federal law. In addition, used oils contaminated with CFCs are not hazardous on the condition that:

-They are not mixed with other waste.
-They are subjected to CFC recycling or reclamation.
-They are not mixed with used oils from other sources.

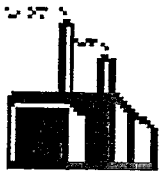
Used oils that contain CFCs after the CFC reclamation procedure are, however,subject to specification limits for used oil fuels if these oils are destined for burning. Individuals with questions regarding the proper handling of these materials should contact EPA's RCRA Hotline at 1-800-424-9346.

Additional Information:

For information concerning regulations related to stratospheric ozone protection, please call:

Stratospheric Ozone Hotline: 1- 800-296-1996
(10am-4pm EST, M-F, except federal holidays)

AIR PROGRAM



TRIBAL AIR QUALITY PROGRAMS

Overview

In August 1994, EPA issued a proposed rule that would provide tribes authority to implement and administer Clean Air Act (CAA) programs in essentially the same manner as states. EPA anticipates issuing a final rule in 1995 after analyzing the comments on the proposal.

Providing tribes authority to administer CAA programs represents a critical step in empowering tribes to improve and protect tribal air quality. When this rule becomes final, EPA will work with the tribes to develop the necessary programs to address air concerns. Some tribes may choose not to develop air quality programs or to develop only some parts of an air program. Where tribes choose not to administer their own air quality program, EPA will have the responsibility to do so. Examples of the types of activities which tribes could initially address include assessments of air problems, emission inventories, and building an infrastructure for administering more complex programs. Ultimately, tribes could undertake implementation plans to address air problems, permitting activities, and oversight of air toxics regulations.

Funding Assistance

For a Federally-recognized tribe to be eligible for financial assistance, three criteria must be satisfied: 1) a showing of an adequate governing body, 2) the capability to implement the particular requirements for which the tribe is seeking assistance, and 3) a demonstration that the tribal air program applies to the reservation or other areas within the tribe's jurisdiction. Any tribe that has been recognized under any other EPA program is Federally recognized. Tribes that do not have the necessary management and technical skills to run an air quality program may submit a plan detailing how they will acquire those skills. Federal financial assistance will be available under sections 103 and 105 of the CAA; some tribal match will be required.

Future Actions

EPA intends to assist tribes by providing advice and assistance on air quality issues and to consult with the tribes on their particular needs for developing an air program. Further information will be available when EPA's final rulemaking is promulgated.

AIR PROGRAM

OPERATING PERMITS

Operating Permits for Air Pollution Sources

Title V of the Clean Air Act Amendments of 1990 established a new requirement for operating permits for major sources of air pollution. These operating permits are designed to enhance the ability of EPA, the states and citizens to enforce the requirments of the Act. Permits will also clarify for these sources exactly which requirements are applicable to them and what the source must do to comply with those requirements. Sources must pay fees annually to the premitting authority.

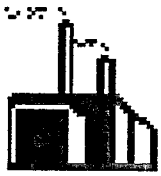
This program applies not only to major sources of the common air pollutants (for example, particulate matter, sulfur dioxide, etc.) but also to sources of air toxics. The Act lists 189 air toxics and EPA has identified over 170 source categories of these toxic emissions. These sources must submit applications for Title V operating permits unless they are below certain thresholds in their emissions.

How the Program Will Work

The states were required to submit programs to EPA for implementing Title V. EPA is retaining authority for this program on Indian reservations unless a tribe chooses to develop and administer its own program. Tribal programs would be subject to EPA review and approval.

EPA's principal objective is to assist tribes in developing and administering their own Title V operating permit programs. However, EPA intends to implement the Title V program in the event the tribes do not. EPA will notify the appropriate tribal contacts prior to implementing this program on the reservations.

AIR PROGRAM



AIR TOXICS

Under Section 112 of the Clean Air Act, EPA has published the following regulations.

Dry Cleaning

Each dry cleaning facility that uses perchloroethylene must maintain records of solvent usage and use pollution prevention practices. For machines installed before December 9, 1991, they must install control devices and report the compliance status by October 23, 1996. For machines installed after December 9, 1991, control devices must be installed prior to start-up and notification must be made to EPA within 30 days of start-up. The control device can be a refrigerated condenser but an existing charcoal scrubber could meet the regulatory requirements. Coin-operated machines which are operated by the customer are exempt from this regulation.

Halogenated Degreasing

Each solvent cleaning machine that uses: methylene chloride; perchoroethylene; trichloroethylene; 1,1,1-trichloroethane; carbon tetrachloride; or chloroform, or any combination of these in total concentration greater than 5 percent by weight, is affected by this rule. This rule requires recordkeeping, reporting, work practices, and/or control measures. EPA requires initial reports for existing equipment by August 29, 1995, and within 30 days of installation for new equipment. Compliance reports are due no later than December 2, 1996 for existing sources and 150 days after they achieve compliance. New sources are subject to various notification and compliance dates.

Chrome Electroplating

This rule regulates each chromium electroplating or anodizing tank at an electroplating facility. The rule requires hard chromium electroplating operations to meet an emission standard that is based on a control system. EPA requires decorative chromium electroplating and anodizing operations to meet an emission limit or use a wetting agent, as specified by the regulations. Operators of existing facilties must notify EPA by July 24, 1995; owners of new sources must notify EPA no later than 30 days after construction.

All of the rules are available on EPA's Technology Transfer Network: (919) 541-5742, Data Bits 8, Parity N, Stop Bits 1, Speed: 2400, 4800 and 9600 baud.

LAND PROGRAMS

LAND PROGRAMS

SUPERFUND PROGRAM

As the 1970's came to a close, a series of stories gave Americans a look at the dangers of dumping industrial and urban wastes on the land. First there was New York's Love Canal. Hazardous waste buried for 25 years contaminated streams and soil, and endangered the health of nearby residents, who had to be evacuated. The dioxin-tainted land and water in Times Beach, Missouri also attracted attention.

It became increasingly clear that there were large numbers of serious hazardous waste problems that were falling through the cracks of existing environmental laws. The magnitude of these emerging problems moved Congress to enact the Comprehensive Environmental Response, Compensation and Liability Act in 1980. CERCLA -- commonly known as Superfund -- was established to deal with the dangers posed by the Nation's hazardous waste sites.

Since the program began, hazardous waste has surfaced as a major environmental concern in every part of the United States. It wasn't just the land that was contaminated by past disposal practices, chemicals in the soil were spreading into the groundwater and into streams, lakes and wetlands. Toxic vapors contaminated the air at some sites, while improperly disposed or stored wastes threatened the health or environmental resources of the surrounding community.

Few realized the size of the problem until EPA began the process of site discovery and evaluation. Thousands of potential sites existed. Congress directed EPA to set priorities and establish a list of sites to target. The sites on the National Priority List (NPL), almost 1,300 in number, are the most complex and compelling cases of the entire inventory of potential hazardous waste sites.

Superfund responds immediately to sites posing imminent threats to human health and the environment at both NPL sites and sites not on the NPL. The purpose is to stabilize, prevent , or temper the effects of a release of hazardous substances, or the threat of one, into the environment. Imminent threats might include tire fires or transportation accidents involving the spill of hazardous chemicals.

The ultimate goal for a site on the NPL is a permanent solution; this requires a long-term effort. Nearly 1,800 Superfund sites have been cleaned up, including 112 on the NPL.

Superfund activities depend upon local participation. The EPA's job is to analyze the hazards and to deploy experts, but the Agency needs tribal community input. Because tribal members where a site is located will be those most directly affected by the wastes and cleanup processes, EPA encourages members to get involved in cleanup decisions.

LAND PROGRAMS

RCRA HAZARDOUS WASTE

Hazardous waste is prevalent throughout all levels of commerce and industry. Wastes are identified as hazardous if they pose a potential danger to human health and/ or the environment when not properly treated, stored, transported, disposed or otherwise managed. Potential dangers include explosions, fires, corrosive destruction of materials, chemical reactions and/or health impairing exposure to toxic chemicals. The greater the quantity or concentration of chemicals exhibiting any of these dangers, the greater the need to assure their proper management.

In 1976, Congress enacted the Resource Conservation and Recovery Act (RCRA) as the primary regulatory vehicle to assure that hazardous waste is properly managed from the point of its generation to its ultimate disposal or destruction, i.e., "from cradle to grave." RCRA establishes a very complex and comprehensive set of requirements to define which hazardous waste is subject to regulation as well as the responsibilities of anyone who generates, transports, stores, treats, disposes or otherwise manages hazardous waste. At this time, waste generated by individual households is not subject to federal RCRA requirements.

There are three categories of hazardous waste generators under the RCRA program requirements:

-Full Generator - Facilities that generate more than 1,000 kilograms (kg) per month of any hazardous waste or more than one kilogram of any "acute" hazardous waste (A kilogram is approximately 2.2 pounds and 1,000 kg is approximately five, 55 gallon drums of material.).

-Small Quantity Generator -Facilities that generate less than 1,000 kg per month of hazardous waste but more than 100 kilograms per month. Small quantity generators are given additional time to comply with new regulations and for on-site storage of their waste.

-Conditionally Exempt Generator - Facilities that generate less than 100 kilograms a month of any hazardous waste are conditionally exempt from the RCRA regulations.

Does The RCRA Program Apply To My Tribal Community?

It is very likely that some types of hazardous waste are generated by businesses in your community or by your municipal facility operations themselves. Because hazardous waste includes things like solvents, corrosives and materials containing heavy metals like chromium, cadmium and lead, vehicle maintenance shops often generate hazardous waste that may be subject to RCRA requirements. Any discarded material must be evaluated to determine if it has been listed by EPA as hazardous waste or if the waste exhibits any of the following characteristics: ignitablity, corrosivity, reactivity or toxicity as determined by the Toxicity Characteristic Leaching Procedure (TCLP) test.

In addition to used materials which might be considered hazardous waste, you must also be careful with your management of products that are no longer wanted or needed, and you now wish to discard. Leftover pesticides from grounds-keeping operations, old paint thinner, etc., must be fully evaluated before you determine what you are going to do with the waste. EPA has identified several hundred chemical products which, if disposed of, would also be considered "listed hazardous waste."

Another area of possible concern for your tribal community would be the operation of a trash collection system and/or a landfill. Normally, because household wastes are currently exempt from RCRA regulation, tribal landfills are regulated under a program referred to as the "Subtitle D Municipal Solid Waste Landfill Criteria" which is intended to insure proper management of the landfill. However, the addition of commercial waste materials collected and/or co-disposed with the household materials might trigger RCRA jurisdiction over the entire facility.

Timetable

RCRA regulations were first published in 1980 and are constantly being amended. Once you determine that you are a handler of hazardous waste (i.e., either generating, storing, transporting, etc.), you must notify EPA and receive an EPA RCRA identification number.

Different timetables and responsibilities apply to the different activities. Generators may accumulate waste on-site for up to 90 days without triggering a requirement to obtain a storage permit. Small quantity generators have up to 180 days. Securing a permit authorizing the treatment, storage, or disposal of hazardous waste is avery espensive and lengthy process.

Many companies and reservations look for ways to reduce the amount of hazardous waste produced in order to reduce expense and regulatory burdens. Waste reduction can be accomplished through better housekeeping, careful purchasing, changes in process and a variety of other ways. Hazardous waste generators should examine their waste streams and consider whether there might be a way to reduce what is being generated.

Additional Information:

RCRA Regulations 40 CFR Parts 260-272

LAND PROGRAMS

SOLID WASTE DISPOSAL FACILITY CRITERIA

Tribal Community Solid Waste is a non-hazardous waste generated at residences, commercial establishments and institutions. These solid wastes include durable goods (appliances, furniture, etc.), nondurable goods (newspapers, clothing, etc.), containers and packaging (boxes, bottles, etc.), food and yard wastes and miscellaneous inorganic wastes (stones, pieces of concrete, etc.).

On October 9, 1991, the USEPA promulgated 40 CFR 257 and 258, the Solid Waste Disposal Facility Criteria Final Rule. These regulations will have a significant impact on Tribal and Bureau of Indian Affairs solid waste disposal practices.

The impacts include the following:

- BIA and Tribal noncompliant open landfills which stop receiving waste before April 9, 1994 will be required to provide final cover at closure. Closure is to be completed by October 9, 1994.

- Existing and new tribal and BIA open landfills which are operating after October 8, 1993*, will be required to meet all portions of the federal criteria and could incur significant immediate and long-term costs. The revised criteria requirements include location, operating criteria, design, groundwater monitoring, corrective action(if any contamination is found), final closure and 30 year post closure care and financial assurance requirements. Any new landfills or new landfill cells developed will be required to be in full compliance prior to receiving waste. A complete record-keeping system will be required.

- In order for tribes and BIA to utilize compliant landfills and close existing landfills, development of transfer stations or other alternative collection facilities may be necessary.

*The effective date of the federal MSWLF Criteria for existing, smaller landfill units, is changed from October 9, 1993 to April 9, 1994. This extension applies to landfills that:1)accept less than 100 tons of waste per day; 2) are in a state that has submitted an application to EPA for approval of its program by October 9, 1993, or are located on Indian lands or Indian country; and 3) are not on the Superfund National Priorities List.

Action Your Tribal Community Should Be Taking

- For those tribal communities with a landfill, be prepared to either not accept waste, or upgrade to meet the Criteria by October 9, 1993. For those tribal communities without a landfill, be prepared to pay more for disposal .

- Develop community education programs to encourage recycling and waste reduction.

- Plan and prepare solid waste management and disposal options, such as composting of tree and yard waste, and establishing household hazardous waste (HHW) collection sites.

Additional Information

40 CFR Part 258, regulations under RCRA Subtitle D

LAND PROGRAMS

UNDERGROUND STORAGE TANKS

An Underground Storage Tank (UST) is any tank, including underground piping connected to the tank, that has at least 10 percent of its volume underground. The UST regulations (40 CFR 280) cover notification (registration), performance standards for new and existing tanks, tank closure, release detection, cleanup activities, financial responsibility, reporting and recordkeeping.

Do The UST Regulations Apply To All Underground Storage Tanks? No, Some Exclusions Are:

-Farm or residential tanks holding 1,100 gallons or less of motor fuel used for noncommercial purposes
-Tanks storing heating oil which is used on site
-Septic tanks and systems for collecting storm or wastewater
-Wastewater treatment tanks regulated under the Clean Water Act
-Tanks whose capacity is 110 gallons or less
-Storage tanks on or above the floor of an underground area, such as a basement, tunnel or vault
-Other tanks, such as tanks for emergency spill or overflow containment and field constructed tanks, are deferred from the regulation.

If the UST Regulation Does Apply, What Must the Owner/ Operator Do?

- Verify that the stored contents are compatible with the tank's interior walls.

- Demonstrate financial responsibility for the cost of cleaning up a leak or compensating other people for bodily injury and property damage caused by the leaking UST. Compliance date for local governments and Indian Nations is February 18, 1994.

For Tanks Installed Before December 22, 1988:

- Ensure tanks are registered with the EPA.
- Equip the UST with devices that prevent spills/overflows by December 1998.
- Protect the tank and piping from corrosion or structural failure by upgrading it by December 1998.
- Equip the tank and piping with leak detection.
- All tanks must have leak detection by December 22, 1993.

For Tanks Installed After December 1988:

-Leak detection, spill and overfill, and corrosion protection are required at the time of installation.

- Pressurized systems must have line leak detectors added by December 22, 1990.

I own tanks to which regulations apply, but I am not using them, what should I do?

Follow closure requirements for tanks temporarily or permanently closed. (Note: Tanks not used for 3 to 12 months can be temporarily closed.) Beyond 12 months, for permanent closure, the tank will have to be emptied and cleaned, a site assessment conducted, and the tank must be either filled with inert material or removed. If a groundwater monitoring system or a vapor monitoring system was in operation at the time of closure and indicates no release has occurred, a site assessment is not required. EPA will help you decide how best to close the UST so that it meets all federal requirements.

If a leak or spill should occur, what must be done?

- Contact the fire department to ensure that it does not pose a hazard to human health.

- Contact the EPA within 24 hours; the regulatory authority will decide if you must take further action.

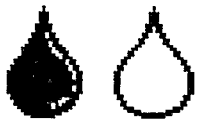
Additional Information

"Musts for USTs: A Summary of the New Regulation for Underground Storage Tank Systems," U.S. EPA, UST Office, 7/90.

"Dollars and Sense: A Summary of the Financial Responsibility Regulations for Underground Storage Tank Systems," U.S. EPA, UST Office, 12/88.

WATER PROGRAMS

WATER PROGRAMS



WATER AND WETLANDS PROTECTION

The Environmental Protection Agency (EPA), in partnership with tribal governments, is responsible for restoring and maintaining the chemical, physical and biological integrity of the nation's waters. Because of the value of wetlands as an integral part of those waters, EPA is also charged with protecting wetland resources. The major federal regulatory tool for this is Section 404 of the Clean Water Act, which is jointly administered by the U.S. Army Corps of Engineers and EPA. Section 404 establishes a permit program to regulate the discharge of dredged or fill material into waters of the U.S., including most wetlands. Failure to obtain a permit or to comply with the terms of a permit can result in civil and/or criminal penalties. The U.S. Fish and Wildlife Service has an important advisory role in the permit review process.

Waters of the U.S. include lakes, streams, rivers, wetlands and coastal waters. Wetlands are areas which are saturated or flooded for varying periods of time during the growing season. Because of the presence of water, there is a prevalence of aquatic or hydrophytic vegetation, such as that found in swamps, marshes, bogs and similar areas. Besides providing fish and wildlife habitat, wetlands also improve water quality by acting as filters, offering flood protection, buffering shorelines against erosion and providing areas for recreation.

Availability of Tribal Wetland Grants:

Tribal wetland protection grants are available through EPA's regional offices to Federally recognized Indian Nations to support wetland protection programs.

Additional Information:

The Clean Water Act (33 U.S.C. 1251 to 1387)
National Environmental Policy Act (42 U.S.C. 4321 to 4370c)
Fish and Wildlife Coordination Act (16 U.S.C. 742a to 742m)
River and Harbor Act of 1899 (33 U.S.C. 403, 406, 407, and 411)
The Endangered Species Act (16 U.S.C. 1531 to 1544)
Regulations of the U.S. Army Corps of Engineers (33 C.F.R. 320-330).
Regulations of the U.S. Environmental Protection Agency
(40 C.F.R. 230, also known as the 404 (b) (1) guidelines).
Executive Order 11990 (May 24, 1977) 3 CFR, 1977 Comp. pp. 121-123.

WATER PROGRAMS

DRINKING WATER

The Safe Drinking Water Act (SDWA) is the federal law regulating the quality of finished drinking water from a public water supply (PWS). The National Primary Drinking Water Regulations (NPDWR), established under the SDWA, define a PWS as:

-"A system for delivery to the public of water for human consumption if such system has 15 service connections or regularly serves an average of at least 25 individuals daily, at least 60 days out of the year." A PWS is either a community water system or a non-community system."

Community Water System - System which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Non-community Water System - System that has at least 15 service connections, or serves 25 or more persons at least 60 days out of the year, and whose consumers are mobile or transient in nature.

Transient Non-community Water System - System that serves at least 25 mobile or transient consumers at locations such as highway rest stops.

Non-transient, Non-community Water System - System that serves at least 25 of the same persons at least six months per year (e.g., schools, factories, nursing homes, etc.)."

The EPA is responsible for assuring the requirements found in the NPDWR are carried out. EPA retains primary enforcement responsibility for Indian Land PWSs, until a tribe has applied for, and been approved for, primacy of the SDWA/NPDWR program by EPA.

Additional Information:

- The Safe Drinking Water Act

- National Primary Drinking Water Regulations, 40 CFR Part 141.

- National Secondary Drinking Water Regulations, 40 CFR Part 143.

DRINKING WATER

INORGANIC CHEMICALS

Inorganic Chemicals (IOCs) are elements or compounds found in water supplies and may be natural in the geology or caused by activities of man through mining, industry or agriculture. It is common to have trace amounts of many IOCs in water supplies. Amounts above the Maximum Contaminant Levels (MCLs) may cause a variety of damaging effects to the liver, kidney, nervous system, circulatory system, blood, gastrointestinal system, bones or skin depending upon the IOC and level of exposure. Some IOCs are more damaging to infants and pregnant women. Because of some special aspects of the rules for asbestos, lead and fluoride, separate pages are prepared for them in this booklet.

Do The IOC Regulations Apply To Tribal Communities?

Yes, prior to the 1986 Safe Drinking Water Act, there were 12 regulated IOCs. Additional IOCs have been added with the Phase II and Phase V regulations, which are described in the following paragraphs.

Timetable (For Revisions To Regulations)

New regulations called Phase II were finalized January 30, 1991, and became effective on July 30, 1992. They added two new IOCs, asbestos and nitrite, and changed the MCLs for four of the current IOCs. Silver is now a secondary MCL. As a result of this regulation, non-transient non-community (NTNC) Public Water Supplies (PWSs) will be required to test for IOCs, and all PWSs (both community and non-community) will be required to test for nitrate and nitrite at least annually.

PWSs will continue to take IOC samples as they have in the past until January 1, 1993. A new monitoring framework was proposed for this rule to standardize monitoring for all the new regulations. The standardized monitoring framework (SMF) is comprised of a nine-year cycle, called a compliance cycle and three, three-year periods, called compliance periods. For example, a groundwater PWS would have to test for IOCs sometime in the first compliance period (January 1, 1993 - December 31, 1995). This regulation allows PWSs to get waivers from monitoring. A waiver either eliminates or reduces monitoring. A PWS with a waiver for IOCs would need to sample once each compliance cycle or once every nine years.

Additional new regulations called Phase V were finalized on July 17, 1992, and added six new IOCs. These rules will become effective January 17, 1994. Public water supply systems with 150 or more service connections are required to begin monitoring for the Phase V contaminants in the January 1, 1993 through December 31, 1995 time period. A PWS with less than 150 service connections could wait until the January 1, 1996 to December 31, 1998 compliance period. A PWS would be allowed to apply for a waiver after three monitoring rounds if the new IOCs were not detected. Again, a waiver for IOCs would reduce sampling to once every nine years.

EPA may be expected to add an IOC to the regulated list and may change some MCLs of IOCs as new research clarifies levels of contamination considered hazardous. (Most IOCs are tested from the same sample, requiring no additional work and little additional cost for the community).

New sampling requirements for nitrates/nitrites will be quarterly for surface water supplies and annually for groundwater supplies. These frequencies may be reduced or increased by the State based upon the levels of nitrate/nitite found. The new sampling requirements begin January 1, 1993. EPA does not allow waivers for nitrates. Therefore, PWSs can expect to sample at least annually.

MCLs

The following page lists the MCLs for IOCs.

If You Exceed Any Of The MCLs

- Take one confirmation sample. The EPA will then use the average of the initial and confirmation samples to see if you exceed the MCL.

-Notify EPA and complete Public Notices as required.

-Work with the EPA and/or IHS to determine the best way to reduce the level of the contaminants in your water supply. Consider a variety of options. In addition to a new treatment process, you may need to consider improving your present treatment process, mix your contaminated supply with another supply that does not exceed the MCL or obtain a new source of water.

-Request an exemption from EPA to allow the reservation to continue to use the water supply while the solutions to the MCL violation are being explored and any needed financing is being planned.

Additional Information

The rules for IOCs are contained in 40 CFR 141.23 and 141.62.

Maximum Contaminant Levels for IOC's

Contaminants	MCL (Pre-1986 and Phase II)
Arsenic	0.05 mg/l
Barium	2 mg/l
Cadmium	0.005 mg/l
Chromium	0.1 mg/l
Lead	refer to section on lead and copper
Mercury	0.002 mg/l
Selenium	0.05 mg/l
Nitrate	10 mg/l
Fluoride	4 mg/l
Asbestos	7 million fibers/l (>10micrometers in length)
Nitrite (As N)	1 mg/l
Combined Nitrate & Nitrite	10 mg/l

MCL: Phase V
Effective January 17, 1994

Antimony	0.006 mg/l
Beryllium	0.004 mg/l
Nickel	0.1 mg/l
Sulfate	deferred
Thallium	0.002 mg/l
Cyanide	0.2 mg/l

For systems with 150 or more service connections, monitoring is required in the January 1, 1993 through December 31, 1995 time period.

DRINKING WATER

ASBESTOS

Asbestos is an inorganic chemical that occurs naturally and has been used in the manufacture of a number of products used in the construction industry. Inhaled asbestos fibers have been identified as causing cancer. Asbestos fibers ingested through drinking water are suspected as a cancer causing agent. Asbestos occurs naturally in a few water supplies and may occur by a corrosive action on asbestos cement (AC) pipe contained in a water system.

Do The Asbestos Regulations Apply ToTribal Communities?

Yes, if you are a tribal community or non-transient non-community (NTNC) public water supply, the asbestos regulations apply to you. Since EPA has a waiver program, a vulnerability assessment may be performed on your system. If asbestos is not likely to occur in your water source, and you do not have asbestos cement pipe, your system may be designated as non-vulnerable and granted a waiver. A water supply system that is granted a waiver will not have to monitor for asbestos. If your system does have AC pipe and your water is non-corrosive, you also may be classified as non-vulnerable and eligible for a waiver. If a waiver is not granted, you will have to monitor for asbestos once every nine years.

Timetable

An MCL for asbestos was final as of January 30, 1991. If your water supply system is vulnerable for asbestos in the water, you will have to take one sample within the first compliance period of each compliance cycle (1993-96).

MCLs

The MCL for asbestos is 7 million fibers/liter (longer than 10 micrometers). If your system is required to test for asbestos and it has asbestos cement pipe the sample will be taken at the tap. If your system has asbestos in the source water only then test at the entry point to the distribution system representative of the source. If your first test exceeds the MCL, you may wish to take a confirmation sample. Compliance will be based on the average of the two. If the sample is still over the MCL, then quarterly testing is required.

Actions Your Tribal Community Should Be Taking

-Cooperate with EPA in terms of performing initial monitoring, applying for a waiver and/or performing a vulnerability assessment.

If Your Tests Indicate Levels Of Asbestos Higher Than The MCL, You Are In Violation Of The MCL. You Should:

-Test quarterly.

-Notify EPA and complete Public Notices as required.

-Work with EPA and/or IHS to determine if asbestos is in your source water and/or is being leached from your asbestos cementpipe. Plan a corrective action.

-If asbestos is in your water source, it may be removed with coagulation/ filtration or direct and diatomite filtration. Corrosion control is used to reduce leaching of fibers from asbestos cement pipe.

Other Important Considerations

EPA proposed (in 1986) under the Toxic Substance Control Act to ban the manufacture of many asbestos products including asbestos cement pipe. There is no plan to call for the removal of existing pipe, but a water system may need to provide for corrosion control if there is asbestos cement pipe in their system. More important may be the need to plan for materials and procedures to repair existing asbestos cement pipe in the future.

The greatest risk related to asbestos cement pipe is to the maintenance worker who is repairing or otherwise coming into contact with the pipe. Inhaling the dust (fibers) from cutting the pipe is particularly hazardous. The Occupational Safety and Health Administration (OSHA) of the Department of Labor has published rules concerning occupational exposure to asbestos. If you work with asbestos cement pipe in your community, contact IHS for information on this rule.

Additional Information

The rules for Asbestos are contained in 40 CFR 141.23 and 141.62.

The rules of OSHA on Occupations Exposure to Asbestos are contained in 29 CFR 1910 and 1926.

DRINKING WATER

FLUORIDES

Fluorides are compounds that contain an ionic form of the element fluorine.

Fluorides occur naturally in many water sources and are added in the treatment process by many public water systems. Fluorides in amounts between 1.0 and 1.5 mg/l have beneficial effects in reducing tooth decay. Amounts above 4.0 mg/l may cause bone and skeletal changes. Amounts greater than 2 mg/l can cause discoloration of teeth.

Does The Fluoride Regulation Apply To Tribal Communities?

Yes, all tribal water systems must test for fluoride every three years (groundwater) or every year (surface water).

Timetable (For Revision Of Regulations)

Testing for fluoride was required prior to the 1986 SDWA (Safe Drinking Water Act) Amendments. The new regulations on fluorides continue the testing requirement of every three years for groundwater supplies and every year for surface water supplies (Usually done with the routine testing for other regulated inorganic chemicals -IOCs.). Waivers from fluoride monitoring as for other IOC's, are possible. A new MCL was set in the final rules published on April 2, 1986 and became effective in October 1987.

MCLs

MCL = 4.0 mg/l (secondary standard suggested level = 2.0 mg/l).

If your tests show levels less than the 2.0 mg/l, your community needs to do nothing about fluoride. Plan your next routine test in one or three years.

Actions Your Reservation Should Be Taking

If your tests indicate fluoride levels between 2.0 and 4.0 mg/l, you should check with EPA and/or IHS to see if any changes in operations can be made to lower the fluoride level. As this is not an MCL violation, immediate action is not required, but planning should be undertaken to reduce levels below 2.0 mg/l. Public notice is required for levels between 2.0 and 4.0 mg/l. The mandatory text of this notice is given in Section 143.5 of the National Secondary Drinking Water Regulations.

If Your Tests Indicate Fluoride Levels Above 4.0 mg/l, You Are In Violation Of The MCL, And You Should:

-Notify EPA, and complete public notices as required.

-Work with EPA and/or IHS to plan for a change in your water supply and/or treatment system to lower the fluoride levels.

-Continue regular testing, as suggested or required by EPA to monitor fluoride levels while you are working on solutions. Notify the public periodically, as required.

Solutions to fluoride MCL violations for very small water systems usually involve finding and using a new water source or mixing existing sources to reduce the fluoride level. Removing fluoride through treatment can be cost prohibitive for very small systems.

Additional Information

The rule for fluoride is contained in 40 CFR 141.23 and 141.62.

"Removal of Excess Fluoride in Drinking Water," "Fluoridation Engineering Manual," EPA, available from the Safe Drinking Water Hotline: 1-800-426-4791.

DRINKING WATER

LEAD MATERIAL BAN

Lead is a metal which, in the past, has been used for water supply pipe, joints in other pipe materials and in alloy with other metals as solder in joining copper pipe and in the manufacture of water supply fixtures. Lead has been identified as a cause of central and peripheral nervous system damage, kidney effects and can be highly toxic to infants and the developing fetus of pregnant women. Lead in plumbing materials may be leached into drinking water by corrosive water.

Does The Lead Material Ban Apply To Tribal Communities?

Yes, the use of solder containing more than 0.2% lead in the installation of new plumbing in tribal facilities that are connected to the water supply is banned. Also, pipes and pipe fittings may not contain more than 8.0% lead. The law applies only to plumbing which distributes drinking water and does not require the removal of existing lead pipes or solder.

Timetable and MCLs

On October 28, 1987, specific public notice requirements were published as a final rule. There is no MCL involved in the Lead Material Ban. See the section on Lead and Copper for additional information.

Actions Your Reservation Should Have Completed:

- Complete a plumbing materials inventory in cooperation with EPA and IHS.

- Complete a set of tests, as instructed by EPA, to identify the corrosion related factors in your water supply.

- Publish a notice about the lead ban and the information on corrosiveness for the information of tribal members. (This was to have been completed by June 19, 1988.)

- Consider adopting an ordinance or rule prohibiting the use of lead materials in any new plumbing that is connected to your water system. If your tribal community has adopted one of the national plumbing codes, these codes have all been amended to include the lead materials ban.

Actions Your Reservation Should Now Be Taking

-Inform tribal members involved in new construction or the replacement of plumbing that the lead materials ban is in effect for your water system. (Requiring a simple permit and inspection of new plumbing is one way some communities carry out this information requirement.)

-Make information available to tribal members on the actions they can take to reduce lead levels in the water they consume in their own home.

-If your water supply is very corrosive, contact EPA and/or IHS to plan for ways you can reduce the corrosive impact of your water on the lead that may be contained in tribal members' plumbing.

-If you have lead pipe or fixtures in your distribution system, consider replacement with non-lead materials. Leaded joints in old cast iron or other pipe is not believed to leach significant amounts of lead into the water. Replacement is not required by the Lead Ban but may be required for systems that continue to exceed the lead or copper action levels under the Lead Copper Rule.

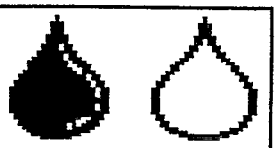
Additional Information

The statute for the Lead Material Ban is contained in the Safe Drinking Water Act, Section 1417(a)(1) & (2).

"Lead and Your Drinking Water," EPA, available from the National Safe Drinking Water Hotline: 1-800-426-4791.

"The Lead Ban: Preventing the Use of Lead in Public Water Systems and Plumbing Used for Drinking Water," EPA. Available from the National Safe Drinking Water Hotline at 1-800-426-4791.

WATER PROGRAM



DRINKING WATER

LEAD AND COPPER

Lead and copper are inorganic chemicals that are occasionally found in water supplies and are frequently leached out of plumbing in water systems that have corrosive water. Lead can cause central and peripheral nervous system damage, kidney effects and be highly toxic to infants and in the developing fetus of pregnant women. Copper causes taste problems and stains porcelain and can also cause stomach and intestinal distress.

Timetable

Testing and MCL compliance for lead has been in effect for a number of years prior to the 1986 SDWA Amendments for community water supplies. In June 1991, EPA published new rules that deleted the MCL for lead but required that additional sampling be done at tribal members' taps. High levels of lead and copper at the customer taps will trigger requirements of treatment of the water supply to reduce corrosivity; education should also be provided to help tribal members reduce their intake of lead and copper.

Action Levels Per The New Rule:

-The treatment technique requirements are triggered by exceedances of the lead action level of 0.015 mg/l or the copper action level of 1.3 mg/l measured at the 90th percentile.

-All water systems are required to collect one sample for lead and copper analysis from the following number of sites during each six-month monitoring period.

System Size (Population)	No. of Sampling Sites (Initial Base Monitoring)	No. of Sampling Sites (Reduced Monitoring)
501 to 3,300	20	10
101 to 500	10	5
<100	5	5

The above samples must be collected per monitoring period. For small water systems, there are two monitoring periods per calendar year, July 1993 to December 1993 and January 1994 to June 1994.

Compliance Deadlines

ACTION	SYSTEM SIZE <3,300
Begin monitoring	July 93
Complete treatment study (if required by EPA)	July 96
Recommend treatment to EPA	
-Study not required	July 94
-Study required	July 96
Complete treatment installation	
-Study not required	Jan 98
-Study required	Jan 99
Complete follow-up monitoring	
-Study not required	Jan 99
-Study required	Jan 2000

Sample Collection Methods And Locations

-First flush tap water samples must stand motionless for at least six hours before the samples are collected.

-One liter of water must be drawn from the cold water kitchen or bathroom tap.

-Systems may collect samples or enlist residents to collect samples. Residents fill the container supplied by the water system according to directions and leave the container for the system to pick up.

-Begin tap water monitoring program by July 1993. Tap water samples must be collected at high risk locations:

- o homes with lead solder installed after 1982,
- o homes with lead pipes,
- o homes with lead service lines.

Public Education Program Requirements:

PWSs which exceed the lead action level must deliver a public education program to their consumers. Please note that this program is different from the public notification requirements discussed separately beginning on page 74.

The rule provides specific language for use in all printed materials, public service announcements (PSAs) and broadcast materials. This language describes the potential health effects of excess exposure to lead and the reasons why lead in drinking water is of particular concern. It provides step-by-step instructions for water testing and follow-up actions that can be taken to reduce both short-term and long-term exposure to lead in drinking water. The rule also requires the water system to provide tap collection for any customers who request this service. The system, however, is not required to pay for collecting and analyzing the sample.

The program must be delivered to your entire service area, and targeted to high-risk segments of the population . The following are required:

- Distribute informational notices in water utility bills, along with a special alert on the water bill itself, *every 12 months*;
- Publish informational notices in major local newspapers, *every 12 months;*
- Deliver brochures *every 12 months* to specified facilities and organizations, including schools, health departments, hospitals/clinics, and
- Release PSAs every six months to at least five of the radio and television stations with the largest audiences that broadcast to the community served by the water system.

Water systems must perform these actions within 60 days from the time the lead action level is exceeded and repeat for as long as the action level is exceeded.

The tribal community must also submit a letter to EPA by December 31st of each year demonstrating compliance with the public education aspects of the regulation.

Additional Information

The regulations for lead and copper are contained in Subpart I of 40 CFR Part 141.

"Fact Sheet: National Primary Drinking Water Regulations For Lead and Copper" available from EPA.

"Lead and Copper Monitoring Guidance for Water Systems Serving
501-3,300 Persons"
101-500 Persons"
<100 Persons" All available from EPA's National Drinking Water Hotline.

DRINKING WATER

SYNTHETIC ORGANIC CHEMICALS (Non-Volatile)

Synthetic organic chemicals (SOCs) are man-made compounds used for a variety of industrial and agricultural purposes. For monitoring purposes, the SOCs are divided into two groups - volatile synthetic organic chemicals (VOCs) and others which are usually called pesticides and PCBs. This page will discuss SOCs that are not volatile. VOCs will be discussed on a separate page. Also see the page on disinfection by-products. SOC effects include damage to the nervous system, kidneys and cancer risks.

Timetable (For Revisions To Regulations)

New regulations called Phase II were finalized January 30, 1991. These regulations added 13 new SOCs and revised five SOCs. All tribal community and non-transient non-community water supplies will be required to test for SOCs. For a water supply that is vulnerable to SOCs, quarterly sampling is required beginning in 1993, the first compliance period (1993-1996) in the first compliance cycle (1993-2001). If SOCs are not detected, the required repeat sampling is: two quarterly samples beginning in the second compliance period (1996) for water supplies greater than 3,300 people, or one quarterly sample also beginning in the second compliance period for water supplies with less than 3,300 people.

It is the water supply's responsibility to perform the vulnerability assessment for SOCs. The vulnerability assessment is mailed to EPA with a request for a waiver. If a waiver is granted, no monitoring is required for the compliance period. The water supply must be granted a waiver before the year testing is required. Every compliance period thereafter, the water supply must update the vulnerability assessment and be granted a waiver. Several methods are required to test for all the SOCs, which adds tremendously to the cost.

The Phase V regulations, which were final on July 17, 1992, added 15 non-volatile SOCs and three VOCs. The procedures and monitoring requirements are the same for these contaminants as required under the Phase II rule. Because EPA is required to add contaminants to the list to be regulated on a regular schedule, SOCs will probably be added to the list. The water supply will want to perform a vulnerability assessment on these new SOCs and request a waiver to reduce or eliminate monitoring.

MCLs

A separate page is included to list the MCLs for SOCs. These MCLs are not enforceable in very small systems until 48 months after the final rules are published.

Actions Your Tribal Community Should Be Taking

- Complete any sampling for currently regulated SOCs as required, if your system uses surface water.

- Cooperate with EPA to determine vulnerability of your water supply to SOC contamination. If it is determined that you are non-vulnerable (SOCs are not around to get in your supply) you will not have to sample for SOCs.

- If your system is vulnerable, cooperate with EPA to get the first round of samples taken. If SOCs are not detected, you will not have to sample until the second compliance period (1996-99).

If Your Tests Indicate Levels Of A SOC Higher Than The MCL(Year Average), You Are In Violation Of The MCL. You Should:

-Continue quarterly sampling (at times of highest vulnerability, i.e., after fertilizer application and a rain).

-Notify EPA and complete public notices as required.

-Request an exemption from EPA to allow the community to continue to use the water supply while the solutions to the MCL violation are being explored and any needed financing is being planned.

-Work with EPA and/or IHS to determine how SOCs are getting into your water supply. If possible, eliminate the source of contamination. If you must treat your water supply to remove the SOCs, work with IHS to choose the best available technology for treatment.

Additional Information

- The rules for SOCs are contained in 40 CFR 141.24 and 141.61.

- "Pesticides in Drinking Water Wells, " EPA.

Phase II

Contaminant	MCL
Alachlor	0.002 mg/l
Aldicarb*	0.003 mg/l
Aldicarb Sulfoxide *	0.004 mg/l
Aldicarb Sulfone *	0.003 mg/l
Atrazine	0.003 mg/l
Carbofuran	0.04 mg/l
Chlordane	0.002 mg/l
Dibromochloropropane (DBCP)	0.0002 mg/l
2,4-D	0.07 mg/l
Heptachlor	0.0004 mg/l
Heptachlor Epoxide	0.0002 mg/l
Lindane	0.0002 mg/l
Methoxychlor	0.04 mg/l
PCB's	0.0005 mg/l
Pentachlorophenol	0.001 mg/l
Toxaphene	0.003 mg/l
2,4,5-TP (SILVEX)	0.05 mg/l
Acrylamide	Treatment Technique
Epichlorohydrin	Treatment Technique

*These have been suspended, and will not be enforceable under current regulations.

Phase V (SOCs)

Endrin	0.002 mg/l
Dalapon	0.2 mg/l
Diquat	0.02 mg/l
Endothall	0.1 mg/l
Glyphosate	0.7 mg/l
Di (Ethylehexyl) Adipate	0.4 mg/l
2,3,7,8-TCDD(Dioxin)	3 x 10 (-8) mg/l
Hexachlorocyclopentadiene	0.05 mg/l
Oxamyl (Vydate)	0.2 mg/l
Simazine	0.004 mg/l
PAH's [Benzo(a)pyrene]	0.0002 mg/l
Hexachlorobenzene	0.001 mg/l
Di(ethylhexyl) Phthalate	0.006 mg/l
Picloram	0.5 mg/l
Dinoseb	0.007 mg/l

DRINKING WATER

VOLATILE ORGANIC CHEMICALS

Volatile Synthetic Organic Chemicals (VOCs) are man-made compounds used for a variety of industrial and manufacturing purposes. VOCs tend to be in a gaseous form under conditions that may occur in a water system and then separate from the water supply. VOCs have various effects on the liver, kidneys, nervous system and some pose a cancer risk.

Do the VOC regulations apply to tribal communities?

Yes, the initial Volatile Organic Chemical (VOC) rule became effective on January 9, 1989. This rule, called Phase I, set maximum contaminant levels (MCLs) for eight VOCs and required all community and non-transient, non-community water supply systems to monitor for, and if necessary, treat their supply to remove these chemicals. VOC monitoring requirements were revised on June 30, 1991 to synchronize them with other VOC monitoring requirements in a new set of regulations called Phase II. This rule set MCLs for 10 additional VOCs. Other Phase II regulations became effective July 30, 1992. More new regulations, called Phase V, added three new VOCs. The Phase V rule becomes effective on January 31, 1994.

The VOC MCLs are listed below.

Phase I - Effective January 9, 1989

VOC	MCL (mg/l)
Benzene	0.005
Carbon Tetrachloride	0.005
1,2-Dichloroethane	0.005
Para-Dichlorobenzene	0.075
1,1-Dichloroethylene	0.007
1,1,1-Trichloroethane	0.20
Trichloroethylene	0.005
Vinyl Chloride	0.002

Phase II - Effective July 30, 1992

VOC	MCL (mg/l)
o-Dichlorobenzene	0.6
cis-1,2-Dichloroethylene	0.07
trans-1,2-Dichloroethylene	0.1
1,2-Dichloropropane	0.005
Ethylbenzene	0.7
Monochlorobenzene	0.1
Styrene	0.1
Tetrachloroethylene	0.005
Toluene	1
Xylenes	10

Phase V - Effective January 30, 1994

VOC	MCL (mg/l)
Dichloromethane	0.005
1,2,4-Trichlorbenzene	0.07
1,2,2-Trichlorethane	0.005

Monitoring Requirements

A major feature introduced in Phase II is its plan for synchronizing compliance monitoring across several existing and upcoming rules. Under this Standardized Monitoring Framework, the various monitoring frequencies for most source-related contaminants will be coordinated within compliance periods of three years each. Some monitoring and related system activities, such as vulnerability assessments, will occur at intervals which may span across up to three of these three-year periods, forming a nine-year compliance cycle. The first compliance cycle and the initial compliance period both begin on January 1, 1993.

Other features of Phase II monitoring requirements include:

Sampling location - Groundwater systems must sample at entry points to the distribution system which are representative of each well after any application of treatment. Surface water systems must sample at points within the distribution system which are representative of each source or at entry points to the distribution system after any application of treatment. Samples must be analyzed by a State-certified lab.

Initial sampling frequency - All systems must sample at a base (or minimum) frequency which is specific for a contaminant or contaminant group. EPA may grant monitoring waivers (as discussed below) and may allow a system to substitute suitable previous monitoring data for this initial monitoring. In the initial compliance period, the actual year in which a system samples will be determined by EPA.

Repeat sampling frequency - In general, if a system does not detect contaminants in initial samples, then repeat sampling frequencies will be lower than initial frequencies. Repeat monitoring requirements are generally the same for all systems regardless of system size or water source.

Trigger to increase monitoring - If contaminants are detected in any sample, the system must begin quarterly sampling until EPA determines that subsequent results are "reliably and consistently" below the MCL. At least two to four samples must be taken before this determination may be made. Detection is defined separately for various contaminants or contaminant groups at either the MCL, 50 percent of the MCL, or at the analytical method detection limit.

Monitoring waivers - Sampling frequencies may also be reduced or eliminated if the system obtains a waiver based on: previous sampling results and/or an assessment of the system's vulnerability to each specific contaminant. There are two types of waivers based on vulnerability assessments:

Use waiver: A system may be eligible for a waiver if it can show that a contaminant has not been used, manufactured and/or stored withing a certain area around the system's water source. If use cannot be determined, a use waiver cannot be granted.

Susceptibility waiver: Even if a system is not eligible for a use waiver, it may be eligible for a waiver based on its susceptibility in terms of source protection, wellhead protection program reports, previous sample results, environmental transport and fate of the contaminant, and elevated nitrate levels. If susceptibility cannot be determined, this type of waiver cannot be granted.

Unregulated contaminant monitoring - Phase II also contains one-time monitoring requirements for 30 other contaminants during the initial period which begins on January 1, 1993. Systems must take one year of quarterly samples for organic contaminants, and one sample for inorganic contaminants. No MCLs have been set for these contaminants, and no further monitoring is required if these chemicals are detected. Systems only need to report the results of this monitoring to the State. Systems with less than 150 service connections may request a waiver from EPA.

Additional Information

The rules for VOCs are contained in 40 CFR 141.24 and 141.61.

Compliance Monitoring Requirements

Contaminant	Base Requirement		Trigger that Increases Sampling	Waivers for Base Requirements
	Ground water	Surface water		
Asbestos	1 Sample every 9 years		> MCL	YES Based on VA[1]
Nitrate	Annual	Quarterly	≥ 50% MCL	NO
	After 1 year < 50% of MCL, SWS may reduce to an annual sample			
Nitrite	1 Sample: If < 50% of MCL, state discretion		≥ 50% MCL	NO
Inorganics	1 Sample every 3 years	Annual sample	> MCL	YES Based on analytical results of 3 rounds
VOCs[2]	4 Quarterly samples every 3 years Annual after 1 year of no detects		> 0.0005 mg/L	YES Based on VA[1]
17 Pesticides and other SOC's	4 Quarterly samples every 3 years After 1 round of no detects: systems >3300 reduce to 2 samples per year every 3 years; systems ≤ 3300 reduce to 1 sample every 3 years		Method Detection Limit (MDL)	YES Based on VA[1]
Unregulated IOCs[2] SOCs[2]	1 Sample 4 Consecutive quarterly samples		N.A.	YES Based on VA[1]

[1] VA = Vulnerability Assessment

[2] VOCs - Volatile Organic Chemicals
IOCs - Inorganic Chemicals
SOCs - Synthetic Organic Chemicals (Non-Volatile)

WATER PROGRAMS

DRINKING WATER

COLIFORM MONITORING

Bacteria from sewage and animal wastes have presented the most frequent and immediate health risks to water supplies over the years. Coliform bacteria, specifically the presence of fecal and *E. coli* bacteria, are used as the best and most easily tested for indicators of potentially harmful bacteria in the water.

Does The Coliform Monitoring Rule Apply To My Reservation?

Yes, all tribal water systems must submit samples for coliform bacteria testing on a regular monthly basis. Failure to submit samples, meet the MCL and report non-compliance are all violations of the rule.

Timetable

Your community has been required to test for coliform bacteria for many years. The 1986 Amendments to the Safe Drinking Water Act caused new rules to be published that change some of the procedures for testing, change the MCL and require certain public notification related to coliform monitoring. These rules were published in final form on June 29, 1989, and became effective December 31, 1990.

MCLs

The MCL is based on the presence or absence of total coliforms in a sample (the old MCL was based on an estimate of coliform density). The presence of total coliform bacteria indicates the possible presence of fecal and disease-causing bacteria. A small water system may have no more than one coliform-positive sample per month.

Monitoring Requirements

You are required to submit a minimum of two routine samples per month, depending on the size of your system -- one sample for 25-1000, two samples for 1,001 to 2,500, and three for 2,501 to 3,300. (Carefully follow procedures for sampling provided by your testing laboratory.). Samples are to be from different tribal members' taps from month to month. If the sample tests positive for total coliforms, you must (within 24 hours of notification of the result) collect four repeat samples for each positive routine sample. These repeat samples must be collected within five service connections of the original sample with at least one being at the original location, at least one upstream and at least one downstream. If total coliforms are detected in any repeat sample, your water system is in violation of the MCL and you must notify EPA no later than the end of the next business day that you learned of the violation.

If fecal coliforms or *E. coli* are identified in a repeat sample following a routine total coliform positive sample (or vice versa), it becomes an acute violation and you must notify EPA the same day you receive the results. During the month following one or more positive coliform samples, you must collect a minimum of five routine samples. EPA may choose to require more routine samples per month.

A sanitary survey of your system is conducted by EPA at least every five years. The initial survey must be completed by June 29, 1994. Without the sanitary survey, you would have to collect a minimum of five routine samples every month.

Actions Your Tribal Community Should Be Taking If Your System Is Not Having Total Coliform Positive Tests:

-Continue to submit regular samples and review results.

-Maintain a good operation and maintenance program for your water system including regular line flushing at fire hydrants and on dead ends.

If Your System Has A Coliform-Positive Sample Result:

-Immediately take and process your repeat samples.

-Carefully review your sample taking procedures to be sure you are not accidentally contaminating the samples.

-Call EPA and ask for help to locate any possible sources of contamination.

-Follow EPA's direction in issuing public notices.

Additional Information

The rule for coliform monitoring is primarily contained in 40 CFR 141.21 & 141.63, and public notice rules in 40 CFR 141.32.

WATER PROGRAMS

DRINKING WATER

SURFACE WATER TREATMENT RULE

The Surface Water Treatment Rule (SWTR) was published in the *Federal Register* on June 29, 1989. It became effective on December 31, 1990. This rule requires water treatment in lieu of water testing because it regulates contaminants which are difficult to detect and pose acute health risks.

Under this rule, disinfection and filtration are required for surface water systems and for groundwater systems under the direct influence (UDI) of surface water. These systems must install filtration if the microbiological, turbidity and other standards in this rule are not met. All surface water systems must disinfect.

Does the Surface Water Treatment Rule apply to tribal communities?

Yes, it applies to all Water Supply Systems (community and non-community) using a surface water source (i.e. water open to the atmosphere and subject to surface runoff) or a groundwater source under the direct influence of surface water.

Water Treatment Requirements

Specific enforceable MCL standards for these microbial contaminants are not established in this rule. Instead, treatment will be required for surface water systems.

Criteria to be met by systems seeking to avoid filtration

Although all surface water systems are required to filter their water, unfiltered systems may avoid this requirement as long as they meet certain source water quality and system operation criteria. These criteria are given in the following table. The water supply source must not exceed bacterial and other standards before the water is treated. The effectiveness of disinfection will be demonstrated in part by the amount of disinfectant in treated water and the length of time it is in contact with the water before reaching the first customer.

The water system must also operate in a way which minimizes the risk that the supply will be susceptible to microbiological contamination:

-System must maintain a watershed control program.

-System must have no more than 2 monthly total coliform MCL violations in any consecutive two month period.

-System must have no history of waterborne disease outbreaks.

-System serving 10,000 or more people must be in compliance with Total Trihalomethane requirements.

Criteria for filtered systems

Systems which filter their water must ensure that the overall filtration and disinfection process they use is performing effectively as demonstrated by turbidity and disinfection criteria. These criteria are given in the table below. As with unfiltered systems, effectiveness will be demonstrated in part by the amount of disinfectant and the length of time it is in contact with the water before reaching the first customer.

Unfiltered System Criteria

Criterion	Standard
Source water quality	
Coliforms	acceptable
Turbidity	<5 NTU
Disinfection	
Giardia	99.9% effective
Viruses	99.99% effective
Residual	0.2 mg/l at entry
Coliform Sampling	
25-501 persons served	1/week
501-3300	2/week
3301-10,000	3/week
10,000-25,000	4/week

Filtered System Criteria

Criterion	Standard
Turbidity	<5 NTU at all times
	<0.5 NTU in 95% of all samples
Disinfection	
Giardia	99.9% effective
Viruses	99.99% effective
Residual	0.2 mg/l at entry

Compliance

Systems are given time to comply with the water quality standards and treatment requirements of this rule. Specific dates are given in the following table.

Surface water (SW) systems

- Unfiltered systems must meet monitoring requirements within 18 months after the rule becomes effective.

- To avoid filtration, unfiltered systems must meet criteria within 30 months after the rule becomes effective. Beginning 30 months after the rule becomes effective, unfiltered systems which fail to meet any criteria must install filtration within 18 months of such failure.

- Filtered systems must meet monitoring and treatment performance requirements beginning 48 months after the rule becomes effective.

Groundwater systems under direct influence of surface water (GW-UDI)

-EPA will determine which water systems are under direct influence of surface water within 5 years after the rule becomes effective.

Compliance Dates

System Type	Requirement	Date
SW-UF	Begin monitoring	12/31/90
SW-UF	Meet all criteria to avoid filtration	12/31/91
SW-UF	Install filtration if required to filter	6/29/93
SW-F	Performance and monitoring	6/29/93
GW-UDI	EPA must notify system that it is UDI	6/29/94

Additional Information

The rule for surface water treatment is contained in Subpart H of 40 CFR Part 141.

EPA's "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water." Call the Safe Drinking Water Act Hotline: 1-800-426-4791.

DRINKING WATER

RADIONUCLIDES

Radionuclides are radioactive particles that occur naturally in areas of uranium and radium deposits and in waste from man-made processes. Radionuclides, even in very small concentrations, pose a cancer risk.

Does the Radionuclides Regulation Apply to Tribal Communities?

Yes, radionuclides have been regulated since 1976 with MCLs currently set for four types. All water systems must test for radionuclides at least every four years.

Timetable (For Revision of Regulation)

Proposed regulations were published in July 1991 that will add MCLs for two additional radionuclides (Radon and Uranium). Final new rules may be published in 1995. Radon, hoever, is under a moratorium and will not be included in the 1995 rule. Systems will begin to monitor under the new radionuclide rules in 1996. Until then, continue to monitor under the old rules.

MCLs

The following are current MCLs for radionuclides and the levels that are proposed. The units of measure are peculiar to radioactivity and represent very small quantities.

	Current MCL	MCL Likely to be Proposed
Gross Alpha Particle Activity	15 pCi/l	15 pCi/l
Combined Radium - 226 & 228	5 pCi/l	-
Radium - 226	-	5 pCi/l
Radium - 228	-	5 pCi/l
Uranium	-	80 ug/l

Actions your tribal community should be taking

Submit samples as required for routine testing. The monitoring process requires one sample every three months for one year (four samples in total). Unless test results indicate radionuclide values above or near the MCL, the test is repeated only every four years. Mark your calendar a few months prior to the four year time limit to remind yourself to test.

Compliance with the MCL is based on the results of a composite of the four quarterly samples.

If Your Tests Indicate Levels of Radionuclides Higher Than The MCL, You Should:

-Ask EPA if you should resample to confirm the test results.

-Follow EPA's instructions regarding when and what type of public notice you need to give.

-Request an exemption from EPA to allow the community to continue to use the water supply while solutions to the MCL violation are being explored and any needed financing is being planned.

-Start working with EPA and/or IHS to consider options to eliminate the radionuclides from your system. In nearly all tribal water systems, finding a different source of water supply is the most economical solution to a radionuclide problem.

-Remember that exposure to radionuclides at levels found in water is a risk over long term exposure. It is not an acute risk for short periods of time. Don't panic or start unrealistic fears. Do proceed to work out a reasonable and affordable solution for your drinking water supply.

Additional Information

The rule for radionuclides is contained in 40 CFR 141.15, 16 and 26.

"A Study of Possible Economical Ways of Removing Radium From Drinking Water" is available from EPA by calling the Safe Drinking Water Hotline at 1-800-426-4791.

DRINKING WATER

DISINFECTION AND DISINFECTION BY-PRODUCTS

Disinfectants (such as chlorine) are the primary defense against diseases caused by microbiological contaminants in public water systems. More than 90% of surface water supply systems disinfect their water while less than half of the ground water supplies are disinfected. Although disinfection is the single most important treatment technique in use in public water supplies, the disinfectants themselves can react with organic materials in water supplies to form disinfection by-products (DBPs) which may prove to contaminate the water with compounds that increase cancer risk.

Do the Disinfection and Disinfection By-products Regulations Apply to Tribal Communities?

Yes, all community and NTNC water systems will be required to disinfect their water, with allowance for variances if the water comes from sources that are determined not to be at risk from microbiological contamination. Monitoring for DBPs will be limited to systems that are determined vulnerable to their development.

Timetable

Surface water supplies are now covered by final rules on filtration and disinfection that were published on June 29, 1989. These rules require disinfection of all surface water supplies and become effective over the next three years as determined by EPA schedules. Rules for general disinfection of all drinking water supplies were proposed in June 1993 and include MCLs for a number of disinfectants and disinfection by-products. At present, three disinfection by-products (trihalomethanes) are regulated but only in community supplies of 10,000 or greater population.

MCLs

EPA proposed changing the standards in two stages. The first stage would lower the existing maximum contaminant level (MCL) for total trihalomethanes from 0.10 mg/l to 0.080 mg/l, for all public water systems. New MCLs would be established for six other contaminants, and a maximum residual disinfectant level. Some public water systems would be required to provide additional treatment to control these contaminants. The second stage would evaluate whether lower MCLs would be appropriate, using information available after the first stage.

Another regulation, the Groundwater Disinfection Rule is expected to be proposed in late 1995. This rule would require all public water systems using groundwater to disinfect the source and distribution system. Wells that were vulnerable to contamination by bacteria and/or viruses would be required to have continuous disinfection.

Actions Your Tribal Community Should Be Taking

-If your water supply is surface water, contact EPA to determine your schedule for compliance with the filtration and disinfection rules.

-If your water supply is groundwater and you are now adding a disinfectant, start regular disinfectant residual tests (weekly or monthly) at some consumer taps to determine how much disinfection is available at the "end-of-the-line" in your system. This will help you plan for modifications in your disinfection to meet any new standards that are required.

-If your water supply is groundwater and you are not adding a disinfectant now, the following steps may help in your planning:

o Check your coliform bacteria tests over the past three or four years. A history with some coliform positive tests are likely to require you to disinfect.

o If you have no coliform-positive tests, keep it that way by following a proper sampling procedure and through good maintenance and operation of your water supply and distribution systems.

o Look at and price different equipment for disinfection. For most small systems, chlorination provided through gas, liquid solutions or granular compounds are the methods used. Costs vary and may not be out of reach for your community. EPA, IHS, or an equipment supply firm can help you with this information.

o Visit neighboring communities that are disinfecting and see how they do it and what it costs.

Additional Information

The authority for Disinfectants and DBPs is in Section 1412 (b) (8) of the SDWA.

"Protecting Our Drinking Water From Microbes," EPA, available by calling the National Drinking Water Hotline 1-800-426-4791.

DRINKING WATER

PUBLIC NOTIFICATION

With the enactment of the Safe Drinking Water Act, Congress required that drinking water systems notify their customers/tribal members when drinking water standards are violated. The purpose of public notification is to inform consumers of any potential adverse health effects and to describe what steps consumers can take to minimize the impact. It should also educate the consumer about the needs of the public water system to assure the delivery of safe drinking water.

Do the Public Notification Rules Apply to Tribal Communities?

Yes, the Safe Drinking Water Act requires owners /operators of all community drinking water systems to notify the persons they serve if certain violations of the National Primary Drinking Water Regulations or certain other specified events occur.

Timetable

Public Notification rules are now in effect for all contaminants that your community is required to monitor for. As new contaminants are regulated and monitoring is required in your tribal community, you are also required to give public notification when violations occur. This information describes the Federal Rules. Your state may add requirements for your area.

Types of violations requiring Public Notification

There are six violations or events that require Public Notification:

1. Failure to comply with an applicable maximum contaminant level (MCL)

2. Failure to comply with a prescribed treatment technique

3. Failure to perform water quality monitoring (testing) as required by the regulations

4. Failure to comply with testing procedures as prescribed by a National Primary Drinking Water Regulation

5. Issuance of a variance or an exemption

6. Failure to comply with the requirements of any schedule that has been set under a variance or exemption

Notification Procedures

The method, timing and frequency of notifying the public varies based on the "level" of the violation and the availability of the public communication media. There are two "levels" of violation. Tier 1 violations include numbers 1, 2 and 6 listed above, namely, failure to comply with an MCL; failure to comply with a treatment technique; failure to comply with a schedule prescribed under a variance or exemption.

Tier 2 violations are less serious and have simpler notification requirements. They include numbers 3, 4 and 5 listed above, namely, failure to comply with monitoring requirements; failure to comply with testing procedures; operating under a variance or exemption.

Tier 1 violations are subdivided into "acute" and "non-acute" violations. "Acute" risks are those that involve an immediate risk to human health. These are violations specified by EPA and presently must include violations of the MCL for nitrate and/or nitrite, violations of the MCL for total coliforms when fecal coliforms or *E. coli* are present, and occurrences of a waterborne disease outbreak in an unfiltered surface water system.

Actions Tribal Communities Should Take

If you are informed of test results that indicate you are in violation of an MCL or you are informed of another violation, immediately contact EPA and notify them of the violation and ask their direction in proceeding with public notification. (Note: EPA may declare a sample invalid or require a check sample before confirming a violation and thereby ask you to delay public notification.)

Methods of Notification

Reservations with a daily (or weekly) newspaper of general circulation (received by most households) on the reservation:

Tier 1 Violations

1. Provide notice within 14 days of the violation through the newspaper, AND

2. Provide notice by direct mail or hand delivery within 45 days of the violation. Repeat this notice every three months as long as the violation continues, AND

3. For ACUTE VIOLATIONS ONLY - Deliver notice to the principal television and radio station serving the area within 72 hours following the violation.

Tier 2 Violations

1. Provide notice within three months of the violation through the newspaper, **AND**

2. Provide notice by mail or hand delivery within three months of the initial newspaper notice. Repeat this notice every three months as long as the violation continues.

Methods of Notification

Reservations without a newspaper:

Tier 1 Violations

1. For ACUTE VIOLATIONS ONLY - Provide notice by hand delivery or by posting within 72 hours of the violation, AND

2. For non-acute violations - Provide notice by hand delivery or by posting within 14 days of the violation, AND

3. Repeat the notice by hand delivery every three months or by continuous posting for the duration of the violation.

Tier 2 Violations

Provide notice by hand delivery or by posting within three months of the violation. Repeat the notice by hand delivery every three months or by continuous posting for the duration of the violation.

Information That Must Be Included In The Public Notice:

1. Must provide a clear and readily understandable explanation of the violation.

2. Must include information about any potential adverse health effects.

3. Must contain information about the population at risk.

4. Must contain information about the steps being taken to correct the problem.

5. Must contain information about the necessity of seeking alternative water supplies, if any.

6. Must include any preventive measures that should be taken until the violation is corrected.

7. Must be clear and conspicuous.

8. Must not contain unduly technical language.

9. Must not contain unduly small print.

10. Must not create problems that frustrate the purpose of the public notification.

11. Must include a phone number of the owner, operator, or someone to contact at the public water system as a source of additional information.

12. Where appropriate, notices must be multi-lingual.

Mandatory Health Effects Language

EPA has established language on the health effects of contaminants found in drinking water. The EPA language must be included in notices by public water systems where the system is:

- In violation of an MCL or treatment technique,
- Has been granted a variance or exemption,
- Is operating under a variance or exemption,
- Fails to comply with a variance or exemption schedule.

Currently promulgated mandatory health effects language is included in the public notification regulations cited below.

Notice to New Billing Units

In addition to complying with the public notification requirements for Tier 1 violations, community water systems must provide notice to new billing units of any existing Tier 1 acute and non-acute violations. A copy of the most recent public notice must be given to all new billing units or hookups prior to or at the time service begins.

Additional Information

The rule for Public Notification is contained in 40 CFR 141.32.

"General Public Notification for Public Water Systems," EPA, available by calling the National Safe Drinking Water Hotline at 1-800-426-4791 for a free copy.

DRINKING WATER

Regulatory Development Schedule

An important part of planning is knowing the specific regulations that will affect your particular tribal members and its water system(s), and further, knowing **when** these regulations will be in effect and enforced **in your tribal community**. Following is the most recent schedule for the development of the new regulations.

Rule	Status	Effective
Fluoride	Final	10/87
Lead Ban (SDWA 1417)	Final	6/86
Phase I Volatile Organics	Final	1/89
Public Notification	Final	4/89
Surface Water Treatment Rule	Final	12/90
Total Coliform Rule	Final	12/90
Phase II IOCs and SOC	Final	7/92
Lead/Copper	Final	12/92
Phase V IOCs and SOCs	Final	1/94
Phase III Radionuclides	Proposed	1994
Disinfection/Disinfection By-Products	TBP	1996
Revised Arsenic Standard	TBP	9/94
Sulfate Rule	TBP	10/93
Phase VIB SOCs and IOCs	TBP	1993
Repropose MCls for Aldicarb, Aldicarb sulfoxide, aldicarb sulfone	TBP	12/93
Additional List Contaminants	TBP	1997

- TBP means To Be Proposed
- IOC means Inorganic Chemicals
- SOC means Synthetic Organic Chemicals
- Some effective dates are phased-in by system size
- EPA Rules are generally effective 18 months after being finalized

DRINKING WATER

UNDERGROUND INJECTION CONTROL

The Underground Injection Control (UIC) program is authorized by the Safe Drinking Water Act. The program is primarily preventative in nature and regulates such aspects as siting, construction, operation, monitoring, and testing of various types of wells used to inject fluids underground. Five classes of wells are recognized, including:

Class I - Used to inject industrial , municipal or hazardous wastes below the lowest underground source of drinking water (USDW).

Class II - Used to inject fluids associated with oil and natural gas production.

Class III - Used to inject fluids for extraction for minerals such as salt and uranium.

Class IV - Used to inject hazardous or radioactive wastes into or above a USDW.

Class V - Wells not otherwise classified and generally used to inject non-hazardous fluid into or above a USDW.

Class I, II, and III wells have specific requirements regarding their construction and operation, and have been generally accounted for. Class IV wells are banned unless part of an authorized groundwater cleanup. Class V well occurrence is not as well documented, since this category includes any well not covered under the first four Classes. There are a variety of constructions and uses for Class V wells, including deep cased wells, seepage pits, cesspools, and septic tanks with lateral (tile) fields. (Septic tanks handling strictly domestic wastewater and serving fewer than 20 persons a day are exempt from UIC regulation.) These factors make this type of well difficult to locate. Many Class IV wells are mis-identified as Class V wells. If a well is identified as being a Class IV well, closure is required. Class IV and V wells can serve virtually any type of industrial or commercial facility including automotive service stations, lawn services, laundries and dry cleaners, transportation and road facilities, local weed control authorities, photo processing labs, electroplating companies, printers and lithographers, chemical plants, electronics manufacturers, pharmaceutical plants, food processors, and much more.

WATER PROGRAMS

CLEAN WATER
106 WATER QUALITY MANAGEMENT PLAN

Section 106 of the Clean Water Act (CWA) provides financial assistance for the assessment, then the prevention, reduction, and elimination of water pollution. The Section 106 grant can be used as a foundation for creating water quality programs. Using 106 funds, tribal communities can fund work related to a water quality standards program, groundwater protection, wetlands protection, and abatement of nonpoint source water pollution. The 106 funds cannot be used to construct water treatment facilities, to monitor the quality of water used solely for drinking, or work with water rights.

Unless changed by the pending CWA reauthorization, up to three percent of the national section 106 allocation of funds is set aside for Indian tribes. To receive a grant, a Tribe must have "treatment-as-a-state" designation under Section 106. In addition, the Tribe must have an EPA-approved workplan. Either Tribal staff or consultants can be used. Some tribes have used 106 monies alongside multi-media and other grants monies.

Some of the tribal projects that have already been funded under the 106 program include:

- Developed and refined Best Management Practices
- Developed and implemented a water quality standards program
- Reviewed stream classification system, compiled/evaluated existing data/conducted a Rapid Bioassessment of streams
- Evaluated pesticide contamination of surface water/conducted detailed ammonia study
- Conducted groundwater inventory
- Assessed the effects of siltation on a river
- Developed a water quality classification, and assessed management options.

Additional Information

- "Clean Water Act Grants for Indian [Nations] Section 106 Guidelines"

- "Indian [Nations]: Water Quality Planning & Management," Federal Register, Vol. 54, No. 68, April 11, 1989.

WATER PROGRAMS

CLEAN WATER

Nonpoint Source Pollution Control

Section 319(h) of the Clean Water Act provides financial assistance for the abatement of water pollution caused by nonpoint sources. Nonpoint sources of water pollution are multiple, diffuse sources of pollution. Primary nonpoint sources of pollution include runoff from urban areas, farming, feedlots, mining and forestry. The major pollutant from nonpoint sources by volume is sediment. Runoff may also carry oil and gasoline, agricultural chemicals, nutrients, heavy metals and toxic substances, as well as bacteria, viruses and oxygen-demanding compounds.

Using 319 funds, tribes can fund activities including information and education, demonstration projects, and implementation of Best Management Practices (BMPs) for controlling nonpoint sources of pollution. The 319 program is a non-regulatory program.

Up to one-third of one percent of the national section 319 allocation of funds is set aside for Indian tribes. To receive a grant, a Tribe must have "treatment-as-a-state" designation under Section 319. In addition, the Tribe must have an EPA-approved nonpoint source assessment and nonpoint source management plan. A section 106 grant can fund the assessment and management plan. A project implementation plan and workplan are also required. Normally, a non-federal match of 40% is necessary.

Additional Information

- "Indian [Nations]: Water Quality Planning & Management," Federal Register, Vol. 54, No. 68, April 11, 1989.

- "Guidance on the Award and Management of Nonpoint Source Program Implementation Grants under Section 319(h) of the Clean Water Act," June 11, 1993.

WATER PROGRAMS

CLEAN WATER

Water Quality Standards Program

Section 518(e) of the Clean Water Act requires Indian Nations that qualify to be treated as states, and to develop, review, and revise water quality standards, under Section 303 of the CWA, for all surface waters within their jurisdictional boundaries that meet EPA's regulatory definition of "waters of the United States." Such water quality standards must include designated water uses, in-stream criteria sufficient to protect such uses, and an antidegradation policy. Water quality standards must be reviewed and revised, if necessary, at least every three years.

Tribes may participate in the water quality standards program following EPA approval of a tribe's application for "treatment-as-a-state" under Section 303 of the Act. Tribes may use Section 106 grants for funding the development and implementation of standards. No other additional funding is available under Section 303 of the Clean Water Act. Tribes may select one of the following three options for adopting standards:

- Negotiate a cooperative agreement with an adjacent state to apply the state standards to the reservation;
- Adopt the standards of an adjacent state as the tribe's own, with or without modifications; or
- Independently develop and adopt tribal water quality standards.

Water quality standards adopted by a Tribe must be submitted to EPA for approval. Tribal water quality standards serve as the foundation for water quality certifications under Section 401 of the Clean Water Act, and may be implemented through NPDES permits, dredge and fill permits ("404 permits) and best management practices to control nonpoint sources of pollution.

Additional Information:

- 40 CFR, Part 131, Water Quality Standards Regulation.

- "Amendments to the Water Quality Standards Regulation that pertain to Standards on Indian Reservations;" Final Rule. 56 Federal Register 64876, December 12, 1991.

- "Reference Guide to Water Quality Standards for Indian [Nations], US EPA, January 1990.

WATER PROGRAMS

CLEAN WATER

Indian Set-Aside Program

The 1987 Amendments to the Clean Water Act authorized the Administrator of the Environmental Protection Agency to make grants available to tribes under the Indian Set-Aside Grant Program. Funds of one-half of one percent are taken off the top of each year's appropriation, beginning in FY87. Grants are awarded according to a priority list for the development of wastewater management plans and the construction of sewage treatment works to serve Indian Nations. Priority listing is based on three categories of criteria: water quality, public health, and existing level of treatment.

The Indian Set-Aside Program is administered by EPA for the purpose of providing funds to:

- Federally recognized Tribes with control over reservation land;

- Alaska Native Villages (as defined in the Alaska Native Claims Act); or

-Tribes on former reservations in Oklahoma.

The definition of Indian Nation provided in Section 518 of the Clean Water Act is "Any Indian [Nation], band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a federal Indian reservation."

Additional Information:

"Guidelines and Requirements For Applying For Grants From The Indian Set-Aside Program," EPA, April 1989.

CLEAN WATER

Clean Lakes Program

Section 314 of the Clean Water Act provides financial assistance in the form of cooperative agreements with Tribes under the Clean Lakes Program. Funds are provided in four stages: 1)Lake Water Quality Assessment, 2)Phase I Diagnostic/ Feasibility Study, 3)Phase II Implementation, and 4) Phase III Post-implementation Monitoring. Because of the technical nature of the Clean Lakes Program, a tribe should have a functioning water quality program in place before applying for the 314 program.

To receive a grant, a Tribe must qualify to be treated as a State under Section 518 (e) of the CWA. In addition, the Tribe must have an EPA-approved workplan, and Quality Assurance Project Plan. The tribe may, upon demonstration of hardship, provide a minimum 10 percent cost share rather than the usual 50 percent for lake Water Quality Assessment and Phase I grants, or 30 percent for Phase I and III grants.

Additional Information

- "Indian [Nations]: Water Quality Planning & Management," Federal Register, Vol. 54, No. 68, April 11, 1989.

- "The Lake and Reservoir Restoration Guidance Manual," EPA 440/4-90-007

WATER PROGRAMS

CLEAN WATER

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

Public Law 92-500 amended the Federal Water Pollution Control Act in 1972 (later amended and renamed the Clean Water Act). It established a national policy to restore and maintain the chemical, physical and biological integrity of the nation's waters. The U.S. EPA has responsibility for administering NPDES permits to Tribes. These permits are issued to operators discharging any pollutant (including wastewater effluent) to Tribal waters (such as streams, lakes, wetlands, etc.)

NPDES permits contain limits which reflect minimum treatment requirements (such as secondary treatment) and may also include limits to protect water quality standards. Tribes authorized by EPA to administer the water quality standards program must certify that an NPDES permit is consistent with Tribal water quality standards by issuing a 401 certification to the permit-issuing authority.

Actions a Tribal Community Should Be Taking

Maximize member awareness and education concerning wastewater collection and disposal, available solution alternatives, funding resources and procedures for implementing the most appropriate wastewater collection and treatment facility. Numerous technical and administrative resources are available at little or no cost to the tribal members.

Revisions to the NPDES regulations, which would allow Tribes to be delegated by EPA to administer the NPDES program and issue permits, are being planned. Until such regulations are promulgated, and a Tribe so authorized, EPA is the permitting authority for discharges to Tribal waters.

Additional Information

Federal Water Pollution Control Act of 1972 (33 U.S.C. 1342).

EPA Administered Permit Programs: The National Pollutant Discharge Elimination System, 40 CFR 122.

WATER PROGRAMS

CLEAN WATER

SECONDARY TREATMENT OF WASTEWATER

Secondary treatment is the minimum treatment requirement for most community-owned (public or tribal) treatment works. Secondary treatment, among other things, requires that effluent concentration of five-day biochemical oxygen demand (BOD_5) and total suspended solids not exceed 30 mg/l as a 30-day average. In general, at a minimum, the treatment process must be a stabilization pond.

Does The Secondary Treatment Regulation Apply to Reservations?

Yes, all treatment facilities that discharge to waters of the U.S. must comply. Beneficial uses of the receiving waters may necessitate higher quality effluent be discharged or possibly require no discharge.

Actions Your Tribal Community Should Be Taking

If a wastewater treatment plant discharges to waters of the United States (such as streams, lakes, wetlands, etc.), it is required to have a National Pollutant Discharge Elimination System (NPDES) permit. The permit will specify effluent limitations and monitoring requirements.

If a treatment facility cannot meet the effluent limitations specified in the permit, it may be necessary to upgrade the treatment facility, review operational improvements, and/or improve the sewer collection system to correct excess inflow/infiltration problems. If you suspect a problem, notify the organization you feel appropriate, starting with the facility itself, tribal officials, or EPA officials responsible for water quality and/or wastewater discharge permits.

Revisions to the NPDES regulations, which would allow Tribes to be delegated by EPA to administer the NPDES program and issue permits, are being planned. Until such regulations are promulgated, and a Tribe so authorized, EPA is the permitting authority for discharges to Tribal waters.

Additional Information:

U. S. EPA Secondary Treatment regulation, 40 CFR 133.

WATER PROGRAMS

CLEAN WATER

SEWAGE SLUDGE* USE AND DISPOSAL

Municipal wastewater sludge is a by-product of the wastewater treatment process. Sludge regulations ensure that sewage sludge is properly handled by disposal or reused as a soil conditioner or fertilizer.

Do The Sewage Sludge Regulations Apply to Tribal Communities?

Yes, the regulations apply if the wastewater treatment system includes any form of central treatment or mechanical plant, including a lagoon, which will need to be cleaned. The regulations do not apply if individual on-site septic systems are used. However, the septage from the individual on-site systems must be disposed according to final regulation.

Timetable

The final Sewage Sludge regulations were published on February 19, 1993 and became effective March 22, 1993. If tribal communities can meet the requirements of the sludge regulations without construction, it must be done by February 19, 1994. However, if construction is required, tribal communities will have until February 19, 1995. Monitoring and recordkeeping must commence by July 19, 1993.

Actions Your Tribal Community Should Be Taking

Be aware of restrictions covering proper use of the sewage sludge for land application (agricultural and small quantity local use) and proper disposal (incineration, and surface disposal). Tribal communities (except those with lagoons**) should immediately begin testing the sludge being disposed of to determine its quality. Then, the communities should evaluate which options are available based on the sludge in accordance with the regulations.

These regulations are "self-implementing." In other words, they are in effect and enforceable regardless of whether or not they are in your current wastewater treatment facility permit.

*The term, "Biosolids," may be used instead of "sludge" in some literature.

**Lagoons are not required to comply with the Sewage Sludge regulations until the sludge is removed from the lagoon.

Additional Information:

Sewage Sludge Final Rule, 40 CFR Part 503.

WATER PROGRAMS

CLEAN WATER

PRETREATMENT REQUIREMENTS

Pretreatment is the treatment of a waste before it is discharged into the sanitary sewer. A pretreatment program includes ordinances, education, inspections, monitoring, and enforcement. Pretreatment requirements control pollutants which are incompatible or will interfere with the treatment process or pass through the treatment facility and cause problems in the receiving stream or lake. In addition, pretreatment requirements will improve opportunities to recycle and reclaim domestic and industrial wastewaters and sludges.

Do The Pretreatment Requirements Apply to Tribal Communities?

Traditionally, the smaller treatment facilities with individual discharges are not required to establish local pretreatment programs. If the tribal community has non-domestic users (such as sawmills, food processing plants, metal finishers, etc.) discharging pollutants that could pass through the treatment facility untreated or interfere with operations, the tribal community may have to implement a pretreatment program to satisfy the National Pollutant Discharge Elimination System (NPDES) permit requirements.

Your current NPDES permit contains a section on prohibited discharges and industrial waste. These are pretreatment requirements and are designed to insure that you protect your treatment facility. Pretreatment discharge requirements may be imposed on industrial users of the wastewater system based on minimum treatment requirements; the protection of the collection system, treatment facility, or its workers; or to insure that the treatment facility complies with its own NPDES permit limits.

If you are required to establish a pretreatment program ,your tribal community will need to establish ordinances implementing the pretreatment requirements, and identify a person responsible for insuring the program is administered and enforced. If your tribal community wants to establish a local pretreatment program, and is not required to through your NPDES permit, contact EPA for assistance.

Additional Information :

Pretreatment Final Rule, 40 CFR 403.

WATER PROGRAMS

CLEAN WATER - STORM WATER

The storm water regulations are a new part of the National Pollutant Discharge Elimination System (NPDES). As part of the Clean Water Act amendments of 1987, Congress acted to directly address storm water by adding Section 402(p). In response to these changes, EPA issued a final application rule in November 1990.

This regulation defines the initial scope of the NPDES permit program for storm water discharges. It defines the term "storm water discharges associated with industrial activity," and "large and medium municipal separate storm sewer systems" and the permit application requirements for these discharges.

At this time, the municipal side of the program requires applications only from cities with a population of 100,000 or more, and counties having large populations in unincorporated, urbanized areas. Phase II (sometime after October 1994) may require communities less than 100,000 to obtain a permit and develop a storm water management program. Only three "industrial activities" owned or operated by a tribal community with a population under 100,000 are covered by the storm water regulations --uncontrolled landfills, airports, and power plants.

Actions Your Tribal Community Should Be Taking

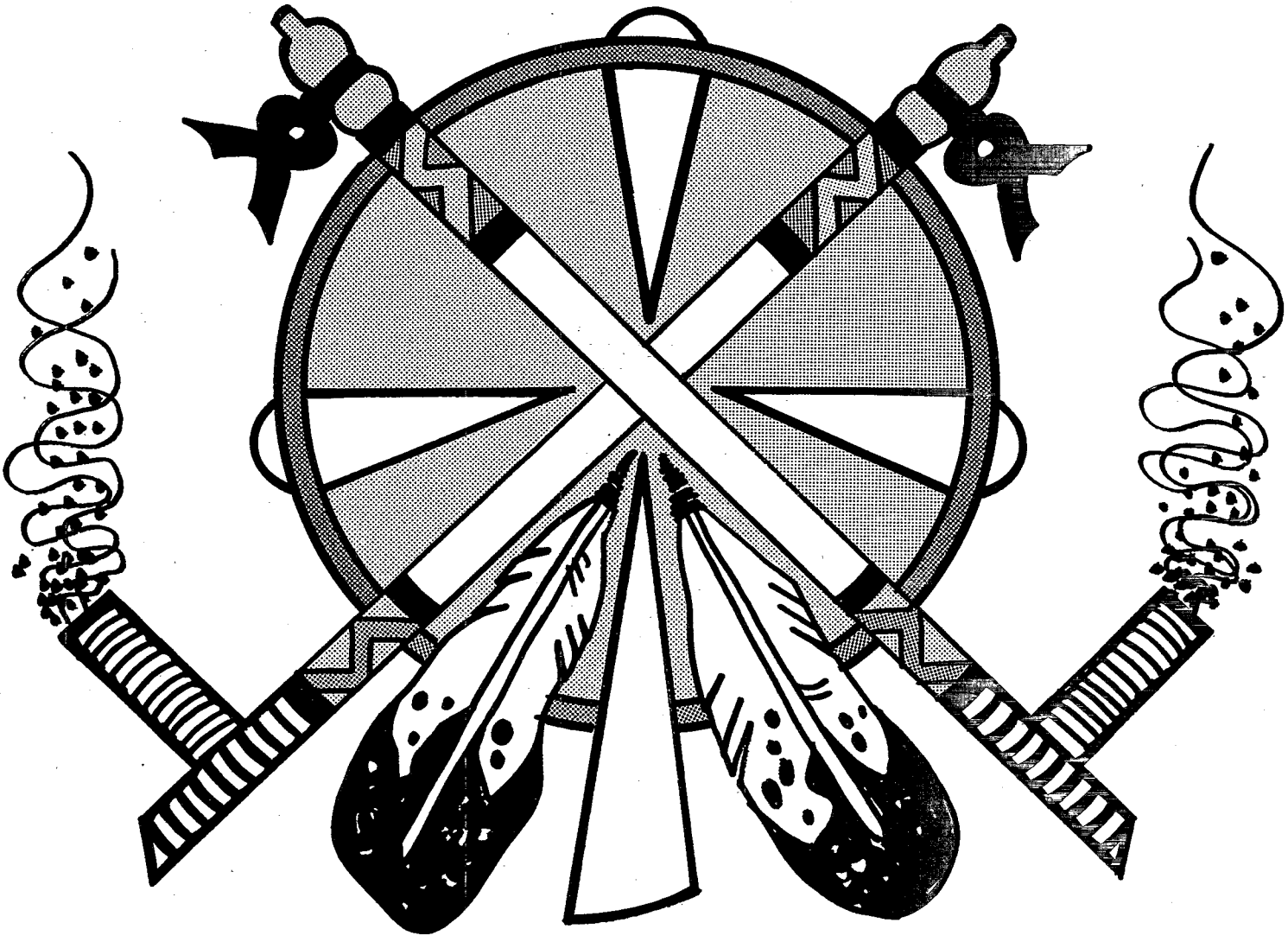
Find out if the defined industrial operations owned or operated by the tribal community (i.e. landfill, airport and power plant) need permits. The EPA contact will be able to give assistance to determine which industrial operations need permits and how to apply for the permits.

Develop an information and education program for community members to increase awareness of the relation between the storm water drain system and the local lake or stream. Storm water runoff collects in street gutters and storm drains and flows directly to streams with little or no treatment. Members need to be educated so that they are aware of the role they play in the quality of the streams and lakes. Dumping used motor oil, unused paint, pesticides and other household chemicals on the ground or in the street can severely impact nearby surface water.

Communities should also consider establishing local ordinances controlling the improper disposal or discharge of pollutants to the municipal storm water drain system.

-For the following facilities, if materials are <u>exposed</u> to storm water: facilities classified under SIC codes 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25 (including food; tobacco, textile; apparel; wood kitchen cabinets; furniture; paperboard containers and boxes; converted paper/paperboard products; printing; drugs; leather; fabricated metal products; industrial and commercial machinery and computer equipment; electronic equipment; transportation equipment; measuring, analyzing and controlling instruments and photographic, medical and optical goods, and watches and clocks; miscellaneous; and certain warehousing and storage manufacturers).

GENERAL INFORMATION



REGIONAL CONTACTS - TRIBAL

- Prairie Band of Potawatomi Indians
  14880 K Road
  Mayetta, Kansas 66509
  913-966-2255 (Fax:913-966-2144)

- Kickapoo Tribe in Kansas
  P.O. Box 271
  Horton, Kansas 66439
  913-486-2131 (Fax:913-486-2801)

- Sac and Fox Tribe in Missouri
  Route 1, Box 60
  Reserve, Kansas 66434
  913-742-7471 (Fax:913-742-3785)

- Iowa Tribe of Kansas and Nebraska
  Route 1, Box 58-A
  White Cloud, Kansas 66094
  913-595-3258 (Fax:913-595-6610)

- Omaha Tribe of Nebraska
  P.O. Box 368
  Macy, Nebraska 68039
  402-837-5391 (Fax:402-837-5308)

- Winnebago Tribe of Nebraska
  P.O. Box 687
  Winnebago, Nebraska 68071
  402-878-2628 (Fax:402-878-2632)

- Santee Sioux Tribe of Nebraska
  Route 2, Box 163
  Niobrara, Nebraska 68760
  402-857-3338 (Fax:402-857-3339)

- Sac and Fox of the Mississippi (Mesquakie)
  3137 F Avenue
  Tama, Iowa 52339
  515-484-4678 or 5358 (Fax:515-484-5424)

- Ponca Tribe of Nebraska
  P.O. Box 288
  Niobrara, Nebraska 68760
  402-857-3391 (Fax:402-857-3736)

REGIONAL CONTACTS - EPA

General Address:

U.S. Environmental Protection Agency, Region 7
726 Minnesota Ave.
Kansas City, KS 66101

Tribal Contacts:

Regional Indian Program Coordinator - Kim Olson	913-551-7539
Tribal Liaison - John Wilson	913-551-7298
Tribal Circuit Rider - Ira Salvini	913-551-7817

Environmental Justice Contact:

Rupert Thomas	913-551-7282

Pollution Prevention Contact:

Stephen Wurtz	913-551-7315

Cross Media Contacts:

Air, RCRA, Toxics Division

Asbestos Control Program	913-551-7499
Indoor Radon Program	913-551-7020

Water, Wetlands, and Pesticide Division

Office of Pesticide Program and Compliance Assurance 913-551-7473

Monitoring & Laboratory Issues 913-551-5000

Air, RCRA, Toxics Division (Lead and PCBs)

Toxic Substances Control Section 913-551-7020

Air Program Contacts:

Air, RCRA, Toxics Division

Air Planning and Development Section	913-551-7607
Air Program Operating Permits	913-551-7323
Air Programs - Air Toxics	913-551-7323

Land Program Contacts:

Superfund Division	913-551-7052

Air, RCRA, Toxics Division

RCRA Program	913-551-7051
Solid Waste Program	913-551-7051
Underground Storage Tank Program	913-551-7051

Water Program Contacts:

Water, Wetlands and Pesticide Division

Water & Wetland Protection Program	913-551-7042
Drinking Water Programs	913-551-7032 or -7416
Indian Set-Aside Program	913-551-7031
Clean Lakes Program	913-551-7439 or -7431
Other Clean Water Programs	913-551-7034
National Environmental Policy Act Program	913-551-7042 or -7776

Planning Assistance Contact:

Tribes wishing to obtain technical assistance in program planning and evaluation can call:

Policy and Program Analysis	913-551-7045

HOTLINES AND CLEARINGHOUSES

Tribal:

-American Indian Environmental Office (AIEO) U.S. EPA
401 M St. SW
Washington, D.C. 20460
202-260-7939 (Fax: 202-260-7509)

Air and Radiation:

- Air Risk Information Support Center Hotline (AIR RISC)		919-541-0888
-Emission Factor Clearinghouse		919-541-5477
-Indoor Air Quality Information Clearinghouse (IAQ INFO)		800-438-4318
	or	301-585-9020
-National Air Toxics Information Clearinghouse (NATICH)		919-541-0850
-National Radon Hotline 800-SOS RADON		800-767-7236

Hazardous and Solid Waste:

-Alternative Treatment Technology Information Center (ATTIC)		301-670-6294
-Emergency Planning and Community Right to Know Information Hotline		800-535-0202
	or	703-412-9877
-Hazardous Waste Ombudsman Program		800-262-7937
	or	202-260-9361
	or	913-551-7050
-National Response Center (NRC)		800-424-8802
	or	202-267-2675
-Resource Conservation and Recovery Act/Superfund/ Underground Storage Tank (RCRA/SF/UST)		800-424-9346
	or	800-553-7672
-Solid Waste Assistance Program (SWAP)		800-677-9424
-Asbestos Ombudsman Clearinghouse/hotline		800-368-5888
	or	703-305-5938
-National Lead Information Center Hotline 800-LEAD-FYI		800-532-3394
	or	800-526-5456
-National Pesticide Information Retrieval System (NPIRS)		317-494-6614

-National Pesticide Telecommunication Network (NPTN) 800-858-7378

-Toxic Substances Control Act/Assistance Information Service (TSCA) 202-554-1404

-Pollution Prevention (PPIC) 202-260-1023

-Radon Measurement Proficiency Program 205-272-2797
Sandy Cohen & Assoc., Inc.
1418 I-85 Parkway
Montgomery, AL 36106

-Radon Contractor Proficiency Program 612-624-8747
Midwest University Radon Consortium
St. Paul, MN 55108

Water :

-Clean Lakes Clearinghouse (CLC) 800-726-LAKE 800-726-5253
or 202-833-8317

-National Small Flows CLearinghouse 800-624-8301
&
National Drinking Water Clearinghouse or 304-293-4191

-Nonpoint Source Information Exchange (NPS) 202-260-3665

-Safe Drinking Water Hotline 800-426-4791

-Storm Water Hotline 703-821-4823

-Wastewater Treatment Information Exchange (WTIE-BBS) 800-544-1936

-Wetland Hotline 800-832-7828

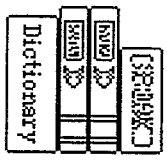
-Environmental Equity Hotline 800-962-6215
or 202-260-6357

-Environmental Financing Information Network 202-260-0420

-Inspector General Hotline 800-424-4000

-Risk Communication Hotline 202-260-5606

ACRONYMS-DEFINITIONS



AARP - American Association of Retired People
AHERA - Asbestos Hazard Emergency Response Act
AIAC - American Indian Advisory Council
AIEO - American Indian Environmental Office
AIO - Americans for Indian Opportunity
AISES - American Indian Science and Engineering Society
ANV - Alaskan Native Village
AO - Administrative Order
AQM - Air Quality Monitoring
ASHAA - Asbestos School Hazard Abatement Act
Bacteria - Microbiological contaminants found in drinking water samples are fecal coliforms and the bacterium *E. coli.* Their presence is evidence of sewage contamination.
BIA - Bureau of Indian Affairs
Biosolids - Sewage sludge, a byproduct of wastewater treatment.
BOD5 - Measurement of oxygen required for biochemical degradation of organic matter and oxygen used in oxidizing inorganic material in water (usually wastewater or receiving water sample).
C&T - Certification and Training
CAA - Clean Air Act
CEPPO - Chemical Emergency Preparedness and Prevention Office
CERCLA - Comprehensive Environmental Response, Compensation and Liability Act ; also known as Superfund.
CERT - Council of Energy Resource Tribes
CFR - Code of Federal Regulations
CR - Circuit Rider
CWA - Clean Water Act
DBP - Disinfection By-product
D/I - Direct Implementation
DOI - Department of Interior
DMR - Discharge Monitoring Report
EE - Environmental Education
EIS - Environmental Impact Statement
EPA - Environmental Protection Agency
EPCRA - Emergency Planning Community Right To Know Act
FEMA - Federal Emergency Management Agency
FIFRA - Federal Insecticide, Fungicide, and Rodenticide Act
FTS - Federal Telephone System
FY - Fiscal Year (October 1 - September 30)
GIS - Geographic Information System
GWP - Groundwater Protection
HMTUSA - Hazardous Materials Transportation Uniform Safety Act
HWM - Hazardous Waste Management

IAG - Inter-agency Agreement
IGA - Inter-governmental Agreement
IHS - Indian Health Service
ILAWG - Indian Law Attorney Work Group
IOC - Inorganic Chemical
IPA - Inter-governmental Personnel Agreement
IRAA - Indoor Radon Abatement Act
ISA - Indian Set-Aside
IWG - Indian Work Group
LCCA - Lead Contamination Control Act
LEA - Local Education Agency
LEPC - Local Emergency Planning Committee, established under SARA
LUST - Leaking Underground Storage Tank
MOA - Memorandum of Agreement/**MOU** - Memorandum of Understanding
MCL - Maximum Contaminant Level
NCAI - National Congress of American Indians
NEPA - National Environmental Policy Act
NESHAP - National Emission Standards Hazardous Air Pollutants
NPDES - National Pollution Discharge Elimination System
NPDWR - National Primary Drinking Water Regulation
NPL - National Priority List
NPS - Non-point Source
NTEC - National Tribal Environmental Council
NTNC - Non-transient non-community
O&M - Operation and Maintenance
OSHA - Occupational Safety and Health Administration
pH - A measurement of hydrogen ion in a compound; determines whether a compound is "acidic" or "basic."
PHS - Public Health Service
PPIS - Pollution Prevention Incentives to States
PRP - Potentially Responsible Party
PWS- Public Water System
RA - Regional Administrator
RCRA - Resource Conservation and Recovery Act
RIWG - Regional Indian Work Group
RRT - Regional Response Team
SARA - Superfund Amendments and Reauthorization Act
SDWA - Safe Drinking Water Act
SEE - Senior Environmental Employee
SERC - State Emergency Response Commission, established under SARA
SIC - Standard Industrial Classification
SLR - State/Local Relations
SMCRA - Surface Mining Control and Reclamation Act
SMF - Standardized Monitoring Framework

SOC - Synthetic Organic Chemical (non-volatile)
SSA - Sole Source Aquifer
SWM - Solid Waste Management
T/A - Technical Assistance
TAS - Treatment-As-A-State
TCLP - Toxicity Characteristic Leaching Procedure
TCTF - Tribal Capacity Task Force
TERC - Tribal Emergency Response Commission
TIP - Tribal Implementation Plan
TOC - Tribal Operations Committee
TRI - Toxic Release Inventory
TSCA - Toxic Substances Control Act
TWQS - Tribal Water Quality Standards
UIC - Underground Injection Control
USDA - US Department of Agriculture
VOC - Volatile Organic Chemical
WHP - Wellhead Protection
WQM - Water Quality Management
WQS - Water Quality Standards
WWTF - Wastewater Treatment Facility

When you begin a great work you can't expect to finish it all at once; therefore, do you and your brothers press on, and let nothing discourage you till you have entirely finished what you have begun?

Now, Brother, as for me, I assure you I will press on, and the contrary winds may blow strong in my face, yet I will go forward and never turn back, and continue to press forward until I have finished, and I would have you do the same...

Though you may hear birds singing on this side and that side, you must not take notice of that, but hear me when I speak to you, and take it to heart, for you may always depend that what I say shall be true.

Teedyusung
Delaware