U.S. Environmental Protection Agency
Region 7
Tribal, State and Local
Capacity Building Workgroup

January 1994

Everything You Wanted To Know About Environmental Regulations . . .

but were afraid to ask

A Guide for Indian Nations

Dear Tribal Representative:

In developing this document, "Everything You Wanted To Know About Environmental Regulations But Were Afraid To Ask," we have attempted to provide you with information that will assist you in protecting the environmental resources of your reservation.

While the Environmental Protection Agency can provide the framework for regulatory compliance, program development, and technical assistance, we acknowledge that Tribes are stewards of their land, air, and water. Tribal governments provide a vital role of educating EPA in traditional and valuable stewardship perspectives. We appreciate this leadership, and look forward to working with you in the future to protect the tribal environment.

Sincerely,

William W. Rice,
Acting Regional Administrator
Region 7 Environmental Protection Agency

SENIOR STAFF BRIEFING
REGIONAL TRIBAL LEADERS MEETING

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TAB #1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

OFFICE OF
THE REGIONAL ADMINISTRATOR

MEMORANDUM

TO: Division and Office Directors

FROM: Dennis Grams, P.E.
Regional Administrator

SUBJECT: Regional Tribal Leaders and Region VII Senior Management Meeting

On Tuesday, May 3, 1994, we will hold a meeting between Regional Tribal Leaders and Region VII Senior Staff. The meeting will be held in the Regional Hearing Room beginning at 9 a.m. and will last until 4 p.m. A copy of the letter and draft agenda sent to the Tribes announcing the meeting is attached. Any recommended changes to the draft agenda should be forwarded to Craig Bernstein at extension 7688.

At a recent National Tribal Operations Committee meeting held at EPA Headquarters, Administrator Browner reaffirmed EPA's commitment to the 1984 Policy for the Administration of Environmental Programs on Indian Reservations and pledged increased support for tribal capacity building. The Administrator has added new emphasis to the implementation of the policy by establishing the Tribal Operations Committee and the Senior EPA Leadership Team led by Martha Prothro and Bill Yellowtail.

The policy promised a long-term commitment of resources to ensure environmental protection on American Indian reservations through implementation of EPA's authorities and programs. It recognizes tribal governments as the primary authority for setting standards, making environmental policy decisions, and managing environmental programs on reservations. This strategy is implemented through grants and technical assistance allowing the Tribes to develop expertise and evaluate their needs in assuming regulatory program management responsibilities.

The purpose of the May 3 meeting is to involve the Tribal Leaders in a dialogue to determine the environmental program development needs of the reservations in our region. The issues raised and the discussions which are generated should help each of the programs plan for future tribal environmental capacity building requirements. We will prepare briefing materials and have scheduled a discussion at a senior staff meeting on May 2.

Attachments

RECYCLE
PAPER CONTAINS RECYCLED FIBERS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

Identical Letters to Region VII Tribal Chairman

OFFICE OF
THE REGIONAL ADMINISTRATOR

The U.S. Environmental Protection Agency (EPA) Region VII and I are inviting you or your representative and your environmental program coordinator to attend a meeting of Regional Tribal Leaders and Region VII Senior Management. The meeting will be held in the Regional Office hearing room (726 Minnesota Avenue, Kansas City, Kansas) on Tuesday, May 3, 1994, beginning at 9 a.m. and ending at approximately 4 p.m. On May 2, we will reserve a meeting room at the Regional Office for a pre-meeting for you and your staff with the other regional tribal leaders. My staff will be contacting you to determine your interest in attending a tribal pre-meeting and to make any arrangements which would facilitate its success.

The meeting will afford us the opportunity to become better acquainted and to exchange views about the environmental issues on your reservation. Importantly, we will have time to discuss the nature of our future working relationship and allow me to introduce my senior staff. We have enclosed a draft agenda for your review. Please recommend changes to the agenda which would allow us to better meet your requirements for the meeting.

We need your insight and expertise as Tribal leaders in identifying and framing issues and in developing strategies to promote a safe environment for everyone in Indian Country. As a result of our discussions, we hope to enhance our mutual understanding of the assistance Region VII can provide toward implementing environmental programs on Indian land.

Your pre-approved travel to the meeting will be reimbursed by EPA. Craig Bernstein, Indian Program Coordinator (913/551-7688), or John Wilson, Tribal/EPA Liaison (913/551-7298), will assist you getting your travel pre-approved. Please contact Craig or John as soon as possible so that the travel funds will be available to you or your representative. They should also be your contact for any questions or recommendation for changes to the draft agenda.

I am looking forward to this and future meetings.

Sincerely yours,

Dennis Grams, P.E.
Regional Administrator

Enclosure

RECYCLE
PAPER CONTAINS RECYCLED FIBERS

DRAFT AGENDA

REGIONAL TRIBAL LEADERS AND REGION VII SENIOR MANAGEMENT

MEETING

DATE: TUESDAY, MAY 3, 1994
LOCATION: HEARING ROOM EPA REGION VII OFFICE

9:00 - 9:15 a.m.	Gather in Hearing Room	
9:15 - 9:30 a.m.	Welcome	Dennis Grams
9:30 - 10:30 a.m.	Introduction of Senior Staff and Brief Summary of Area of Responsibility	Dennis Grams/ Senior Staff
10:30 - 12:00 p.m.	Introduction of Tribal Leaders and Brief Description of Nation	Tribal Leaders (Alphabetic)
12:00 - 1:15 p.m.	WORKING LUNCH Report on TOC and Senior Leadership Team	Lucille Bigfire/ Susan Gordon
1:15 - 1:30 a.m.	Purpose and Goals of Meeting	Group Discussion
1:30 - 2:30 p.m.	Open Discussion of Tribal Environmental Issues	Group Discussion
2:30 - 2:45 p.m.	BREAK	
2:45 - 3:45 p.m.	Future Working Relationships	Dennis Grams
3:45 - 4:00 p.m.	Future Meeting Date and Close	

REGION VII INDIAN TRIBES, CURRENT CHAIRPERSON,
AND TRIBAL CONTACTS

1. Mr. Gary Mitchell, Chairman
   Prairie Band of Potawatomi Indians
   P.O. Box 97
   Mayetta, Kansas 66509
   Contacts: Mary Mitchell
   Phone: 913/966-2255
   Fax No.: 913/966-2144

2. Mr. Emery Negonsott, Chairperson
   Kickapoo Tribe in Kansas
   P.O. Box 271
   Horton, Kansas 66439
   Contact: Fred Thomas
   Thomas Conklin, Environmental Department
   Phone: 913/486-2131
   Fax No.: 913/486-2801

3. Ms. Joan Rebar, Chairperson
   Gary Bar, Vice Chair
   Sac and Fox Tribe of Missouri
   P.O. Box 38
   Reserve, Kansas 66529
   Contact: Corbin Shuckahosee, Treasurer
   Phone : 913/742-7471
   Fax No.: 913/742-3785

4. Mr. Leon Campbell, Chairman
   Iowa Tribe of Kansas and Nebraska
   Route 1, Box 58-A
   White Cloud, Kansas 66094
   Contact: Harvey Fredricks, Vice Chair
   Phone: 913/595-3258
   Fax No.: 913/595-6610

5. Dr. Rudy Mitchell, Chairman
   Omaha Tribe of Nebraska
   P.O. Box 368
   Macy, Nebraska 68039
   Contacts: Jerry Henshed, Planner
   Pat Madson, Grants
   Mark Versch
   Mark Merrick
   Phone: 402/837-5391
   Fax No.: 402/837-5308

6. Mr. John Blackhawk, Chairman
Winnebego Tribe of Nebraska
P.O. Box 570
Winnebago, Nebraska 68071
Contacts: Lucille Bigfire, Curtis St. Cyr, Robin Bear
Phone: 402/878-2272 and 2628
Fax No.: 402/878-2963, Lucille Bigfire 402/878-2632

7. Mr. Richard Kitto, Chairman
Santee Sioux Tribe of Nebraska
Route 2
Niobrara, Nebraska 68760
Contacts: Alvin "Bud" Twiss
Phone: 402/857-3302
Fax No.: 402/857-2307

8. Mr. Gailey Wantee, Tribal Chairman
SAC and Fox of the Mississippi in Iowa (Mesquakie)
3137 F. Avenue
Tama, Iowa 52339
Contacts: Deron Ward, Lorrine Davenport, and
Ken Scott, Executive Officer
Phone: 515/484-4678
Fax No.: 515/484-5424

9. Ms. Debra Wright, Chairperson
Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, Nebraska 68760
Contacts: Greg Barth, Executive Officer
Wanda Picotte, Secretary
Alex Tayor, Vice Chair
Phone: 402/857-3391
Fax No.: 402/857-3736

10. Mr. Helbent Fraizer, Superintendent
Winnebago Bureau of Indian Affairs Agency
Winnebago, Nebraska 68071
Contact: Roy Lilth, Land Manager
Phone: 402/878-2502

11. Mayor Dorothy Holstein
Village of Winnebago
P.O. Box 570
Winnebago, Nebraska 68071
Phone: 402/878-2272

TAB #2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 14 1994

MEMORANDUM

SUBJECT: EPA Indian Policy

THE ADMINISTRATOR

TO: All Employees

In 1984, EPA became the first Federal agency to adopt a formal Indian Policy (copy attached). EPA is proud of that Policy, which has provided the framework for our developing partnership with Tribes. Since 1984 Agency programs have changed and several of our statutes have been amended to address Tribal needs. Nevertheless, the core principle of the Policy, a commitment to working with Federally recognized tribes on a government-to-government basis to enhance environmental protection, has been reaffirmed by President Clinton and remains the cornerstone of EPA's Indian program. Accordingly, therefore, I formally reaffirm the EPA Indian Policy.

The challenge for EPA today is to implement its Policy effectively. Previous administrations have addressed implementation, both in a 1984 Policy Implementation Guidance and a 1991 Concept Paper. We must now update and strengthen these documents and our implementation programs to reflect the goals and values of our long-term vision and strategic agenda. A key element for successfully implementing the Indian Policy must be a commitment to fully institutionalize the Policy into the Agency's planning and management activities.

On March 7, Martha Prothro, formerly Deputy Assistant Administrator for Water, joined my staff to assist in developing our Tribal Programs. I have asked Martha and Bill Yellowtail, Regional Administrator, EPA Region VIII, to form a team of Agency leaders to make recommendations on EPA/Tribal relations and the implementation of the Policy. The work of this group should help the Agency develop the best structure and adopt the best strategies for implementing the goals of the Policy. The team will work with Tribal representatives, including the Tribal Operations Committee and others, in drafting new implementation guidance. This guidance will provide a blueprint for transforming the Policy's vision into a reality for federally recognized Indian Tribes, including Alaskan Tribes.

This is an exciting opportunity for us to develop a stronger partnership with Tribal governments in protecting the environment. I ask all of you to help make this effort a great success.

Carol M. Browner

Attachment

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11/8/84

EPA POLICY FOR THE ADMINISTRATION OF ENVIRONMENTAL PROGRAMS ON INDIAN RESERVATIONS

INTRODUCTION

The President published a Federal Indian Policy on January 24, 1983, supporting the primary role of Tribal Governments in matters affecting American Indian reservations. That policy stressed two related themes: (1) that the Federal Government will pursue the principle of Indian "self-government" and (2) that it will work directly with Tribal Governments on a "government-to-government" basis.

The Environmental Protection Agency (EPA) has previously issued general statements of policy which recognize the importance of Tribal Governments in regulatory activities that impact reservation environments. It is the purpose of this statement to consolidate and expand on existing EPA Indian Policy statements in a manner consistent with the overall Federal position in support of Tribal "self-government" and "government-to-government" relations between Federal and Tribal Governments. This statement sets forth the principles that will guide the Agency in dealing with Tribal Governments and in responding to the problems of environmental management on American Indian reservations in order to protect human health and the environment. The Policy is intended to provide guidance for EPA program managers in the conduct of the Agency's congressionally mandated responsibilities. As such, it applies to EPA only and does not articulate policy for other Agencies in the conduct of their respective responsibilities.

It is important to emphasize that the implementation of regulatory programs which will realize these principles on Indian Reservations cannot be accomplished immediately. Effective implementation will take careful and conscientious work by EPA, the Tribes and many others. In many cases, it will require changes in applicable statutory authorities and regulations. It will be necessary to proceed in a carefully phased way, to learn from successes and failures, and to gain experience. Nonetheless, by beginning work on the priority problems that exist now and continuing in the direction established under these principles, over time we can significantly enhance environmental quality on reservation lands.

POLICY

In carrying out our responsibilities on Indian reservations, the fundamental objective of the Environmental Protection Agency is to protect human health and the environment. The keynote of this effort will be to give special consideration to Tribal interests in making Agency policy, and to insure the close involvement of Tribal Governments in making decisions and managing environmental programs affecting reservation lands. To meet this objective, the Agency will pursue the following principles:

1. THE AGENCY STANDS READY TO WORK DIRECTLY WITH INDIAN TRIBAL GOVERNMENTS ON A ONE-TO-ONE BASIS (THE "GOVERNMENT-TO-GOVERNMENT" RELATIONSHIP), RATHER THAN AS SUBDIVISIONS OF OTHER GOVERNMENTS.

EPA recognizes Tribal Governments as sovereign entities with primary authority and responsibility for the reservation populace. Accordingly, EPA will work directly with Tribal Governments as the independent authority for reservation affairs, and not as political subdivisions of States or other governmental units.

2. THE AGENCY WILL RECOGNIZE TRIBAL GOVERNMENTS AS THE PRIMARY PARTIES FOR SETTING STANDARDS, MAKING ENVIRONMENTAL POLICY DECISIONS AND MANAGING PROGRAMS FOR RESERVATIONS, CONSISTENT WITH AGENCY STANDARDS AND REGULATIONS.

In keeping with the principle of Indian self-government, the Agency will view Tribal Governments as the appropriate non-Federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace. Just as EPA's deliberations and activities have traditionally involved the interests and/or participation of State Governments, EPA will look directly to Tribal Governments to play this lead role for matters affecting reservation environments.

3. THE AGENCY WILL TAKE AFFIRMATIVE STEPS TO ENCOURAGE AND ASSIST TRIBES IN ASSUMING REGULATORY AND PROGRAM MANAGEMENT RESPONSIBILITIES FOR RESERVATION LANDS.

The Agency will assist interested Tribal Governments in developing programs and in preparing to assume regulatory and program management responsibilities for reservation lands. Within the constraints of EPA's authority and resources, this aid will include providing grants and other assistance to Tribes similar to that we provide State Governments. The Agency will encourage Tribes to assume delegable responsibilities, (i.e. responsibilities which the Agency has traditionally delegated to State Governments for non-reservation lands) under terms similar to those governing delegations to States.

Until Tribal Governments are willing and able to assume full responsibility for delegable programs, the Agency will retain responsibility for managing programs for reservations (unless the State has an express grant of jurisdiction from Congress sufficient to support delegation to the State Government). Where EPA retains such responsibility, the Agency will encourage the Tribe to participate in policy-making and to assume appropriate lesser or partial roles in the management of reservation programs.

4. THE AGENCY WILL TAKE APPROPRIATE STEPS TO REMOVE EXISTING LEGAL AND PROCEDURAL IMPEDIMENTS TO WORKING DIRECTLY AND EFFECTIVELY WITH TRIBAL GOVERNMENTS ON RESERVATION PROGRAMS.

A number of serious constraints and uncertainties in the language of our statutes and regulations have limited our ability to work directly and effectively with Tribal Governments on reservation problems. As impediments in our procedures, regulations or statutes are identified which limit our ability to work effectively with Tribes consistent with this Policy, we will seek to remove those impediments.

5. THE AGENCY, IN KEEPING WITH THE FEDERAL TRUST RESPONSIBILITY, WILL ASSURE THAT TRIBAL CONCERNS AND INTERESTS ARE CONSIDERED WHENEVER EPA'S ACTIONS AND/OR DECISIONS MAY AFFECT RESERVATION ENVIRONMENTS.

EPA recognizes that a trust responsibility derives from the historical relationship between the Federal Government and Indian Tribes as expressed in certain treaties and Federal Indian Law. In keeping with that trust responsibility, the Agency will endeavor to protect the environmental interests of Indian Tribes when carrying out its responsibilities that may affect the reservations.

6. THE AGENCY WILL ENCOURAGE COOPERATION BETWEEN TRIBAL, STATE AND LOCAL GOVERNMENTS TO RESOLVE ENVIRONMENTAL PROBLEMS OF MUTUAL CONCERN.

Sound environmental planning and management require the cooperation and mutual consideration of neighboring governments, whether those governments be neighboring States, Tribes, or local units of government. Accordingly, EPA will encourage early communication and cooperation among Tribes, States and local governments. This is not intended to lend Federal support to any one party to the jeopardy of the interests of the other. Rather, it recognizes that in the field of environmental regulation, problems are often shared and the principle of comity between equals and neighbors often serves the best interests of both.

7. THE AGENCY WILL WORK WITH OTHER FEDERAL AGENCIES WHICH HAVE RELATED RESPONSIBILITIES ON INDIAN RESERVATIONS TO ENLIST THEIR INTEREST AND SUPPORT IN COOPERATIVE EFFORTS TO HELP TRIBES ASSUME ENVIRONMENTAL PROGRAM RESPONSIBILITIES FOR RESERVATIONS.

EPA will seek and promote cooperation between Federal agencies to protect human health and the environment on reservations. We will work with other agencies to clearly identify and delineate the roles, responsibilities and relationships of our respective organizations and to assist Tribes in developing and managing environmental programs for reservation lands.

8. THE AGENCY WILL STRIVE TO ASSURE COMPLIANCE WITH ENVIRONMENTAL STATUTES AND REGULATIONS ON INDIAN RESERVATIONS.

In those cases where facilities owned or managed by Tribal Governments are not in compliance with Federal environmental statutes, EPA will work cooperatively with Tribal leadership to develop means to achieve compliance, providing technical support and consultation as necessary to enable Tribal facilities to comply. Because of the distinct status of Indian Tribes and the complex legal issues involved, direct EPA action through the judicial or administrative process will be considered where the Agency determines, in its judgment, that: (1) a significant threat to human health or the environment exists, (2) such action would reasonably be expected to achieve effective results in a timely manner, and (3) the Federal Government cannot utilize other alternatives to correct the problem in a timely fashion.

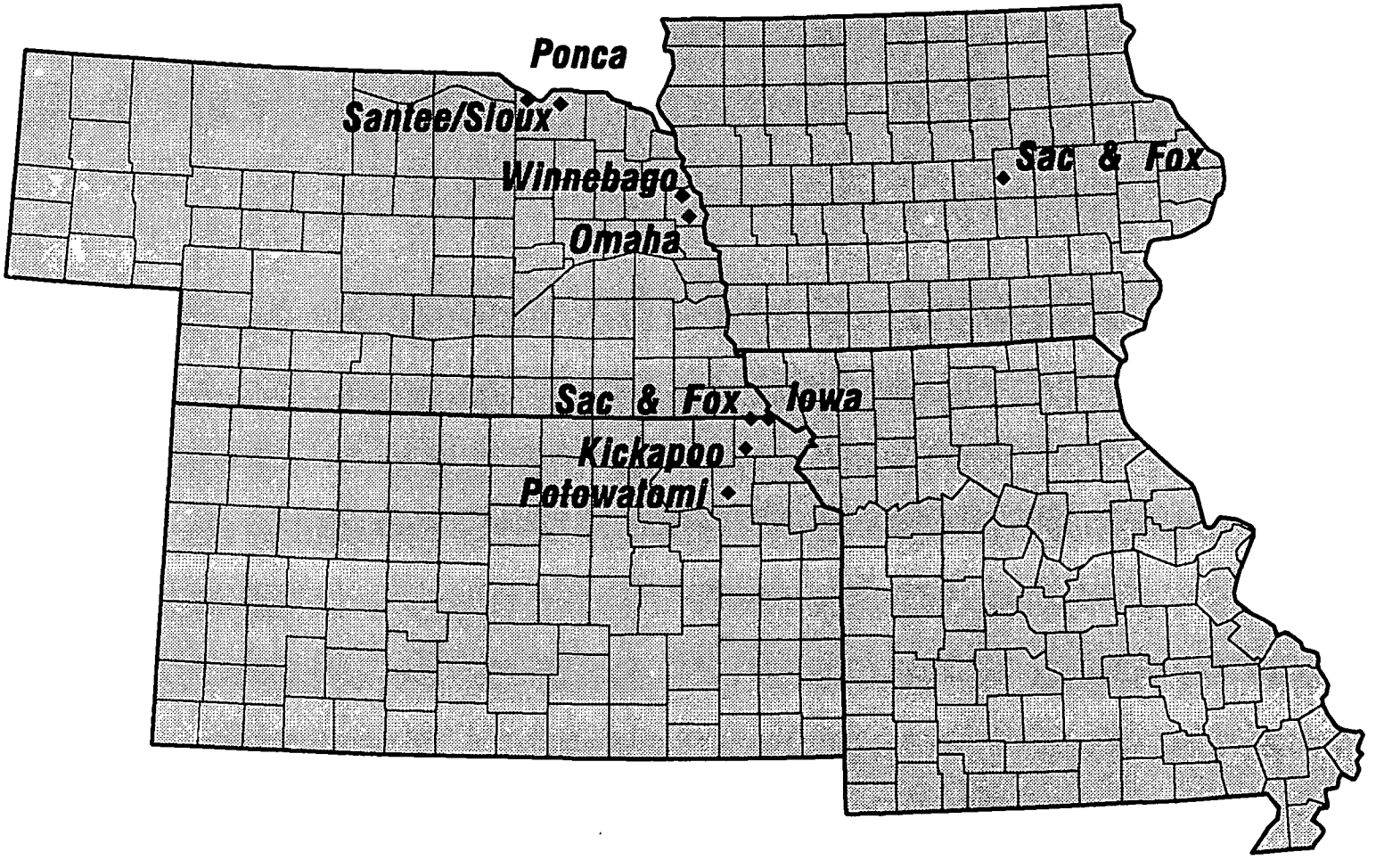
In those cases where reservation facilities are clearly owned or managed by private parties and there is no substantial Tribal interest or control involved, the Agency will endeavor to act in cooperation with the affected Tribal Government, but will otherwise respond to noncompliance by private parties on Indian reservations as the Agency would to noncompliance by the private sector elsewhere in the country. Where the Tribe has a substantial proprietary interest in, or control over, the privately owned or managed facility, EPA will respond as described in the first paragraph above.

9. THE AGENCY WILL INCORPORATE THESE INDIAN POLICY GOALS INTO ITS PLANNING AND MANAGEMENT ACTIVITIES, INCLUDING ITS BUDGET, OPERATING GUIDANCE, LEGISLATIVE INITIATIVES, MANAGEMENT ACCOUNTABILITY SYSTEM AND ONGOING POLICY AND REGULATION DEVELOPMENT PROCESSES.

It is a central purpose of this effort to ensure that the principles of this Policy are effectively institutionalized by incorporating them into the Agency's ongoing and long-term planning and management processes. Agency managers will include specific programmatic actions designed to resolve problems on Indian reservations in the Agency's existing fiscal year and long-term planning and management processes.

William D. Ruckelshaus

TAB #3


Ponca
Santee/Sioux
Winnebago
Omaha
Sac & Fox
Sac & Fox
Iowa
Kickapoo
Potowatomi

FOX
North East

These central Algonquians from the forests of Wisconsin called themselves Mesquakie or Muskwakiwuk ("Red Earth People"). Like others, they lived in permanent summer villages and undertook communal prairie buffalo hunts in winter. They were notable for being one of the few woodland tribes to use the horse. A highly democratic society, they moved to Illinois, then dispersed to Iowa, Kansas and Oklahoma. They were enemies of the Sioux and Chippewa, and allies of the Iowa, Winnebago and Potawatomi. They fought the Americans and merged with the Sauk, or Sac, from Green Bay after their defeat in the Black Hawk War of 1832 during which the Sioux fought as auxiliaries for the US government. It is with the Sauk that the 1,500 Fox-Sauk are found today. The Fox are noted from their ribbonwork and it was from their ranks that the famous athlete Jim Thorpe emerged.

Right: Wah-com-mo or Fast Walker, a high ranking Fox warrior, who wears a claw necklace, carries a pipe tomahawk, and sports a hair roach.

SAUK
North East

Also known as Sac, an Algonquian tribe closely related to the Fox (see also Fox), with whom they formed a close alliance in the 1730s, although maintaining their own identities. Black Hawk and Keokuk (Kiyo' Kaga) were two renowned leaders of the Sauk. Black Hawk sided with the English against the Americans in 1812; in 1832 he fought, and was defeated by, the US Army over the sales of Sauk lands east of the Mississippi. This is known as the Black Hawk War. Many Sauk (and Fox) were thereafter moved to lands in Kansas. Keokuk was an outstanding orator. He went to Washington to contest claims of the Sioux over lands occupied by the Sauk and Fox — and won. A man who understood the futility of resisting the inevitable advance of the frontier, he died in 1848, poisoned it is said by one of his own people. Perhaps not everyone approved of his philosophy. A bronze bust of Keokuk stands in the Capitol in Washington, DC.

Left: *Keokuk, the Sauk leader famed for his oratory, pictured in 1846-7, shortly before his death.*

IOWA

Plains

The "Sleepy Ones" were the last Woodland Indian group to move to the plains and spoke a Siouan language called Chiwere. Reflecting this past, they lived in earth houses and only used tipis when hunting or waging war. Their warriors wore scalp locks, like the Kansa and Osage did. In 1836 they ceded their lands, having seen what happened to Black Hawk's Sauk, and moved to what are now Kansas, Nebraska and Oklahoma where today they total 1,000.

KICKAPOO
North East

Algonquians living between the Fox and Wisconsin rivers who were kin to the Sauk and Fox tribes. Their name comes from the word Kiwigapawa, meaning "He Stands About". They absorbed the survivors of the Mascouten who the French had nearly wiped out. They were formidable warriors and followed Tecumseh in 1810, then fought with British forces against the Americans from 1813 to 1816. Let down by the British after the war, they were forced into a settlement to cede their lands and move to Missouri. In 1852 a large group moved to Mexico from Texas where they have a reservation. Today, the Kickapoo also live in Kansas and Oklahoma. They total over 2,000 people.

OMAHA

Plains

Speakers of a Siouan language, the Omaha of the Lower Mississippi frequently warred with the Sioux who also raided other near relatives — Crow, Iowa, Mandan — as well as the Omaha. One of a number of plains tribes to which warrior societies were important; in the case of the Omaha these were age-graded, and introduced boys early to the belief in the war ethic.

PONCA
Plains
Speakers of the Siouan language Dhegiha, the Ponca lived on the Lower Missouri. They were neighbors of the Omaha and Pawnee. Moved out of their South Dakota/Nebraska homelands in the 1870s to Indian Territory.

POTAWATOMI
North East

Algonquian speakers, closely related to the Ottawa and Chippewa (Ojibwa), who occupied the lands hemmed in by lakes Michigan and Huron. During the colonial wars they sided with the French against the English, then with the English against the Americans. Following American independence, the homelands of the Potawatomi and their neighbors would be snapped up by land hungry whites. Around 1820 they started to withdraw across the Mississippi and onto reservations on Oklahoma and Kansas, where the Potawatomi Indian Reservation stands today, north of Topeka, Kansas.

SIOUX

Plains

The Sioux nation (Siouan speakers) of the centrai plains was originally divided into three parts, forming the Dakota (Santee), Nakota (Yankton) and Lakota (Teton). The Teton crossed the Missouri for the central plains, also becoming known as the Western Sioux. They consisted of seven sub-tribes — Brule, Hunkpapa, Miniconjou, Oglala, Oohenonpah/Two Kettle, Sans Arc and Sihasapa/Blackfoot. Nomadic hunters who followed the buffalo (which supplied most of their basic needs), the Sioux lived in lodges (tipis), simple conical structures originally constructed of lodgepole pines and buffalo skins. Exquisite Sioux art is represented by quill work (made from flattened porcupine quills) which decorated mocassins, shirts, leggings etc, and much later, beadwork.

Crazy Horse (Tasunke Witco) was perhaps the finest, certainly the most enigmatic, warrior-commander of the Lakota. A decoy at the Fetterman fight (1866), he fought the Army with notable success at the battles of the Rosebud and Little Bighorn. In 1947 a sculptor, Korczak Ziolkowski, began to shape a statue of Crazy Horse on Thunderhead

Mountain in the Black Hills. Although the sculpture is still unfinished, visitors may today see the strong image of Crazy Horse emerging from the granite mountains of his homeland. Sitting Bull (Tatanka Yotanka) and Red Cloud

Above: *The prolific Edward Curtis photographed this Hunká-Alowanpi Ceremony of the Oglala Sioux in 1907; among the Lakota it was associated with the mythological figure of the White Buffalo Maiden.*

WINNEBAGO
North East
The only speakers of the Siouan language (much like that of the Oto, Iowa and Missouri of the plains) in a predominantly Algonquian-speaking area. Inhabitants of southern Wisconsin, they were forced to move to Nebraska in the 1870s. However, some returned, so that Winnebagos now live in the old and new homelands.

Left: *Blackhawk and Winneshiek, two prominent leaders of the Winnebago in the 1870's land struggles*

REGION VII IN[redacted]N RESERVATIONS

State/ Reservation	Population		Drinking Water Source	Wastewater Treatment	Solid Waste Treatment	Area (acres)
	Reservation	Absentee				
Kansas						
Potawatomi	1,040	2,670	Ground (private wells and county RWD*)	IHTS & Cluster (20-25 houses) site drain fields/lagoons (2-3 cells)	Jackson County landfill op. on reservation	7,000 vs. (19,000)
Kickapoo	370	898	Surface (Include emergency line to the Horton Water District)	IHTS & Cluster site drain fields/lagoons	Open dump, interested in starting landfill	3,660 vs. (20,000)
Iowa	588	1,501	Ground (IHS wants EPA to encourage sale H_2O to Wt. Cloud	IHTS & Cluster site drain fields/lagoons	Open dump, interested in starting landfill	946 vs. (17,000)
Sac & Fox	36	240	Ground (IHS wants EPA to encourage sale H_2O to Wt. Cloud	IHTS & Cluster site drain fields/lagoons	Open dump, interested in starting landfill	428 vs. (17,000)

REGION VII INDIAN RESERVATIONS

(Continued)

State/ Reservation	Population Reservation	Population Absentee	Drinking Water Source	Wastewater Treatment	Solid Waste Treatment	Area (acres)
Iowa						
Sac & Fox (Mesquaqui)	696	-	Ground	IHTS & Cluster site drain fields/lagoons currently re-bidding on lagoon stystem	-	3,420 (totally purchased)
Nebraska						
Omaha	2,372 (1,240 live in Macy)	-	Ground (rural water system - iron removal by aeration)	IHS and community lagoons Macy, sewered	Open dump	26,800 vs. 300,000
Winnebago	1,235	-	Ground (community system - iron removal)(15-20 acres)	IHTS and community lagoons	Open dump	27,500 vs. 120,000
Santee	475	-	Ground (community system - iron removal) (10 acre lagoon)	IHS and community lagoons	Collection Service	9,358.06 vs. (82,000)
Missouri						
None						

* Rural Water District
\- Unknown at this time

AMERICAN INDIAN TRIBE GRANTS (NOT CLOSED)
SORTED BY STATE/NAME

P G	GRANT NUMBER	R T	AP TYPE	NAME	CUM AWARD (19)	CUM PAYMENTS	AWARD DT	BUDGET START PROJECT START	BUDGET END PROJECT END	APP REC DT	INDIAN-CODE	ST
NI	007561010	N	J	SAC & FOX TRIBAL COU	51517	38681	910909	911001 911001	930101 930101	910724	073	IA
	MULTI MEDIA											
NI	007561020	C	J	SAC & FOX TRIBAL COU	35000	0	920930	921001 921001	930930 930930	920820	073	IA
	MULTI MEDIA											
NI	007561030	C	J	SAC & FOX TRIBAL COU	45000	0	930929	931001 931001	940930 940930	930302	073	IA
	MULTI-MEDIA PROGRAM											
STATE	IA		3		131517	38681						

AMERICAN INDIAN TRIBE GRANTS (NOT CLOSED)
SORTED BY STATE/NAME

P G	GRANT NUMBER	R T	AP TYPE	NAME	CUM AWARD (19)	CUM PAYMENTS	AWARD DT	BUDGET START / PROJECT START	BUDGET END / PROJECT END	APP REC DT	INDIAN-CODE	ST
NE	007872010	N	J	KICKAPOO NATION IN K	5000	0	930625	930701 930701	940531 940531	930415	075	KS
	KICKAPOO ENVIRONMENTAL HISTORY PROJECT											
I	007564010	N	J	KICKAPOO TRIBE	92000	36528	910628	910701 910701	930630 930630	910626	075	KS
	WATER QUALITY MANAGEMENT											
CD	007852010	N	J	KICKAPOO TRIBE	25000	0	930921	931001 931001	940930 940930	930603	075	KS
	PLANNING & DESIGN OF WETLANDS FOR KICKAPOO TRIBE											
NI	007901010	N	J	KICKAPOO TRIBE IN KA	55000	14750	930921	931001 931001	940930 940930	930602	075	KS
	KS KICKAPOO MULTI-MEDIA PROGRAM											
NI	007768010	N	J	PRAIRIE BAND POTAWAT	45000	45000	920925	921001 921001	930930 930930	920309	076	KS
	MULTI-MEDIA PROGRAM											
NI	007768020	C	J	PRAIRIE BAND POTAWAT	45000	0	930929	931001 931001	940930 940930	930709	076	KS
	MULTI-MEDIA PROGRAM											
T	007175014	A	J	UNITED TRIBES OF KAN	0	0	820917	0 0	0 0	820917		KS
STATE KS				7	267000	96278						

AMERICAN INDIAN TRIBE GRANTS (NOT CLOSED)
SORTED BY STATE/NAME

PG	GRANT NUMBER	RT	AP TYPE	NAME	CUM AWARD (19)	CUM PAYMENTS	AWARD DT	BUDGET START / PROJECT START	BUDGET END / PROJECT END	APP REC DT	INDIAN-CODE	ST
E	007501010	N	J	OMAHA TRIBE	34978	0	910920	911001 / 911001	920930 / 920930	910115	079	NE
	PESTICIDE ENFORCEMENT AND CERTIFICATION PROGRAM											
E	007501020	C	J	OMAHA TRIBE	34978	13000	930226	921001 / 921001	940930 / 940930	920804	079	NE
	PESTICIDE ENFORCEMENT AND CERTIFICATION PROGRAM											
I	007797010	N	J	OMAHA TRIBE	40000	0	920630	920701 / 920701	940630 / 940930	920414	079	NE
	TO ESTABLISH AND OPERATE A WATER RESOURCE CONTROL PROGRAM ON THE OMAHA INDIAN RESERVATION											
NI	007801010	N	J	OMAHA TRIBE	35000	8750	920917	920917 / 920917	940930 / 940930	920619	079	NE
	MULTI MEDIA											
GA	007801020	C	J	OMAHA TRIBE OF NEBRA	72740	0	940309	940310 / 940310	960310 / 960310	940124	079	NE
	GENERAL ASSISTANCE - DEVELOPMENT AND ENFORCEMENT OF AN INTEGRATED RESOURCE MANAGEMENT PLAN											
E	007496010	N	J	SANTEE SIOUX TRIBE	32772	32772	910619	910619 / 910619	920618 / 920618	901025	080	NE
	CONSOLIDATED PESTICIDE COMPLIANCE MONITORING FOR ENFORCEMENT, % CERTIFICATION											
NI	007795010	N	J	SANTEE SIOUX TRIBE	50000	34381	920512	920501 / 920501	940930 / 940930	920327	080	NE
	SANTEE SIOUX RESERVATION MULTI-MEDIA - BUDGET AND PROJECT PERIOD EXTENSION											
CD	007851010	N	J	SANTEE SIOUX TRIBE	48116	0	930729	930729 / 930729	941231 / 941231	921214		NE
	WETLANDS PROTECTION DEVELOPMENT											

P G	GRANT NUMBER	R T	AP TYPE	NAME	CUM AWARD (19)	CUM PAYMENTS	AWARD DT	BUDGET START / PROJECT START	BUDGET END / PROJECT END	APP REC DT	INDIAN-CODE	ST
E	007496012	A	J	SANTEE SIOUX TRIBE	0	32772	910913	910619 910619	920618 920618	910904		NE
E	007496020	C	J	SANTEE SIOUX TRIBE O	32772	12990	920930	921001 921001	940930 940930	920715	080	NE
	PESTICIDE ENFORCEMENT PROGRAM - BUDGET AND PROJECTPERIOD EXTENSION											
NI	007795020	C	J	SANTEE SIOUX TRIBE O	45000	0	930921	931001 931001	940930 940930	930609	080	NE
	MULTI-MEDIA											
E	007496021	A	J	SANTEE SIOUX TRIBE O	0	12990	930930	921001 921001	940331 940331	930901		NE
	PESTICIDE ENFORCEMENT/CERTIFICATION PROGRAM											
I	007380010	N	J	WINNEBAGO TRIBE	80000	80000	890928	891001 891001	920430 920430	890807	081	NE
	WATER QUALITY PLANNING AND MANAGEMENT											
I	007380020	C	J	WINNEBAGO TRIBE	1851	1851	920630	920501 920501	930930 930930	910930	081	NE
	WATER QUALITY PLANNING AND MANAGEMENT											
I	007380030	C	J	WINNEBAGO TRIBE	69349	0	930630	930701 930701	940930 940930	930622	081	NE
	WATER QUALITY PLANNING AND MANAGEMENT											
E	007520010	N	J	WINNEBAGO TRIBE	33613	18417	910909	911001 911001	920930 920930	910204	081	NE
	COOPERATIVE PESTICIDE CERTIFICATION AND ENFORCE- MENT											

P G	GRANT NUMBER	R T	AP TYPE	NAME	CUM AWARD (19)	CUM PAYMENTS	AWARD DT	BUDGET START / PROJECT START	BUDGET END / PROJECT END	APP REC DT	INDIAN-CODE	ST
E	007520020	C	J	WINNEBAGO TRIBE	33613	3955	930126	921001 921001	940930 940930	920714	081	NE
	COOPERATIVE PESTICIDE CERTIFICATION AND ENFORCEMENT											
NI	007645010	N	J	WINNEBAGO TRIBE	40000	38561	920407	920401 920401	930930 930930	920228	081	NE
	MULTI MEDIA											
X	007832010	N	J	WINNEBAGO TRIBE	17000	0	920921	921001 921001	950331 950331	920817	081	NE
	MONITORING WELLS											
I	007380011	V	J	WINNEBAGO TRIBE	0	80000	900913	891001 891001	920430 920430	900807		NE
	WATER QUALITY PLANNING AND MANAGEMENT											
I	007380031	A	J	WINNEBAGO TRIBE	0	0	930930	930701 930701	940930 940930	930914		NE
	WATER QUALITY PLANNING AND MANAGEMENT AND AMENDMENT NO. 1 TO APPROVE CARRYOVER											
NI	007645020	C	J	WINNEBAGO TRIBE OF N	45000	0	930927	931001 931001	940930 940930	930225	081	NE
	MULTI-MEDIA											
STATE	NE		22		746782	370439						

P G	GRANT NUMBER	R T	AP TYPE	NAME	CUM AWARD (19)	CUM PAYMENTS	AWARD DT	BUDGET START PROJECT START	BUDGET END PROJECT END	APP REC DT	INDIAN-CODE	ST
TOTALS:		32			1145299	505398						

TAB #4

U.S. Department of Education
Office of Educational Research and Improvement
555 New Jersey Ave.
Washington, DC 20208-5644

TRIBAL OPERATIONS BACKGROUND BRIEFING MATERIALS

(draft)

April 5, 1994

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INTRODUCTION

The following is a compilation of background material on Indian Country and EPA's roles, responsibilities and activities in delivering environmental programs to Tribes.

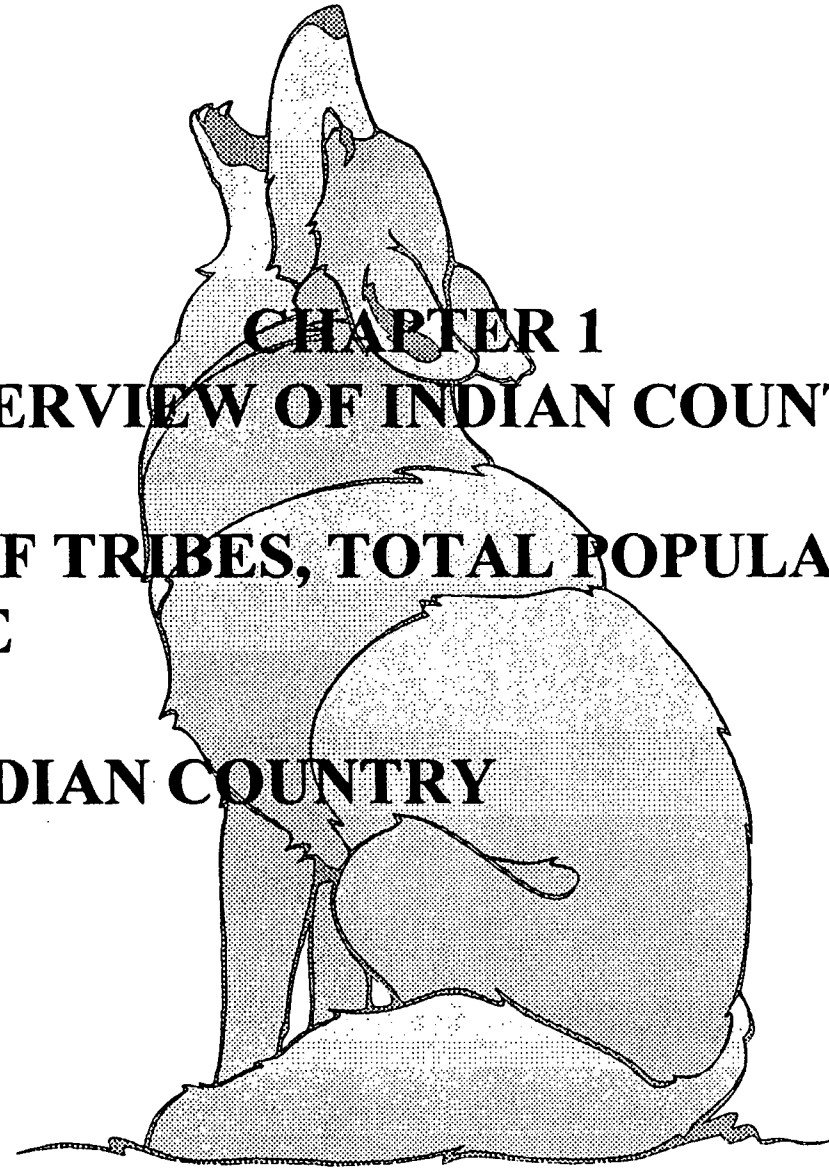
Tribal governments, like States, are our partners in environmental protection. Since 1984, EPA's Indian Policy has been the framework for the Agency's interaction with Tribal governments. Over the past ten years, EPA has developed a modest program for Tribal Operations. However, with changes in Federal law providing for more participation in environmental programs, the Agency's Indian program can no longer keep pace with the growing demand by Tribes for stronger environmental protection in Indian Country. We have two challenges: 1) the development of Tribal capacity to manage authorized programs and/or 2) direct federal implementation of EPA programs in partnership with the Tribes, where Tribal programs are not authorized. To fulfill our statutory responsibilities in Indian Country and help meet rising Tribal expectations, the Agency must review and revise its Tribal Operations. This revision will necessarily require every Office and Region to evaluate and strengthen its role in the protection of Tribal environments.

At the initial meeting of the Tribal Operations Committee on February 17, 1994, Administrator Browner reaffirmed the Agency's Indian Policy and formally announced the creation of the Senior Tribal Operations Team. This team has been assigned three specific tasks: 1) ensuring the integration of Tribal Operations into the Agency's Strategic Planning and budget process; 2) updating the Agency's Implementation Guidance for the Indian Policy; and 3) developing recommendations for the Agency's organization to support stronger Tribal operations. The Administrator has given us an unprecedented opportunity to make great progress in assuring a sustainable, multi-media and customer-oriented environmental program.

Thank you,

Martha Prothro

Martha Prothro,
Counselor to the Administrator for Tribal Affairs



CHAPTER 1
OVERVIEW OF INDIAN COUNTRY

I. NUMBER OF TRIBES, TOTAL POPULATION AND LAND BASE

II. MAP OF INDIAN COUNTRY

TABLE 1.1 NUMBER OF TRIBES, TOTAL POPULATION AND LAND BASE

	Number of Tribes
Region 1	**8 (1 pending)**
Region 2	**7**
Region 4	**6**
Region 5	**29**
Region 6 (total)	**62**
Oklahoma	36
Region 7	**9**
Region 8	**27**
Region 9 (total)	**139**
Rancherias	48
Region 10 (total)	**266**
Alaska Tribes	223
Total	**553**

TOTAL POPULATION[1]

2,967,884 persons

1.2% of the US Total

Indians & non-Indians

TOTAL INDIAN RESERVATION AND TRUST LAND

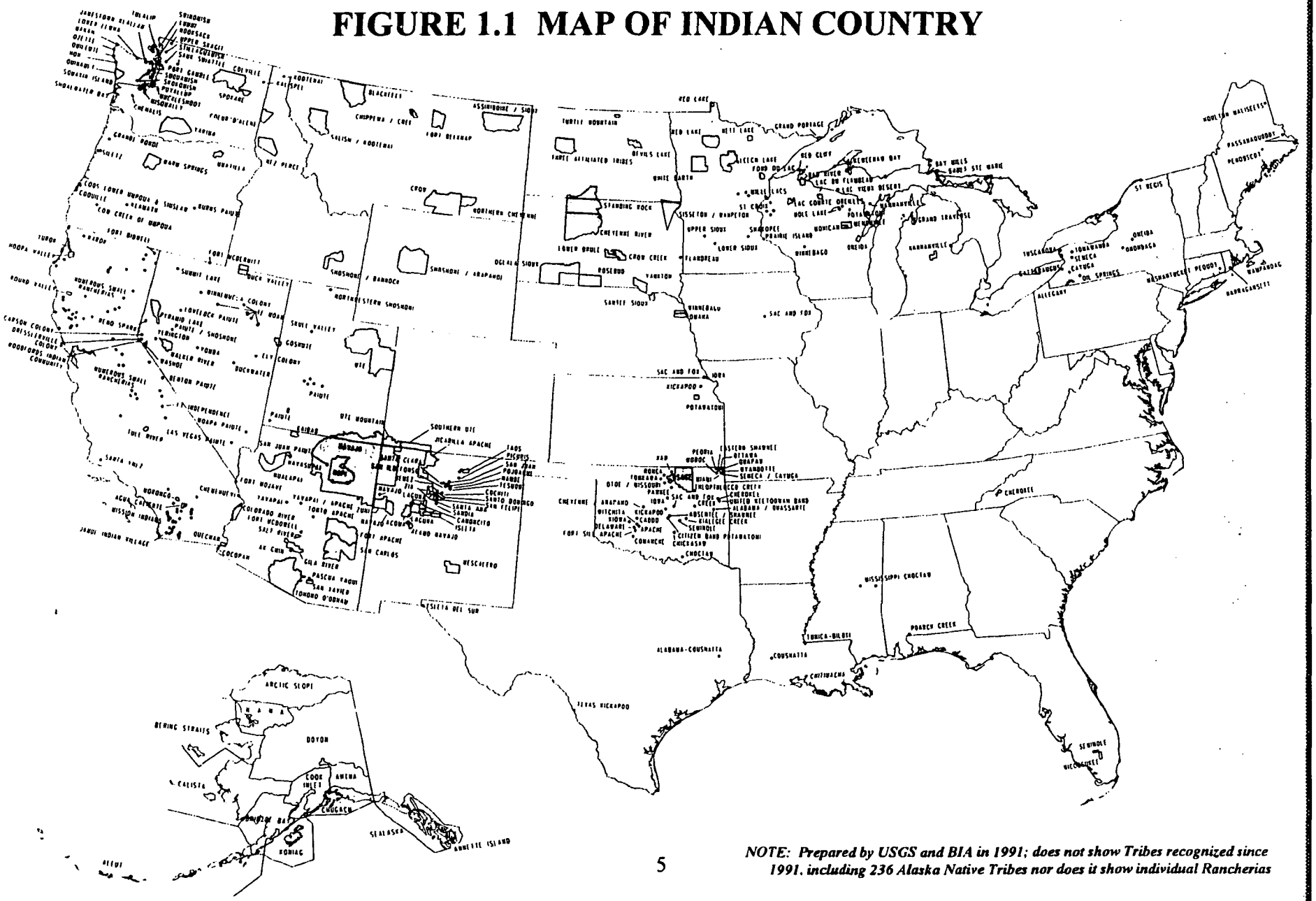
167,545.7 square miles

4.7% of the US Total

AK: native village land (not fed. trust)

[1] 1990 United States Census data for all persons living on Indian reservations or trust lands

FIGURE 1.1 MAP OF INDIAN COUNTRY



NOTE: *Prepared by USGS and BIA in 1991; does not show Tribes recognized since 1991, including 236 Alaska Native Tribes nor does it show individual Rancherias*

CHAPTER 2
CURRENT EPA TRIBAL OPERATIONS

I. MAJOR INDIAN POLICIES AND GUIDANCE DOCUMENTS

II. FY95 PROGRAM BASE BUDGET RESOURCES AND AUTHORIZED WORKYEARS

III. PERSONNEL RESOURCES AND ORGANIZATIONAL STRUCTURE

IV. PROGRAM RESPONSIBILITIES IN INDIAN COUNTRY

MAJOR INDIAN POLICIES AND GUIDANCE DOCUMENTS

I. EPA Policy for the Administration of Environmental Programs on Indian Reservations

A. Principles of the Policy

1. The agency will work directly with Tribal governments on a government to government basis, rather than as subdivisions of other governments.
2. The agency will recognize Tribal governments as the primary parties for setting standards, making environmental policy decisions and managing programs for reservations, consistent with Agency standards and regulations.
3. The Agency will take affirmative steps to encourage and assist Tribes in assuming regulatory and program management responsibilities for reservation lands.
4. The Agency will take appropriate steps to remove existing legal and procedural impediments to working directly and effectively with Tribal governments on reservation programs.
5. The Agency, in keeping with the Federal Trust Responsibility, will assure that Tribal concerns and interests are considered whenever EPA's actions/decisions may affect reservation environments.
6. The Agency will encourage cooperation between Tribal, State and local governments to resolve environmental problems of mutual concern.
7. The Agency will work with other Federal agencies which have related responsibilities on Indian reservations to enlist their interest and support in

cooperative efforts to help Tribes assume environmental program responsibilities for reservations.

8. The Agency will strive to assure compliance with environmental statutes and regulations on Indian reservations

9. The Agency will incorporate these Indian Policy goals into its planning and management activities, including its budget, operating guidance, legislative initiatives, management accountability system and ongoing policy and regulation development processes.

B. Issue: In general Tribes agree with the Policy; however, "reservations" should be changed to "Indian Country" so as to give the Policy a broad enough scope to include Tribes in Oklahoma and Alaska.

II. Indian Policy Implementation Guidance

A. Principles of the Guidance: The implementation guidance follows each of the 9 principles of the Indian Policy.

B. Issues

1. Never really implemented in a consistent Agency-wide manner -- management feedback and implementation tracking measures needed to be more explicit

2. Outdated -- as requested by Tribes, need to develop and fulfill a new action directive for the implementation of the Policy

III. EPA/State/Tribal Relations Concept Paper

A. Major principle of the Paper: The Agency will view Indian reservations as coherent political units for regulatory purposes. The Agency will authorize only one government to have lead program management responsibility within reservation boundaries. Therefore, in order to manage reservation programs the Tribal (or State) government must demonstrate adequate jurisdiction over pollution sources throughout the reservation. Where, however, a Tribe cannot demonstrate jurisdiction over one or more reservation sources, the Agency will retain enforcement primacy for those sources.

B. Issues

1. Tribes support the Concept Paper and have requested its reaffirmation

2. The full implementation of the Concept Paper may require the Agency to review some of its rules and regulations for inconsistencies with the Paper's principles.

TABLE 2.1 FY95 PROGRAM BASE BUDGET AND FTEs

	FTE	PRO ($)	AC&C ($)	WIF ($)	LUST ($)	Super-fund ($)	Total ($)
OA	1.5	150,000	9,500				159,500
OAR	5	313,500	1,746,900				2,060,400
OPPTS	2.5	167,800	314,000				481,000
OW	22.8	1,499,000	5,892,000	9,222,500			16,613,500
OWSER	36.8	1,548,400	2,298,300		500,000	2,724,000	7,070,700
OECA	28.1	1,960,300	6,853,600				8,813,900
OPPE	1.1	83,200	90,000				173,200
OGC	3.3	264,000	0				264,000
Total	101.1	5,986,600	17,294,300	9,222,500	500,000	2,724,000	35,637,400

FTE: Full Time Equivalent workyears authorized
PRO: Salary and Benefits for FTE authorized and travel funds associated with them
AC&C: Abatement, Control and Compliance - Money available to fund grants, program contracts and interagency agreements
WIF: Water Infrastructure Financing - Money used to support activities to reduce pollution as a result of stormwater runoff and support wastewater treatment systems

OFA #S 154-160

President's Budget

Estimates

Estimates
FY 94 - Positions

TABLE 2.2 HEADQUARTERS FULL-TIME STAFF

	OAR	OPPTS	OW	OSWER	OPPE	OECA	OGC	OCEPA	OTHER	TOTAL
Indian Coordin-ator	1		1							2
Other Staff				2						2
Total Staff	1	0	1	2	0	0	0	0	0	4

TABLE 2.3 HEADQUARTERS PART-TIME STAFF

	OAR	OPPTS	OW	OSWER	OPPE	OECA	OGC	OCEPA	OTHER[2]	TOTAL
Indian Coordin-ator		1		1	1	1 (National Indian Coordinator)		1	2	7
Other Staff	4	4	6	7	1	6	7		5	40
Total Staff	4	5	6	8	2	7	7	1	7	47

[2] Office of Environmental Justice co-coordinators, Grants Administration Division, Office of Research and Development, Office of Regional Operations, State and Local Relations and Special Assistant to the Administrator

FIGURE 2.1 ORGANIZATIONAL LOCATION OF THE HEADQUARTERS INDIAN COORDINATORS

OAR
Assistant Administrator
Office of Program Management Operations
Indian Coordinator

OPPTS
Assistant Administrator
Indian Coordinator

OW
Assistant Administrator
Indian Coordinator

OSWER
Assistant Administrator
Organizational Management and Integrity Staff
Indian Coordinator

OPPE
Assistant Administrator
Office of Strategic Planning and Environmental Data
Strategic Planning and Management Division
Regional and State Planning Branch
Indian Coordinator

OECA
Assistant Administrator
Office of Federal Activities
National Indian Coordinator

OGC
The General Counsel
Grants and Intergovernmental Division
Indian Coordinator

OCEPA
Associate Administrator
Office of Environmental Education
Indian Coordinator

OROSLR
Associate Administrator
Indian Coordinator

OARM
Deputy Assistant Administrator
Office of Environmental Justice
Co-Indian Coordinators

TABLE 2.4 REGIONAL FULL AND PART TIME STAFF

	Region 1		Region 2		Region 4		Region 5		Region 6		Region 7		Region 8		Region 9		Region 10		Total	
	full	*part*	*full*	*part*	*full*	*part*	*full*	*part*	*full*	*part*	*full*	*part*	*full*	*part*	*full*	*part*	*full*	*part*	*full*	*part*
Indian Coordinator		1		1		1	1		1			1	1		2	1	1		6	5
EPA Tribal Liaison		1 in-tern					3				1				1 SEE	1 SEE	1		6	2
Circuit Rider (SEE)							1		2		1				1		4		9	0
OAR		1		2		1		2		8				11		7		4	0	36
OPPTS				1		1						1		3		8			0	11
OW		5		4		1	1	6		21		2	1	32	7	13	1	10	10	81
OSWER		1		5		1		4		8				3	1	10		3	1	35
ORC		1		1		1		1		2		1	1		1	6		3	2	16
OCEPA						1		1		3									0	5
Other				3		2	1	3		24				1		1			1	34
Total	0	10	0	17	0	9	7	17	3	66	2	5	3	50	13	47	7	22	35	225

FIGURE 2.2 ORGANIZATIONAL LOCATION OF THE REGIONAL INDIAN COORDINATORS

REGION 1
Deputy Regional Administrator
Planning and Management Division
Planning, Analysis and Grants Branch
Planning and Analysis Section
Indian Coordinator

REGION 2
Deputy Regional Administrator
Office of Policy and Management
Environmental Impacts Branch
Federal Activities Section
Indian Coordinator

REGION 4
Deputy Regional Administrator
Office of Policy and Management
Indian Coordinator

REGION 5
Deputy Regional Administrator
Indian Coordinator

REGION 6
Deputy Regional Administrator
Environmental Services Division
Federal Activities Branch
Federal Assistance Section
Indian Coordinator

REGION 8
Deputy Regional Administrator
Office of External Affairs
Indian Coordinator

REGION 7
Deputy Regional Administrator
Planning and Management Division
Environmental Review Branch
Environmental Review and Coordination Section
Indian Coordinator

REGION 9
Deputy Regional Administrator
Office of External Affairs
Indian Coordinator

REGION 10
Deputy Regional Administrator
Office of Water
Indian Coordinator

CHAPTER 3
PROFILES OF ENVIRONMENTAL PROTECTION IN INDIAN COUNTRY

I. PROGRAM TAS DESIGNATION, AUTHORIZATIONS AND DIRECT FEDERAL IMPLEMENTATION

II. GENERAL ASSISTANCE GRANTS

III. NUMBER OF TRIBAL ENVIRONMENTAL OFFICIALS

IV. PROGRAM ACTIVITIES IN INDIAN COUNTRY

V. OVERVIEW OF GENERAL ASSISTANCE PROGRAM

TABLE 3.1 PROGRAM DELIVERY

Treatment as a State

	Region 1	Region 2	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Total
OAR										
TAS approved	*Pending promulgation of the Clean Air Act Tribal Rule in June 1995*									
TAS pending										
Authorization approved										
Authorization pending										
Direct Implementation								FIPs NSR PSD		FIPs NSR PSD
OPPTS										
Authorization approved (coop. agreements)				FIFRA (1)	FIFRA (2)	FIFRA (3)	FIFRA (6)	FIFRA (10)	FIFRA (3)	FIFRA (25)
Authorization pending (coop. agreements)						FIFRA (1)	FIFRA (3)			FIFRA (4)
Direct implementation								Asbestos Lead PCBs		Asbestos Lead PCBs

OW - no federal law sec stands - no tribal standards as states stand. don't apply

TABLE 3.1 PROGRAM DELIVERY (continued)

	Region 1	Region 2	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Total
OW										
TAS approved	106 (3) 314 (1)	106 (1) 319 (1)	106 (4) 314 (1) 319 (1)	106 (15) 314 (5)	106 (10) SDWA (1)	106 (3)	106 (15) 314 (5) SDWA (2) UIC (1)	106 (12) 314 (2) 319 (1) SDWA (1) UIC (1) PWSS (1)	106 (16) 314 (4) 319 (1)	106 (79) 314 (18) 319 (4) SDWA (4) UIC (2) PWSS (1)
TAS pending	106 (2)		 319 (1)	106 (2) 314 (1) UIC (1)	106 (8) 314 (1)	106 (2)	106 (2) 319 (2) 401 (1) 404 (1)	106 (6) 319 (1) SDWA (1) UIC (1) PWSS (1)	106 (16) 314 (4) 319 (2)	106 (38) 314 (6) 319 (6) 401 (1) 404 (1) SDWA (1) UIC (2) PWSS (1)
Authorization approved					303 (3)					303 (3)
Authorization pending			303 (2)				303 (1) 319 (1) 404 (1) UIC (1) PWSS (1)	303 (1) PWSS (1)	303 (10)	303 (14) 319 (1) 404 (1) UIC (1) PWSS (2)

TABLE 3.1 PROGRAM DELIVERY (continued)

	Region 1	Region 2	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Total
OW (continued)										
Direct implementation	303 319 404 NPDES SDWA UIC PWSS	PWSS		404 NPDES PWSS	UIC	PWSS	NPDES UIC	404 NPDES UIC PWSS	PWSS	303 319 404 NPDES SDWA UIC PWSS
OSWER										
Authorization approved										
Authorization pending				RCRA C (1)			RCRA D (1)	RCRA D (1)		RCRA C UST, Superfund
Direct implementation		Superfund		Superfund	Superfund			RCRA C, UST, Superfund	Superfund	RCRA C, UST, Superfund
Other										
Direct implementation	NEPA Review							NEPA Review		NEPA Review

TABLE 3.2 GENERAL ASSISTANCE GRANTS PROGRAM

	Region 1	Region 2	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Total
Number of General Assistance Grants	**7** *(1 per Tribe as of 1993)*	**3** *(covers 3 Tribes)*	**5** *(1 per Tribe as of 1993)*	**24** *(covers every Tribe - 22 Tribes & 2 con-ortia)*	**5** *(covers 54 Tribes - 3 Tribes & 2 con-sortia)*	**10** *(covers 6 Tribes)*	**11** *(covers 10 Tribes & 1 con-sortia)*	**16** *(covers 14 Tribes & 2 consortia)*	**40** *(covers 4 consortia, 12 Tribes & WA. water project)*	**121**

TABLE 3.3 NUMBER OF TRIBES WITH AN ENVIRONMENTAL OFFICIAL

General Assistance program	Region 1	Region 2	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10	Total
GAP Managers	**7**	**3**	**5**	**22**	**3**	**5**	**10**	**16**	**12**	**83**
Other funding	**1**	**3**	**0**	**2**	**17**	**0**	**9**	**60**	**33**	**125**
Total	**8**	**6**	**5**	**24**	**20**	**5**	**19**	**76**	**45**	**208**
Tribal Environmental Consortia	**0**	**0**	**0**	**2**	**7**	**0**	**1**	**4**	**15**	**29**

PROGRAM RESPONSIBILITIES IN INDIAN COUNTRY

Office of Air and Radiation

- -- Federal Implementation Plans
- -- Class I redesignation of air quality standards
- -- Radon program
- -- Air quality monitoring
- -- Implementation of the Clean Air Act pending promulgation of the Tribal Rule

Office of Water

- -- Safe drinking water program
- -- Underground injection control
- -- Waste water pretreatment
- -- Public water supply system
- -- Nonpoint source program
- -- NPDES permitting
- -- Sludge control
- -- Wetlands
- -- Construction grants
- -- Water quality standards

Office of Solid Waste and Emergency Response

- -- Municipal solid waste program (RCRA subtitle D)
- -- Hazardous waste program (RCRA subtitle C)
- -- Underground storage tank program (RCRA subtitle I)

-- Superfund program
-- Community Right to Know and Emergency response program (SARA Title III)

Office of Prevention, Pesticides and Toxic Substances
-- Pesticides enforcement program (FIFRA)
-- Pesticides certification program (FIFRA)
-- Endangered species protection (FIFRA)
-- Groundwater protection (FIFRA)
-- Worker protection enforcement (FIFRA)
-- TSCA program
-- Wellhead protection program
-- Asbestos program

GENERAL ASSISTANCE PROGRAM (GAP)

Purpose and Goals

The Program provides for Tribal governments and Inter-Tribal consortia to receive general assistance for the purpose of planning, developing and establishing the capacity to implement programs administered by the U.S. Environmental Protection Agency. The Program provides an opportunity for an integrated approach to capacity-building through a single-assistance agreement with a single set of reporting requirements.

Eligibility

Federally recognized Tribal entities and Inter-Tribal consortia are eligible to receive funding.

Eligible Activities

Planning, developing and establishing capacity may include assistance with developing the appropriate legal and administrative infrastructure, setting environmental priorities, establishing technical capability and planning and establishing an integrated management program to be implemented through project and program-specific assistance. The act also expressly authorizes the use of general assistance agreements for the development and implementation of solid and hazardous waste programs for Indian lands.

Capacity Building

The objective of program-specific capacity building is the eventual establishment and implementation of on-going environmental management programs, rather than the creation of a series of short-term projects. The term capacity refers to the strength and effectiveness of a Tribe's institutions, technology and human resources. Tribal capacity development includes staff training, updating and streamlining processes and procedures, developing information systems, education and outreach. Four major areas for development are Core Program capacity and legal, administrative and technical capacity.

Program Administration

Currently the National Program Manager (NPM) in the Office of Federal Activities has the responsibilities for the general administration of the Program, including budget development, funding disbursement and oversight. The Regional Program Manager (RPM), as the approving official, has the primary responsibility in each Region for the allocation of funds to Tribes. The National Program Offices are responsible, either directly or indirectly, through their Regional counterparts, for program implementation activities.

Funding

Funds for general assistance agreements are Abatement, Control and Compliance (AC&C) funds. Some of the Agency's program-specific funds and other available discretionary funds may be reprogrammed for use as general assistance funds.

The term of the award may be from 1 - 4 years. Recipients may reapply for a new assistance agreement at the end of a 4-year project period if necessary to complete their capacity-building effort. New grants must be for a minimum of $75,000.

Currently the Indian Environmental General Assistance Program Act authorizes $15 million for appropriations.

Funds appropriated for the (Multi-media; FY91-FY93 and) General Assistance Program:

FY91	$1.7 million	FY94	$8.5 million *
FY92	$5.8 million	FY95	$6.8 million (requested) — inere
FY93	$7.9 million *		

93, 94

* Congr. add-on/earmark

Limitations

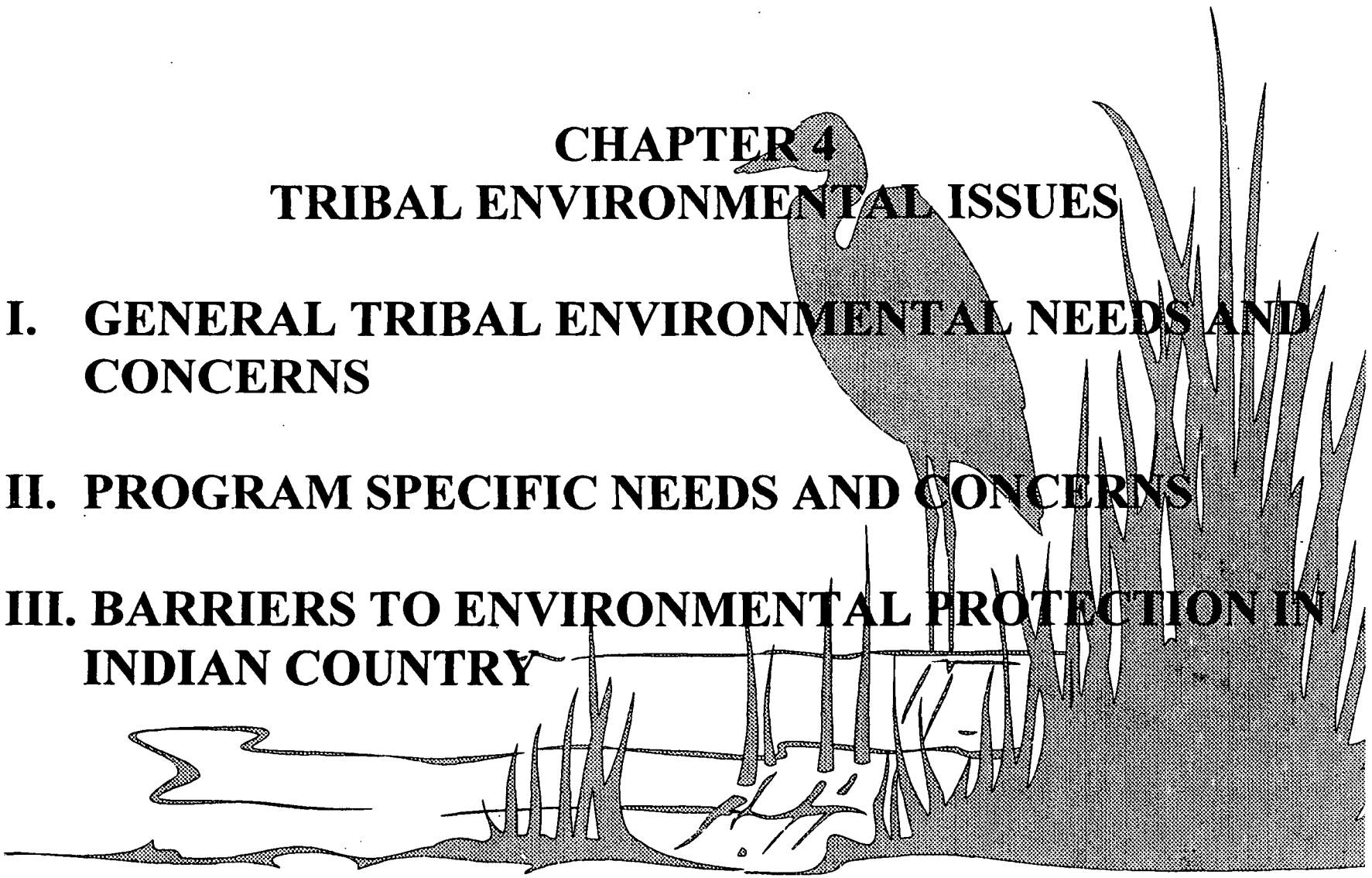
Primary limitations are; 1) no authority to use funds for program implementation, 2) not funded to authorized level, 3) authorization level will need to increase to fully meet Tribal need and increased expectations and 4) shortage in EPA staff to effectively manage the expected increase in agreements.

CHAPTER 4
TRIBAL ENVIRONMENTAL ISSUES

I. GENERAL TRIBAL ENVIRONMENTAL NEEDS AND CONCERNS

II. PROGRAM SPECIFIC NEEDS AND CONCERNS

III. BARRIERS TO ENVIRONMENTAL PROTECTION IN INDIAN COUNTRY



GENERAL TRIBAL ENVIRONMENTAL NEEDS AND CONCERNS

-- resources: funding formulas, levels, matching requirements and FTEs
-- technical assistance and training
-- authorize General Assistance Grants for program management
-- development of Tribal capacity and/or direct Federal implementation
-- improved communication
-- simplify/streamline or eliminate Treatment as a State process
-- clarify Trust Responsibility
-- commitment to implementation of the Indian Policy
-- consistent legal support for the Indian Program
-- support the EPA/State/Tribal Relations Concept Paper

PROGRAM-SPECIFIC NEEDS AND CONCERNS

Hazardous and Solid Waste
- -- RCRA Subtitle C, D and I statutory/regulatory changes
- -- closing open dumps and finding alternative disposal methods
- -- emergency response plans
- -- hazardous waste site inventory
- -- underground storage tank inventory and inspection for leaks
- -- LUST and hazardous waste site remediation

Water

- -- water quality standards
- -- waste water treatment facilities
- -- wetlands protection
- -- discharges (Dioxin) from pulp and paper mills

Air and Radiation

- -- promulgation of the Clean Air Act Tribal Rule
- -- addressing Tribal air quality problems in the absence of the Rule
- -- Radon testing and remediation
- -- Federal Implementation Plans

Pesticides

- -- enforcement
- -- certification
- -- groundwater protection
- -- worker protection

BARRIERS TO ENVIRONMENTAL PROTECTION IN INDIAN COUNTRY

Within EPA:

- -- limited funding for the Agency's Tribal operations and for grants/ financial assistance to Indian Tribes
- -- limited staff to process Tribal applications and monitor grant and cooperative agreement activities
- -- limited funding and staff for technical assistance, outreach and education
- -- cumbersome application procedures for Treatment as a State
- -- emphasis on funding more short-term project grants for limited amounts, rather than program development grants
- -- lack of authority to use General Assistance funds for program implementation
- -- lack of consistency in the Regional implementation of EPA programs in Indian Country
- -- lack of sensitivity training for EPA management and staff about Federal responsibilities in regards to Native Americans, Tribal environmental issues and Tribal governments
- -- lack of baseline data on Tribal environmental needs and associated central repository for this data
- -- lack of consistent Agency-wide commitment to Tribal operations
- -- lack of statutory/regulatory authority to authorize Tribal programs to under RCRA
- -- lack of rapid resolution of State challenges to Tribal jurisdiction claims

Tribal Barriers:

- -- lack of staff to participate in EPA programs
- -- lack of travel funds to attend EPA-sponsored training
- -- lack of resources to meet grant matching requirements
- -- Tribal environmental staff may need assistance in developing applications for EPA programs
- -- Tribes relative inexperience in managing EPA grants and working with Federal environmental programs and procedures
- -- lack of formal Tribal environmental codes
- -- limited funds may force unwanted competition among some Tribes

Tribal - State Barriers

- -- disputes over Tribal jurisdiction
- -- State concerns about Tribal capacity to run environmental regulatory programs
- -- State and Tribal misunderstanding of the EPA Indian Policy and EPA/State/Tribal Relations Concept Paper
- -- concern over the development of joint programs for the solution of common environmental problems

Interagency Barriers

- -- division of environmental program authority among a number of Agencies (ie. BIA, IHS, USDA, HUD, etc.)
- -- lack of formal procedures for coordinating environmental efforts in Indian Country and leveraging resources

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 4 1994

OFFICE OF ENFORCEMENT

MEMORANDUM:

SUBJECT: Final Draft of the FY93 Environmental Activities Report

FROM: Joe Montgomery
Chief, Environmental Programs Branch
Office of Federal Activities

TO: Regional Indian Program Coordinators
Headquarters Indian Program Coordinators

Attached for your review is the final draft "Environmental Activities Report for FY 1993." Your submission of activities, expenditures and workyears expended for the Indian program has been incorporated. Before we send the report to the printers for publication, we are offering each of you the opportunity to review the final copy. It is imperative that you check your portion of the report for accuracy of grants, funds and contracts awarded. The deadline is March 31, 1994. We will consider a "no response" to mean that your portion is correct.

Due to the lateness of some submittals the timeframe for completing the draft report has slipped. A review of the draft report has been done by our staff. The results of that review are attached with questions in regard to your submittal (i.e. monies, grants, agreements, FTEs, additional or a better description of the project, etc.). Please review these and make necessary corrections.

We would like to get back on schedule and can do so with your support. We would greatly appreciate a return of your portion with comments, additions or changes to Clara Mickles, Special Programs and Analysis Division at Mail Code 2252, 401 M Street, SW, Washington, D.C. 20460 or fax to (202) 260-0129.

Attachment

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DRAFT

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US ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL ACTIVITIES ON INDIAN RESERVATIONS: FY 93

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US ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL ACTIVITIES ON INDIAN RESERVATIONS: FY 93

INTRODUCTION

In November 1984, EPA issued an Indian Policy and Implementing Guidance, in which it committed to working with Indian tribes, recognizing that tribal governments are the primary parties for setting standards, making environmental policy decisions and managing environmental programs on reservations. The Agency further committed to encourage and assist Indian tribes in assuming regulatory and program management responsibilities.

Since the publication of this policy, EPA has focused on four major areas: (1) seeking amendments to environmental statutes in order to clarify the role of tribal governments in environmental protection; (2) increasing outreach activities with tribal governments in order to strengthen their understanding of the federal environmental statutes and EPA's understanding of tribal environmental issues; (3) working to incorporate attention to tribal environmental problems and issues into EPA's broader management structure: guidance, program strategies, budget considerations, etc.; and, (4) the direct support of tribal environmental protection activities.

This report is designed to give an annual overview of Agency efforts to establish environmental regulations on Indian lands. It measures the amount of workyears (the equivalent of one person working full time for a year) and funding that EPA Headquarters and each Region expended to implement each environmental law (i.e., Clean Air Act, Federal Insecticide, Fungicide and Rodenticide Act, etc.) on Indian lands. It is important to note that travel funds and salaries are *not* included in the funding column or in the funding matrix included with this report. (If they were, the total amount of expenditures would be larger). Also, it should be noted that these figures are estimates. Finally, because of the nature of the presentation, the report frequently makes use of acronyms. A glossary has been provided to assist the reader.

PROGRAM HIGHLIGHTS

Office of Air and Radiation

The Office of Air and Radiation (OAR) activities during the year were primarily focused internally on rule development, and outreach meetings with Indian Tribes on possible rule requirements. The OAR Acting Assistant Administrator signed a Memorandum of Understanding with Northern Arizona University (NAU) detailing a partnership that will include grants, cooperative agreements and student scholarship support. OAR also provided continuation for the Indian Air Quality assessment grants. Details of these events are summarized as follows:

RULE DEVELOPMENT - Considerable effort was focused on discussions of provisions of the Indian regulation for the Clean Air Act with workgroup members in the Regional and Program offices. OAR also participated in the development of the Agency's consolidated Tribal treatment -as-a-state regulation workgroup and Tribal General Assistance Program regulation workgroup. Using this experience, OAR integrated relevant portions of these other regulations in the draft of the air regulation.

AIR RULE TRIBAL OUTREACH - The Air Workgroup summarized the prospective elements of the Indian Air rule and conducted four meetings with tribal participants in Chicago, Denver, San Francisco and Flagstaff, AZ during the year. The workgroup had an opportunity to brief State Air Directors on the Rule in Scottsdale, AZ and received their support on inviting Indian Tribal Air Program Directors into the State and Territorial Air Program Directors (STAPPPA) group as peers. The incorporation of Tribal Air Directors in STAPPA should bring Tribes a wealth of information, technology transfer as well as program development expertise.

CONTINUING GRANT SUPPORT - OAR continued to support tribes with program grants for radon testing and mitigation (five tribes and tribal consortia). OAR continued support of the air quality assessment for seven tribes in addition to the continued funding of nine tribal programs in Region 8.

OAR/CAMPUS PARTNERSHIP - In May, 1993 the Acting Assistant Administrator for Air and Radiation and the President of Northern Arizona University (NAU) signed a Memorandum of Understanding (MOU) in Flagstaff, AZ detailing a partnership that includes cooperative agreements, internships, graduate National Network for Environmental Management grants, personnel details, and air training programs for both EPA and Indian trainees.

Office of Water

Clean Water Programs

The Office of Water conducted six water quality standards training academies which had a large representation from Indian Tribes. Three of these workshops were attended by both States and Tribes. Three Tribes have received approval for treatment-as-a-state for the WQS program. They are: Pueblo of Isleta, the Pueblo of Sandia and the Pueblo of San Juan. Two Tribes have adopted and EPA approved water quality standards, they are: Pueblo of Isleta and the Pueblo of Sandia.

PROGRAM HIGHLIGHTS

Under Sec. 1443(b) of the Safe Drinking Water Act, the UIC Branch allocates up to five percent of Underground Source Water Protection Grants for Undergound Injection Control (UIC) programs for Indian Tribes. In FY 1993, the UIC Branch allocated five percent or $545,000, to Regions II, V, VI, VIII, IX and X to support UIC programs for Indian Tribes; provide technical assistance and training; and, build Tribal capacity to attain primary enforcement authority for the UIC program.

On February 11, 1993, the Office of Water published final regulations (40 CFR Parts 232 and 233) on treating Tribes as States for the purpose of assuming the Clean Water Act Section 404 permit program. This regulations amend the Section 404 State Program Regulations by adding the procedure by which an Indian Tribe may qualify for treatment as a State in order to be eligible to subsequently apply for assumption of the dredge and fill permit program under Section 404 of the Clean Water Act. This regulation satisfies the statutory provisions in Section 518 of the Clean Water Act with respect to the 404 program and, in part, Sections 308 and 309 of the Clean Water Act.

The Nonpoint Source Program (Sec. 319) has made substantial progress with Tribes in the past year. Two additional Tribes, the Eastern Cherokees and the Campo Band of Kumeyaay Indian (Regions 4 and 9) have become participants in the program and several new Tribes are expected for FY94. The grant guidance for 319 has been updated and clarifies the section pertaining to Tribes. The Office now has a staff person assigned to work on issues that pertain to Tribes in relation to the Nonpoint Source Program. The Office is in the process of preparing a "Tribal Guide" on the Nonpoint Source Program which will be available within the next few months.

In FY 1993, the Regional and Headquarters coordinators responsible for direct implementation of the Drinking Water program on Indian lands formed a network to facilitate consistent program implementation. Major issues addressed by the network included enforcement, waiver policy, monitoring, cross-program coordination, and technical assistance.

Safe Drinking Water Programs/Groundwater Programs

PROGRAM HIGHLIGHTS

Office of Solid Waste and Emergency Response

CERCLA/SARA Programs

The Superfund program under the authority of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended by Superfund Amendment and Reauthorization Act (SARA), provides financial and technical assistance to Indian Tribal Governments nationwide in an effort to build Indian Tribal capacity to develop environmental regulations, perform, and participate in hazardous waste cleanups on Indian land. In FY 1993, Superund awarded nearly $ million to Indian Tribal Governments through Cooperative Agreements.

In addition to financial assistance, CERCLA provides technical assistance to Indian Tribal Governments in many areas. For example, conducting removal and remedial actions on tribal lands; implementation of SARA Title III Community Right-to-Know Emergency Planning, administration of Cooprative Agreements; emergency responder training for tribal emergency response and planning personnel; conducting Preliminary Assessments and Site Investigations; and providing outreach to Indian Tribal Governments on a regular basis.

Specifically, in FY 1993, the program supported a regulation deviation to allow Region 10 to award a cooperative agreement to a Tribe for work at a site not technically within its jurisdiction, but which is on land which the Tribe has hunting, fishing, and gathering rights. This decision sets a precedent for enhancing participation of Indian Tribes in Superfund responses.

RCRA Programs

The Office of Solid Waste and Emergency Response 's Office of Waste Programs Enforcement activities included participation in: workgroup for the simplification of EPA's process for tribal authorization, consulted on the proposals to amend the Clean Water Act and Safe Drinking Water Act, participated in the Subtitle C Tribal Authorization Workgroup; attended the National Indian Coordinators Spring Workgroup meeting in Washington, D.C.; and awarded a grant with OSWER's Office of Solid Waste for an evaluation of Gila River Reservation's hazardous waste activities. The activities included a hazardous waste training, inspections, developing a handlers list, preparing an annual report, and assisting another tribe in a hazardous waste inspection.

Headquarters (OSW) and Region 10 developed a joint, pilot project that places VISTA volunteers in Alaska to assist the Alaska villagers with solid waste management. During FY93, EPA and ACTION developed a work plan, and executed a Memorandum of Understanding and Interagency Agreement. The first three volunteers recruited by ACTION and selected by EPA, will be on-site in FY 94. Current plans call for an additional two volunteers to be placed in Spring, 1994. OSW is considering the possibility of duplicating this project in the lower 48 states at the end of the 2-year pilot.

Office of Pesticides and Toxic Substances

Pesticide Programs

PROGRAM HIGHLIGHTS

Office of Enforcement

Office of Federal Activities

Multi-Media Assistance Agreements

Office of Policy, Planning and Evaluation

The work of the Office of Policy, Planning and Evaluation (OPPE) is to provide policy support to the Administrator and Deputy Administrator and to run many of the management and evaluation processes that keep the Agency functioning. OPPE also conducts demonstration projects and research to promote effective environmental management. OPPE is working with Tribes in Region 5,8, and 10 on projects that will enhance Tribal capacity to effectively manage Reservation environments as well as improve the effectiveness of EPA's and other agencies' work with Tribes.

The first comparative risk project to ever look at Native Americans, the Wisconsin Tribes Comparative Risk Project, found that Native Americans in Wisconsin face some different environmental risks from those faced by the general population, mostly because of different types and levels of exposure to environmental hazards. The Region 8 project will build on the methodological innovations developed in the Wisconsin project.

Comparative risk projects review available data on environmental problems in a risk assessment framework, then use consistent assumptions and criteria to evaluate each environmental problem in terms of the human health, ecological, and economic and social damages they may pose. The environmental problems are then ranked and the rankings and analysis are used to form decisions on how to best address those problems.

The project analysis and ranking will be used to guide decision-making for addressing the environmental problems most effectively. The findings are expected to be useful both to the Tribes and to other Federal and state agencies in detemining what the worst environmental risks that the Tribes face are and the main causes for those risks. Tribes expect to work together with EPA and other agencies to address the risks which are uncovered.

PROGRAM HIGHLIGHTS

The OPPE Science Policy Staff is working under a cooperative agreement with the Columbia River Inter-Tribal Fish Commission (CRITFC) which is representing its four member Tribes (the Yakima, Umatilla, Nez Perce, and Warm Springs Tribes) to improve estimates of fish comsumption among tribal members. The Commission has worked with the tribes to conduct a fish consumption survey to establish a high-confidence estimate for fish consumption to examine the validity of the national estimates currently used for risk assessments and establishment of water quality criteria and standards. The rate of consumption is a critical factor in establishing potential exposure to dioxin and other toxic effluents. While the consumption survey alone is not sufficient to estimate exposure, this survey together with information on pollutants in fish and the effects on humans would allow more accurate and complete exposure assessments. The Commission is expected to publish its study in late 1993 or early 1994.

Office of Environmental Equity

The Office of Environmental Equity Office (OE2) formed the "Equity Indian Study Group," comprised of both Regional and Headquarters EPA staff to determine the environmental justice issues facing American Indians and Alaska Native Villagers. The Study Group drafted a "position paper" to report on its findings. Financially, the Equity Office provided funds to support: the Agency's Environmental Science Scholarship program administered by the American Indian Science and Engineering Society (AISES) for college students studying environmental science or related fields; the Region 8 Tribal Comparative Risk Project; the Salish-Kootenai Tribal College Environmental Science Degree Program Development Project; and the Tribal Environmental Investigations Training Program. The Equity Office is developing a "Small Grants Program" for FY94 to provide additional money for local environmental projects and outreach efforts.

The Equity Office formed the "Equity Indian Study Group" to coordinate with EPA Headquarters and Regional staff to review the environmental justice issues facing American Indians and Alaska Native Villagers. The Study Group drafted a "position paper" to report on its findings and its recommendations for addressing the environmental justice concerns. The Study Group will distribute the draft to tribes for comment before publication.

For FY 1994, the Equity Office hopes to have in place a new "Small Grants Program" to provide additional money for local eenvironmental projects and outreach efforts. These funds will be made available to grass-roots, community, non-profit, and tribal organizations, tribal governments, and educational institutions through advertized competition. The awards will be made up to a maximum of $10,000.

PROGRAM HIGHLIGHTS

Office of Public Affairs

The Tribal Lands Environmental Science Scholarship Program created by EPA to increase the number of American Indians who are educated in the environmental sciences and available to work to improve the environmental protection of tribal lands. In colleges and universities nationwide, junior/senior and graduate school students compete for these scholarships based on the following factors:

- Grade point average (2.5 minimum)
- Knowledge of Indian Culture
- Commitment to environmental protection
- Character and leadership ability
- Level of study
- Work experience

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.

REGIONAL ACHIEVEMENTS

REGION I

REGION II

Region 2 awarded Indian multi-media assistance through cooperative agreements to three applicants: the St. Regis Mohawk Tribe (SRMT), the Seneca Nation of Indians (SNI), and the Oneida Indian Nation. Each of these awards support continued environmental capacity building activities. Specifically, the workplans include development of environmental assessments, management plans, and legal regulatory framework.

Region 2 continued to provide technical assistance and program grant funds to grant applicants (i.e., three of the seven federally recognized Tribes located in New York have applied for EPA grants). This included award of continuing grants to the SRMT of $50,000 under Section 105 Clean Air Act, $47,204 under Section 106 of the Clean Water Act, and a $151,385 Superfund CORE grant. In addition, the SNI's Indian Radon Pilot project was awarded second year funds in the amount of $10,000. Continuing grants were awarded for the SRMT and SNI under the Safe Drinking Water Act (SDWA) for inspections and testing of its public water supply system. First year grants were also awarded: the Oneida Indian Nation was awarded $9,935 for environmental education; the SRMT was awarded $63,000 wetlands grant and the SNI was awarded $48,315 under CWA Section 104 for development of NPDES and sludge management capacity, as well as for training and development of Treatment-as-a-State status.

The Region provided direct assistance in the evaluation of a landfill fire on the Tonawanda Band of Senecas Reservation and negotiated an Inter-Agency Agreement with the Department of the Interior, which provided funds to extinguish fire and remediate the site. The Region continued to provide direct assistance in support of the CERCLA/SARA removal action of 1500 drums at the Onondaga Nation Drum Site, and responded to requests for assistance in spill response, discovery of abandoned underground storage tanks and review of proposed facilities.

In support of the Region's proposed EPA/Indian leaders meeting and the development of a regional Indian strategy, the Acting Regional Administrator established a Regional Indian Workgroup (RIWG). Specifically, RIWG has prepared a draft strategy, draft issues paper and other background information and will include the Indian tribes in arranging the meeting. Further, Tribal Profiles have been developed based on existing regional information.

The Region provided input to the SRMT-produced Iroquois Environmental Newsletter, a publication funded through the multi-media program.

REGIONAL ACHIEVEMENTS

REGION IV

A Region IV Water Management Division Native American Coordination Team was formed to provide information and services to the tribes and to coordinate tribal water program needs with the objectives and financial resources of the Region's water programs. The team acts as an advocate for the Region IV tribes at the divisional, regional and national level in the area of water resources management.

Region IV coordinated with Headquarters on conducting hearings for Regional solid waste management plan for the Cherokee tribe and Swain and Jackson Counties in North Carolina; assisted the Cherokee Tribe in determining spill investigations and testing requirements at the existing landfill which is scheduled for closure; reviewed and made recommendations on a proposal submitted to the Choctaw tribe by a consultant for testing and soil investigations for closure of their landfill; worked with the Choctaw tribe to find a use for sawdust from the pallet fabrication plant; coordinated with the five regional tribes to hold the first Regional solid waste meeting in Atlanta; and awarded solid waste grants to the Cherokee Tribe of North Carolina and to the Poarch Band of Creek Indians, in Alabama.

Awarded multi-media tribal grant ($22,300) to five tribes in Region IV to develop Air regulations.

REGION V

Midwest Flood Relief Efforts: The Indian Environmental Liaisons and Region 5 planning staff performed outreach activities to determine the extent of flood damage to reservations within the Mississippi River Basin. They worked with Tribes, FEMA, and other organizations to address the damage.

Region 5 developed and approved a Quality Assurance Program Plan (QAPP) for fish collection and analysis and a Pesticide Cooperative Research Agreement with the Leech Lake Band of Minnesota Chippewa. The QAPP presented many challanges as it was the first time analysis for nitrogen-based pesticide in Fish tissue has been undertaken in a U.S. EPA cooperative agreement with a tribe in Region 5.

Under the Pesticide Cooperative Agreement with the White Earth Band of Chippewa, a major accomplishment was the adoption of the Tribal Pesticide Code by the Tribal Council on January 8, 1993. In addition, the first White Earth pesticide inspector received Federal inspection credentials in the second quarter.

Region 5's Office of RCRA Regulatory Development Section continued to fund the Menominee Tribe's efforts in preparing an authorization application as part of a National Pilot Project. The Tribe is seeking partial authorization for 40 CFR Parts 260, 261, 262, and 263. During FY93, the Tribe submitted its draft authorization application for partial base authorization. Region 5 and Headquarters conducted a concurrent review of the Tribe's application and forwarded EPA's consolidated comments to the Tribe on March 9, 1993. The Tribe is scheduled to submit its final authorization application in FY94.

OCEPP staff helped represent the Office of Superfund on the Regional Indian Work Group (RIWG). As part of the RWIG, OCEPP staff reviewed and offered comments on the quarterly reports, work plans, revised work plans, and proposed work plans associated with the Multi-Media Grant Program.

REGIONAL ACHIEVEMENTS

OCEPP staff, in coordination with EERC OSCs and TAT contract staff conducted three First Responders-Awarness Level training sessions that focused on tribal needs. The White Earth Reservation, Upper and Lower Sioux Reservations, and Bad River Reservation hosted the training programs. Over the year, 86 students from 12 different reservations attended the training. Also attending were representatives from BIA, Wisconsin Conservation Corps, and County emergency planners, among others.

OCEPP also gave Title III orientation at the Multi-Media Staff training and gave a presentation on the Federal Response System for tribal conservation officers. A similar program was provided to the Grand Portage Reservation and the Mille Lacs Reservation.

A Tribal/State/Local/Federal emergency planning work group has been established in Minnesota. Quarterly meetings are held in Grand Rapids, Minnesota, to address tribal all-hazard planning needs. OCEPP staff participated in two of the meetings.

The Region 5 Air Division has supported the multi-media program with a contribution of $200,000. Technical assistance was given to the Midwest Universities Radon Consortium in their development of a national Indoor Air Quality training program aimed toward tribal health personnel. This program will be test-piloted with the Great Lakes Tribes. Region 5 assisted the Office of Air in the preparation of an Indian Air Rulemaking conference.

Through an Interagency Agreement with the United States Geological Survey, Region 5 is funding a study designed to determine (1) the range of radon levels in aquifers beneath Wisconsin Indian reservations and (2) the correlation between ground water and indoor air radon levels.

During FY93, Region 5 continued to administer "Indian Radon Pilot Project" grants to Great Lakes Inter-Tribal Council for radon public information, problem assessment, and problem mitigation.

Region 5 tribes were invited to participate in the Lake Superior Bi-national program.

FY1993 was the third year of multi-media activity in Region 5. The Region now has multi-media environmental programs established for all 29 reservations. This has been made possible by coupling funding from the Congressional appropriation ($599,050) with the Region's own reprogramming efforts ($510,000). One grant is beginning its fourth year of activity. Eight are now beginning their third year. In FY 93, the Tribes have dramatically improved their capability to direct and address their own environmental priorities.

As Lead Region for FY 93, Region 5 provided quarterly reports to Headquarters on Regional Indian activities, served as focal point for Regional comments on TAS requirements, and the Indian Air regulations. Region 5 also coordinated Regional input in the form of issue papers in Water, Waste, and Air. These papers are meant to raise ongoing concerns relative to implementation and funding of those programs.

The Region 5, Indian Environmental Liaison for Wisconsin, has completed a two-month detail to the Office of Regional Operations/State & Local Relations in Headquarters. He worked on the establishment of a tribal operations committee as an ongoing institutional mechanism to improve direct government-to-government contact between tribal officials and the Administrator. He also worked on the establishment of the tribal capacity task force

REGIONAL ACHIEVEMENTS

On November 20, 1992, the 11 Tribes in Wisconsin released "Tribes at Risk: The Wisconsin Tribes Comparative Risk Project" jointly with Region 5. This completed the first phase of Region's joint comparative risk project with the Tribes. Since then, Tribal environmental programs throughout the Region have worked closely with Region 5 in the second phase, risk communication, to improve the information on risks and to begin risk-based dialogues with other tribes, State and Federal agencies.

In May 1993, the 4-State Tribal Assembly (Michigan, Minnesota, Iowa, and Wisconsin) conducted an Environmental Summit. The Tribes used the summit to call all Federal agencies with environmental programs together in an inter-agency effort for the coordination and implementation of those programs. Extensive follow-up meetings are occurring under the direction of the Tribal environnmental programs. These meetings have been developing, in close cooperation with Regional representatives of the Federal agencies, recommendations and solutions media by media for environmental problems on reservations. At the request of the Tribes, Region 5 has been closely involved in these meetings. Tribes are using their improving environmental expertise and infrastructure to revise priorities.

On August through September 1993, three Region 5 facilitators presented the training module "Principles of Environmental Assessment." This training was hosted by the Bad River Tribe and representatives from the Lac du Flambeau, Forest County Potawatomi and Mole Lake attended. The training was based on a module developed by Region 3 for International Activities. It provided a basic introduction to the environmental assessment process. The Tribal representatives in attendance were pleased with the materials and sharing of information.

REGION VI

In FY93, Region 6 Superfund awarded $1.6 million to its Indian-lead pre-remedial Superfund programs through Cooperative Agreements and Support Agency Cooperative Agreements. Benefiting 55 Region 6 Tribal Governments [Inter-Tribal Environmental Council of Oklahoma (ITEC); All Indian Pueblo Council of NM; and the Navajo Nation], this funding was utilized for the development and administration of the Indian-lead programs as well as the submittal of high-quality site investigation reports. In addition, the Region's and ITEC's FY93 goal of adding 2 Tribal Governments to the Consortium was exceeded by 10, bringing ITEC membership to 32 Oklahoma Tribes.

Wall Colmonoy Corporation is a small quantity generator located on the Isleta Pueblo Indian Reservation in New Mexico. The Pueblo Office of Environmental Protection approached EPA and identified this site as a serious local problem. Based on EPA sampling results chromium and nickel were found in significant concentrations. The Pueblo of Isleta expressed its concern with the initial sampling results and stated that it would take the lead in the removal action. EPA agreed with the Pueblo and provided technical, legal, and enforcement support. As a result of this assistance an agreement between the facility and the Pueblo was signed on April 15, 1993, for the facility to conduct the removal. The time-critical removal action was initiated by the Wall Colmonoy Corporation on April 19, 1993.

The Solid Waste Section, in conjunction with Headquarters conducted a 2-day seminar on the Part 258 Landfill Regulations and the effect of these regulations on Tribal governments. One session was in Oklahoma City and was attended by approximately 50 Tribal representatives. The second session was in Albuquerque where approximately 120 Tribal representatives attended.

REGIONAL ACHIEVEMENTS

The RCRA Permits Branch typically receives a couple of inquiries each year on the requirements to start a hazardous waste treatment/storage/disposal facility on Indian lands. Usually after discussing the technical and legal requirements, financial backing needed, and role of the State agency (even though they will be receiving their permit from EPA, the State still has requirements that must be met off the Indian land), the applicant does not follow through with their application.

Provided and advised on substance content and procedural adequacy of Pueblo water quality standard adoption, resulting in first approval in the Region of a tribe's Water Quality Standard.

Gave extensive advice and legal aid to a tribe, resulting in adoption by the tribe of a comprehensive (all media) environmental code.

Region 6 established an underground storage tank program for a consortium.

Region 6 has the largest concentration of Native American population of any Region (37 percent of the Nation's total). The Region has within its boundaries 68 Federally-recognized sovereign tribal governments whose combined jurisdictions extend over 40 percent of all Indian land in the United States. The extent and diversity of this presence has led the Region to actively encourage and assist in the development of tribal environmental consortia which have positively impacted the use of extremely limited resources. This approach is seen as contributing to: (1) The development of a more equitable system for UST program implementation on Indian lands; (2) contributing to the development of effective working relationships with tribal governments as primary parties for setting standards, making environmental policy decisions and, where legal and appropriate, managing environmental programs for consortium participants. This activity, begun in 1992, has continued into FY93 with the establishment, and support of an additional, state-wide tribal consortium serving 31 sovereign tribes in the State of Oklahoma. A total of 51 tribal governments are now involved in 2 Regional consortia. EPA support has included to provision of a Senior Environmental Employee (SEE) to serve as an initial on-site contact for tribal governments in all Underground Storage Tank matters. A major accomplishment in FY93 was the completion of a total inventory of all tanks on New Mexico Indian lands, as well as the drafting of Underground Storage Tank Regulations for consideration of all member governments.

This year the Underground Injection Control Direct Implementation Program on Indian lands presented its second annual Environmental Excellence Awards Ceremony. The ceremony was held on Osage Tribal land; the two 1993 winners were Beckham and Butler Production Company and Hyperion Energy L.P.

May 1993, the UIC-DI Regional and Field Office Staff conducted an Operator Seminar for Other Indian Lands in Oklahoma City, Oklahoma. The Seminar was designed to inform operators of Class II and V injection well regulations and requirements.

August 1993, the UIC-DI Section conducted a series of Class V outreach workshops. These workshops were targeted for Tribes within the State of New Mexico. The Eight Northern Pueblo, the Jicarilla Apache and the Southern Pueblo tribes participated in the workshops. Field activities were also conducted for the purpose of identifying any possible Class V wells.

During FY93 the Public Water Supply Program has worked with the Apache and Pueblos in New Mexico to begin implementation of the Lead/Copper Rule. The monitoring protocol required by the Lead/Copper Rule is much more proscriptive than other Drinking Water samples; therefore, Tribal Water Operators need extra assistance in correctly obtaining these samples.

REGIONAL ACHIEVEMENTS

During FY93, the Region 6 Water Management Division's Permit Branch developed an implementation plan to use when applying the Pueblo of Isleta Water Quality Standards in NPDES permits. The Region anticipates using the Isleta's implementation plan as a model for developing implementation plans for other tribal water quality standards as they are approved by EPA.

Region 6 Office of Ground Water and the Ground Water Protection Division, in a cooperative effort, developed a wellhead protection program for the Zuni Tribe, Zuni, New Mexico. Region 6 employees and a representative from Headquarters presented a two day wellhead protection training seminar to the Tribal Counsel and members of the Tribes water department. The training advised the Tribe in the components of a wellhead protection program and prepared them to participate in a contaminant source inventory conducted the following day. The Zuni case study was presented at the National Wellhead and Aquifer Protection Seminar in Coeur 'd Alene, Idaho in March.

Three Tribes in Region 6 were approved this year to administer the Water Quality Standards Program. This Pueblo of Isleta, the Pueblo of Sandia and the Pueblo of San Juan are now eligible to develop, review and revise WQS for all surface waters within their reservations.

Region 6 has held several Water Quality Standards workshops in New Mexico. Eighteen of the twenty-one Pueblo and Apache Tribes in New Mexico have participated in one or both of the workshops. The first workshop was held in October 1992 at which Region 6 gave an overview of the water quality standards program and the NPDES permitting program. Other topics included implementation of the Endangered Species Act in the water quality standards program and legal issues regarding the treatment as a State process. Representatives from the Pueblo of Isleta and the Pueblo of Sandia gave their views on the water quality standards process. Technical meetings were also held in February 1993 with the Indian tribes in New Mexico to discuss the technical basis of the development of water quality criteria. Representatives from thirteen Tribes and several agencies including the All Indian Pueblo Council, the Eight Northern Indian Pueblos Council, the Bureau of Indian Affairs and Northern New Mexico Community College participated.

REGION VII

Region 7 entered into five new Multi-media Assistance Agreements during FY93 with the Winnebago Tribe of Nebraska, Sac & Fox Tribe of the Mississippi in Iowa, Kickapoo Tribe of Kansas, Santee Sioux Tribe of Nebraska and the Potawatomi Tribe of Kansas. Also during FY 93 progress was made towards forming a consortium between the States and Tribes for the 1994 General Assistance Agreements. By finalizing the consortium agreements all of the recognized Tribes with land holdings in Region 7 would be part of the Multi-media/General Assistance program. Region 7 media specific programs have also been very active during FY 93. Pesticide Certification and Enforcement grants with the Winnebago, Santee Sioux and Omaha Tribes have been established and continue to make progress. Water Quality Planning and Management grants with the Kickapoo, Winnebago and Omaho Tribes have been established, as well as, a Ground Water Monitoring grant with the Winnebago Tribe. Region 7 has also entered into two new Wetland Protection grants with the Santee Sioux and Kickapoo Tribes.

REGIONAL ACHIEVEMENTS

Region 8's Office of Water (SWDAA/PWSS) co-chaired with Region 9 the newly organized National PWS-DI Indian Network which met to begin work on implementation and enforcement guidance and coordinate training and other activities. A grant with the Native American Water Association developed a training program to target problemmatic water utilities and produce complete utility assessments. Region 8 worked with the Tribes and the States of North Dakota and South Dakota on tribal jurisdictional issues. Standing Rock Sioux submitted a draft SDWA ordinance.

The Office of Water's Montana Office has intensified EPA efforts on all seven Montana Indian Reservations. The number of grants under the Clean Water Act has increased from two in 1991 to eleven in 1993. The Montana Office has taken the lead within EPA on four tribal applications for treatment as a state under the Clean Water Act.

The Office of Water's Ground Water Programs worked with the Oglala Sioux Tribe on the Pine Ridge Reservation and conducted a Wellhead Protection (SHP) Program Demonstration. The Tribal Water Resources Department (WRD) continued development of the Program through July 1993. Work completed includes: delineation of wellhead protection areas (WHPAs) for all public water supply wells, development of a community profile (which includes identification of potential sources of ground water contamination) for all towns, and drafting of a WHP code to provide protection of WHPAs. The code will be finalized and put before the Tribal Council.

The Office of Air, Radiation and Toxic Substances: EPA Region 8 funds five separate Tribal Pesticide Enforcement Programs. Cheyenne River Sioux Program stands out as particularly active and effective. The program has routinely met or exceeded work output projections. The program is also involved in forming programs in Pesticides in Ground Water, Endangered Species and Pesticide Worker Protection.

Office of Air, Radiation and Toxics - Air Programs: EPA/Tribal Annual Conference held in Denver. The conference included representatives from Northern Arizona University's Native American Program to discuss the draft CAA regulation, promoted partnerships between NAU and Institute for Tribal Environmental Professionals (ITEP). Nine tribal air programs were represented. Region 8 Air Program provided contractor support to tribes in emission inventory training and development. Tribes in Region 8 are currently completing emission inventories of their reservations to help themselves and EPA in future planning and in identifying potential problem areas.

Office of Solid Waste and Emergency Response - Hazardous Waste Branch: Branch participated in the Turtle Mountain Manufacturing Co., Multi-media inspection. Branch responded to a RCRA citizen's complaint concerning alleged contamination of a private water well and the Turtle Mountain landfill.

Office of Policy and Management - Grants Management: Provided grants management training to tribal administrative and technical staff; conducted a Management Assistance program review at Rosebud Sioux Tribe, South Dakota; participated in an outreach effort to retain tribal participation in training provided by National Association of Minority Contractors; managed grant activity for nine EPA programs; administered awards to 19 tribes.

REGIONAL ACHIEVEMENTS

Office of Policy and Management - Policy Office: Successfully included a tribal component in three pollution prevention incentives for state grants awarded to CO, UT and MT; participated in development of a pollution prevention project with Devils Lake Sioux Tribe.

REGION IX

Region 9 completed the Inter Tribal Council of Arizona training course given to Tribal representatives to participate in the Radon Measurement Proficiency Program.

Region 9 provided contractor support for a hazards, vulnerability and risk analyses of the Navajo Nation, including transportation cooridors and a worst case scenario. This will be a supplement to the Regional Response Team (RRT) area plan. Copy will be given to Navajo Emergency Management Department (NEMD) to be incorporated into the Navajo Chemical Emergency Plan, when developed.

Region 9 initiated contractor support for a hazards, vulnerability, risk analyses including transportation and worst case scenario of the Hopi Reservation. This will be an adjunct to the Navajo Nation hazards analysis. A copy will be given to the Hopi Nation to be incorporated into their Chemical Emergency Plan, when developed.

Region 9's Solid Waste Section conducted two solid waste workshops for the Region's Tribes and federal agencies, one also in Redding, CA and the other one was in San Diego, California. Over 150 tribal and federal agency representatives attended the two workshops. Solid waste management experiences were shared by a panel of tribal representatives and a panel of federal representatives. Information regarding EPA's solid waste and hazardous waste regulations was also presented. Workshop evaluations were very positive.

Region 9's Solid Waste Section initiated a Solid Waste Workgroup with other Region 9 federal agencies (IHS, BIA) and tribal coalitions (ITCA, ITCN) to discuss federal solid waste management efforts and cooperation on Indian lands. The first meeting of the workgroup was held in Phoenix, Arizona in September. We hope the workgroup will continue to be a useful forum for sharing information and coordinating federal efforts on solid waste management on Indian lands.

The Solid Waste Section provided solid waste technical assistance to many tribes and federal agencies in Region 9. Assistance focused on 7 tribal recipients of multi-media grants incorporating solid waste management, the Inter-Tribal Council of Arizona (and the 8 tribes receiving funding under the $1.5 million ITCA solid waste multi-media grant), the Inter-Tribal Council of Nevada, and the Region 9 tribes with commercial landfills.

In August 1993, the Inter-Tribal Council of Arizona (ITCA) hosted a training session on ground water protection.

A TSCA asbestos AHERA cooperative agreement for FY93 was awarded to the Navajo Community College (NCC) to assist NCC in becoming an accredited AHERA training course provider. AHERA training courses will be integrated into a two-year Environmental Science degree program developed and adopted at NCC.

REGIONAL ACHIEVEMENTS

REGION X

The Ketchikan Pulp Corporation who operates the hemlock sawmill on the Reservation were found to be in violation of the PSD air permit requirements. The company shut down the offensive unit and plans to install a wood-waste boiler to reduce the sawdust piles. The tribe was informed of the enforcement action which will result in a considerable reduction in emissions to the airshed.

The Coeur D'Alene Tribe was awarded $12,000 during the last quarter of FY93 to begin developing a FIFRA pesticide enforcement program.

Region 10 hired an Enforcement Manager to began reviewing existing state, tribal and EPA programs.

The Region 10 Puyallup Tribe Land Settlement Team has shown outstanding leadership in strategic implementation of one of the most important components of the federal Puyallup Tribe of Indians Land Claims Settlement Act of 1989 (25 U..S.C. 1773). The Settlement Act required the expedited cleanup and transfer of 216 acres of industrial property from the Port of Tacoma, Washington, to the United States to be held in trust for the Puyallup Tribe of Indians. Region 10's creative contributions led to response actions that achieved the goals of the Land Settlement, received the full support of local, state, and federal agencies, and met the economic development needs of the Tribe. In the process of investigating and cleaning up the properties, the Team helped to effectuate EPA's National Indian Policy by working with the Tribe on a government-to-government basis, and by providing technical and financial assistance that helped the Tribe to build its capacity to regulate the reservation environment.

Region's 10 Water Quality Certifications for projects on reservations included coordination with the Colville Tribe on boat ramp construction along Lake Roosevelt in areas with possible sediment contamination (sediment characterization required). The Water Quality Certification for the marina project on the Makah reservation included reuse of 190 pontoon..

Provided coordination through the PSDDA program with the Lummi Tribe on use of the Bellingham Bay open-water dredged material disposal site.

For four consecutive years, Region 10 co-sponsored with the Portland Area Indian Health Service (IHS) a multi-faceted training program for tribal water operators and tribal water program managers. The workshops conducted were: EPA's PWSS, UIC and WHP Programs for both tribal water operators and tribal water program managers; circuit riders provided technical assistance on site to tribal water operators and educate tribal staff regarding EPA's new drinking water regulations, in addition to assisting the apprentice program. The program has been particularly productive and well-received by the participating tribes.

Region 10 assisted the tribes to comply with requirements of EPA's Phase II Rule (PWSS) and provided the requisite information to make informed determinations on waiver applications. Region 10 developed a work assignment and, with the assistance of an EPA contractor developed an analytical model and is in the process of doing a vulnerability assessment of each EPA-regulated tribal drinking water system in Region 10 for Phase II contaminants. The goal is to permit EPA to make waiver decisions, as well as to help the tribes to develop their own wellhead protection programs.

REGIONAL ACHIEVEMENTS

Region 10 continues to inspect and sample underground injection wells (UIC) on Indian lands that have been identified as potentially threatening ground water quality as funding allows. Enforcement actions follow as warranted. In FY93 five injection wells are to be inspected and sampled on the Yakima Indian Reservation at the request and cooperation with the Yakima Indian Nation Environmental Protection Program.

Region 10's Air Programs Branch, Environmental Services Division and the Office of Regional Counsel assisted the Shoshone-Bannock Tribe to develop a Tribal Implementation Plan (TIP) for the portions of the Bannock-Power PM-10 Non-Attainment Area (NAA) that lies within the exterior boundaries of the reservation. The Shoshone-Bannock tribe participated jointly with IDEQ and EPA to develop a comprehensive plan to address the problem and develop strategies designed to bring the area within the PM-10 standard. Development of the plan has been a successful collaborative effort between tribal, state IDEQ and EPA staffs. Region 10 EPA also assisted the Shosone-Bannock Tribe in providing technical and legal assistance in the rules development process of the Clean Air Act.

Coeur D'Alene Basin Project: The Coeur D'Alene Restoration Project is a model of how Region 10's Strategic Plan can be implemented. The geographic initiative addresses all of the five strategic directions. Region 10 is approaching the area's needs with a geographic/multi-media outlook. The program covers the entire river basin, including the lakes and streams of the St. Joe, St. Maries, Spokane and Coeur D'Alene Rivers. A holistic, integrated solution is sought to address all the area's problems, from dangerous levels of poisonous metals, to eutrophication of waterways, soil erosion and fish and wildlife habitat loss.

Outreach and Education is used to expand environmental knowledge and sensitivity of internal and external EPA customers. Internally, both the Hazardous Waste and the Water divisions are sharing tasks and information. Externally, the agency is coordinating efforts with the Idaho Department of Environmental Quality, the Coeur D'Alene tribe, industries, and a Citizens Advisory Committee.

Every effort is made to involve the public, with information presentation and Pollution Prevention Programs. Although most of the pollution in the area is historical, farmers are being taught methods of erosion reduction, and boating associations are stressing environmentally friendly boating. A significant difference in the way this project is handled from past efforts is the emphasis on "Compliance and Rethinking the Environment Mix. " Instead of approaching violations separately, they are trying to promote voluntary compliance, Region 10 is promoting voluntary compliance and reaching beyond traditional EPA methods and boundaries, to involve all stakeholder early in the initial planning effort. Each responsible party is encouraged to develop investigations and solutions that work for them, meet the goals of the project and comply with the current regulations. The Region provides technical support to other federal agencies and to the tribes. In addition, provide oversight and assistance, and grant money for demonstration projects and other cleanup programs.

The outreach program has been promoting the solid waste planning process by outlining the process and comparing this with the actual solid waste practices in current use on the reservations.

The tribal staff people have been made aware of the benefits of becoming involved with the Solid Waste Network. The tribes have been given copies of the "Guide to Initiating Solid Waste Planning on Indian Lands."

REGIONAL ACHIEVEMENTS

As the Subtitle D, Parts 257 and 258, education process began it soon became evident that virtually all of these reservations had a problem with widespread illegal dumping. Most reservation staff people expressed frustration with their efforts to effectively regulate illegal dumping. The problem was discussed with tribal staff people, and several tribes expressed a desire to have a generic model from which to pattern their new or revised solid waste ordinances. All of this resulted in the execution of a contract for the preparation of a Model Solid Waste Ordinance.

The Skokomish tribe recently initiated a rather creative recycling and composting program on their reservation. The Solid Waste Tribal Outreach Program has at least been one of the influential elements which have helped midwife the birth of this program.

Because of the often remote rural locations, unwanted refrigerators, freezers, and air conditioning units are frequently discarded on Indian reservations. Recovery of the freon from these appliances is so difficult that it is often not done. The outreach program has researched practical technologies for freon reclamation and is making this information available to tribes.

Participating on a panel to discuss the "Used Oil Management Standards" and used oil tribal concerns at the Environmental Tribal Conference, September 1993.

Region 10 Water Quality Standards (WQS) program has been actively engaged in providing technical assistance to tribes in developing WQS for reservation waters. Many tribes were able to participate in the two sessions of the WQS Academy that were held in Seattle during FY93. Region 10 have worked with the Northwest Indian Fisheries Commission to provide technical guidance to Washington tribes and have worked individually with nine tribes in Washington and Idaho currently drafting standards. Two applicants for Treatment-as-a-State for WQS and 401 Water Quality Certification programs were received and are undergoing review.

Region 10 secured $20,000 in funding from the Fish Contamination Section of the Office of Science and Technology and issued a grant to the Tulalip Tribe to study tribal fish consumption rates and patterns. A survey is being developed to assess the fish consumption rates and patterns for two Puget Sounds tribes: the Tulalip Tribe in central Puget Sound, and the Squaxin Island Tribe in southern Puget Sound. The approach being developed for the study, as well as the study results, will be of value to other tribes in the Northwest. Academic experts and staff from the Washington Ecology and Health Departments and Indian Health Service are members with EPA's Technical Advisory Panel to guide the study design and assure the quality of the results.

The Chugachmiut organization, representing the Prince William Sound Region Native Villages of Alaska, will develop a household hazardous waste program. This program will train two residents in each of four villages in the identification and collection of household hazardous wastes. Each village will also construct a holding area for the wastes until they can be transported via boat to their final destination. Chugachmiut will also develop a plan to transport wastes in the most cost effective way and to observe all appropriate regulations.

The Akiachak Native Village has been awarded a Solid Waste Program competitive grant to translate the Trash Management Guide into Yupik. The guide deals with all aspects of solid waste management planning as it pertains to Native Villages. There are over 80 villages in western Alaska with Yupik-speaking peoples.

REGIONAL ACHIEVEMENTS

The Solid Waste Network (SWN) is a multi-agency technical assistance team coordinated by EPA Region 10. Team members include the Bureau of Indian Affairs, Indian Health Service, Department of Housing and Urban Development and EPA. The Nework offers Tribes technical assistance with the challenging solid waste issues they face on their lands. In May 1993, Region 10's Regional Administrator presented the Confederated Tribes of the Umatilla Indian Reservation with a certificate of appreciation for their contribution as a demonstration project for the Network. The Umatillas worked in concert with SWN team members to develop a reservation-wide solid waste plan which analyzed various landfill alternatives according to priorities set by the Umatilla Tribal Council. The Network has begun work with the Spokane and Makah Indian Tribes.

On September 13-15, 1993, Region 10 hosted an EPA Environmental Conference for Indian Tribes at the Tulalip Inn, Tulalip Indian Reservation. The purpose of the conference was to open dialogue between tribal and EPA technical staff across areas of mutual concern. Topics discussed were: water, air, watershed management, solid waste and used/waste oil issues to regional planning, effective grant writing and management and opportunities within the EPA Office of Small and Disadvantaged Business Utilization.

The Confederated Tribes of Warms Springs and Confederated Tribes of Umatilla are pursuing TAS.

ENVIRONMENTAL ACTIVITIES ON INDIAN RESERVATIONS: FY 1993

REGION	OAR		CWA		SDWA-UIC		SDWA-PWSS		SDWA-GWP		OPPTS		RCRA		CERCLA SARA TITLE III		OE		MULTI-MEDIA		OPPE		OGC/ORC		OPA		NON-CATEGORICAL		TOTALS	
	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY
1	0.0	0.0	165.8	0.9	0.0	0.3	0.0	0.3	0.0	0.1	0.0	0.1	50.0	0.1	0.0	0.1	0.0	0.0	250.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	465.8	2.0
2	60.0	0.4	163.2	0.7	0.0	0.6	8.0	0.1	0.0	0.0	0.0	0.0	0.0	0.5	151.1	0.7	0.0	0.0	304.5	0.2	0.0	0.0	0.0	0.1	0.0	0.1	9.9	0.1	696.7	3.3
4	22.3	0.2	477.6	1.1	0.0	0.0	0.0	2.0	0.0	0.0	0.0	0.0	106.3	1.3	0.0	0.0	0.0	0.3	258.7	0.1	0.0	0.0	0.0	0.2	.0.0	0.0	0.0	0.0	864.9	5.2
5	42.8	1.8	2231.2	4.4	0.0	0.0	0.0	0.0	0.0	0.0	63.0	0.7	122.7	1.0	37.5	0.4	0.0	5.6	1099.1	0.1	0.0	0.0	0.0	2.0	0.0	0.0	0.0	0.2	3596.3	16.2
6	0.0	0.0	1109.6	2.5	212.6	21.0	43.5	2.3	0.0	0.5	0.0	0.00	323.6	4.0	1606.3	1.5	0.0	1.0	565.0	0.0	0.0	0.0	0.0	0.6	0.0	0.0	0.0	0.0	3860.6	33.4
7	0.0	0.0	55.0	0.3	40.0	1.1	13.1	0.9	0.0	0.1	4.5	0.5	31.1	1.50	0.0	0.0	0.0	1.1	235.0	0.2	0.0	0.0	0.0	0.1	30.0	4.3	0.0	0.0	408.7	10.1
8	719.0	2.3	1894.1	4.5	14.0	0.1	156.0	2.6	35.6	0.0	233.3	0.7	220.0	0.6	45.5	0.0	0.0	0.0	560.0	4.3	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.0	3877.5	16.1
9	103.0	0.8	1394.0	2.0	250.0	1.0	478.8	7.5	3.0	0.0	450.8	1.3	171.6	3.2	75.0	0.5	2.3	5.3	1581.8	0.2	2.6	0.9	0.0	4.4	0.0	0.0	0.0	0.0	4512.9	27.1
10	290.5	0.7	7964.0	6.6	0.0	0.0	150.0	0.4	0.0	0.50	199.3	1.3	327.5	5.0	53.0	1.17	0.0	0.7	3081.8	0.4	204.3	0.0	0.0	0.0	5.0	0.1	159.2	0.0	12434.6	16.9
HQ	438.0	5.2	0.0	2.3	0.0	0.0	150.0	0.9	0.0	0.0	7.0	0.1	901.0	2.1	102.5	3.2	95.0	0.5	0.0	0.0	110.3	0.5	0.0	0.0	207.0	0.3	0.0	0.0	2010.8	15.1
TOT	1675.6	11.4	15454.5	25.3	516.0	24.1	999.4	17.0	38.6	1.2	957.9	4.7	2253.8	19.3	2070.9	7.6	97.3	14.5	7935.9	5.5	317.2	1.4	0.0	8.4	242.0	4.8	169.1	0.3	32728.8	145.5

WY = Workyear (Rounded to the nearest 0.10)
Exp. = Expenditures ($1,000. Rounded to the nearest $100.)

***Graphs - Funding**

•Graphs - Workyears

THE OFFICE OF AIR AND RADIATION

The Clean Air Act authorizes a nationwide program of planning, regulation, enforcement and research for the control of air polllution. EPA is responsible for setting national standards and emission limits, conducting research to strengthen the scientific basis for pollution control, and providing technical and financial support to state, tribal and local air pollution control agencies. These agencies have the primacy responsibility for the control and prevention of air pollution.

The EPA strategy to meet the requirements of the Clean Air Act in the 1990s focuses on five major program goals. They are:

* Reduce the risk of exposure to air toxics.

* Achieve National Ambient Air Quality Standards.

* Develop and support programs that maintain improvements in air quality.

* Determine the policy alternatives and strategy options available to address emergining issues.

* Increase the capacity and improve the effectiveness of state, tribal and local air quality agencies.

The national mandate to protect public health and the environment from the adverse effects of radiation is derived from the Clean Air Act, as well as from several other statutes. In addition, there are two major program objectives under the radiation program. They are:

* Reduce the risk of exposure to unhealthful levels of radiation.

* Maintain comprehensive surveillance and effective emergency response capabilities.

OFFICE OF AIR AND RADIATION

AIR PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 2	$50.0	0.25	F/A	CAA Section 105 grant for air quality monitoring (conditional) approval pending) for St. Regis Mohawk Tribe (SRMT); administered SRMT's FY92 105 grants.
Region 4	$22.3	0.1		Section 105 funds were transferred into multi-media grants to encourage tribes to develop air regulations.
Region 5		0.75	T/A	Technical assistance and guidance to the Region 5 Indian Program Coordinator for air-grant related issues.
		0.10	T/A	Assisted Bad River Band in their preparation for Class I Pm10 Redesignation.
		0.10	F/A	Assisted Grant Portage Reservation in preparing Indoor Air Quality grant. IAQ and Environmental Tobacco Smoke educational materials will be developed and disseminated.
		0.05	T/A	Worked with NAU to coordinate CAA Indian Air Rulemaking Conference in Chicago.
		0.60	Outreach	Provided information to tribes regarding EPA Air programs, including reservation visits.
		0.05	T/A	Assisted Midwest Universities Radon Consortium with development of national Indoor Air training.
		0.05	D/I	Interagency agreement with U.S. Geological Survey for study of "Radon Concentrations in Groundwater in the Vicinity of Wisconsin Indian Reservations."
	$16.6	0.03	F/A	"Indian Radon Pilot Project" (IRPP) grant to Great Lakes Inter-Tribal Council. (Year 2)
	$26.2	0.03	F/A	Continued administration of the Indian Radon Pilot Project grant to Great Lakes Inter-Tribal Council. (Year 3)
		0.03	F/A	Reprogrammed Radon funds into multi-media account. Reviewed and provided input to multi-media progress reports, work plans and Regional Workgroup efforts.
		0.025		SO2 Air Monitoring QAPP to the Lac Du Flambeau Chippewa Tribe.
		0.025		Conducted CAA Negative Pressure Assessment QAPP for Minnesota Inter-Tribal Council..
Region 8	$470.0	.35	F/A	Provided grants to nine tribes to perform ambient air monitoring, to complete emissions inventories, air quality climatology, and developed air codes and regulations for each reservation.
		.05	T/A	Acted as sub-lead region for the development of the CAA Indian Rule. Included conference calls, meetings, and development of draft materials.
		.75	T/A	Worked closely with tribes in their development of air quality programs. Monitored progress and implemented new program method to assess present and future air quality needs, and program improvements.
		.05	T/A	Managed LOE contract to assist/train four tribal programs in the development of emissions inventories.
	$35.0	.10	T/A	Managed contract to provide technical assistance to Montana tribes in monitoring activities.

OFFICE OF AIR AND RADIATION

AIR PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 8		.03	T/A	Reviewed multi-media grant applications and workplans for tribal programs and recommended air activities for initial air programs development.
		.4	T/A	Provided technical support to tribes in monitoring related activities. Visited monitoring sites and performed assessments and site audits. Assisted tribes in submitting data to AIRS.
Region 9	$42.0		F/A	Supplemental award to the Navajo Nation to continue with the requirements of the FY 92 grant for the period 6/30/93 to 9/30/93.
		.15	D/I	PSD Applicability Determination for La Posta Recycling Center.
		.12	D/I	NSR Nonattainment Permit, Campo landfill.
		0.1	D/I	Navajo FIPs at Four Corners Power Plant and Navajo Generating Station, both program and ORC involvement.
	$35.0	0.10	F/A	Radon grant to Inter Tribal Council of Arizona to provide radon education and testing for Arizona Tribes.
		0.10	F/A	Radon grant to Hopi Tribe to assess radon levels on reservation.
	$26.0	0.10	F/A	Radon grant to Navajo Nation to provide radon outreach and mitigation training to tribal representatives.
Region 10	$75.0	.4	D/I	Preparation of Tribal Air Quality Implementation Plan for the Shoshone-Bannock.
	$30.0	.1	F/A	Continued funding of an Air Quality inspection for the Puyallup Tribe.
	$28.5		F/A	Awarded Sec. 306 grant to the Nez Perce Tribe for Radon Abatement mitigation.
	$157.0	.20	F/A	Awarded Shoshone-Bannock Tribe grant funds to support air program to develop Tribal Air Regulations. Grantee is in PM-10 non-attainment area.
		.01	T/A	Provided oversight for Puyallup Tribe air program grant. Attended public hearing for tribal air quality program regulations.
		.02	T/A Outreach	Presented paper on tribal issues panel at PNWIS/AWMA annual conference (also designed conference logo). Organized tribal/local air quality issues panel for EPA Tribal Environmental Conference.
HQ		3.5	T/A	Core Indian Air Rule Workgroup held 5 Tribal outreach meetings and drafted air rule.
		0.2	F/A	OAR held Regional competition and awarded eight grants to Tribes for risk-based AQ assessment grants.
		0.2		OAR Acting Assistant Administrator and President of Northern Arizona University sign Memorandum of Understanding.
	$428.0	0.3	T/A	OAR Cooperative Agreement with Northern Arizona University for development of an Indian Training Program and Outreach.
	$10.0	0.8	T/A	OAR supported two graduate students on Grand Canyon visibility and feasibility study of Geographic Information systems (GIS) for Tribal Air programs.

OFFICE OF AIR AND RADIATION

RADIATION PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 1				Continued to provide administrative support to the Penobscot Nation (Old Town, ME) and the Passamaguoddy Nation (Princeton, ME). The Penobscot nation continues to take a lead in outreach, testing, and mitigation.
				While no additional funds have been awarded (original funding was as follows: Passamaquoddy Nation of Perry, ME. FY90: Penobscot Nation. FY91: Passamaquoddy Nation of Old Town, ME.) The Region has worked with HQs to encourage future applications for grant funds from the aforementioned Nations.
Region 2	$10.0	0.20	F/A T/A	Awarded Seneca Nation of Indians (SNI) Radon Pilot Project for training. Administered SNI's FY92 Radon grant for mitigation.
Region 4		0.1		Answered inquiries and reviewed potential projects.
Region 5		0.03	F/A	Reprogrammed Radon funds to 22 tribes into multi-media account. Reviewed and provided input to multi-media progress reports, work plans and Regional Workgroup efforts.
Region 8	$31.0	0.10	F/A	Provided testing for radon in homes, schools, public buildings and daycare centers for the Blackfeet Tribe.
	$14.0	0.10	F/A	Provided radon testing and outreach mitigation of demonstration homes in low income households for Southern Ute.
	$24.0	0.10	F/A	Three Affiliated - outreach, testing, survey and map production.
	$37.0	0.10	F/A	Rosebud Sioux - outreach for radon testing and mitigation training.
	$43.0	0.10	F/A	Crow Creek Sioux - training, outreach mitigation of demonstration homes for radon.
	$47.0	0.10	F/A	Cheyenne River Sioux - Conduct surveys, analysis, testing and outreach.
	$18.0	0.10	F/A	Chippewa Cree - testing, training, outreach data base collection and analysis.
HQ	*	0.2	F/A	ORI in consultation with Regions made 12 separate grants for Radon assessment and mitigation to seven tribes. (listed above)

* The distribution of the Radon grants is displayed in Regional reports.

THE OFFICE OF WATER

The Office of Water is the national leader in water quality, drinking water and aquatic resource protection. The Office defines the goals and standards for what needs to be done to restore, protect and enhance the quality of water and wetlands. It ensures development and implementation of a system for measuring progress, fosters a public conservation and protection ethic, and obtains support for other institutions of government to achieve these goals and standards.

The Office continues to administer its programs and promulgate regulations in a way which enables Tribes to take a leadership role in their own environmental management. In most cases, this leads to Tribes determining for themselves whether or not to seek federal authorization of tribal water programs. The Office of Water strives to provide Tribes with the opportunity to make this choice.

This basic statutory authorities for the Office of Water include the Clean Water Act and the Safe Drinking Act. These authorities require that EPA work together with Tribal, State and local governments to reduce pollution of surface waters, to prevent contamination of ground water, and to maintain the purity of drinking water.

The Office of Water fulfills the requirements of the Clean Water Act and Safe Drinking Water Act by creating partnerships with Tribal governments to establish programs in the following areas: nonpoint source pollution, wetlands protection, clean lakes, wastewater discharge permits, near coastal waters, water quality standards, public water supply systems, underground injection control programs, sole source aquifer demonstration, and wellhead protection programs.

To implement EPA's Ground Water Protection Strategy, EPA is working States and Indian Tribes to develop Comprehensive State Ground Water Protection Programs (CSGWPPs) as well as State Management Plans (for pesticide use). The goal of EPA's Ground Water Protection Strategy is to prevent adverse effects to human health and the environment, and to protect the environmental integrity of the nation's ground water resources. In determining appropriate prevention and protection strategies, EPA will consider the use and vulnerability of the resources as well as social and economic values.

OFFICE OF WATER
CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 1	$1.8		F/A	104(b)(3) award to the Narragansett Indian Tribe to increase Tribal expertise in NPDES and sludge management and pollution prevention.
	$40.0	0.02	F/A T./A	Provided funding to Narragansett Tribe under Sec. 106 to perform surface water quality monitoring ground water quality/quantity analysis, expanded water quality testing, and data input into GIS system.
	$18.1	0.02	F/A T/A	Provided funding to Narragansett Tribe under 104(b)(3) to develop standards for sludge management permitting process, train staff in pollution control technology, establish communication/educational program in the areas of legal, technical, permit reguirements and risk related to NPDES/sludge management.
	$55.9	0.02	F/A T/A	Provided funding to Passamaquoddy Tribe under 104(b)(3) to evaluate and delineate Tribal wetlands. Data from this project will provide the basis for the establishment of a Wetlands Conservation & Protection Plan, as well as Tribal Wetland rule and regulations.
	$50.0	0.02	F/A T/A	Provided funding to Penobscot Indian Nation under 104(b)(3) to perform a functional assessment of Tribal wetlands. Wetlands data will be added to the Tribe's GIS system.
		.30	T/A Outreach	Coordination of NEPA/environmental issues with BIA and Mashantucket Pequot Tribe related to Foxwoods Casino project. Provided technical assistance, review of consultant work, coordination with State, enforcement activities coordination with Corps of Engineers.
		.10	T/A	Water Management Division provided oversight of CWA 106 grants to Tribes, general guidance on water quality standards, FERC, Clean Lakes issues.
		.30	T/A Outreach	Provided guidance and technical assistance to Regional Tribes regarding Sec. 106 and 104(b)(3) water quality funding, and other CWA programs.
		.04	T/A	Provided guidance and technical assistance to Region 1 Tribes regarding Sec. 104(b)(3) wetlands funding and wetlands program development.
		.04	T/A	Provided technical assistance to Region 1 Tribes on NPDES Permit Program and Sludge Management program.
Region 2	$4.4		F/A	104(b)(3) award to the Seneca Nation of Indians to establish an environmental agency and research treatment in same manner as State options.
		0.10	T/A	Coordinated review of three Section 401 water quality certifications for the Seneca Nation of Indians' road repair (bridge work and replacement of culvert).
	$63.0	0.10	T/A F/A	CWA Section 104 grant for St. Regis Mohawk Tribe's wetlands conservation plan (pending award).
	$47.4	0.4	T/A F/A	CWA Section 106 continuing grant funds awarded to the St. Regis Mohawk Tribe for water pollution control program.

OFFICE OF WATER

CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 2	$48.4	.05	T/A	Reviewed proposals received for CWA Section 104 grants. Provided assistance to Seneca Nation of Indians to prepare an application for a CWA Section 104 grant for development of NPDES and sludge management, training, and development treatment as a State staus (not yet awarded).
Region 4	$65.0	.01	F/A	Assisted Region 4 in awarding a section 319 grant to the Cherokee Nation.
	$61.6	.05	F/A	104(b)(3) award to the Poarch Band of Creek Indians to develop a storm water pollution abatement strategy for the Perdido River.
		.10	Outreach	Conducted on-site visit of Eastern Band of Cherokee Indians.
		.05		Provided guidance and technical assistance to tribes regarding Section 106 water quality programs and Section 104(b)(3) storm water/sludge programs.
	$50.0	.05	F/A	Provided funding to Eastern Band of Cherokee Indians for sludge demonstration project.
	$66.245	.10	F/A	Awarded Section 106 grants to Poarch Band of Creek Indians, Miccosukee Indians, Seminole Indians and Eastern Band of Cherokee Indians.
	$70.33	.05	F/A T/A	Provided Wetlands Grant to the Miccosukee Tribe of Florida.
	$49.4	.05	F/A T/A	Provided Wetlands Grant to the Mississippi Band of Choctaw Indians.
	$115.0	.05	T/A F/A	Approved Eastern Band of Cherokee Indians NPS Assessment Report and Management Program and awarded a Section 319(h) grant to implement portion of the Management Program.
		.05	T/A	Conditionally approved Seminole Tribe of Florida's NPS Assessment Report and Management Program and in process of awarding a Section 319(h) grant.
		.02	T/A	Issued two 401 water quality certifications on Miccosukee (FLA) projects.
				Assisted CWA program in approving TAS for the Seminoles for their development of WQS program.
Region 5	$47.0		F/A	Awarded grant to Menominee Indian Tribe of Wisconsin for Water Pollution Control activities.
	$47.0		F/A	Awarded grant to Sokagon Chippewa for Water Pollution Control activities.
	$17.0		F/A	Awarded grant to Forest County Potawatomi for Water Pollution Control activities.
	$14.6		F/A	Awarded grant to White Earth Band of Chippewa for Water Pollution Control activities.
		0.2	T/A	Provided technical assistance and administrative guidance to the recipients of Water Pollution Control grants.

OFFICE OF WATER

CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 5		0.2	T/A	Provided technical assistance to tribes in NPDES permitting and compliance, site inspections, and data input into PCS.
	$52.0		F/A	Awarded grant to Bad River Band of Chippewa for NPDES program activities.
	$66.0		F/A	Awarded grant to Mille Lacs Band of Chippewa for NPDES program activities.
		0.5	T/A	Provided technical assistance and administrative guidance to the recipients of NPDES program grants.
	$60.0		F/A	Awarded grant to Mille Lacs Band of Chippewa for Water Pollution Control activities.
	$60.0		F/A	Awarded grant to Red Lake Band of Chippewa for Water Pollution Control activities.
	$55.4		F/A	Awarded grant to Lac Du Flambeau Band of Chippewa for Water Pollution control activities.
		1.0	T/A Outreach	Provided coordination for the Water Division's Indian Program; served as a liaison between the Tribes and program staff.
		0.05	T/A	Participated in Regional and Division Indian Work Group activities.
		0.05		Assisted tribes in the development of TAS application for Sections 106, 303, 314, and 319; coordinated regional review and notified tribes.
	$17.5		F/A	Awarded grant to Red Lake for Wetland Management activities.
		0.1	T/A	Provided technical assistance and administrative guidance to the recipients of wetlands grants.
	$46.0	0.1	F/A	Completed construction of water use efficiency grant for the retrofit of plumbing fixtures at Menominee and Sault Ste. Marie.
	$1,605.0	0.15	F/A	Continued construction activities of 518(c) grants to: White Earth, Bois Forte, Menominee, and Oneida.
		0.15	T/A	Provided technical assistance to nineteen tribes on planning, designing, construction and the operation of wastewater facilities for existing and proposed projects.
		0.5	T/A	Provided technical support to Division Indian Coordinator in Clean Water and Safe Drinking Water activities.
		0.05	Outreach	Participated in Indian Health Service Workshop for utility operators on water and wastewater issues.
		0.5	T/A	Provided liaison on Tribal projects with other Federal and state agencies.
		.05	D/I	Awarded grant to the Nature Conservancy, part of which the development of a conservation plan for watershed inventory significant areas, and improve stewardship of wildrice beds on the Bad River Indian Reservation Ashland, WI.

OFFICE OF WATER

CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 5	$35.0	.25	F/A	Awarded grant to Tufts University Fellowship Program, for Masters Student (Native American) to summarize monitoring activities in the Great Lakes, including mercury exposure data for Indian Tribes to determine if monitoring strategies need to be redirected, and to determine adequacy of fish consumption adversories.
	$100.0	.10	F/A	Awarded in 9/93 to build Great Lakes Basin Tribal Capacity by identifying areas of opportunity for Tribal involvement in Great Lakes Programs (LAMPSs, RAP, Five year Strategy). Work will be completed in FY94. Awarded to the Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin.
	$7.7	.025	F/A	Awarded to Great Lakes Indian Fish and Wildlife Commission to produce a fish preparation and consumption video for use in Native American Schools highlighting traditional Native American Environmental values and the hazards of mercury in fish. (Awarded u;nder Section 6, Environmental Education Act.)
	$70.0	.025	F/A	Awarded to Fond du Lac Reservation, Cloquet, MN for characterization of mercury in the sediments of resevoirs on the St. Louis River, for identifying areas for mitigation. Tribes harvest fish for consumption from these waters.
	$49.0	.025	F/A	Awarded to Fond du Lac Reservation, Cloquet, MN, to perform a variety of wild rice habitat and restoration activities in the St. Louis River Watershed. Wild rice is important to migratory waterfowl and to American Indian culture.
		.10	T/A	Provided staff time as Tribal Liaison to Great Lakes Basin Tribes. Attended various meetings, answered inquiries by and about Tribes and tribal issues, tracked American Indian related activities and issues within the Great Lakes National Program Office.
		0.025		Approved a CWA Section 106 grant Quality Assurance Project Plan (QAPP) to Lac Du Flambeau Chippewa Tribe
		0.025		Approved a CWA Section 314 grant QAPP to Lac Du Flambeau Chippewa Tribe.
		0.025		Approved a CWA Section 314 grant QAPP to the Minnesota Chippewa Tribe.
		0.025		Approved Section 106 grant QAPP to the Menominee Indian Tribe.
		0.025		Approved Section 106 grant to Legend Lake QAPP.
		0.025		Approved Section 106 grant QAPP to Mole Lake Band Chippewa Tribe.
		0.025		Approved CWA Section 106 grant QAPP to Red Lake Band Chippewa Tribe.
		0.025		Approved CWA Section 106 grant QAPP to Wisconsin Winnebago Nation Tribe.
		0.025		Approved CWA Section 106 grant to Mille Lacs Band Chippewa Tribe.
		0.025		Approved CWA Section 106 grant QAPP to MI Inter-Tribal Council.

OFFICE OF WATER
CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 6	$52.5		F/A	104(b)(3) award to Jicarilla Apache for water quality monitoring data for NPDES permits and NPDES permit survey reservation-wide.
	$70.4		F/A	104(b)(c) award to the Cherokee Nation of Oklahoma for Arkansas River ambient monitoring.
	$127.6		F/A	104(b)((3) award to the All Indian Pueblo Council to implement sludge management, including sludge recycling support.
		0.3	T/A	Developed an implementation plan to translate the Pueblo of Isleta Water Quality Standards into NPDES permit conditions.
	$205.5	0.12		Awarded FY93 CWA Section 104(b)(c) NPDES related Indian Set-Aside grants to the AIPC, Cherokee Nation, and Jicarilla Apache.
	$600.0	0.25		Awarded FY93 Indian set-aside wastewater construction grant to the Cherokee Nation.
		0.08		Continued work on FY92 CWA Section 104(b)(3) NPDES related Indian set-aside grant to the AIPC.
		0.50		Continued work on construction grants for the tribes of Cheyenne and Arapaho, Kickapoo, Zuni, and Pojoaque Tribes.
		0.9	T/A	Provided T/A to Tribes on WQS. Approved three tribes to administer the WQS program. Approved the Pueblo of Isleta WQS and the Pueblo of Sandia WQS. Held several technical workshops for the Tribes in New Mexico.
	$259.0	0.25	F/A	Awarded Sec. 106 grants to the Sandia Pueblo, Isleta Pueblo, San Ju;an Pueblo, and the Santa Clara Pueblo to continue Water Quality Standards development.
		0.1	T/A	Clean Lakes Phase 2 restoration project on Acomita Lake, Pueblo of Acomaa. Project funded under Section 314 of the Clean Water Act.
Region 7	$55.0	.01	F/A	Awarded 106 Water Quality grant to Winnebago Tribe to continue water quality assessment activities.
		.02	T/A	Reviewed water quality needs of Santee Sioux Tribe. Reviewed their 106 application. TAS needs to be added.
		.02	D/I	Reviewed progress of Kickapoo Tribe on 106 Water Quality grants.
		.01	T/A	Discussed 106 program with Potawatomi Tribe.
		.10	T/A	Provided technical assistance and administrative guidance to Sac & Fox Tribe of Mesquakie Settlement (IA) regarding their NPDES permit.
		.05	T/A	Provided technical assistance to Winnebago Tribe (NE) in grant proposals to develop water quality standards under Section 106 of CWA and a water quality assessment program under a multi-media grant.
		.01	T/A	Provided administrative guidance to Kickapoo Tribe (KS) on Reservation water quality problems originating from off the Reservation.
		.10	T/A	Oversight of construction on Indian lands for the Winnebago Tribe, (NE); Sac & Fox of Iowa and the Santee Sioux Tribe of Nebraska. Coordinated with IHS and COE.

OFFICE OF WATER

CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 7		.01	Outreach	Workshop was conducted on water quality standards program for all States and Tribes within EPA Regions 5, 6, 7 and 8. Workshop was attended by representatives from Tribes and Indian organizations.
Region 8	$87.9	0.10	F/A	Awarded 106 grant to Blackfeet Tribe.
	$73.0	0.10	F/A	Awarded 106 grant to Cheyenne River Sioux Tribe.
	$110.0	0.10	F/A	Awarded 106 grant to Confederated Salish & Kootenai Tribes.
	$134.5	0.10	F/A	Awarded 106 grant to Ft. Peck Tribes.
	$53.7	0.10	F/A	Awarded 106 grant to Northern Cheyenne Tribe.
	$80.9	0.10	F/A	Awarded 106 grant to Oglala Sioux Tribe.
	$102.7	0.10	F/A	Awarded 106 grant to Southern Ute Tribe.
	$90.7	0.10	F/A	Awarded 106 grant to Ute Mountain Ute Tribe.
	$26.0	0.10	F/A	Awarded 106 grant to Ft. Belknap Indian Community.
	$42.0	0.10	F/A	Awarded 106 grant to Crow Tribe.
		0.25	T/A	Techical assistance provided for on-going lake water quality assessments on Turtle Mountain, Blackfeet, Southern Ute, and Wind River Reservations.
		0.20	T/A	Technical assistance to tribal water quality programs on the Standing Rock, Fort Berthold, Rosebud, and Wind River Reservations.
		0.10	T/A	Processing water quality standards and 401 certification application for Confederated Salish and Kootenai.
		0.05	T/A	Processing wetlands protection program application for Confederated Salish and Kootenai.
		0.10	T/A	Providing technical assistance and technical review of nonpoint source management and assessment plans for Fort Peck Tribes and Three Affiliated Tribes.
	$90.0	0.10	F/A	Awarded 104(b)(3) wetlands grant to Blackfeet Tribe.
	$56.6	0.10	F/A	Awarded 104(b)(3) wetlands grant to Ft. Peck Tribes.
	$78.1	0.10	F/A	Awarded 104(b)(3) wetlands grant to Confederated Salish and Kootenai Tribes for assessment and GIS development.
	$59.8	0.10	F/A	Awarded 104(b)(3) wetlands grant which provides an inventory of point sources of pollution.
		0.25	F/A	Awarded 104(b)(3) NPDES grants to Conferated Salish and Kootenai Tribes and Arapaho and Shoshone Tribes on Wind River Reservation continuing assistance.
	$35.0	0.05	T/A	Co-sponsored technical training on "Rapid Bioassessment Protocols" with Ft. Peck for all Region 8 tribes.
		0.20	T/A	Developed and distributed program guidance for tribal water quality standards and 401 certification.
	$23.0	0.15	T/A	Compiled proceedings of FY92 QA/QC workshop for tribes and assisted Ute Mountain Ute Tribe in publishing "Integrating Quality Assurance in Tribal Water Programs" a resource guide.
		0.15	T/A	Performed site visits to Wind River, Southern Ute, Ute Mountain Ute, Ft. Peck Reservations (Montana office also participated).

OFFICE OF WATER
CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 8		0.10	T/A	Developed and published a compilation of grants, technical assistance, and regulations for tribes in "Water Management Solutions---A Guide for Indian Tribes."
		0.10	T/A	Processing of treatment as a state applications for Oglala Sioux, Yanton Sioux, Crow and Ft. Peck Tribe.
		0.05	Outreach	Conducted second annual tribal water quality coordinator's meeting in Denver.
		0.05	T/A	Provided assistance to Ft. Peck Tribes for continued publication of tribal newsletter "Mni Ohan."
		0.05	F/A	Assisted Blackfeet Tribe in the implementation of its Clean Lakes assessment and on other water quality matters.
	$118.2	0.10	F/A	Awarded 104(b)(3) grant to Salish and Kootenai Flathead Reservation for identiying facilities needing NPDES permits, developing permitting regulations, developing implementation plan for point source permitting, and water quality monitoring.
		0.05	F/A	Awarded 104(b)(3) grant to Wind River Reservation for point source inventory, and monitoring water quality on selected stream segments.
		0.15	T/A	Surveyed and visited sites of facilities on Indian land which needed NPDES permits. Drafted and issued permits on Indian lands, including those in dispute with Wyoming and Utah.
		0.10	T/A	Performed NPDES inspections and performed pretreatment inspections.
		0.10	T/A	Provided technical assistance to permitted facilities on Indian lands regarding reporting requirements and procedures and regarding noncompliance with permit requirements and took (3) formal enforcement actions.
		0.25	T/A	Indian Set-Aside wastewater construction grant - Pine Ridge, SD.
		0.2	T/A	Indian Set-Aside wastewater construction - Ft. Duchesne, UT.
	$296.0	0.1	T/A	Wastewater construction grant - Ft. Washakie, WY.
	$306	0.05	T/A	Wastewater construction grant - Araphoe, WY.
		0.1	T/A	Water quality and NEPA related planning on four reservations.
		0.05	T/A	Flood related damage assessment on eight reservations.
	$7.0	0.01	T/A	Grant to Northern Montana College (NMC) to conduct evaluations and provide assistance at six wastewater facilities on Ft. Peck Reservation.
	$10.0	0.01	T/A	Awarded grant to NMC to provide assistance at wastewater facilities on Rosebud and Pine Ridge Reservations.
	$13.0	0.01	F/A	Awarded grant to Rosebud Sioux Tribe to provide formal instruction on introductory concepts in wastewater management and develop video courses which can be used by other tribes.
Region 9	$116.44	.01	F/A	HQ expects to award a 319 grant to the Campo Band of Kumeyaay Indians before the end of the fiscal year pending treatment as a state approvel.
	$135.8	0.03		Awarded 104(b)(3) grant to the Navajo Nation for continued development of an NPDES and sludge management program. Aided in the development of application.

OFFICE OF WATER
CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 9				The following Tribes received Section 106 grants:
	$102.8	0.09	F/A	Pyramid Lake
	70.0	0.09	F/A	Coyote Valley
	202.1	0.09	F/A	Rincon Band Consortium
	100.0	0.09	F/A	Campo Band
	68.58	0.09	F/A	Morongo Band
	79.90	0.09	F/A	Hopland Band
	90.00	0.09	F/A	Gila River Indian Community
	150.00	0.09	F/A	Hopi Tribe
	170.0	0.09	F/A	Navajo Nation
	$106.4	0.09	F/A T/A	The following Tribe received Section 314 Treatment-as-a State approval and award of a Section 319 grant: Campo Band Outreach and Education took the form of workshops and meetings which resulted in Treatment-as-a-State applications being received from the following Tribes: White Mountain Apache (Sec. 106) Rincon Band (Sec. 319) Hoopa Valley Tribe (Sec. 106) Hualapai Tribe (Sec. 106)
		0.08		Aided the Navajo Nation in establishing the direction of the first year effort to develop an NPDES and sludge management program under FY92 104(B)(3) grant.
		0.10	D/I	Issued NPDES permits for Window Rock and Ship Rock sewage treatment plants.
		.03	D/I	Conducted NPDES compliance inspections on Navajo lands at Tuba City, NTUA Window Rock, NTUA Chile, NTUA Ganado and Peabody Western Coal Co. Black Mesa/Kayenta Coal Mines.
		.01	D/I	Conducted NPDES compliance inspections at BIA Hopi Agency Keams Canyon WWTP.
		.002	D/I	Issued Section 308 into request and following to White Mountain Apache Tribe Utility Authority for unpermitted discharge of sewage.
		.002	D/I	Followed up on FY92 Section 308 letter issued to Navajo Foresty Product Industries.
	$2.0	.75	T/A F/A	Completed two Hopi projects: Hotavilla: design completed and Cultural Center: the facility plan site is in draft. Conducted visits to both projects.
			T/A F/A	Completed three Tohono O'Odham projects. Sells: amended IAG to include construction funds; Sil Nakya: amended IAG to include construction funds; scattered projects: requested IAG.
			T/A F/A	Completed construction, an IAG and provided grants management in processing close-out to the White Mountain Apache.
			T/A F/A	Project is near the end of construction phase - Table Bluff, Rancheria, CA.
			T/A F/A	Completed MOA and awarded new IAG for constrtuction executed to the Yurok Tribe.
			T/A	Drafted MOA, requested IAG and conducted one site visit in Shiprock, NM.

OFFICE OF WATER

CLEAN WATER ACT PROGRAMS

EXP. OFFICE	WORK ($1,000)	YEARS	TYPE	DESCRIPTION
Region 10		.01	D/I	Participated on project review panel for PPIS grants.
		.05	T/A	Watershed Coordinator work for Chehalis and Yakima River Watersheds. Technical assistance to tribal watershed program (NWIF project.
	$112.96	.01	F/A	Assisted Region 10 in awarding a section 319 grant to the Colville Tribe.
		.10	T/A	Oversight and technical assistance to Upper Skagit Tribe on Wellhead Protection Demonstration Grant Project.
		.15	T/A	Guidance to Nez Peerce Tribe on ground water protection program development, ground water vulnerability mapping and ground water standards development.
		.20	T/A	Served on panels for the review and evaluation of multi-media and 106 set-aside grants for Tribes.
		.05	T/A	Assistance on revising workplan for a wellhead protection project with Squamish and Port Gamble S'Klallam Tribes.
		.07	T/A	Provided oversight for 14 water program grants to Washington State Tribes (9 CWA Section 106, 3 NPDES, 2 CWA Section 104).
	$453.4	.05	T/A D/I F/A	Convened review panel for tribal CWA 106 grant applications, reviewed proposals and assigned project officer duties for 9 tribal grants in Washington. Provided assistance to tribes to revising workplans and submitting applications. Awarded grants to: Colville, Yakima, Lummi, Suquamish, Makah, Skokomish, Chehlalis, Puyallup, Muckleshoot.
	$159.1	.04	F/A T/A	Participated on review panel for tribal NPDES proposals. Worked with 5 Washington tribal applicants to revise//improve proposal workplans prior to submission to OW HQs. Awarded NPDES grants to Yakima, Swinomish, Puyallup Tribes.
		.02	T/A	Reviewed Puyallup and Tulalip "TAS" applications for TWQS and certification program. Processed Puyallup application for public review procedures. Attended public hearings for Puyallup tribal water quality standards.
		.02	T/A	Attended public hearing for Swinomish Tribal marina development project. Reviewed a revised draft EIS and worked with tribe on NPDES permit for casino on marina site. Reviewed Shelter Bay expansion project NPDES permit modification on Swinomish Reservation and proposed MOU for permits.
		.07	T/A	Provided assistance to Shoalwater Bay Tribe with the neo-natal and infant mortality situation. Organized and participated on an interagency task force to address possible environmental contaminants that might be a causative factor.

OFFICE OF WATER
CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 10		.07	Outreach	Developed EPA training module, organized instruction team and participated in the second BIA National Tribal Water Resources Technician Training Program held at the Cispus Environmental Learning Center near Randle, Washington. Assisted with 3rd session in New Mexico (EPA transition).
		.15	D/I	Conducted NPDES inspections on Yakima, Spokane, Quinault, Lummi, Makah, Tulalip, Colville Indian Reservations. Issued compliance orders to facilities on Yakima and Makah reservations. Provided technical assistance for DMR reporting.
		.1	Outreach	Gave presentations and provided information to UW-AISES, WSU-AISES, PSIS, Wa-He-Lute Indian School, TESC, ATNI about tribal environmental concerns. Provided "Wet Way" materials to Muckleshoot and Quileute Tribal Schools. Participated in AISES "Science By-Mail" mentor program and assisted in developing Columbia River AISES professional chapter.
		.1	D/I	Developed NPDES permit strategy for the facilities on Washington Indian Reservations. Worked with Swinomish and Suquamish tribes on POTW up-grades requiring permit modifications. Worked with 2 facilities on Yakima Indian reservation for timely issuance of expired "minor" permits.
		.05	T/A	Continued assistance to Swinomish Tribe and project oversight for a construction grant.
		.05	T/A	Continued assistance to Dawn Mine closure (Uranium mine on Spokane Indian Reservation).
		.07	T/A	Provided oversight for 14 water program grants to Washington State Tribes (9 CWA Section 106, 3 NPDES, 2 CWA Section
		.05	D/I	Interagency Coordination duties: Attended National and Regional Indian Work Group meetings and participated in conference calls. Participated in AIAC, SFEB Native American Awarneness Committee, Washington State Indian Work Group, Washington Department of Ecology State/Tribal "government-to-government" meetings. Participated in EPA tribal Data Management Conference and EPA Tribal Environmental Conference.
		.15	Outreach	Made site trips and distributed information to 26 Washington tribal governments. Prepared articles and distributed the monthly tribal newsletter.
		.17	D/I	Washington Operations Office Indian lands program assistant updated tribal database, researched tribal environmental codes and prepared summary.
		.01	D/I	Attended Indian Law training in Denver, CO.
		.08	D/I	Attended Regional Senior Management work groups for regional tribal capacity building and grants coordination issues.
	$30.0	1.0	F/A	Continuing 2nd year of funding for Phase I Clean Lakes Project for Nez Perce Tribe, Idaho.
	$40.15	.5	F/A	Assessment of mining wastes in lateral lakes, Idaho in cooperation with Idaho DEQ; awarded grant to Coeur d'Alene Tribe of Idaho.
		0.10	T/A	Geographic Information System (GIS) data management and cartographic support pertaining to Region 10 Indian lands.

OFFICE OF WATER

CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 10		0.02	T/A	GIS mapping of the Skokomish Basin.
		0.10	T/A	Quality Assurance support for investigations at several sites.
	$95.9		T/A	Reviewed proposal for Yakima Indian Nation, in Washington funding under FY93 104(b)(3) Indian set-aside for NPDES projects (selected for funding/continuation of FY92 project.)
	$40.322		T/A	Reviewed proposal for Coeur D'Alene Tribe of Idaho.
	$23.320		T/A	Reviewed proposal for Swinomish Tribal Community, in Washington for funding under FY93 104*b)(3) Indian set-aside for NPDES projects (selected for funding/continuation of FY92 project).
	$39.893		T/A	Reviewed proposal for Puyallup Tribe of Indians, in Washington for funding under FY93 104(b)(3) Indian set-aside for NPDES projects (selected for funding).
	$41.976		T/A	Reviewed proposal for Warm Springs Reservation of Oregon for funding under FY93 104(b)(3) Indian set-aside for NPDES projects (selected for funding).
			T/A	Held meetings with Swinomish, Yakima and Nez Perce tribes to discuss progress or potential progress of the delegation of NPDES programs.
		.08	D/I	Developed and issued AOs penalties to facilities leasing from Yakima Indian Nation and Makah Tribe.
		.002	D/I	Held discussions with Yakima Indian Nation regarding enforcement actions on tribal property.
		.002	D/I	Held discussions with Makah Tribe regarding seafood dumping zone and dive surveys of waste piles in Neah Bay.
		0.1	D/I	Responded to a challenge to the Potlatch Corporation NPDES permit by the Nez Perce tribe.
	$2.866.0	.15	D/I	Implemented of Indian Set-Aside Program agreement with State of Alaska for construction of sewage treatment facilities.
	$50.0	.02	F/A	Awarded Coeur D/Alene tribe a 106 CWA grant for adoption and implementation of WQS.
	$40.15	.02	F/A	Awarded the Coeur D/Alene tribe a 314 Lateral Lakes Water Quality Assessment grant.
	$40.32	.02	F/A	Awarded Coeur D'Alene tribe a CWA 104(b)(3) NPDES Program Development grant.
		.60	T/A	Employee in the Idaho Operations Office monitored the Coeur D'Alene Basin Project.
	$30.0	.02	F/A	Awarded Nez Perce Tribe of Idaho CWA 314 Clean Lakes additional monies for the second year portion of grant.
	$50.0	.02	F/A	Awarded Shoshone-Bannock Tribe CWA 106 Non-Point Pollution Source grant.
		.10	Outreach	Mailed and responded to requests, such as newsletters, training information, grant announcements, trips to reservations and phone contacts.
	$70.0	.02	F/A	Awarded the City of Noornik, Alaska a grant with an MOA between the City/Indian Health Service and EPA to complete and upgrade wastewater facilities.

OFFICE OF WATER
CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 10		.07	Outreach	Implementation of General Assistance Grants to Warm Springs, Umatilla and Burns Tribes. NPDES 104 to Warm Springs.
		.02	Outreach	Made presentation at Chemawa "Annual Indian Education Symposium" and staffed a booth.
	$25.0	.01	T/A	Provided financial assistance for development of a comprehensive wastewater management plan to the Confederated Tribes of Warm Springs, Oregon.
		.10	Outreach	Contacted Tribes/individuals to maintain open communications.
		.20	Outreach	Region 10 Tribal Newsletter. Gathered information .
		.07	Outreach	Attended Regional/National Conferences and Workshops concerning Indian issues.
		.03		Completed Tribal Environmental Survey.
		.02	Outreach	Met with and worked with Columbia River Inter Tribal Fish Commission (CRITFC).. Made joint presentation to Warm Springs Council, passed resolution to pursue TAS.
		.20	Outreach	Visited all Oregon Tribes (9) at least twice to survey/discuss environmental concerns and present information on TAS. Two tribes are pursuing TAS.
		.04	Outreach	Held meetings with Commission on Indian Services Director to discuss tribal environmental concerns.
		.01	Outreach	Correlation of issues with BIA/IHS and EPA.
		.02	Outreach	Involved in environmental survey of 1125 acres for Coquille Indian Tribe in Coos Bay and 6 acres in Bandon. Still working on the site in connection with the BIA.
		.01	Outreach	Helped supervise removal of UST on Grand Ronde Reservation.
			T/A	Water Quality Standards Academy conducted by Headquarters in Region.
	$40.0	0.1	F/A	Awarded 104(b)(3) grant to provide Puget Sound Tribal Fish Consumption Study. Served on the Steering Committee and Technical Advisory Committee.
		0.1	D/I	Reviewed of tribal TAS applications for WQS.
	$50.0	.02	F/A	Awarded Coeur D/Alene tribe a 106 CWA grant for adoption and implementation of WQS.
		0.1	T/A	Provided guidance to tribes and reviewed draft water quality standards.
	$2,130	.15	F/A	Awarded IAG for Makah Tribe wastewater system under Indian Set Aside Program (ISA), FY92 dollars.
	$25.0	.02	F/A	ISA: Awarded IAG for planning of Warm Springs Reservation community wastewater system.
	$210.0	.05	F/A	ISA: Awarded IAG for Stillaguamish community wastewater system.
	$797.6	.05	F/A	ISA: Awarded IAG for Kokhanok ANV community wastewater system (Phase 2).
	$502.8	.05	F/A	ISA: Awarded IAG for Kipnuk ANV for community wastewater system, FY92 dollars.
		.05	T/A	ISA: Closeout activities for Hoh Tribe project.

OFFICE OF WATER
CLEAN WATER ACT PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 10		.07	T/A	ISA: Planning and design review work for Port Gamble S'Klallam Tribe community wastewater system.
		.05	T/A	ISA: Design review for Tulalip Tribe community wastewater system.
		.20	F/A	Region general ISA administrative work.
		.03	T/A	Closeout activities for Stillaguamish Tribe water conservation grant.
HQ		0.1		Conducted Water Quality Standards Treatment-as-a State reviews.
		1.0	D/I Outreach	Coordination of the various Clean Water Act and SDWA Indian Programs. Liaison between OW and Tribes/Regions/Head-quarters program offices and Federal agencies.
		.15	Outreach	Provided support to the Regions, preparation of a Tribal Guide on the Nonpoint Source Program, attended workgroup meetings and provided feedback to office on ways to improve program.
		.20		NPDES treatment in same manner as State Regulation development.
		.10	Outreach	NPDES primer development and Indian workgroup liaison.
		.10		104(b)(c) grant awarded for administrative support.
		0.5	T/A	Reviewed Tribal legal authorities, information-sharing, advice to tribes, etc.
		0.1		Water Quality Standards Treatment as a State reviews.

OFFICE OF WATER

SAFE DRINKING WATER PROGRAMS - UIC

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 2		0.15	D/I	Administered Underground Injection Control (UIC) program for Seneca Nation of Indians (SNI)
		0.50	T/A	Provided T/A to SNI and St. Regis Mohawk Tribe regarding UIC program delegation.
Region 6	$212.6	14.1	T/A	Awarded grant to Osage Tribe for UIC direct implementation activities.
		1.0	Outreach	Conducted seminar for tribe and operators. Provided wide distribution of program information to Class II and Class V wells on Indian lands.
		0.5	Outreach D/I	Conducted Class V workshops, targeted for tribes in New Mexico. Field activities were also conducted for the purpose of identifying possible Class V wells.
		5.0	D/I	Conducted field activities for the Osage and other Indian lands. Field activities consisted of inspections, pluggings, and witnessing mechanical integrity test.
Region 7	$40.0	1.0	F/A T/A	Provided technical assistance and monies to RECAP contractor to conduct compliance inspections/sampling on Indian lands in Region 7.
		.05	D/I	Updated and verified Class V inventory information.
		.05	Outreach	Provided information to Tribes about UIC program requirements and activities.
Region 8	$13.0	0.01	F/A	Contin ued 4th and final year of development grant to Ft. Peck Tribes. Delegation anticipated early '94.
	$1.0	0.05	D/I	Completing Class V well closures on Rosebud Sioux, SD Reservation.
Region 9	$160.0	0.30	D/I	Continued to support Navajo EPA staff to work in UIC section.
		0.20	D/I	Lead for the Aneth Technical Committee investigating ground water contamination on Navajo Nation.
	$50.0	0.40	D/I	Implemented the UIC program requirements of permitting, plugging, and MIT injection wells on Navajo Nation.
	$40.0	0.10	D/I	Provided grant to Gila River Indian Community to implement combined Class V/Wellhead protection program.

OFFICE OF WATER

SAFE DRINKING WATER PROGRAMS - PWSS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 1		0.15	T/A	Conducted sanitary survey for Mashantucket Pequot water supply system. Assisted Tribe in efforts to achieve primacy under SDWA. Review of water system testing and monitoring. Took appropriate actions (TA and enforcement) for tribal water quality standards violations.
		0.10	T/A	Overall coordination of WMD activities relating to environmental review and interagency coordination for Foxwoods Casino project on Mashantucket Pequot reservation. Review of tribal wellhead protection program, aquifer mapping, and WQ impact.
		0.02	T/A	Technical assistance and general coordination for Narragansett Tribe relating to ground water issues.
Region 2	$8.0	0.1	F/A T/A	Provided technical assistance and funds to the Seneca Nation of Indians (SNI) and the St. Regis Mohawk Tribe (SRMT) for Public Water Supply System (PWSS) monitoring, testing, and training.
		0.2	D/I	Administered the PSW program for SNI and SRMT.
Region 4		.10	T/A	Conducted technical conference for the Poarch Band of the Creek and Choctaw Tribes in Atmore, AL for establishing a program with the Poarch and updating the Choctaw program.
		0.02	T/A	Reviewed the new treatment plant proposal for the Eastern Band of Cherokee Indians. Monitoring the progress of the plans.
		0.10	D/I	Negotiated an Interagency Agreement with the U.S. Geological Survey for assistance in making determinations of Ground Water Under the Direct Influence of Surface Water.
		0.15	T/A	Participated in the first EPA/Tribal Water Directors meeting in Atlanta. Presentation of current SDWA regulations.
		0.20	D/I	Updated the Federal Reporting Data System. Utilized information from the Indian Health Service (IHS), and the Tribes.
		0.05	D/I	Administrered an agreement for First Round VOC and SOC testing of the Community Water Systems.
		0.20	D/I	Tracked and conducted compliance oversight activities for PWSs on Indian lands to ensure that the reservation communities received safe drinking water.
		0.05	D/I	Participated in the First National PWSS Indian lands Workgroup held in San Francisco, CA.
		0.10	Outreach	Implemented on Indian Public Water System Excellence Award for 1993. Solicited applications, formed a committee to determine a winner and conducted an on-site awards ceremony for the Choctaw Utilities in Philadelphia, MS.
		0.10	T/A	Participated in a meeting held in Atlanta between the Indian Health Service, Region IV, Drinking Water Section, and the Eastern Band of Cherokee Tribe regarding the tribe's proposed new water treatment plant and upgrading of the distribution system in order to meet the requirements of the Surface Water Treatment Rule.
		0.10	Outreach	Negotiated an Interagency Agreement with the Indian Health Service to provide funds for the implementation of the elementary (3-5) unit of the Water Source Book into the Cherokee schools during the Fall of 1993.

OFFICE OF WATER

SAFE DRINKING WATER PROGRAMS - PWSS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 4		0.1	T/A	Demonstrated Geographic Information System Management to the Chreokee Tribe. The Tribe is interested in using this technology for environmental management.
		0.5	Outreach	The Drinking Water Program, in coordination with the Eastern Band of Cherokee Indians and the United South and Eastern Tribes, arranged the South and Eastern Inter-Governmental Tribal Water Management Conference in Cherokee, NC from June 22-24, 1993. The conference addressed developing inter-governmental partnerships between Federal agencies and Tribe.
		0.05	D/I	Provided guidance material concerning Lead and Copper Rule to all effected PWSs on Indian lands in Region 4, Indian Lands and provided technical assistance to ensure compliance with this requirement of the National Primary Drinking Water Regulations.
		0.20	D/I	Made determination concerning existence of PWSs on Poarch Band of the Creek Tribal Reservation. Classified the type of PWSs owned and operated by the Poarch Band of Creek Indians.
		0.10	D/I	Conducted on-site inspections of Poarch Band of Creek Indians' PWSs.
Region 5		0.025		Provided Safe Drinking Water Act (SWDA) Certification update to the Minnesota Chippewa Tribe.
Region 6	$43.5	2	D/I	Implemented Drinking Water Regulations on Indian lands in the Region. Funding was for Water Sample Analysis.
		0.1	T/A	Worked with Cheyene and Arapaho Tribes of Oklahoma on "Treatment as a State" application.
		0.2	Outreach	Participated in seminars on Drinking Water Regulations with Tribal Leaders and Water Operators.
Region 7	$6.0	0.10	T/A	Contracts with Iowa Rural Water Association and Kansas Rural Water Association to provide assistance to water operators of the Sac & Fox Tribe, Tama, IA and Kickapoo Nation Horton, KS in turbidity reporting, resolving O&M probllems, etc.
	$7.1	0.10	T/A F/A	IAG with Aberdeen Indian Health Service for workshops to increase skills of tribal operators and prepare them to take and pass the operator certification test and a workshop to improve management skills of tribal managers.
		0.50	D/A	Indian Lands Coordinator visits tribes to discuss the SDWA requirements, assists with lead and copper tap water sampling requirements, and perform sanitary surveys of water systems.
		0.10	D/I	Arranged for the collection and analyses of drinking water samples for Phases II & V contaminants on Indian lands in cooperation with our laboratory and through a RCAP contract.
		0.10	Outreach	Indian Lands Coordinator held a regional meeting with governmental agencies servicing tribes (IHS, BIA, etc.) to discuss Water issues and seek input into environmental programs.
Region 8		0..40	T/A Outreach D/I	Participated on Region 8 Indian Workgroup, served on Water Management Division's Water Indian Network(WIN) to improve coordination.
		0.04	T/A	Participated in EPA/CERT Tribal intership program. Provided one-on-one technical assistance.

OFFICE OF WATER

SAFE DRINKING WATER PROGRAMS - PWSS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 8		0.04	T/A Outreach	Met with the tribes from the Flathead, Devils Lake Sioux, and Ft. Belknap Reservations regarding TAS. Tribes decided not to apply.
	$55.0	0.40	F/A	Awarded 3rd year developmental grant to Standing Rock Tribe. Provided oversight of PWSS developmental grant. Conducted several meetings with Drinking Water Branch staff and tribe to outline three year developmental grant. Process continuing. Primacy application to be submitted in October 1994.
		0.05	D/I T/A Outreach	Award/managed grant for on-site utility management training in Montana through Midwest Assistance Program. (Continued from FY92).
		0.60	D/I	Continued tracking, monitoring and compliance activities for 150 PWS's.
		0.15	Outreach	Met with Blackfeet Nation, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Cheyenne River Sioux, Devil's Lake Sioux Tribal Councill, Little Hoop Community College, and Standing Rock Sioux on Drinking Water Program; mailed and distributed material per request. Provided one-on-one technical assistance and outreach.
		0.30	D/I	Conducted Sanitary Surveys.
		0.50	D/I T/A	Notified/assisted Tribes with regulation requirements and provided technical assistance.
	$35.0	0.10	D/I T/A	Award/managed grant for O&M circuit rider through the SD AWWA.
	$10.0		D/I	Award/managed grant for PWS operator training in MT through Linn Benton College, Montana.
	$56.0		D/I F/A	Awareded IAG to IHS to assist in Phase II/V Monitoring.
		0.05	D/I	Award/managed grant for on-site Utility Management Training through Native American Water Association.
		0.10	D/I	Participated in National PWS-DI Indian Network Meeting and follow-up actions.
Region 9	$30.0	1.0	D/I	AARP Position: Hired data entry specialist for entry of monitoring data from 500 + PWSS into compliance tracking system.
		2.5	D/I	Performed sanitary surveys and inspections of PWSs on Indian ands in CA, NV, AZ, and NM (Navajo).
		0.03		Provided oversight on IAG with Phoenix ARea IHS to hire on-site trainer for Indian Surface Water treatment plant operators needing assistance. (FY 92 funds).
		0.03	D/I	Provided oversight on IAG with Phoenix area IHS to provide four classroom training courses on: chlorination/flouridation, O&M, PWS operator certification review, and electrical controls (FY 92 funds).
		0.50	D/I	Continued collection of water samples from schools and day care centers on Indian Lands in AZ, CA, and NV under LCCA for lead analysis.

OFFICE OF WATER

SAFE DRINKING WATER PROGRAMS - PWSS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 9		0.04	D/I	Continued oversight on grant to Hopi Tribe to establish tribal utility organization and bring village water systems under one authority (FY 92 funds)
	$36.4	1.0	D/I	AARP Positon: Continued funding for a data management specialist to update Indian Compliance tracking system.
		1.25	D/I	Provided outreach and technical assistance to public water systems on Indian lands.
	$10.0	0.04	D/I	Continued oversight of grant to NTUA for water system data management capability (FY 92 funds). Awarded additional FY 93 funds.
		0.04	D/I	Continued oversight of grant to ITCA for development of Indian water system operator certification program. (FY92 funds).
	$200.0	0.75	D/I	Awarded grant to Navajo EPA PWSS Program for Treatment of a State water supply program activities for FY 93.
	$10.0	0..04	D/I	Awarded grant to San Carlos Apache Tribe for development of Water Utility Newsletter and purchase of software/hardware to track SDWA compliance data.
	$12.4	0.04	D/I	Awarded grant to White Mountain Apache Tribe for on-site training of utility's water system operators.
	$30.0	0.04	D/I	Awarded grant to Gila River Indian Community for development of a Wellhead Protection Program.
	$50.0	0.04	D/I	Awarded grant to Northern Circle to hire a Circuit Rider for N. CA Indian Community Water Systems.
	$60.0	0.04	D/I	Awarded grant to Yurok Tribe for development of a water utility organization.
		0.04	D/I	Continued oversight of grant to Hoopa Tribe for a needs assessment and improvement plan for their water utility and to do GIS mapping of the water system (FY 92 funds).
	$20.0	0.04	D/I	Established new IAG with Reno, NV IHS office for partial funding of O&M Coordination position.
	$20.0	0.04	D/I	Established new IAG with Tucson, AZ IHS office of partial funding of O&M Coordinator position.
Region 10		.01	D/I	Attended water operators/managers training session in Portland, OR.
		0.01	T/A	Provided support to the Shoalwater Drinking Water investigation.
		0.05	T/A	GIS data tapes and other miscellaneous support for studies on the Coeur D'Alene reservation.
		.25	D/I T/A	Worked on enforcement issues; provided technical assistance on a variety of issues; Indian issues also come up relative to state program oversight.
	$150.0	.10	D/I	Coordinated state/local/and federal entities involved in special rural sanitation funds.

OFFICE OF WATER

SAFE DRINKING WATER PROGRAMS - PWSS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
HQ	$90.0	0.08	T/A	Initiated grant to National Environmental Training Association (NETA) to provide on-site technical assistance to Tribes experiencing problems complying with drinking water regulations. Assistance to be provided in FY94.
	$60.0	0.07	T/A	Initiated grant to Native American Water Association (NAWA) to conduct Utility Manager workshops in FY94.
		0.10	D/I Outreach	Provided coordination of Indian programs.

OFFICE OF WATER
GROUNDWATER PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 6		.05		Wellhead Protection Areas delineated at Zuni Pueblo. Staff trained in wellhead activities.
Region 7		0.1	F/A T/A	Provided funding to Winnebago Tribe to install monitoring wells in conjunction with a Section 106 grant.
		.01	T/A	Offered technical assistance to Tribe for preparation of wellhead protection component of Kickapoo Multi-media grant.
Region 8	$35.6		T/A	Wellhead Protection Program Development for Pine Ridge Reservation, SD.
Region 9		0.02	T/A	Provided technical and programmatic assistance on multi-media grants for Region IX Tribes.
	$0.3	0.2	T/A	Provided technical and programmatic assistance to Gila River Indian Community Hoopa Valley Valley Indian Reservation, and Rincon Reservation on their on-going Wellhead Protection Programs. Purchased ground water flow demonstration model for use by Gila River in outreach.
		0.01	Outreach	Provided background information to Tohono O'dham Nation regarding Arizona's GSGWPP project. As a result, the Nation will participate with the state in two focus projects on Tribal lands.
		0.03	D/I	Drafted MOU between Region and Tribes located in newly designated Campo Sole Source Aquifer (Campo, Manzanita, Cuyapaipe, La Posta) regarding review process, responsibilities, and authorities in the SSA.
		0.1	T/A	Assisted Region IX Solid Waste Section in reviewing permit to construct to be issued by Campo EPA for development of a landfill within the Campo SSA.
		0.02	T/A	Provided WHPA delineation using WHPA Code to Reno-Sparks Indian Colony.
		0.02	D/I	Provided technical review assistance to Region 9 Public Water Supply Supervision Section on development of Regional Phase II/V Monitoring Rule waiver program for tribal lands.
		0.4	F/A	Provided financial support for participation by InterTribal Council of Arizona to participate in Western Region Farmstead Assessment System workshop; ITCA will be part of the Arizona Farm *A* System development team.
Region 10		.10	T/A	Conducted oversight and provided technical assistance to the Upper Skagit Tribe on Wellhead Protection Demonstration Grant Project.
		.15	T/A	Provided guidance to Nez Perce Tribe on ground water protection program development, ground water vulnerability mapping and ground water standards development.
		.20	T/A	Served on panels for the review and evaluation of multi-media and 106 set-aside grants for tribes.
		.05	T/A	Assisted in revising workplan for a wellhead protection project with the Suquamish and Port Gamble S'Klallam Tribes.
HQ		0.10	Outreach T/A	Provided coordination of Indian wellhead protection programs.
		0.10	T/A	Provided wellhead protection trainig and delineation information to Zuni Pueblo (includes coordination with Region 6).
		0.05		Developed new TAS language for final rule: Indian Tribes Treatment as States for Wellhead Protection and Sole Source Aquifer Demonstration Program Grants.

THE OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

The basic authorities for the Pesticides and Toxic Substances Programs are the Federal Insecticide, Fungicide and Rodenticide Act, the Federal Food, Drug and Cosmetic Act, the Toxic Substances Control Act, the Asbestos Hazard Emergency Response Act, the Asbestos Schools Hazard Abatement Act the Emergency Planning and Community Right-to-Know Act (EPCRA), the Pollution Prevention Act (PPA) and the Residential Lead-Based Paint Hazard Reduction Act.

These authorizations recognize the need for protecting human health and the environment from harmful chemicals. They form the basis of the Office of Prevention, Pesticides and Toxic Substances (OPPTS) program activities on Indian lands.

Programs under OPPTS focus on the elimination of asbestos in schools and public buildings while other potential risks from new and existing chemicals (including pesticides) are identified, assessed, and managed under TSCA, FIFRA, EPCRA, and the PPA. This broad coverage enables EPA to take a variety of regulatory actions which affect the manufacture, distribution in commerce, processing, use and disposal of chemical substances. The major initiatives in the pesticide program that will affect the tribes are certification of pesticide applicators, enforcement of regulations for pesticide use and protection against pesticides for agricultural workers, endangered species and groundwater.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 1		.05	D/I	Participated in workgroup activities. Reviewed multi-media grant proposals.
		.05	T/A	Reviewed application for multi-media grants.
Region 5	$57.0		T/A	Funding for the FY94 Pesticide Cooperative Agreement for Enforcement and Ground Water Protection with the White Earth Band of Minnesota Chippewa will be forward funded with these FY93 funds.
		.5	TA	Project officer and grant oversight for (1) FY93 Pesticide Cooperative Agreement with White Earth and (2) ongoing Pesticide Cooperative Research Agreement with Leech Lake Band of Minnesota Chippewa.
		.1	T/A T/A	Programmatic technical assistance and oversight on the Region multi-media Tribal cooperative agreements which address pesticides. Participation as representative on the Regional Indian Workgroup.
	$1.0		T/A	Participatrion in the FY93 U.S. EPA/Tribal Pesticides Conference in Denver, Colorado.
			T/A	Contribution to funding of Region 5 Multi-media Tribal Cooperative Agreements.
		0.025		Reviewed a FIFRA grant QAPP to the Leech Lake Tribe.
		0.025	T/A	FIFRA Cooperative Agreement to the White Earth Band, MN Chippewa Tribe.
		0.025		Approved 104(b)(3) FIFRA grant to the Leech Lake Tribe.
Region 7	$1.5	.15	D/I - F/A T/A	Assisted Santee Sioux Tribe in developing a pesticide enforcement and certification program.
	$1.5	.15	D/I -F/A T/A	Assisted Winnebago Tribe in developing a pesticide enforcement program.
	$1.5	.15	D/I - F/A T/A	Assisted Omaha Tribe in developing a pesticide enforcement and certification program.
Region 8	$227.5	0.5	D/I	Conducted mid and end of year Audits and Reports reviewing deliverables, communications (phone and mail) with five tribal programs (Rosebud, Pine Ridge, Cheyenne River, Standing Rock, Ft. Berthold).
		0.1	T/A	Provided technical assistance for Special Initiative Programs on five reservations.
		0.1	T/A	Conducted General Tribal Program Support, including Tribal workgroup and workshop attendance and activities, provided training.
Region 9	$316.0	.30	F/A	Awarded a continuation enforcement grant to ITCA to enforce FIFRA on tribal lands of the following tribes: Cocopah, Ft. Mojave Gila River, Colorado River, Quechan, Salt River, Ak Chin.
		.10	T/A	Provided technical assistance for protection of endangered species on above tribal lands. (No new funds awarded in 93).

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 9		.10	T/A	Provided technical assistance for protection of groundwater on above tribal lands. (No new funds awarded in 93).
		.10	T/A	Provided technical assistance for developing worker protection programs on tribal lands. (No new funds awarded in 93).
	$5.0	0.05	F/A	Awarded a project grant to the Navajo Nation for the continued development of an endangered species protection program pesticides on the Reservation.
	$10.0	0.10	F/A	Awarded a project grant to the Navajo Nation for the continued development of a ground water protection program from pesticides on the Reservation.
	$89.0	0.20	F/A	Awarded a continuation pesticide enforcement to the Navajo Nation to enforce FIFRA on the Reservation.
	$20.8	0.10	F/A	Awarded a project grant to the Navajo Nation for the continued development and implementation of the worker protection program from agricultural pesticides on the Reservation.
		0.10	T/A	Provided AHERA information and compliance support to Nvajo Nation and BIA. Negotiated AHERA compliance grant with Navajo EPA.
	$10.0	0.05	T/A Outreach	Awarded project grant to Navajo Community College to conduct AHERA training courses.
		0.05	Outreach	Provided lead-based paint (Title X) outreach to Navajo EPA and DOH, Tohono O'odham Tribe, Indian Health Service, HUD Indian Programs Office and BIA Phoenix.
		0.05	T/A Outreach	Provided TSCA/PCBs information to various Indian tribes and the BIA.
		0.05	T/A	Conducted two PCB training seminars for members of the Navajo Tribal Utility Authority at Ft. Definace, AZ.
Region 10	$42.0			FIFRA, Enforcement for Shoshone-Bannock and Coeur D'Alene Tribes.
	$4.0		F/A	FIFRA, Certification and Training for Shoshone-Bannock Tribes.
	$28.0		F/A	FIFRA, Groundwater, Worker Protection for Shoshone-Bannock Tribes.
	$27.50		F/A	Awarded the Shoshone-Bannock Tribe a Pollution Prevention Program grant.
	$32.96	.33	F/A	Awarded the Shoshone-Bannock a grant for consolidated Pesticide grant.
	$37.47	.33	F/A	Awarded the Shoshone-Bannock Tribe a grant for Enforcement of Pesticides and Toxic Substances.
	$8.20	.33	F/A	Awarded the Shoshone-Bannock Tribe a grant for Certification in the Pesticide Program Consolidated grant.
	$19.2	.33	F/A	Awarded the Shoshone-Bannock Tribe a grant for Air Toxic in the Consolidated Pesticide grant.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
HQ			Outreach	Provided Toxics Release Inventory informational materials to tribal CEOs.
			Outreach	Invited tribal representatives to participate in annual TRI data use conference.
			T/A	Provided staff support in analysis of TRI emissions on or near tribal lands.
			T/A	Trained tribal representatives in the accessing of the TRI data.
			Outreach	EPA staff met with members of the Cherokee Nation of North Carolina to discuss preparations for the Second National Tribal Conference on Environmental Management, May 1994, Cherokee Reservation, Cherokee, NC.
			Outreach	Discussed with Regional Indian Coordinators on preparations for a Tribal Operations Committee meeting in Washington, DC, October 1993.
	$7.0	0.05	Outreach	Recruited Native Americans for the Forum of State and Tribal Toxics Action (FOSTTA). Coordinated Tribal participation in FOSTTA.
			Outreach	Provided assistance to HUD's Office of Public and Indian Housing for the lead-based paint testing program.

THE OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

The programs administered by the Office of Solid Waste and Emergency Response are authorized by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984, and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986.

EPA's goals in these areas are to protect human health and the environment by addressing hazardous substance emergencies and uncontrolled hazardous waste sites; to ensure proper ongoing management and closure of solid and hazardous waste facilities; to prevent leaks from underground storage tanks and to conduct corrective actions for leaks that threaten human health and the environment; to promote community awareness of chemical hazards; and to develop state and tribal capabilities for preventing and responding to chemical accidents and emergencies.

The Chemical Emergency Preparedness and Prevention Office provides training services through the Superfund Amendments and Reauthorization Act Title III. It has developed and published a regulation on the treatment of Indian tribes as states for purposes of Title III.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

RCRA PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 1	$50.0	.05	F/A T/A	Completed the design of a closure plan for the Passamaquoddy landfill.
Region 2		.05	T/A	Provided technical assistance and guidance to the Seneca Nation of Indians and St. Regis Mohawk Tribe in the development of their underground storage tank regulatory program.
Region 4	$34.0	.05	F/A T/A	Continuation of recycling program with emphasis on source reduction, purchase of products with recyclable materials and marketing of recovered materials at Cherokee, N.C.
	$52.25	.05	F/A T/A	Supported Poarch Band of Creek Indians: new recycling program. Reviewed application and met with Tribe to develop a work plan.
		.05	T/A	On-site visit to Miccosukee Tribe (FL) to discuss waste management issues. Project is now complete.
		.05	T/A	On-site visit to Seminole Tribe (FL) to close-out grant for development of solid waste management plan; project is now complete. Discussed other waste issues.
		.05	T/A	On-site visit to MS Band of Chocktaw Indians to revise grant work plan for waste stream analysis, public awareness program, education program and recycling.
		.05	T/A	Planned and developed the Regional Tribal Focus meeting, held on November 3-4, 1993.
		.05	T/A	Assisted in the development of the Cherokee Regional Waste Management Plan and attended hearings on the Regional Solid Waste Management Plan.
	$20.0	1.0	T/A Outreach	Supported a Circuit Rider position.
Region 5	$35.0		F/A T/A	Menominee Indian Tribe Pilot Program for partial authorization of hazardous waste program.
			T/A	Preparation toward the development of a Cooperative Agreement with the Leech Lake Indian Tribe for their participation in the ongoing O&M and other site activities at the St. Regis Paper Co. site in Minnesota.
	$19.95	0.05	F/A	Awarded greant to Grand Portage Indian Reservation to develop closure plan for 7-acre open dump.
	$4.952	0.05	F/A	Awarded grant to Prairie Island Indian Community for a solid waste clean up and education project.
	$5.338	0.05	F/A	Awarded grant to Lac Du Flambeau Band of Lake Superior Chippewa Indians to develop a recycling education program and introduce office recycling.
	$6.999	0.05	F/A	Awarded grant amendment to Inter-Tribal Council of Michigan to supplement existing grant to implement recycling on Saginaw Chippewa Reservation.
	$9.658	0.05	F/A	Awarded grant to Inter-Tribal Council of Michigan to fund a recycling planning project for the Grand Traverse Reservation.
	$12.0	0.05	F/A	Awarded grant White Earth Indian Reservation to develop a landfill closure plan.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

RCRA PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 5		0.01	T/A	Presentated the U.S. EPA Solid Waste Initiatives on Tribal Lands delivered at Native American Symposium on Housing and the Environment in Green Bay, Wisconsin.
		0.05	T/A	Conducted a Tribal Landfill Conference on 40 CFR Part 258, the process for obtaining U.S. EPA approval for permitting programs, and recommendations for landfill closure.
		0.03	T/A	Concluded Solid Waste Assessments at Indian Lands in the Upper Peninsula of Michigan (Sault Ste. Marie, Bay Mills, Hannahville, Lac Vieux Desert, Keweenaw Bay).
		0.03	T/A	Solid Waste Technical Assistance Project for Bois Forte Indian Tribe. Assist in the development of tribal recycling program, community education program, and planning for new solid waste system.
		.1		The Office of RCRA Enforcement acted as a contact point for any and all questions from the Tribal authorities and members of the tribe itself.
		.1		RCRA Compliance Evaluation Inspections (CEI's) have been conducted at 9 regulated installations on the White Earth Indian Reservation and 9 regulated installations on the Keweenaw Bay Indian Reservation. Results of those insepections were reviewed for compliance.
	$20.0	0.05	F/A	Grant award to the Bois Forte Reservation Business Committee for the development of a landfill closure plan.
	$8.8	0.05	F/A	Grant award to the White Earth Indian Reservation for a landfill contamination study.
		0.01	F/A T/A	Monitored FY92 grant to Bad River Band of Lake Superior Tribe of Chippewa Indians for development of a landfill closure plan.
		0.01	F/A T/A	Monitored FY92 grant issued to the Stockbridge-Munsee Community for the development of a tribal recycling program.
		0.01	F/A T/A	Monitored FY92 grant issued to the Hannahville Indian Community for analysis/evaluation of tribal open dumps and solid waste disposal practices.
		0.01	F/A T/A	Monitored FY92 grant to the Keweenaw Bay Indian Community for a recycle center feasibility study.
		0.01	F/A T/A	Monitored FY91 grant to the Red Lake Band of Chippewa Indians for the development of a solid waste management program. Grant completed June 1993.
		0.01	F/A T/A	Monitored FY90 grant issued to the Bois Forte Reservation Business Committee for the development of a solid waste management program. Grant completed in May 1993.
		0.01	F/A T/A	Monitored FY90 grant issued to the Leech Lake Reservation Committee for the development of a closure plan and Solid Waste Management Program. Grant completed December 1992.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

RCRA PROGRAMS

EXP. OFFICE	WORK ($1,000)	YEARS	TYPE	DESCRIPTION
Region 5		0.01	F/A T/A	Monitored FY90 grant issued to the Mille Lacs Band of Chippewa for the development of a Solid Waste Management Program.
		0.01	F/A	Monitored FY89 grant issued to the Menominee Indian Tribe of Wisconsin for the development of Tribal recycling program. Grant completed December 1992.
		0.20	T/A	Participated in Region Regional Indian Workgroup.
Region 6	$60.0		F/A	Awarded a grant to New Mexico for hiring a tribal coordinator to provide New Mexico tribes technical support and assistance on waste management and multi-jurisdictional issues.
	$18.6	1.0	T/S	Circuit River provided hands-on technical assistance and support and outreach to Region 6 tribes; also coordinated with other federal agencies.
		0.02	T/A	Long-range planning for development of tribal legal codes required by UST/LUST.
		0.03	T/A	Oversight of completion and updating of New Mexico tank registration database, including provision of direct Technical Assistance to SEE Liaison and staff of AIPC.
	$90.0	0.02	F/A	Provision of additional award into SEE Grant to fulfillment of commitment to provide support to Oklahoma Consortium (ITEC) for its efforts to initiate UST/LUST program activities.
		0.02	T/A	Development of UST materials for distribution to Region 6 as well as individual consultation with tribal environmental officials and staff.
		0.04	D/I	Response and coordination of Tribal UST release reports and remediation efforts, including technical review of corrective action plans and reports.
		0.01	T/A	Continuation of coordinating efforts with other Regions with large Indian Populations and provisions of direct input to OUST HQ on Indian Policy matters as well as serve on Regional and National Indian Workgroups.
		0.01	D/I	Developmental planning for initiation of Indian Nations Clearinghouse (coordinative system for technical review and assistance sharing between consortia).
		0.01	T/A	Workplan development for proper utilization of FY94 SEE employees for ITEC.
		0.01	D/I	Training of Tribal staff in UST/LUST Regulation application.
	$50.0	0.05	F/A	Provided $50K for support of UST Consortium in State of New Mexico (19 Pueblo governments).
		0.08	T/A	Oversight of Senior Environmental Employee Assigned to AIPC (New Mexico Consortium).
		0.20	D/I	Negotiation for inclusion of 31 tribal governments into second Consortium initiating UST/LUST activities (Intertribal Environmental Council of Oklahoma and preliminary planning for provision of Technical Assistance funding.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

RCRA PROGRAMS

EXP. OFFICE	WORK ($1,000)	YEARS	TYPE	DESCRIPTION
Region 6		0.01	T/A	Planning for initial enforcement actions to be initiated by Region in conjunction with tribal officials. Efforts of Region will be coordinated with affected tribal and consortium staff members. Represents a new effort by Region 6 OUST Indian program.
		0.09	T/A	Provided joint training and guidance in conjunction with Office of Solid Waste and Superfund Program to both New Mexico and Oklahom Consortia and tribal officials.
		0.04	D/I	Coordination of Indian land responses to Regional information requests.
		0.01	D/I	Facilitated meetings with consortium staff designed to establish a yearly plan of action to locate additional resources to aid in long-range goal of tribal assumption of the UST Program.
		0.01	D/I	Participation in Regional Multi-Media Review Team for funding allocations.
		0.25	T/A	Continued monitoring Eight Northern Indian Pueblo's grant to establish comprehensive Solid Waste Management plan with the Pueblos Council. Includes data collection and analysis of Solid Waste, policy development, monitoring, enforcement, and education.
		0.05	T/A	Completed Pueblo of Zuni grant, Solid Waste education and outreach program involving Tribal citizens including school children. Grant included pilot composting program and provided technical assistance to Zuni on development of a quality assurance/quality control plan for composting.
		0.15	F/A	Continued monitoring Pueblo of Zuni grant to develop and publish " A Native American Agenda for Action - Solid Waste Management in the 1990's."
		0.25	F/A	Continued monitoring Taos Pueblo grant to conduct waste stream analysis for pueblo village, develop educational materials to increase citizen awareness and create a Pueblo Solid Waste Management Plan consisting of source reducation, recycling and disposal.
		0.15	F/A	Continued monitoring Santa Clara Pueblo grant to develop environmental codes and ordinances to regulate solid waste activities on the Reservation.
	$45.0	1.0	T/A	Continued the Indian Circuit Rider program to program technical assistance to Tribes in Region 6.
		.15	T/A	Participated with HQs in conducting a 2-day seminar on Part 258 for the Oklahoma Tribes.
		.25	T/A	Participated with HQs in conducting a 2-day seminar on Part 258 for the New Mexico Tribes.
	$60.0	0.1	F/A	Awarded grant to New Mexico Environment Department for personnel to promote and coordinate Regional Solid Waste planning with State, local and Tribal governments.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

RCRA PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 7	$5.0	.10	T/A Outreach	Assisted Kickapoo, Omaha and Santee Sioux Tribes in the initial stages of forming comprehensive Solid Waste Management programs for closure of open dumps.
	$5.0	.10	T/A	Completed Cooperative Agreements with all eight tribes in Region VII, the Potawatomis Kickapoo, Iowa, Sac and Fort of Missouri, Omaha, Winnebago, Santee Sioux and the Sac and Fox) to provide technical assistance in completing plans and codes for a sound solid waste management program.
	$5.0	.10	Outreach	Provided assistance, education for implementing recycling and composting programs on Indian lands, in Region 7.
	$5.0	.10	F/A	Provided funding through an IAG to Indian Health Service for reimbursement to Native Americans in Region 7 for completed environmental courses on solid waste landfill management.
	$5.0	.10	T/A	Provided assistance to Indian owned UST's in Region 7 on release detection monitoring, cathodic protection systems suction piping systems and line tightness testing. Must bring all into compliance by December 22, 1993.
	$6.1	1.0	Outreach	For Circuit Rider position.
Region 8	$10.0	.01	Outreach	Provided traiing funds for Region 8 Tribal members to attend UST/LUST workshop.
	$5.0	.01	Outreach	Provided site assessment training on site to (3) tribes.
		.03	D/I	Oversaw state-led LUST cleanup at Rosebud, Cheyenne River, Pine Ridge, and Southern Ute Reservations.
		.01	D/I	Inspected closure at South Ute Reservation.
	$10.0	.10	F/A	Supplement current multi-media grant to provide funds for Tribal legal costs for developing UST regulations.
		.03	D/I	Conducted lead detection inspections at Uintah and Ouray, Southern Ute, Flathead, and Blackfoot Reservations.
		.1	D/I	Provided overall coordination of UST/LUST program for Indian lands.
	$25.0	.1	Outreach	Conducted inventory control classes for Blackfeet, Flathead, Uintah and Ouray, Wind River, Pine Ridge, and Rosebud residents.
	$150.0			Awarded grant to State of South Dakota for cleanup site work at sites on South Dakota reservations.
		0.8	T/A	Assisted tribal governments and Federal Indian agencies in developing MSWLF programs.
		0.2	Outreach	Developed and delivered training programs for tribes on the MSWLF criteria.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

RCRA PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 8	$5.0	0.1	Outreach	Initiated tribal Financial Assurance Feasibility Study with University of New Mexico.
	$15.0		IAG	Interagency Agreement with Indian Health Service to provide Manager of Landfill Operations training and certification to tribes.
			Outreach	Continuation of recycling and solid waste education and outreach program initiated in FY92 (Standing Rock Sioux Tribe).
Region 9		.10	T/A	Conducted SARA Title III Tribal workshops for Multi-Media Grant recipients. Gave presentations on "SARA Title III on Indian Lands as compared to States" in training sponsored by Multi-Media Grant Project Managers for Tribal representatives. Participated in SARA Title III Tribal workshop for members of he NV Tribal Environmental Coalition (13 tribes) sponsored by NV Emergency Management Division.
	$9.24	.25	T/A	Provided contractor support for a hazards, Vulnerability, and risk analyses of the Navajo Nation, including transportation corridors and a worst case scenario. This will be a supplement to the Regional Response Team (RRT) area plan. Copy will be given to Navajo Emergency Management Department (NEMD) to be incorporated into the Navajo Chemical Emergency Plan, when developed. Made site visit and had numerous teleconferences with NEMD staff discussing and giving extensive technical assistance on implementation of SARA Title III.
	$3.6	.10	T/A	Initiated contractor support for a hazards, vulnerability, risk analyses including transportation and worst case scenario of the Hopi Reservation (*to be completed in FY94). Copy will be given to the Hopi Nation to be incorporated into their Chemical Emergency Plan, when developed.
		.01	T/A	Rincon Chemical Emergency Response Plan was reviewed and comments extensively discussed with Rincon planner.
		.30	T/A	Participated in review and selection of Multi-Media Grant applications with Regional Indian Work Group members. Gave extensive technical assistance on implementation of SARA Title III, commented on workplans, revisions and quarterly reports for the following (9) FY93 Multi-Media recipients: AZ: Fort McDowell Indian Community, San Carlos Apache Reservation, Tohono O'Odham Reservation, Pyramid Lake Reservation, NV Tribal Environmental Coalition (13) Tribes; CA: Hoopa Valley Reservation, and Morongo Band of Mission Indians.
		.05	T/A	Provided extensive technical assistance on SARA Title III implementation and proposals for SARA Title III Innovative Technical Assistance Grants for the Salt River Indian Reservation and the Gila River Reservation.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

RCRA PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 9		.10	T/A	Provided technical assistance on EPCRA implementation to the following (8) tribes: AZ: Colorado River Indian Tribe, Quechan Indian Tribe, Ak Chin Reservation; NV: Walker River Pauite Tribe; CA: Campo Band of Mission Indians, Cabazon Band of Mission Indians, Fort Mojave Tribe and Shingle Springs Rancheria.
		.02	Outreach	Sent invitations and follow-up calls inviting Tribal Chairpersons and Tribal Environmental Reps to attend Mainland RRT meetings in San Diego, San Francisco, CA and Phoenix, AZ.
		.05	T/A	Joint review with Region IX FEMA and recommendation for funding of SARA Title III Planning and Training Grants & HazMat Transportation Uniform Safety Act (HMTUSA) training grants. TA given to tribes on proposal guidelines.
		.01	Outreach	Presentation on "Comparison of SARA Title III on Indian Lands and States" at NV SERC meeting.
		.01	Outreach	Sent 140 proposal guideline packages to Region 9 Tribes.
	$30.0	0.05	T/A F/A	Sponsored and funded SWANA's Manager of Landfill Operations inspector and operator certification training for Region 9 tribes and federal agencies (IHS, BIA).
		0.2	T/A Outreach	Conducted two solid waste workshops for Region 9 tribes and federal agencies in northern and southern California.
		0.1	Outreach	Initiated a Solid Waste Workgroup with other Region 9 Federal Agencies (IHS, BIA) and tribal coalitions (ITCA, ITCN) to discuss federal solid waste management efforts and cooperation on Indian lands.
		0.1	T/A Outreach	Hired an Indian lands circuit rider through the existing grant with the National Council of Senior Citizens. The circuit rider will provide solid waste technical assistance to the Region 9 tribes and federal agencies.
		0.35	Outreach	Conducted training and outreach to tribes and federal agencies on landfill criteria and the STIR. Presented solid waste information at numerous conferences, workshops and training sessions sponsored by IHS, BIA, EPA, Inter Tribal Council of Arizona (ITCA), Inter Tribal Council of Nevada (ITCN), and Tribes. Informational mail-outs were sent to the 139 Region 9 tribes and to federal agencies.
		0.5	T/A	Provided solid waste technical assistance to tribes and federal agencies. Assistance focused on 7 tribal recipients of multi-media grants incorporating solid waste management, ITCA (and the 8 tribes receiving funding under the ITCA solid waste multi-media grant), ITCN, and tribes with commercial landfills.
	$85.0	0.2	T/A Outreach	Awarded a grant to the Rural Community Assistance Corporation to provide solid waste training and technical assistance to the Region 9 tribes, with a focus on the California and Nevada tribes.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

RCRA PROGRAMS

EXP. OFFICE	WORK ($1,000)	YEARS	TYPE	DESCRIPTION
Region 9	$10.0	0.1	T/A Outreach	Funded the Southwest Pacific Recycling Association's effort to develop linkages with Indian Tribes on buying recycled, cooperative marketing and market development programs. SPRA is encouraging and partially funding tribal membership in SPRA. Educational broachures are being developed for distribution to Indian Tribes.
		0.05	T/A	Completed Inter-Agency Agreement with IHS Tuscon Office to assist Tohono O'Odham Nation with development of a solid waste plan.
	$8.8	0.40	T/A	Reviewed and commented on the Final EIS for the proposed commercial Campo landfill. Provided a technical assistance review of Campo EPA's draft landfill permit. Reviewed a draft application for RCRA Subtitle D solid waste program approval.
	$25.0	0.25	F/A T/A Outreach	Provided training for Navajo Nation on Landfill Criteria (49 CFR Part 258 and State and Tribal Implementation Rule (STIR). Provided technical assistance for regulatory development and development of a solid waste program approval application. Provided assistance to the Navajo Solid Waste Automated Tracking System (NSWATS) for conducting an inventory of open dumps and solid waste planning.
		0.1	T/A Outreach	Met with Cocopah, Colorado River and Hopi Tribes to discuss RCRA Subtitle D solid waste program approval.
		0.2	T/A	Coordinated multi-media response to flooding and wash-out from the Tri Cities Landfill on the Salt River Indian Community. Sent an information request letter under CERCLA 104(e) to the Tribe and the three cities of Mesa, Scottsdale and Tempe. Coordinated remediation efforts with the Corp of Engineers, Arizona DEQ and the Tribe.
Region 10		.25	D/I	LUST work on Yakima, Colville, Nooksack, Spokane and Puyallup Indian Reservations.
		.05	D/I	UST enforcement and site visits/outreach to Washington Tribes.
		.05	D/I	Complaint response investigation of hazardous waste sites (post/pole treatment) on Yakima Indian Reservation.
		.02	D/I	Prepared materials and gave presentation on Used/Waste Oil Handling at the EPA Tribal Environmental Conference.
		.02	D/I	Investigated non-NPL hazardous waste site on Colville Indian Reservation (Chief Joseph Orchard abandoned dumpsite). Provided assistance for soil gas monitoring program for another site (Bureau of Reclamantion Brett Pit site).
	$90.0	0.30	T/A D/I F/A	Conducted a LUST investigation at Toppenish (Yakima reservation).
		1.00	T/A D/I Outreach	Provided oversite of cleanups, closures, inspections, outreach, and enforcement on all reservations.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

RCRA PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 10		0.35	D/I Outreach TA	Mailings to Indian UST coordinators included facility updates, regulatory changes, and training and outreach material available.
		0.15	T/A D/I	Permitted all operational UST facilities providing an updated notification form.
		0.50	D/.I	Formal enforcement underway and expedited tickets issued and being processed for a variety of UST regulatory violations at various UST facilities on all reervations for variety of UST regulatory violations.
		0.45	D/I	Maintained Indian land UST database. Previously unknown closures and unidentified UST sites are being processed as well as more recent closures, new facilities, and changes. LUST worksheet used to input data into database has been completed.
	$12.0	0.41	Outreach	Worked with Idaho, Oregon, and Washington Tribes to develop a better understanding of Subtitle D, parts 257 and 258. Assisted in the development of a model solid waste ordinance for use of Region 10 tribes as they develop or update their ordinances.
	$3.3	0.12	Outreach	Encouraged and assisted Idaho, Oregon, and Washington tribes as they begin the process of identifying and understanding their solid waste management options.
	$2.0	0.07	Outreach	Encouraged Idaho, Oregon and Washington tribes to consider opportunities for improving their solid waste management through source reduction, recycling, and composting.
	$3.0	0.10	Outreach	Discussed with tribes, and referred for resolution when appropriate, issues and activities affecting ground water and wetlands on or near Indian lands in Idaho, Oregon, and Washington.
	$.7	0.02	Outreach	Discussed with tribes clean air enhancing strategies, such as freon reclamation projects, in Idaho, Oregon, and Washington.
	$1.0	0.03	Outreach	Encouraged and assisted tribes in the development of concepts and strategies for youth education projects.
		0.025	Outreach	State/Tribal Solid Waste Program Approval. Responded to Tribal Comments on State Application through Federal Register and follow-up letter, held conversations with state to inform/resolve concerns.
		0.1	Outreach	Municipal Solid Waste Landfill Criteria and Program approval. Responsed to questions, provided outreach materials.
		.05	T/A	Participated in national workgroup on RCRA Partial Authorization Proposed Rule. Developing Rule to Authorize Tribes for RCRA Hazardous Waste Programs.
		.03	T/A	Participated in Region 10's Indian Workgroup. Hazardous Waste Program member.
		.02	Outreach	Outreach/Education: Hazardous Waste and Used Oil issues on Indian lands.
	$19.0	0.05	F/A	Awarded Makah Solid Waste Planning Grant for evaluating alternatives to reservation-based landfill operation.
		0.1	D/I	Developed, reviewed and commented on EPA national and regional Indian policy issues, regulations and strategic plans.
	$3.0	0.05	D/I	EPA Region 10 Environmental Conference for Indian Tribes.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

RCRA PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 10	$5.0	.1	D/I	Solid Waste Program support for one Alaskan Circuit Rider.
	$65.0	0.1	F/A	Region 10 Solid Waste Innovative Grants Program for the development of household hazardous waste programs in Alaska and the translation of the Trash Management Guide into the Yupik language.
		0.1		Monitored Northwestern Circuit Rider.
	$30.0	0.2	T/A	Management of the Region 10 multi-agency Solid Waste Network techniacal assistance team.
	$60.0	0.1	T/A	Technical assistance for solid waste planning on reservations in Washiungton, Oregon and Idaho.
	$17.5	0.05	F/A	Region 10 Solid Waste Tribal Scholarship Program.
	$16.0	0.05	T/A	Technical assistance for the development of a model solid waste ordinance for illegal dumping of garbage.
HQ	$530.0		D/I	Funding of $140,000 to Region 8, $120,000 to Region 10 and $90,000 each to Regions 5,6, and 9 for training of tribal members, site assessments, corrective action, and hiring circuit riders and senior environmental employees.
		.10	D/I	Developed UST/LUST National Native American Lands Policy Statement.
		.10	D/I	Conducted general program coordination with OFA, OGC, other OSWER and regional offices.
	$4.0	.4	Outreach	Provided assistance in the preparation of the Native American Network and the Conference Report of the First National Tribal Conference on Environmental Management.
	$10.0		F/A	Provided grant support for the development of IndianNet, a tribal communication network.
		.05	Outreach	Participated in two tribal meetings in Region 6 by presenting sessions on Subtitle D issues.
		.05	Outreach	Presented training sessions at BIA Area Directors meeting at the request of BIA.
		.05	Outreach	Participated in the development of a primer for tribes on Subtitle D permit program approval.
	$175.0	.25	T/A F/A	Provided contract support for a variety of activitiees including: Regional tribal meetings, tribal code reviews, assistance to Cherokkee, NC in developing regional solid waste management plan, training presentations, regulatory support, preliminary support for Second National Tribal Conference, STIR primer for tribes, tribal access to SRPB bulletin board.
	$30.0	.10	Outreach	Provided funding for two presentations to EPA staff on Indian Law.
	$50.0	.10	F/A Outreach	Initiated the development of a joint EPA/VISTA project for the Native Alaskan Villages.
		.5	Outreach	Circuit Rider positions for Regions 4, 6, 7, 9 and 10.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

RCRA PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
HQ		.25		Represented OSW on Indian workgroup; participated in rule-making and other inter and intra agency activities; established and maintained communications with Tribes and tribal organizations.
	$10.0	.10	F/A	Grant assistance to AIO for the development and implementation of IndianNet, a tribal communications network.
	$15.0		F/A	Grant assistance to the Blackfeet tribe for the development of a solid waste management code.
	$15.0		F/A	Grant assistance to Flathead tribe for the development of a solid waste management code.
	$20.0		F/A	Grant assistance to the Makah Indian reservation for the development of a solid waste management plan.
	$22.0		F/A	Grant assistance to Rocky Boys Indian Reservation to support a solid waste collection, transportation and off-site management system.
		.10	F/A	Grant assistance to NTEC for development and implementation of a tribal peer match program.
	$20.0		F/A	Grant assistance to the Gila River tribe for the development of a hazardous waste management program.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

CERCLA/SARA PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 1		.10	T/A	Information dissemination to all tribes on Title III, and HMTUSA.
Region 2		0.2	T/A	Negotiated Inter-Agency Agreement with DOI for their funding up to $250,000 to extinguish a fire and site remediation at a landfill located on the Tonawanda Band of Seneca Reservation. EPA provided technical assistance in evaluating the situation and in managing the response.
	$151.4	0.38	T/A F/A	Administered FY92 CERCLA/SARA CORE grants for St. Regis Mohawk Tribe. Awarded FY93 CERCLA/SARA CORE grant.
		.1	T/A	Assessment of hazardous waste dumping on Tuscarora Indian Reservation (1 Barrel), analysis of disposal options.
Region 5			T/A	The Oneida Tribe of Wisconsin continues to draw on Cooperatrivc Agreement initiated in FY90 to enable them to participate in the RI/FS process at the Fort Howard Sludge Lagoon Site in Green Bay, Wisconsin.
	$12.5	.25		Title III implementation on Indian land, First Responder-Awareness Level training, Multi-media work group participation grant oversight.
	$5.0	.10		First Responder-Awareness Level course presentations and TAT oversight.
	$20.0	.10	T/A	Technical Assistance Team (TAT) contractors involved in presenting First Responder-Awareness Level courses.
Region 6		0.25	T/A	Continued technical assistance to the Cherokee Nation Office of Environmental Services (CNOES) during the development phase of their CERCLA Site Assessment program.
		0.25	T/A	Continued technical assistance to the Pueblo Office of Environmental Programs (POEP) during the development phase of their CERCLA Site Assessment Programs.
	$40.0	0.05	D/I F/A	Negotiation and award of Management Assistance funding to the Navajo Nation for interaction with Region 6 at the United Nuclear and Prewitt NPL sites through a Support Agency Cooperative Agreement.
		0.25	T/A	Provided technical assistance to the Inter-Tribal Environmental Council of Oklahoma in adding 12 Tribal Governments to the original 20-member ITEC.
	$718.4	0.30	D/I	Negotiation and award of a Core Program and Multi-Site Cooperative Agreement ($445K and $273.4K, respecctively) to the All Indian Pueblo Council of New Mexico.
	$847.9	0.30	D/I	Negotiation and award of a Core Program and Multi-Site Cooperative Agreement ($400.5K and $447.3K, respectively) to the Inter-Tribal Environmental Council of Oklahoma.
		0.10	T/A	Provided training and guidance to the Oklahoma and Pueblo Tribes in Superfund procurement and administration.
Region 7		.01	T/A	Sponsored 2-day SARA Title III/Comunity Right-to-Know workshop to Region 7 Tribes.
Region 8	$4.0		F/A	Awarded 305(a) grant to Cheyenne River Sioux Tribe for recognition and identification of hazardous materials.
	$12.6		F/A	Awarded 305(a) grant to Salish and Kootenai Tribes for awareness level course.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

CERCLA/SARA PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 8	$9.8		F/A	Awarded 305(a) grant to Crow Tribe for introduction to Emergency Management.
	$4.0		F/A	Awarded 305(a) grant to Fort Peck for Leadership and Influence, Public Policy for Responders and Decision-Making, and Problem Solving courses.
	$4.0		F/A	Awarded 305(a) grant to Standing Rock Sioux Tribe for Recognition and Identification, Incident Analysis courses.
	$7.1		F/A	Awarded 305(a) grant to Southern Ute Tribe for Incident Analysis course.
	$4.0		F/A	Awarded 305(a) grant to Three Affiliated Tribes at Ft. Berthold Emergency Planning course.
Region 9		0.10	D/I	Entered into AOC with Stone Container Inc. that requires that the company to characterize and clean-up soil and ground water contamination at a former wood treatment facility located on the Yavapai-Prescott reservation. EPA Region 9 is overseeing the work.
		0.05	D/I	Performed site assessments at four aerial applicators on the Colorado River Indian reservation. The data collected will be used to determine whether any of these sites presented an imminent and substantial endangerment and need removal actions.
	$30.0	0.05	D/I	Performed an emergency removal on the Augustine Indian reservation near Thermal, CA. Over 20 drums of abandoned hazardous material and wastes were removed and properly disposed of.
	$10.0	0.05	D/I	Performed an emergency removal on the Monrongo Indian reservation near Banning, CA. Abandoned and corrosive organic laboratory wastes were removed and sent off-site for disposal.
	$35.0	0.05	D/I	Performed a time critical removal on Navajo Nation lands near Montezuma Creek, UT. Six drums of abandoned hazardous waste were packed and sent off-site disposal.
		0.02	T/A	Superfund samples collected from Elem Rancheria (CA).
		0.15	D/I	Quality assurance (review QA project plans and grants, WP and WS laboratory PE studies).
		0.06	T/A	Training for Navajo Superfund Staff on preparing sample plans.
Region 10		.01	Outreach	Distributed HMTUSA materials to Washington Tribes. Provided follow-up assistance to Upper Skagit and Quileute tribes.
	$53.0	0.6	F/A	Region 10 Superfund provided management assistance funds to Puyallup Tribe to allow the Tribe to activiely participate in cleanup at the Commencement Bay Superfund Site, Tacoma, WA and to support the Puyallup Land Claims Settlement Act.
		0.05	T/A	Prepared of a Quality Assurance project plan in support of Superfund remedial investigation.
		0.01	T/A	GIS data tapes and other miscellaneous support for investigations of the Tulalip landfill superfund site.
		0.5	D/I	Superfund Site Manager supports environmental cleanups on 216 acres of property to be transferred to the Puyallup Tribe under the Puyallup Land Claims Settlement Act (25 U.S.C. 1773)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSES

CERCLA/SARA PROGRAMS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
HQ		0.02	D/I	Responded to inquiries involving implementation of Subpart O regulation and provided general program coordination with OFA, OGC, Regional and other OSWER offices.
		0.03	D/I	Coordinated with Regional Indian Coordinators to develop Support Agency Cooperative Agreements with Tribes at Superfund sites affecting Indian lands and clarify EPA policy in regard to TAG awards to Indian Tribes.
		0.025	D/I	Participated in planning the 1994 2nd National Tribal Conference on Environmental Management.
		0.038	D/I	Participated in the IWG, the TAS workgroup, the EPA Interagency Indian Environmental Discussion Group, and the Interagency Working Group on Native American Issues for CERCLA Reauthorization.
		0.005	D/I	Prepared and presented information on Indian Tribal involvement in the Superfund program at the National Indian Work Group meeting.
	$0.5	0.013	D/I	Collected financial and activity data on Indian Tribal participation in the Superfund program from EPA information data bases.
	$2.0		D/I T/A	Recruited an Indian Tribal educator to participate in EPA's Summer Teachers Institute.
	$20.0		F/A	Contributed funding for the Tribal Lands Environmental Science Scholarship Program.
		0.005	T/A	Conducted the Superfund Response Agreements Seminar, at which approximately 10% were Tribal representatives.
		.05		Assisted DOT in development of Hazardous Materials Transportation Act (HMTA) Training Grants program for tribes. Reviewed grant applications and participated on panel to recommend funding. (CEPPO)
		.02		Reviewed SARA 305(a) grant applications and participated in FEMA panel to recommend funding. (CEPPO)
		3.0		Tribal scholarship program contributed to OSWER. (CEPPO)
	$50.00*			Gila River grant for Clean Air 112(r) program development. (CEPPO)
	$30.0*			Awarded to Salt River high risk/high priority grant. (CEPPO)

*The proposals are not yet awarded.

THE OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

EPA's Office of Enforcement and Compliance Assurance (OECA) has regulatory responsibility for ensuring compliance with environmental standards in a wide range of areas affecting the quality of life. EPA's enforcement philosophy is to encourage voluntary compliance by communities and private industry and, as mandated by Federal laws, to oversee direct enforcement activities performed by State and local governments to meet environmental standards. The Agency initiates enforcement actions to protect the public health and the environment when voluntary compliance has not been achieved.

Management of the EPA Indian Program is located in Office of Federal Activities (OFA) which is within OECA. OFA is responsible for the oversight of the program. OFA coordinates the Agency's efforts in working to ensure that EPA programs can be implemented on Indian reservations. OFA is responsible for establishing effective liaison and coordination between EPA and other federal agencies on environmental issues; for assuring that EPA's programs comply with the goals and requirements of the National Environmental Policy Act and related environmental legislation; and for coordinating implementation of EPA's programs related to protection of human health and the environment on Indian reservations. OFA's programs are multi-media in nature. In addition, support and guidance are given to Regional Indian Program Coordinators, who serve as the primary contacts for the tribes, at the EPA regional offices and oversee regional activities with Indian tribal governments. Finally, OFA works to build tribal capacity through providing direct funding, technical assistance and training to tribal leaders and staff.

OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 4		0.15		Awarded and overviewed multi-media grants to five tribes in Region IV.
		0.2		Visited and consulted with the tribes in the Region assisting them with EPA liaison and grant procedures. Attended meetings which covered various environmental areas.
Region 5		0.3	T/A	Regional Indian Program Coordinator (RIPC) continued work as primary liaison for tribes and tribal organizations, States , and other Federal agencies on EPA Indian Policy and Regional Indian Program. Provided advice, training, technical assistance, planning functions, meetings, specific projects, funding information, etc.
		0.5	D/I	RIPC's overall coordination of Regional Indian program by working with PMD Indian Program staff, Regional Indian Workgroup (RIWG), Regional management, and HQ; chairing RIWG meetings; developing workplans, grant policies & criteria, Regional guidance, briefing materials and memoranda, program initiatives; representing Region on National Indian Workgroup and at meetings with Indian organizations, Tribal governments, State and Federal agencies, and universities.
		3.0	D/I	Region 5 Indian Environmental Liaisons (IEL): General on-site facilitation and assistance in the implementation and administration of environmental programs on Indian lands. Facilitation of MOUs (e.g., Tribal-State MOU for UST) and special projects (e.g., National Hazardous Waste pilot project with the Menominee Tribe). Face-to-face contact and interaction as a resource to Tribes, providing advice on EPA Indian communication between Tribes, EPA, local, State and Federal agencies and organizations. Notification of training and funding opportunities.
		1.0	D/I	Senior Environmental Employee Position: conducted special projects in evironmental education and other initiatives for technical assistance, outreach and environmental education efforts with Region 5 tribes.
		0.3	D/I	Various planning and management reporting both to Region and HQ; coordination of Regional Indian Workgroup; coordination with the Great Lakes National Program Office; inclusion of tribal concerns in various initiatives; provision of answers controlled correspondence and other call-letters, etc. Performed by all Indian Program staff.
			D/I	Administration of 24 multi-media awards to all 29 Region 5 tribes through cooperative agreements to address diverse tribal environmental priorities. Work performed by multi-media project officer, IELs, and RIPC. Work years covered in multi-media section.
		0.3	D/I	Activities as Lead Region for Indian Program: quarterly reports, issue papers, regulation reviews, and general Regional input to national agendas.

OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 5		0.2	T/A	NEPA facilitaation and assistance: Provision of technical assistance and expertise as needed for specific tribal projects and issues. Advice for development of EIS/EA processes, Tribal NEPAs, and to address concerns regarding various reviews of EIS's and EA's affecting Indian lands in Region 5. Development and Provision of "Principles of Environmental Assessment" training module to five Region 5 tribes.
Region 6		1.0	T/A	Coordinated five-State Regional Indian Program. Regional Manager: Multi-Media Assistance to Tribes Program; Member, EPA National Indian Work Group; serves on a number of EPA National and Regional Work Groups and Advisory Committees, including Environmental Justice, Clean Air Act Regulations, Cultural Diversity, American Indian Advisory Committee, and Treatment as a State; coordinates and provides consultation to all media/programs for 66 tribes in five-State Region; chairs 50-member Regional Indian Work Group; and provdes close coordination with Regional Solid Waste "Circuit Rider," working exclusively with tribes.
Region 7		.50	T/A	Coordination of Regional Indian Program; project manager for Multi-media assistance agreements;; member EPA National Indian Workgroup; provided regional coordination for American Indian Advisory Council; member General Assistance workgroup; coordination with 2 Senior Environmental Employees.
		.50	T/A	Senior Environmental Employee circuit rider; liaison between EPA and Regional Tribes.
		.10	T/A	Development of GIS Region 7 Tribal Database.
Region 8	$40.0		F/A	Awarded funds under existing grant to CERT for administration of the Tribal Internship program. One Native American rotated through the various programs in the Region.
	$20.0		T/A	Continued a tribal Comparative Risk Study with OPPE Headquarters. Study involves tribes with multi-media grants and incorporates the data review and assessments these tribes are undertaking through their multi-media efforts.
		1.0	D/I	Provided overall coordination of Indian Program; spoke with multi-media tribes on a regular basis to provide information and assistance on multi-media program development; worked with tribes to ensure progress reports in a timely fashion; reviewed and commented on proposed workplans.
		0.8	T/A	Provided information and assistance on multi-media program development; worked with tribes to ensure progress reports were submitted in a timely fashion; reviewed and commented on proposed workplans.
		1.5	F/A	Provided assistance management, application process, project monetary and closeout.
		0.8	F/A	Provided technical assistance and training, advice and management assistance.
	$13.4	.2	T/A	Incorporated tribal components to State PPIS awards in CO, UT and MT. Also participated in P3 project to Devils Lake Sioux.
Region 9		1.75	D/I T/A	Senior Environmental Employees providing liaison between Tribes and the EPA Regional Office programs.

OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 9		2.0	D/I T/A	Coordination of issues affecting Region's 139 Federally recognized Tribal governments. Act as main point of contact for Tribes. Participate in Regional and National Indian Work Groups. Coordinate with other Federal agencies having responsibilities for working with Tribal governments.
		.05		Completed Final EIS, Cahuilla development of EA, Cabazon development of EA, conducted scoping of Navajo Nation 10-year Timber Plan. worked on Glen Canyon Dam pre-EIS with several tribed were affected and participated as cooperative agencies and worked on Black Mesa Section 404 issue.
		.6	T/A	Grant review; technical assistance and oversight to tribes; mini training sessions, continued active parrticipation on Indian Work Group and Navajo Task Force; funded new tribes and/or new programs.
	$1.3	.2	T/A F/A	Conducted on-site review of Navajo Nation administrative systems in Window Rock, AZ. Conducted follow-up from Superfund Management Assistance Program visit of prior year.
	$1.0	0.75	T/A	Conducted study of Indian Program in Regional Office including an assessment of Indian program coordination functions and how best to target resources to Tribes.
Region 10		.03	T/A	Performance on the 206 CWA grant awarded the Nez Perce Tribe was researched and meetings were held with Idaho RA, Water Chief and Liaison to get on track.
		.01	D/I	Filed deviation request on Nez Perce grant, requresting extension of time.
		.10	Outreach	Visited all Idaho Tribes with Region 10 Indian Coordinator. Completed visit reports and filed. Sent out "thank you " letters to tribes, and addressed issues that came up at the meetings.
		.01	D/I	Attended Indian Workgroup meeting in Washington, D.C.
		.05	T/A	Collaberated with Region X and 100 staff members to prepare a Tribal Customer Survey for Idaho Tribes. The results should show how effective the tribes feel EPA is performing.
		.01	D/I	Attended NW Summer Symposium at University of Idaho. Hosted by Coeur D'Alene Tribe and Nez Perce Tribe. Topic "Economic Development."
		.02	Outreach	Participated on the Idaho Committee on Indian Education. Set goals and recommendations for improving American Indian Education. This was through the State Board of Education, State Board of Education, Alliance of Idaho Tribes and State Division of Vocational Education.
		.02	D/I	Attended Marysville Tribal Environmental Conference. Coordinated Air Panel from Idaho Tribes for presentation to attendees.
		.01	Outreach	DEQ, EPA State and Region X met in Seattle to discuss process for smooth transition to Tribal WQS. We have two tribes very close to achieving their own standards and want to assure their success.
		.01	D/I	Attended Indian Law Seminar in Denver, Co.
		.01	D/I	Attended Treaty Workshop hosted by Nez Perce Tribe of Idaho. Chief of Forest Service was keynote speaker.

OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 9		.02	T/A	Organized and attended Career Fair booth at the Nez Perce Reservation. All local schools in area attended.
		.01	T/A	Participated in the 106 CWA and Multi-Media grant process selections. Meetings were conducted by teleconference and face-to-face.
Region 10		.01	D/I	Attended Clean Lakes meeting for Tribes in Yakima, WA. and presented by the Watershed Section.
		.01	D/I	Represented and attended the Indian Workgroup meetings in the Seattle Office - Region X.
		.15	T/A	Idaho Operations, Region X, hosted a Grant Accounting Workshop for all Region X Tribes.
		.15	T/A	Researched and produced a Tribal Environmental Directory. Federal and State offices and contacts as well as all Tribes were included. Update on directory in process at this time.
		.01	D/I	Attended National IWG in Pheonix, AZ.
		.01	T/A	Researched Federal and State offices in Idaho for water data for workshop presented in Seattle, WA by NW Renewable Resources. Contacts were used for presenters at the workshop.
		.03	T/A	Contacted the Idaho Tribes for pollution prevention grant proposals, Multi-Media, Wetlands and 106.

MULTI-MEDIA/GENERAL ASSISTANCE PROGRAM

Typically, tribal requests for EPA assistance involve more than one Program Office; in those instances, the statutes require the tribes to account individually for funds provided by each program. This prevents an integrated environmental approach and creates a high paperwork burden. In an effort to alleviate this, the Agency requested more flexibility in assisting the tribes to build their overall environmental management capacity. Congress, in response to the Agency's request, provided the Agency with the authorization to issue multi-media grants.

The intent of the multi-media/general assistance program is to provide maximum flexibility for the Agency to work with federally recognized tribes and tribal consortia to plan, develop and establish the most suitable environmental management programs for their reservations. In other words, multi-media assistance agreements are intended to assist Indian tribes in developing the capacity to manage their own environmental programs by providing an integrated and streamlined means for the tribes to receive federal assistance. Multi-media assistance agreements offer the opportunity for tribes to develop an integrated environmental program and develop the capability to manage specific delegated programs.

The Indian Environmental General Assistance Program Act of 1992, was enacted October 24, 1992. The regulations implementing the Act was published in the Federal Register on December 2, 1993, by the EPA. This Act and the regulation created the General Assistance Program which replaces the EPA's Multi-Media Assistance Program in FY94. The General Assistance Program will provide funding assistance to federally-recognized tribal governments and tribal consortia for the purpose of planning, developing and establishing the capability to implement environmental management programs.

MULTI-MEDIA/GENERAL ASSISTANCE PROGRAM

OFFICE	EXP.* ($1,000)	WORK** YEARS	TYPE	DESCRIPTION
Region 1	$35.0			Awarded to the Passamaquoddy Tribe of Indian Township.
	$80.0			Awarded to the Wampanoag Houlton Malisect Tribe.
	$65.0			Awarded to the Wampanoag Tribe of Gay Head Tribe.
	$70.0			Awarded to Nashantucket Pequot Tribe.
Region 2	$109.0	.10	T/A	Awarded an additional multi-media cooperative agreement to the St. Regis Mohawk Tribe for development of its regulatory process, development of tribal data basse, environmental newsletter, and management plan.
	$117.0	.05	T/A	Awarded an additional multi-media cooperative agreement to the Seneca Nation of Indians for its management plan, development of procedures to assess environmental impacts, educational efforts, and consortium building.
	$78.5	.05	T/A F/A	Awarded an additional multi-media cooperative agreement to the Oneida Indian Nation for its environmental assessment and development of a management plan and regulatory codes.
Region 4	$3.7	0.1	F/A	Awarded $616,719 to the Region IV Tribes.
				Analyzed and counseled on multi-media grants to Indian Tribes.
				Reviewed TAS, General Assistance, Indian Law Enforcement Regulations and Guidance and policies.
				Participated in IWG and ILAWG conference calls and activities.
	$79.570			Awarded to the Eastern Band of Cherokee Indians Tribe.
	$64.570			Awarded to Miccosukee Indian Tribe of Florida Tribe.
	$49.570			Awarded to Seminole Indian Tribe of Florida Tribe.
	$34.570			Awarded to Mississippi Band of Choctaw Indian Tribe.
	$26.720			Awarded to Poarch Tribe of Indians, AL.
Region 5	$27.879	.02	F/A	Multi-media award augmentation for completion of second-year multi-media grant to Inter-Tribal Council of Michigan. (2nd year grant began with partial FY92 funding).
	$33.502	.02	F/A	Multi-media award augmentation for completion of second-year multi-media grant to Oneida Tribe of Wisconsin. (2nd year grant began with partial FY92 funding).
	$33.108	.02	F/A	Multi-media award augmentation for completion of second-year multi-media grant to Sault Ste. Marie Band of Lake Superior Chippewas, Michigan. (2nd year grant began with partial FY92 funding).
	$38.826	.02	F/A	Multi-media award augmentation for completion of second-year multi-media grant to Sokaogon Band of Chippewas, Wisconsin. (2nd year grant began with partial FY92 funding).
	$22.743	.02	F/A	Multi-media award augmentation for completion of second-year multi-media grant to Lac Courte Oreilles Reservation, Wisconsin. (2nd year grant began with partial FY92 funding).
	$63.747	.02	F/A	Multi-media award augmentation for completion of second-year multi-media grant to Bad River Band of Lake Superior Chippewas, Wisconsin. (2nd year grant began with partial FY92 fuding).

* *Represents funds pooled from Regional and HQ accounts.*

** *Represents efforts expended at the Regional level.*

MULTI-MEDIA/GENERAL ASSISTANCE PROGRAM

OFFICE	EXP.* ($1,000)	WORK** YEARS	TYPE	DESCRIPTION
Region 5	$26.477	.02	F/A	Multi-media award augmentation for completion of second-year multi-media grant to Red Cliff Band of Lake Superior Chippewas, Wisconsin. (2nd year grant began with partial FY92 funding).
	$28.249	.02	F/A	Multi-media award augmentation for completion of second-year multi-media grant to Fon du Lac Reservation, Minnesota. (2nd year grant began with partial FY92 funding).
	$49.554	.02	F/A	Multi-media award augmentation for completion of second-year multi-media grant to Grand Portage Reservation, Minnesota. (2nd year grant began with partial FY92 funding).
	$53.0	.05	F/A	Renewed multi-media grant to the Stockbridge-Munsee Tribe, Wisconsin. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$26.525	.05	F/A	Renewed multi-media grant to the White Earth Reservation, Minnesota. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$26.0	.05	F/A	Renewed multi-media grant to the Leech Lake Reservation, Minnesota. Forward-funded with FY93 funds for partial completion of Y94 activirties.
	$8.063	.05	F/A	Renewed multi-media grant to Bois Forte Reservation, Minnesota. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$56.501	.05	F/A	Renewed multi-media grant to Red Lake Band of Chippewas, Minnesota. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$28.0	.05	F/A	Renewed multi-media grant to Lac du Flambeau Band of Chippewa, Wisconsin. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$53.0	.05	F/A	Renewed multi-media grant to Forest County PotawatomI, Wisconsin. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$28.0	.05	F/A	Renewed multi-media grant to Prarie Island Sioux Reservation, Minnesota. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$21.788	.05	F/A	Renewed multi-media grant to St. Croix Reservation, Wisconsin. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$17.092	.05	F/A	Renewed multi-media grant to Menominee Tribe of Wisconsin. Foward-funded with FY93 funds for partial completion of FY94 activities.
	$18.83	.05	F/A	Renewed multi-media grant to WinnebAgo Business Community, Wisconsin. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$28.877	.05	F/A	Renewed multi-media grant to the Keweenaw Bay Reservation, Michigan. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$28.0	.05	F/A	Renewed multi-media grant to the Upper and Lower Sioux Communities, Minnesota. Forward-funded with FY93 funds for partial completion of FY94 activities.

* *Represents funds pooled from Regional and HQ accounts.*

** *Represents efforts expended at the Regional level.*

MULTI-MEDIA/GENERAL ASSISTANCE PROGRAM

OFFICE	EXP.* ($1,000)	WORK** YEARS	TYPE	DESCRIPTION
Region 5	$99.95	.05	F/A	Third year of multi-media program to Inter-Tribal Council of Michigan. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$21.596	.05	F/A	Third year of multi-media program to Sault Ste. Marie Band of Chippewas, Michigan. Forwarded-funded with FY93 funds for paritial completion of FY94 activities.
	$17.11	.05	F/A	Third year of multi-media program to Oneida Tribe of Wisconsin. Forwarded-funded with FY93 funds for partial completion of FY94 activities.
	$42.111	.05	F/A	Third year of multi-media program to Sokaogon Band of Chippewas, Wisconsin. Forward-funded with FY93 funds for parital completion of FY94 activities.
	$19.438	.05	F/A	Third year of multi-media program to Lac Courte Band of Chippewas, Wisconsin. Forward-funded with FY93 funds for parital completion of FY94 activities.
	$18.716	.05	F/A	Third year of multi-media program to Bad River of Chippewas, Wisconsin. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$28.322	.05	F/A	Third year of multi-media program to Red Cliff Band of Chippewas, Wisconsin. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$26.929	.05	F/A	Third year of multi-media program of Fond du Lac Reservation, Minnesota. Forward-funded with FY93 funds for partial completion of FY94 activities.
	$7.581	.05	F/A	Third year of multi-media program to Grand Portage Reservation, Minnesota. Forward-funded with FY93 funds for parital completion of FY94 activities.
	$50.0	.05	F/A	First year multi-media grant awarded to Mille Lacs Band of Chippewa, Minnesota.
	$49.536		F/A	Awarded to Shakopee Mdewakanton Sioux Community.
Region 6	$50.0		F/A	Awarded to Cheyenne and Arapaho Tribes of Oklahoma.
	$200.0		F/A	Awarded to the Cherokee Nation Tribe of Oklahoma.
	$165.0		F/A	Awarded to the Jicarilla Apache Tribe of Oklahoma.
	$150.0		F/A	Awarded to the All Indian Pubelo Tribe of New Mexico (New Mexico Consortia -19).
Region 7	$45.0	0.05	F/A	Awarded cooperative agreement to Sac & Fox Tribe Multi-media activities, including solid waste issues pesticide appplication training, water quality assessment, radon testing, UST monitoring, and Environmental Education.
	$45.0	0.05	F/A	Awarded cooperative agreement to the Winnebago Tribe of Nebraska for activities including a phase II wetlands study, water quality data base development, Environmental Education, development of a solid waste management plan.

* *Represents funds pooled from Regional and HQ accounts.*

** *Represents efforts expended at the Regional level.*

MULTI-MEDIA/GENERAL ASSISTANCE PROGRAM

OFFICE	EXP.* ($1,000)	WORK** YEARS	TYPE	DESCRIPTION
Region 7	$55.0	0.05	F/A	Awarded cooperative agreement to the Kickapoo Tribe of Kansas for activities including air quality standards, solid waste codes, recycling, UST monitoring, water quality assessment, wetlands assessment, Environmental Education.
	$45.0	0.05	F/A	Awarded cooperative agreement to the Santee Sioux Tribe of Nebraska for activities including water quality assessment, solid waste codes, recycling plan, Environmental Education, Radon testing, UST monitoring, Toxic substance investigation.
	$45.0	0.05	F/A	Awarded cooperative agreement to the Potawatomi Tribe of Kansas for activities including water quality assessment, solid waste codes, pesticide application training, and Environmental Education.
Region 8	$75.0		F/A	Awarded new cooperative agreement to the Crow Tribe to initiate the development of a multi-media environmental program.
	$75.0		F/A	Awarded new cooperative agreement to the Turtle Mountain Band of Chippewa Indians to initiate the development of a multi-media environmental program.
	$75.0		F/A	Awarded new cooperative agreement to the Blackfeet Tribe to initiate the development of a multi-media environmental program.
	$60.0		F/A	Awarded an additional cooperative agreement to the Cheyenne River Sioux Tribe to continue the development of a multi-media environmental program.
	$45.0		F/A	Awarded an additional cooperative agreement to the Fort Peck Tribe to continue the development of a multi-media environmental program.
	$20.0		F/A	Awarded an additional cooperative agreement to the Fort Belknap Reservation to continue the development of a multi-media environmental program.
	$45.0		F/A	Awarded an additional cooperative agreement to the Confederated Salish and Kootenai Tribes to continue the development of a multi-media environmental program.
	$60.0		F/A	Awarded an additional cooperative agreement to the Yankton Soux Tribe to continue the development of a multi-media environmental program.
	$60.0		F/A	Awarded (?) toArapahoe & Shoshone Wind River Reservation of Wyoming.
	$45.0		F/A	Awarded (?) to Southern Ute Tribe of Colorado.
Region 9	$50.0		F/A	Continued Cooperative Agreement to the Duck Valley Shoshone Paiute Tribe.
	$1,000.0		F/A	Continued Cooperative Agreement with the Inter Tribal Council of Arizona.
	$96.8		F/A	Awarded New Cooperative Agreement to Tohono O'Odham Nation.
	$75.0	.10	F/A	Awarded New Cooperative Agreement to Hoopa Valley Tribe, CA.

* *Represents funds pooled from Regional and HQ accounts.*

** *Represents efforts expended at the Regional level.*

MULTI-MEDIA/GENERAL ASSISTANCE PROGRAM

OFFICE	EXP.* ($1,000)	WORK** YEARS	TYPE	DESCRIPTION
Region 9	$75.0		F/A	Awarded New Cooperative Agreement to Pyramid Lake Paiute Tribe, NV.
	$80.0		F/A	Continued Cooperative Agreement to the NV Indian Environmental Coalition through the Inter Tribal Council of Nevada.
	$35.0		F/A	Continued Cooperative Agreement to the San Carlos Apache Tribe.
	$25.0		F/A	Continued Cooperative Agreement to the Ft. McDowell Tribe.
	$35.0		F/A	Continued Cooperative Agreement to the White Mountain Apache Tribe.
	$40.0	.10	F/A	Continued Cooperative Agreement to the Morongo Band of Mission Indians.
	$70.0		F/A	Continued Cooperative Agreement to the Navajo Nation.
Region 10		.07	T/A	Provided oversight for 14 grants issued as Multi-Media in FY92 as part of the NWIFC Washington Coordinated Tribal Water Quality Program.
		.1	T/A	Provided assistance to 26 Washington tribes and NWIFC for the coordinated tribal program. Worked with 13 tribes and NWIFC as assigned in developing workplans and submitting grant applications. Attended monthly NWIFC/tribal coordination meetings.
	$50.0		F/A	Awarded grant to Warm Springs Tribe of Oregon.
	$50.0		F/A	Awarded grant to Kootenai Tribe of Idaho.
	$50.0		F/A	Awarded grant to Association of Village Council presidents of Alaska (formerly Village of Kwethluk (AK)(48 Villages)..
	$50.0		F/A	Awarded grant to Burns Paiute Tribe of Oregon.
	$50.0		F/A	Awarded grant to Umatilla Tribe of Oregon.
	$65.0		F/A	Awarded grant to Chaguchmiut (AK) (formerly Village of Tatitlek(AK)(4 Villages).
	$95.0		F/A	Awarded to S. Puget Inter-Tribal (five Washington Tribes).
	$140.9		F/A	Awarded grant to Quileute Tribe of Washington.
	$90.9		F/A	Awarded grant to Swinomish Tribe of Washington.
	$140.9		F/A	Awarded grant to Upper Skagit Tribe of Washington.
	$90.9		F/A	Awarded grant to Sauk-Sauiattle Tribe of Washington.
	$162.7		F/A	Awarded grant to Suquamish Tribe of Washington.
	$90.9		F/A	Awarded grant to Lummi Tribe of Washington.
	$90.9		F/A	Awarded grant to Nooksack Tribe of Washington.
	$90.9		F/A	Awarded gramt to Tulalip Tribes of Washington.

* *Represents funds pooled from Regional and HQ accounts.*

** *Represents efforts expended at the Regional level.*

MULTI-MEDIA/GENERAL ASSISTANCE PROGRAM

OFFICE	EXP.* ($1,000)	WORK** YEARS	TYPE	DESCRIPTION
Region 10	$90.9		F/A	Awarded grant to Stillaguamish Tribe of Washington.
	$90.9		F/A	Awarded grant to Muckleshoot Tribe of Washington.
	$90.9		F/A	Awarded grant to Puyallup Tribe of Washington.
	$90.9		F/A	Awarded grant to Nisqually Tribe of Washington.
	$90.9		F/A	Awarded grant to Squaxin Island Tribe of Washington.
	$90.9		F/A	Awarded grant to Skokomish Tribe of Washington.
	$90.9		F/A	Awarded grant to Port Gamble Tribe of Washington.
	$90.9		F/A	Awarded grant to Jamestown Tribe of Washington.
	$90.9		F/A	Awarded grant to Lower Elwha Tribe of Washington.
	$90.9		F/A	Awarded grant to Makah Tribe of Washington.
	$90.9		F/A	Awarded grant to Hoh Tribe of Washington.
	$90.9		F/A	Awarded grant to Shoalwater Bay Tribe of Washington.
	$90.9		F/A	Awarded grant to Quinault Tribe of Washington.
	$90.9		F/A	Awarded grant to Yakima Indian Nation of Washington.
	$90.9		F/A	Awarded grant to Colville Confederated Tribe of Washington.
	$181.8		F/A	Awarded grant to Spokane and Kalispel Tribes of Washington.
	$136.6		F/A	Awarded gramt to N.W. Indian Fisheries of Washington.
	$90.9		F/A	Awarded grant to Chehalis Confederated Tribes of Washington.
		.01	T/A	Provided oversight for 3 Washington tribal multi-media grants.
		.1	D/I	Reviewed and evaluated 17 proposals for tribal multi-media grants. Assigned Project Officer duties for 5 grants awarded to Washington tribes/consortia. Provided assistance in revising workplans and submitting grant applications.

* *Represents funds pooled from Regional and HQ accounts.*

** *Represents efforts expended at the Regional level.*

OFFICE OF POLICY, PLANNING AND EVALUATION

OPPE provides a broad analytical perspective to Agency management on issues related to policy-making, thus its work is often programmatic or interdisciplinary in nature. OPPE manages the Agency's Strategic Planning and Management System as well as the Regulatory Management and Information Collection processes, provides program evaluation and statistical consultation to EPA's Program Offices and Regions, and reviews annual budget submissions of Agency programs. OPPE conducts policy analysis, strategic thinking, and innovations in areas such as climate studies, economic research, risk management and communication, regulatory negotiations, and environmental and environmental innovations. OPPE also provides regulatory review and analysis to give the Administrator the quality control and independent analyses necessary to make intelligent regulatory decisions. OPPE also has Regional counterparts--Planning, Evaluation and Analysis staffs--who report to the Assistant Regional Administrators.

OFFICE OF POLICY, PLANNING AND EVALUATION

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 9	$2.0	0.72	D/I	Drinking water cretification inspection/training for Tohono O'dham, Colorado River, NTUA and Navajo Agricultural Products laboratories.
	$0.3	0.2	T/A	Sample containers sent to tribes in CA, AZ, NV; 469 samples received and analyzed for lead in Region 9 Laboratory.
	$0.3		T/A	Laboratory contract to Alpha Analytical (Ukiah) for microbiological analyses of drinking water samples from N. CA tribes.
Region 10	$30.0		F/A	Awarded Kwethluk I.R.A. Council to develop and implement a Pollution Prevention Education Program.
	$21.1		F/A	Awarded Swinomish Tribal Community to initiate a Pollution Prevention Outreach Program.
	$27.5		F/A	Awarded Shoshone-Bannock Tribes for a Pilot Bio-Remediation Project.
	$21.5		F/A	Awarded Chugachmiut for the Chagach Village Waste Water Treatment Planning Project.
	$125.7		F/A	Awarded Jamestown S'Klallum Tribe to initiate a Multi-Media Pollution Prevention Outreach Program.
HQ	$20.0	0.12	T/A	Comparative risk evaluation of environmental problems faced by eight Tribes in Region 8. Tribes have defiined the problem areas, set project goals, set project schedule, and are collecting data and considering methods and criteria.
		0.10	T/A	Report released of comparative risk evaluation of environmental problems faced by eleven Tribes in Wisconsin. Risk management discussions and work with Federal agencies is underway.
	$8.3	0.03	T/A	Assisted Turtle Mountain Band of Chippewa in developing a GIS-based Environmental Information System to enhance Tribes's environmental protection efforts, especially ground water and radon.
	$82.0	0.25	T/A	Fish consumption survey conducted and analyzed through a cooperative agreement with the Columbia River Inter-Tribal Fish Commission. Four Tribes participated.

OFFICE OF GENERAL COUNSEL
OFFICE OF REGIONAL COUNSEL

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 2		0.6	Outreach	Provided legal counsel to program offices regarding general Indian law matters, jurisdictional issues and EPA enforcement policy and protocol; reviewed grant applications and workplans; participated in National Indian Attorney Workgroup and Regional Indian Workgroup.
Region 4		0.2		Assisted in Indian legal matters in support of the Regional Indian Coordinator and other divisional enforcement/assistance matters.
Region 5		2.0	D/I	Provided legal counsel to program offices and Tribes. Reviewed and commented on EPA draft policies and regulations and Tribal TAS applications. Co-chair of EPA Indian Attorney workgroup; Chair of Enforcement and Tribal/State MOU subgroups. Participated in Regional and National IWGs.
Region 6		0.30	D/I	Provide extensive advise on Indian law to expanding programs in the Region, with increase over last year, i.e., solid waste, CAA, TAS process regarding WQS, PSW, and Clean Lakes. Monthly Indian law conference calls, played a major role in annual EPA Indian Law conference and FBA seminar. Extensive research and advice on UIC programs in Indian Country. Reviewing tribal codes; meeting with tribal and governmental personnel (BIA, etc.) on the law and responsibles. Provided instructions to tribal leaders on eligibility and the EPA approach to sovereignty.
		0.05	D/I	Provided legal advice on eligibility and various sources of EPA grants. Review and advice on grant and work program issues.
		0.20	D/I	Assisted in developing capability of a tribe to manage a CERCLA removal action. Monitored and provided advice on action to 90% completion. Workgroup representative on National UST team plus establishing program to the consortium.
		0.20	D/I	Defended law suit directly related to the EPA approval of a tribe's WQS.
		0.05	D/I	Advised programs on new CAA eleigibility and opportunity for tribes.
Region 7		.10	D/I	Provided support and advice to regional program offices for legal review of TAS applications, grant applications, interagency MOA's and jurisdictional issues. Participated in Indian attorney's workgroup.
Region 8		.55	Outreach	On-going advisory to program offices; support to Region 8 input as lead region to EPA Indian regulation-writing task force; TAS application reviews and approvals; on--going assistance to UIC program in developing appropriate response to State pressures to allow state a role in regulating on-reservation activities; support in developing parameters for a state/tribal MOU on UST regulation; coordination with OGC and R8 program offices in developing generic Federal Register lasguage.
		.15	T/A	EPA CAA Indian Regulation National Workgroup. Support to OPMO, OAQPS, OGC in analysis, scoping and drafting the regulation implementing the Indian amendment to the Clean Air Act.

OFFICE OF GENERAL COUNSEL
OFFICE OF REGIONAL COUNSEL

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 8		.15	T/A	Support to Region 8 Deputies Task Force in developing regional planning and strategy documents for implementing Indian programs in Region 8.
		.15	T/A	Support to OE and Region 8 regarding problems of environmental equity on Indian reservations. On-going advisory; respond to inquiries from tribes, Native American Rights Fund, and Association of American Law Schools.
Region 9		1.0	D/I	Provided legal counsel to program offices regarding general Indian law matters, jurisdictional issues, and EPA enforcement actions on Indian lands. Served as co-led of the EPA Law Attorneys Workgroup and participated in national and regional Indian Workgroup meetings and activities. Participated on regional Navajo Task Force and Native American Program Study. Served as active participant in EPA National workgroups to develop Treatment as a State Simplification regulations, RCRA Hazardous Waste Indian regulations, and EPA Guidance for the conduct of enforcement action against Tribally owned or operated facilities. Developed a paper on RCRA Subtitle D Implementation on Tribal lands for the EPA Indian Attorney Workgroup. Delivered numerous presentations at EPA and Tribal meetings.
		3.0	D/I	Provided legal advice and enforcement support to Region 9 program offices in connection with a number of activities involving the Navajo Nation. Provided jurisdictional and Clean Air Act legal support in connection with EPA's development of source-specific Federal Impelementation Plans for the Four Corners Power Plant and the Navajo Generating Station Power Plant. Provided direct legal support to the Navajo Nation (through the use of intermittent IPA funding) for the development of Navajo Superfund and RCRA Hazardous Waste codes and overall program capability in these areas. Completed review and drafted decision in connection with the Navajo Nation's application for Treatment as a State under Section 106 of the Clean Water Act. Now reviewing and preparing to issue a decision on the Navajo Treatment as a State application to Provided ongoing jurisdictional support in relation to UIC permitting activities in the Eastern Navajo Agency. Provided legal support for EPA's RCRA enforcement actions against Tooh Dineh, Inc. and NTUA. Provided ongoing legal support for the Region's enforcement and related work in connection with the Bluewater and Sheep Dip Vats matters under CERCLA. Provided legal support for the Region's review of the Navajo Nation's solid waste code and related questions concerning the development and EPA approval of a Navajo Subtitle D permitting program under RCRA..

OFFICE OF GENERAL COUNSEL
OFFICE OF REGIONAL COUNSEL

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 9		0.40	D/I	Provided legal counsel to program offices in connection with two proposed waste facilities on the Campo and La Posta Reservations. This work has continued to involve issues under several environmental statutes, including NEPA, RCRA, the CAA, and the SDWA, as well as ongoing jurisdictional concerns. Reviewed and drafted decisions for three CWA Treatment as a State applications (from the Campo Band [319], the Morongo Band [106], and the Hopland Band [106]. Provided legal advice in connection with RCRA Subtitle D's application to landfills on several reservations, including Salt River, Laytonville, and Round Valley. Provided legal and enforcement support in connection with prior CERCLA actions on the Hoopa, Cocopah and Yavapai-Prescott reservations, as well as ongoing RCRA actions on the Gila River Reservation (UST and Subtitle C actions). Also provided legal support for SDWA enforcement actions on various Tribal lands (San Pasquale, Washoe, Lone Pine and Ione lands), and in connection with the Campo Bands's application to develop a permitting program under Subtitle D of RCRA.

OFFICE OF PUBLIC AFFAIRS

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 2		0.05	D/I	Press release for multi-media assistance, participation in Regional Indian workgroup to prepare for EPA meeting with Indian Nation leaders.
Region 7	$25.0	1.0	F/A D/I Outreach	Provided partial funding for E2 training for teachers for Native American students (Haskell Indian Junior College provided faculty). The grant also supported, inpart, a science and math camp for Native American High School students.
		.10	T/A	Assisted with Environmental Education component of all multi-media grants.
		1.0	Outreach	Provided Tribal outreach newsletter including upcoming events, activities, deadlines and training courses of interest to the Regional Tribes.
	$5.0	1.0	F/A	Provided Environmental Education grant to the Kickapoo Tribe of Kansas.
		.01	Outreach	Assisted in outreach activities at Haskell Indian Junior College Career Fair.
		.10	Outreach	Provided EPA presentations to Haskell Indian Junior College Native American High School summer envireonmental camp.
		1.0	Outreach	Outreach to High School and College students for cooperative, stay-in-school, and summer programs.
		.10	T/A	Service on Natural Resource Advisory Board for Haskell Indian Junior College.
Region 10	$5.0	0.05	F/A	Awarded grant to the Chugachmiut Native organization household environmental education for Native villages in the Prince William Sound region of Alaska.
HQ	$207.0	.33		Tribal lands Environmental Science Scholarship programs.

OFFICE OF REGIONAL OPERATIONS AND STATE/LOCAL RELATIONS (OROS/LR/0A)

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
HQ				OROS/LR and the Office of the Administrator together have established a Tribal Operations Committee (TOC) which will provide a forum for tribal officials and senior EPA management to discuss important issues that impact the management of environmental programs on tribal lands. OROS/LR will also Chair and continue the Tribal Capacity Task Force (TCTF), that will examine the factors that influence tribal program development and determine the means through which EPA can best assist tribes in building long term strength to implement environmental mandates.

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT

OFFICE OF ENVIRONMENTAL EQUITY

In November of 1992, EPA established the Office of Environmental Equity (OE2) to address the disproportionate environmental risks borne by the nation's people of color and low-income communities. Environmental justice is the term most commonly used to categorize these environmental concerns. As defined, environmental justice is the fair treatment of people of all races, income and education levels, and cultures, with respect to the development, implementation, and enforcement of this country's environmental laws, regulations, and policies. Fair treatment implies that no person or group of people should shoulder a disporportionate share of the negative environmental impacts resulting from the execution of this country's domestic and foreign policy programs.

OE2 coordinates communication, outreach, education and training of the public on environmental justice issues, provides technical and financial assistance to outside groups on justice concerns, and serves as a central repository of environmental justice information. OE2 has developed a hotline (1-800-962-6215) to receive calls from individuals who have particular environmental justice concerns of issues to discuss.

OE2 formed the "Equity Indian Study Group" to coordinate with EPA Headquarters and Regional staff to determine the environmental justice issues facing American Indians and Alaska Native Villagers. The Study Group is drafting a "position paper" to report on its findings and its recommendations for addressing the environmental justice concerns and issues. The Study Group will distribute the draft to tribes for comment before publication.

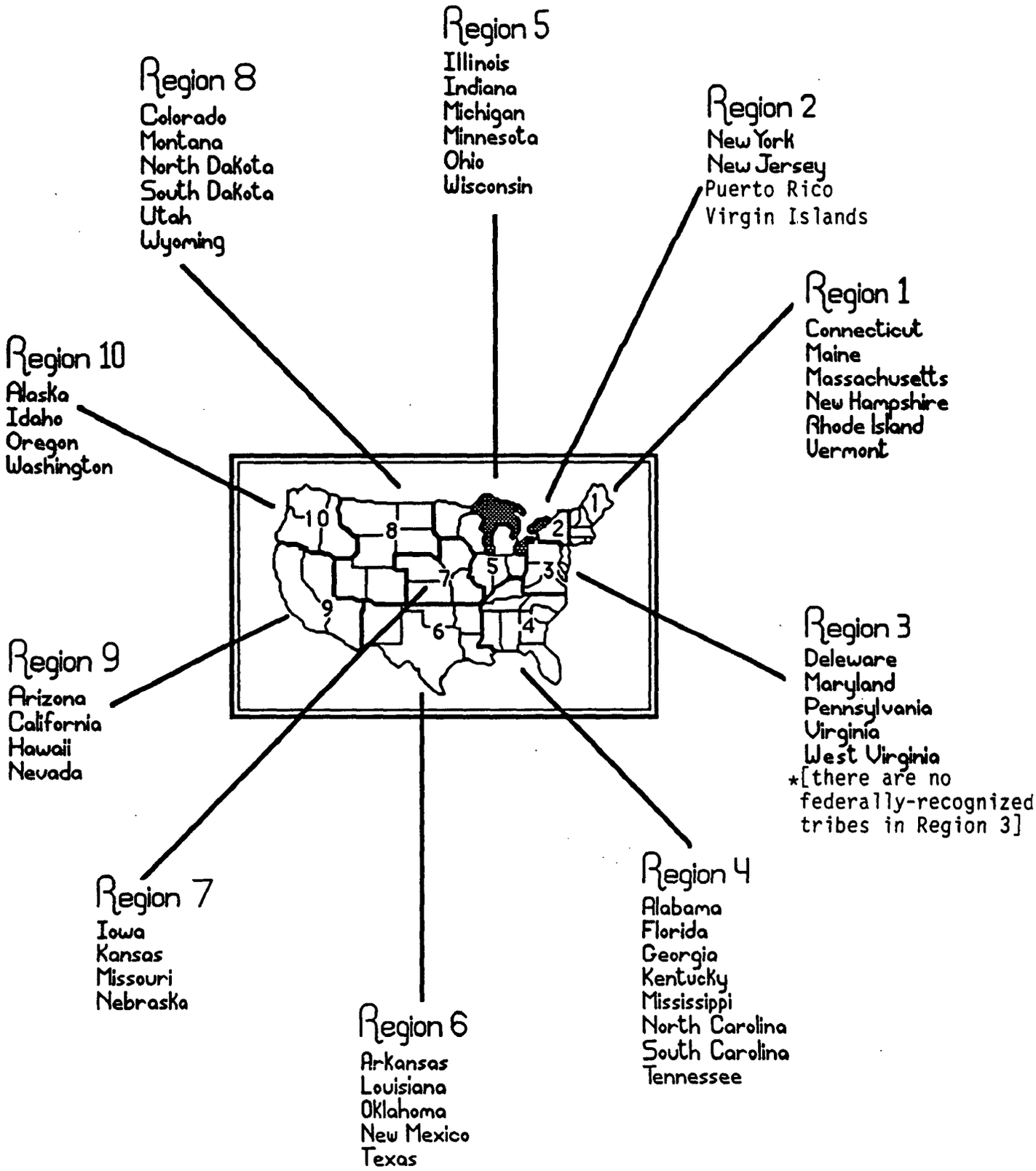
For FY 1994, OE2 hopes to initiate a new "Small Grants Program" to provide additional money for local environmental projects and outreach efforts. These funds will be made available to grass-roots, community, non-profit, and tribal organizations, tribal governments, and educational institutions through advertised competition. The awards will be made for grant proposals up to $10,000.

OFFICE OF ENVIRONMENTAL EQUITY

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
HQ	$30.0	.01	F/A T/A	Awarded cooperative agreement to Salish-Kootenai Tribal College for four year environmental science degree program development-curriculum development.
		.20	D/I	Coordinated Equity Indian Study Group work to determine environmental justice issues facing tribes.
	15.0	.05	T/A	Financially supported and participated in Tribal Environmental Investigations Training Program.
		.10	D/I	Participated in Headquarters and National Indian Workgroup meetings and teleconferences.
		.03	Outreach	Visited Santa Clara, San Juan, San Ildefonso and Picuris Pueblos; AIPC/POEP and NTEC.
	30.0		F/A	Awarded grant to AISES for undergraduate fellowships in environmental science and related fields.
	20.0		F/A	Provided funds to support Region 8 tribal comparative risk project.
		.10	T/A	Worked with tribes who called on hotline to discuss environmental justice concerns.
		.02	T/A	Participated in the USET conference, providing environmental justice perspective.
		.02	D/I	Reviewed and Analyzed "new" Agency rules, regulations, etc. to ensure tribal environmental justice issues were considered.

NON-CATOGORICAL FUNDING

OFFICE	EXP. ($1,000)	WORK YEARS	TYPE	DESCRIPTION
Region 2	$9.9	.05	F/A	Environmental Education grant awarded to the Oneida Indian Nation to fund the development of an environmental education curriculum entitled "Teaching Native American Environmental Ethics" through traditional stories and legends.
Region 5		.05		Extension of Region 5 Indian Landmaps to cover the entire Great Lakes Basin (U.S. Portion).
		.05		Provided technical advice and assistance to Tribal government in establishing a GIS for the reservation.
		.5	T/A	Reviewed and approved process for Quality Assurance Project Plans (QAPP) for Region 5 Tribal programs. In total, 13 QAPPS were received and/or approved and one laboratory certification update.
Region 10	$9.4		F/A	Awarded Environmental Education (EE) grants to Benton County Conservation District and Yelm School District. Benton County will involve Yakima Indian Nation to integrate tribal cultural values in curricula designed for air quality. Yelm will involve Nisqually Tribe to develop watershed protection curricula. Washington Operations Office (WOO) Tribal Liaison assigned Project Officer duties.
		.01	T/A	Provided information about Pollution Prevention Incentives to States (PPIS) grants to 26 Washington Tribes and assisted with grant application process.
	$149.8		F/A	Awarded PPIS grants to Jamestown S'Klallam and Swinomish Tribes.


Region 5
Illinois
Indiana
Michigan
Minnesota
Ohio
Wisconsin
Region 8
Colorado
Montana
North Dakota
South Dakota
Utah
Wyoming
Region 2
New York
New Jersey
Puerto Rico
Virgin Islands
Region 1
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont
Region 10
Alaska
Idaho
Oregon
Washington
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Region 3
Deleware
Maryland
Pennsylvania
Virginia
West Virginia
*[there are no federally-recognized tribes in Region 3]
Region 9
Arizona
California
Hawaii
Nevada
Region 4
Alabama
Florida
Georgia
Kentucky
Mississippi
North Carolina
South Carolina
Tennessee
Region 7
Iowa
Kansas
Missouri
Nebraska
Region 6
Arkansas
Louisiana
Oklahoma
New Mexico
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GLOSSARY OF ACRONYMS

AARP = American Association of Retired People

AIAC = American Indian Advisory Council

AIPC = All Indian Pueblo Council of NM

AISES = American Indian Science and Engineering Society

AIO = Americans for Indian Opportunity

AK = State of Alaska

ANV = Alaskan Native Village

AO = Administrative Order

AQ = Air Quality

AQM = Air Quality Monitoring

ASHAA = Asbestos in Schools Hazard Abatement Act

ATNI = Affiliated Tribes of Northwest Indians

AZ = State of Arizona

BIA = Bureau of Indian Affairs

C&T = Certification and Training

CA = State of California

CAA = Clean Air Act

CEPPO = Chemical Emergency Preparedness and Prevention Office

CERCLA = Comprehensive Environmental Response, Compensation and Liability Act

CERT = Council of Energy Resource Tribes

CO = State of Colorado

CR = Circuit Rider

CRIT = Colorado River Indian Tribes

CWA = Clean Water Act

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

ESD = Environmental Sciences Division

F/A = Financial Assistance

FEMA = Federal Emergency Management Agency

GLOSSARY OF ACRONYMS

FIFRA = Federal Insecticide, Fungicide and Rodenticide Act

FTS = Federal Telephone System (Federal Communications Network)

FY = Fiscal Year (October 1 - September 30)

GIS = Geographic Information System

GW = Groundwater

GWP = Groundwater Protection

HQ = EPA Headquarters (401 M St., SW, Washington, DC 20460)

HMTUSA = Hazardous Materials Transportation Uniform Safety Act

HUD = Department of Housing and Urban Development

HW = Hazardous Waste

HWM = Hazardous Waste Management

IA = State of Iowa

IAG = Inter-agency Agreement

ID = State of Idaho

IGA = Inter-govemental Agreement

IHS = Indian Health Service

ILAWG = Indian Law Attorney Work Group

IPA = Inter-governmental Personnel Agreement

IRAA = Indoor Radon Abatement Act

ISA = Indian Set-Aside

ITCA = InterTribal Council of Arizona, Inc.

IWG = Indian Work Group

KS = State of Kansas

LCCA = Lead Contamination Control Act

LUST = Leaking Underground Storage Tank

MI = State of Michigan

MN = State of Minnesota

MOA = Memorandum of Agreement

MOU = Memorandum of Understanding

MRWA = Minnesota Rural Water Association

MS = State of Mississippi

MT = State of Montana

NCAI = National Congress of American Indians

NE = State of Nebraska

NEIWPCC = New England Interstate Water Pollution Control Commission

GLOSSARY OF ACRONYMS

NEPA = National Environmental Policy Act

NM = State of New Mexico

NPL = National Priorities List

NPS = Non-Point Source

NPDES = National Pollutant Discharge Elimination System

NPSP = Non-Point Source Project

NRC = Nuclear Regulatory Commission

NTEC = National Tribal Environmental Council

NTUA = Navajo Tribal Utility Authority

NV = State of Nevada

NWIFC = Northwest Indian Fisheries Commission

NY = State of New York

OAQPS = Office of Air Quality Planning & Standards

OAR = Office of Air and Radiation

OCM = Office of Compliance Monitoring

OCR = Office of Congressional Relations

ODW = Office of Drinking Water (within OW)

OE = Office of Enforcement

OFA = Office of Federal Activities (within OE)

OGC = Office of General Counsel

OGWDW = Office of Groundwater & Drinking Water

OHRM = Office of Human Resources Management

OK = State of Oklahoma

O&M = Operation and Maintenance

OPP = Office of Pesticide Programs

OPPE = Office of Policy, Planning and Evaluation

OPTS = Office of Pesticides and Toxic Substances

OR = State of Oregon

ORC = Office of Regional Counsel

ORD = Office of Research and Development

OROS/LR = Office of Regional Operations and State/Local Relations

OSW = Office of Solid Waste

OSWER = Office of Solid Waste and Emergency Response

OWPE = Office of Waste Programs Enforcement (within OSWER)

GLOSSARY OF ACRONYMS

Outreach = Initial Communication

OUST = Office of Underground Storage Tanks

OW = Office of Water

pCi/l = Picocuries per liter (measurement for radon)

PHS = Public Health Service

POEP = Pueblo Office of Environmental Protection

PM-10 = Particulate Matter Smaller than Ten Microns in Size (a National Ambient Air Quality Standard)

PNWIS/AWMA = Pacific Northwest International Section/Air and Waste Management Association

PPIS = Pollution Prevention Incentives to States

PRP = Potential Responsible party

PSD = Prevention of Significant Deterioration (CAA)

PSIS = Pascal Sherman Indian School

PWS = Public Water System

PWSS = Public Water System Supervision

QAPP = Quality Assurance Project Plans

RA = Regional Administrator

RCRA = Resource Conservation and Recovery Act

RIWG = Regional Indian Work Group

SARA = Superfund Amendments and Reauthorization Act

SD = State of South Dakota

SDW = Safe Drinking Water

SDWA = Safe Drinking Water Act

SEE = Senior Environmental Employee

SF = Superfund

SFEB = Seattle Federal Executive Board

SLR = State/Local Relations

SNI = Seneca Nation of Indians

SPIPA = South Puget Intertribal Planning Agency (Skokomish, Squazin Island, Chehalis, Shoalwater Bay, Nisqually consortium)

SRMT = St. Regis Mohawk Tribe

SSAD = Sole Source Aquifer Demonstration

SSC = Skagit System Cooperative

SW = Solid Waste

GLOSSARY OF ACRONYMS

SWM = Solid Waste Management

T/A = Technical Assistance

TAS = Treatment as a State

TCTF = Tribal Capacity Task Force

TESC = The Evergreen State College

TIP = Tribal Implementation Plan

Title II = Construction Grant Program for Wastewater Treatment Facilities (CWA)

Title III = Emergency Planning/Community Right to Know Act (EPCRA)

TOC = Tribal Operations Committee

TSCA = Toxic Substances Control Act

TWQS = Tribal Water Quality Standards

UIC = Underground Injection Control

USDA = US Department of Agriculture

UST = Underground Storage Tank

UT = State of Utah

UW-AISES = University of Washington chapter, American Indian Science and Engineering Society

VOC = Volatile Organic Chemical

WA = State of Washington

WHP = Wellhead Protection (SDWA)

WI = State of Wisconsin

WOO = Washington Operations Office (Region 10)

WQ = Water Quality

WQM = Water Quality Management

WQS = Water Quality Standards

WSU-AISES = Washington State University chapter, American Indian Science and Engineering Society

WWM = Wastewater Management

WWT = Wastewater Treatment

WWTF = Wastewater Treatment Facilities

WY = State of Wyoming

NEWS & ANALYSIS

ARTICLE

Tribes as States: Indian Tribal Authority to Regulate and Enforce Federal Environmental Laws and Regulations

by David F. Coursen

Editors' Summary: The principles of federalism, state primacy, and tribal sovereignty all impact how federal environmental regulations are implemented and enforced on Indian lands. In recent years, Congress increasingly has crafted environmental protection laws that expressly provide recognized tribes with mechanisms for assuming authority to operate programs under those statutes, similar to provisions for states to obtain such authority. Yet many important federal environmental laws leave uncertain the role of Indian tribes in enforcing federal regulations on Indian lands. The courts, thus, have been left with the task of determining whether tribes may nonetheless receive authority to operate programs established by these laws under other, usually "inherent authority" or treaty-based, theories. The author reviews the environmental laws and regulations, and EPA's policies on treating tribes as states for purposes of assuming program authority. The author describes the federal statutes that expressly authorize EPA to treat tribes as states, including the Clean Water Act, the SDWA, the Clean Air Act, and CERCLA. He next discusses EPA's implementation of regulations to effect this authority, including tribal requirements, the effects of being approved for treatment as a state, EPA's attempt to simplify the process of approval, and the Agency's CERCLA regulations. The author analyzes federal environmental laws that do not expressly authorize treating tribes as states, including RCRA, FIFRA, TSCA, EPCRA, and the Pollution Prevention Act. He then discusses the key legal issues surrounding treating tribes as states, including jurisdiction over programs through inherent, or aboriginal tribal authority, and through delegated authority from Congress. The author concludes with a discussion of EPA's Indian policy to encourage tribal self-determination, including tribal assumption of regulatory and program management on Indian lands.

Environmental regulation is a complex process involving legislative mandates, agency interpretations and rules, and administrative and judicial enforcement. The process is made more complex by the United States' system of federalism, which recognizes the sovereign nature of the federal government, state governments, and Indian tribes.[1] Thus, federal environmental laws put the federal government in a leadership role in environmental management, but preserve the concepts of state primacy and tribal sovereignty. This means that the U.S. Environmental Protection Agency (EPA or the Agency) often shares its responsibilities under environmental laws with state or Indian tribal governments.

Generally, environmental statutes define a federal, or a joint state and federal, role in environmental management,

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1. The sovereignty of Indian tribes is well-established both in federal statutes and common law, and is at the heart of modern Indian law. Yet, it is well-established in case law that Indian tribes are subject to the U.S. Constitution and Congress' comprehensive system of laws established to regulate Indian affairs. *See* Johnson v. McIntosh, 21 U.S. (8 Wheat.) 543, 573-74, 591-92 (1823) (doctrine of discovery through which United States obtained title to land); Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1, 17-18 (1831) (tribes are domestic dependent nations); Lone Wolf v. Hitchcock, 187 U.S. 553, 568 (1903) (tribal lands transferred into allotments; treaty abrogated). It is also well-established that federal laws also apply to Indians and to Indian lands. Federal Power Commission v. Tuscarora Indian Nation, 362 U.S. 99 (1960).

often providing authority for the states to take the lead. These statutes, however, are not all equally clear in defining the authority and role of Indian tribes in managing reservation lands. Although several environmental statutes are partially or completely silent about the role of Indian tribes, other major environmental laws define a tribal role and explicitly authorize EPA to treat Indian tribes in a manner similar to the way it treats states. Moreover, agency regulations promulgated under several environmental laws define how tribes are treated as states.

Statutes Expressly Authorizing EPA to Treat Tribes as States

The Clean Water Act (CWA),[2] the Safe Drinking Water Act (SDWA),[3] and the Clean Air Act (CAA)[4] all authorize EPA to promulgate regulations specifying how the Agency will treat tribes in the same manner in which it treats states.[5] All three statutes require that a tribe, in order to be treated as a state, must be federally recognized,[6] have a governing body carrying out substantial duties and powers,[7] have jurisdiction over the area it proposes to regulate,[8] and be capable of the activities it proposes to undertake.[9] All three also recognize the possibility of federal program implementation.[10] The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)[11] also authorizes EPA to treat Indian tribes as states for specified purposes, and also contains additional provisions specifically addressed to tribes.

Clean Water Act

The CWA authorizes EPA[12] to treat tribes[13] as states for the following specific purposes: grants;[14] water quality

2. Federal Water Pollution Control Act, 33 U.S.C. §§1251-1387, ELR STAT. FWPCA 1-110. Pub. L. No. 95-217, §2, 91 Stat. 1566 (1977) states that "[t]his Act may be cited as the 'Federal Water Pollution Control Act' (commonly referred to as the Clean Water Act)." The 1972 amendments, Pub. L. No. 92-500, 86 Stat. 816, so thoroughly changed the federal law of water pollution control that the post-1972 FWPCA simply came to be known as the Clean Water Act. For ease of reference and to avoid confusion, this Article will refer to the statute in its current form as the Clean Water Act (CWA).

3. 42 U.S.C. §§300f-300j-26, ELR STAT. SDWA 001-024 (also known as the Public Health Service Act, Title XIV).

4. 42 U.S.C. §§7401-7671q, ELR STAT. CAA 1-194.

5. The CWA directs EPA "in consultation with Indian tribes, [to] promulgate final regulations which specify how Indian tribes shall be treated as States" under the Act. CWA §518(e), 33 U.S.C. §1377(e), ELR STAT. FWPCA 106. The SDWA and the CAA both direct EPA to issue regulations "specifying those provisions of [the respective Acts] for which it is appropriate to treat Indian tribes as States." SDWA §1451(b)(1), 42 U.S.C. §300j-11(b)(1), ELR STAT. SDWA 021; CAA §301(d)(2), 42 U.S.C. §7601(d)(2), ELR STAT. CAA 141.

6. CWA §518(h)(2), 33 U.S.C. §1377(h)(2), ELR STAT. FWPCA 107 (defining "tribe" as entity "recognized" by the secretary of the Interior); SDWA §1401(14), 42 U.S.C. §300f(14), ELR STAT. SDWA 002 (definition of tribe as entity with federally recognized governing body) and SDWA §1451(b)(1)(A), §300j-11(b)(1)(A), ELR STAT. SDWA 021 (identifying recognition as prerequisite to eligibility for treatment as state); and CAA §302(r), 42 U.S.C. §7602(r), ELR STAT. CAA 142 (definition of "tribe" as federally recognized entity).

7. CWA §518(e)(1), 33 U.S.C. §1377(e)(1), ELR STAT. FWPCA 106; SDWA §1451(b)(1)(A), 42 U.S.C. §300j-11(b)(1)(A), ELR STAT. SDWA 021; and CAA §301(d)(2)(A), 42 U.S.C. §7601(d)(2)(A), ELR STAT. CAA 141.

8. CWA §518(e)(2), 33 U.S.C. §1377(e)(2), ELR STAT. FWPCA 106 (requirement that tribe be proposing to manage water resources within the borders of a reservation); SDWA §1451(b)(1)(B), 42 U.S.C. §300j-11(b)(1)(B), ELR STAT. SDWA 021 (requirement that functions which tribe proposes to exercise must be within area of tribal government's jurisdiction); and CAA §301(d)(2)(B), 42 U.S.C. §7601(d)(2)(B), ELR STAT. CAA 141 (requirement that tribe be proposing to manage air resources within the borders of a reservation or in other areas within tribe's jurisdiction).

9. CWA §518(e)(3), 33 U.S.C. §1377(e)(3), ELR STAT. FWPCA 106; SDWA §1451(b)(1)(C), 42 U.S.C. §300j-11(b)(1)(C), ELR STAT. SDWA 021; and CAA §301(d)(2)(C), 42 U.S.C. §7601(d)(2)(C), ELR STAT. CAA 141.

10. CAA §301(d)(4) is the most explicit in recognizing potential federal program implementation. It provides that "[i]n any case in which [EPA] determines that the treatment of Indian tribes as identical to States is inappropriate or administratively infeasible, [EPA] may provide, by regulation, other means by which [EPA] will directly administer such provisions so as to achieve the appropriate purpose." 42 U.S.C. §7601(d)(4), ELR STAT. CAA 141. Similarly, SDWA §1451(b)(2) provides that for any provision for which it is not appropriate to treat tribes identically to states, regulations may provide "other means for administering such provision in a manner that will achieve the purposes of [the] provision." 42 U.S.C. §300j-11(b)(2), ELR STAT. SDWA 021. CWA §518(e) addresses direct implementation only by authorizing treatment of tribes as states "to the degree necessary to carry out the objectives" of the Act. 33 U.S.C. §1377(e), ELR STAT. FWPCA 106.

11. 42 U.S.C. §§9601-9675, ELR STAT. CERCLA 1-61.

12. CWA §518(d) also provides for states and tribes to enter cooperative agreements, subject to EPA's approval, for jointly planning and administering the provisions of the Act. 33 U.S.C. §1377(d), ELR STAT. FWPCA 106.

13. CWA §518(h)(2) defines a "tribe" as an entity with a "reservation." 33 U.S.C. §1377(h)(2), ELR STAT. FWPCA 107. It also defines a reservation to include "all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent." CWA §518(h)(1), 33 U.S.C. §1377(h)(1), ELR STAT. FWPCA 107. EPA has concluded that it will define the term "reservation" consistently with relevant statutes and case law. This means that trust lands formally set apart for the use of tribes may meet the CWA definition of "reservation" even where those lands have not been formally designated as reservations. 56 Fed. Reg. 64875, 64881 (1991), relying on Oklahoma Tax Commission v. Citizen Band Potawatomi Indian Tribe of Oklahoma, 111 S. Ct. 905, 910 (1991).

However, the CWA's definition apparently might not apply in Alaska. Pursuant to the Alaska Native Claims Settlement Act, with one exception, there are no reservations in Alaska. 43 U.S.C. §1618(a). *See* CWA §518(g), 33 U.S.C. §1377(g), ELR STAT. FWPCA 107 (provision entitled "Alaska Native organizations," stating that the Act does not affect the governmental authority of Indian entities in Alaska or address whether Indian country exists in Alaska). *See also* CWA §518(c), 33 U.S.C. §1377(c), ELR STAT. FWPCA 107 (reserving funds for sewage treatment facilities to serve Indian tribes, and, in addition, former reservations in Oklahoma and Alaska Native villages).

The other environmental statutes vary in their treatment of entities in Alaska. SDWA §1401(14) definition of "tribe" makes no reference to Alaska entities. 42 U.S.C. §300f(14), ELR STAT. SDWA 002. The CAA defines "tribes" at §302(r) to include Alaska Native villages, but is silent regarding Alaska corporations. 42 U.S.C. §7602(r), ELR STAT. CAA 134. CERCLA §101(36) defines "tribes" to include Alaska Native villages, but expressly excludes Alaska Native regional or village corporations. 42 U.S.C. §9601(36), ELR STAT. CERCLA 9.

14. These grants may be provided for waste management treatment works under Title II of the Act, CWA §§201-219, 33 U.S.C. §§1281-1299, ELR STAT. FWPCA 32-49. *See also* CWA §518(b), (c), and (e), 33 U.S.C. §§1377(b), (c), and (e), ELR STAT. FWPCA 106 (directing EPA and the Indian Health Service to assess the need for sewage treatment works to serve Indian tribes; setting aside share of total appropriation for development and construction of sewage treatment facilities for tribes, former reservations in Oklahoma, and Alaska Native Villages; and authorizing direct provision of funds reserved under subsection (c) to tribal governing bodies; respectively). Grants may also be provided for a research and training program (CWA §104, 33 U.S.C. §1254, ELR STAT. FWPCA 16-19) and for pollution control (CWA §106, 33 U.S.C. §1256, ELR STAT. FWPCA 21).

ndards;[15] clean lakes;[16] nonpoint source management;[17] certification;[18] the national pollutant discharge elimination system (NPDES);[19] and regulating the discharge of dredged or fill material into waters of the United States (the §404 program).[20] EPA has not treated the CWA's list[21] as exhaustive.[22]

Safe Drinking Water Act

The SDWA provides that a tribe treated as a state may apply for grant and contract assistance that is available to states, and for delegation of primary enforcement responsibility for public water systems (PWS) and underground injection control (UIC).[23] Although a tribe need not have criminal enforcement jurisdiction to obtain treatment as a state, EPA may not allow a tribe to operate a tribal program that will be "less protective of the health of persons" than would be a minimally acceptable state program.[24]

Clean Air Act

The CAA authorizes EPA to treat Indian tribes as states for those purposes that EPA deems appropriate, and to provide such tribes with grant[25] and contract assistance.[26] Unless regulations provide otherwise, the Agency should review tribal plans for implementing air quality standards under the same provisions that govern review of state plans.[27] The Act also provides that tribes may redesignate areas within reservations for purposes of prevention of significant deterioration of air quality.[28]

CERCLA

CERCLA differs slightly from the previously listed Acts in the way it defines a tribal role.[29] Like the other Acts, CERCLA contains an Indian section[30] that authorizes EPA to treat a tribe[31] substantially the same as a state[32] for certain specific purposes: notification of releases,[33] consultation on remedial actions,[34] access to information,[35] health authorities,[36] roles and responsibilities under the national contingency plan (NCP), the regulation that governs Superfund cleanups ("response actions," including "remedial actions"),[37] and establishing priorities for remedial action.[38]

Unlike the other statutes, CERCLA contains several additional provisions, not referenced in its Indian section, that specifically address tribes.[39] CERCLA authorizes EPA to enter into cooperative agreements with, and provide finan-

15. Under such a program, a tribe can be treated as a state for purposes of the establishment and operation of a water quality standards program, CWA §303, 33 U.S.C. §1313, ELR STAT. FWPCA 55-57; reporting, CWA §305, 33 U.S.C. §1315, ELR STAT. FWPCA 60; recordkeeping and inspection, CWA §308, 33 U.S.C. §1318, ELR STAT. FWPCA 63; and enforcement, CWA §309, 33 U.S.C. §1319, ELR STAT. FWPCA 63-65.

16. CWA §314, 33 U.S.C. §1324, ELR STAT. FWPCA 80-81.

17. CWA §319, 33 U.S.C. §1329, ELR STAT. FWPCA 82-86. *See also* CWA §518(f), 33 U.S.C. §1377(f), ELR STAT. FWPCA 107 (authorizing nonpoint source management grants to tribes as if they were states).

18. CWA §401, 33 U.S.C. §1341, ELR STAT. FWPCA 89-90.

19. CWA §402, 33 U.S.C. §1342, ELR STAT. FWPCA 90-92.

20. CWA §404, 33 U.S.C. §1344, ELR STAT. FWPCA 94-97.

21. The CWA formally disclaims any intent to affect existing state authority to allocate quantities of water in §101(g), which also applies to existing tribal authority. *See* CWA §518(a), 33 U.S.C. §1377(a), ELR STAT. FWPCA 106 (express statement that Indian amendments to the CWA do not affect §101(g), except to provide that tribes should be treated as states for purposes of this provision). As noted in the text, the Act also provides for states and tribes to enter cooperative agreements, subject to EPA's approval, for jointly planning and administering the provisions of the Act. CWA §518(d), 33 U.S.C. §1377(d), ELR STAT. FWPCA 106.

22. Thus, for example, EPA will treat tribes as states for purposes of administering a sewage sludge management program under CWA §405, 33 U.S.C. §1345, ELR STAT. FWPCA 97, a purpose that is not explicitly mentioned in the CWA. *See* 54 Fed. Reg. 18782 (1989).

23. §1451(a), 42 U.S.C. §300j-11(a), ELR STAT. SDWA 021.

24. SDWA §1451(b)(2), 42 U.S.C. §300j-11(b)(2), ELR STAT. SDWA 022.

EPA is currently authorized to make grants for support of air pollution planning and control programs to tribal agencies without treating the tribes as states. CAA §§105 and 302(b)(5), 42 U.S.C. §§7405, 7602(b)(5), ELR STAT. CAA 26, 142. CAA §301(d)(5) authorizes EPA to continue awarding such grants in the absence of regulations. 42 U.S.C. §7601(d)(5), ELR STAT. CAA 141. Tribes may not be treated as states for purposes of CWA §105(b)(2), ensuring each state at least one-half of 1 percent of total money appropriated under that section.

26. CAA §301(d)(1), 42 U.S.C. §7601(d)(1), ELR STAT. CAA 141.

27. CAA §110(o), 42 U.S.C. §7410(o), ELR STAT. CAA 36.

28. CAA §164(c), 42 U.S.C. §7474(c), ELR STAT. CAA 76. EPA is responsible for resolving disputes between tribes and states arising from the actions of either with regard to redesignations or permits. CAA §164(e), 42 U.S.C. §7474(e), ELR STAT. CAA 76.

29. CERCLA is not primarily a regulatory program, but a cleanup program, which addresses how to respond to, or clean up, hazardous substances that have been released into the environment. *See* §101(23), 42 U.S.C. §9601(23), ELR STAT. CERCLA 8. CERCLA involves two types of cleanup action. Removals, as defined in §101(23), are relatively short-term actions to control the threat from a release. 42 U.S.C. §9601(23), ELR STAT. CERCLA 8. Remedial actions are actions consistent with a permanent remedy that are taken instead of, or in addition to, removals. CERCLA §101(24), 42 U.S.C. §9601(24), ELR STAT. CERCLA 8. The term "response" encompasses both types of action. CERCLA §101(25), 42 U.S.C. §9601(25), ELR STAT. CERCLA 8.

30. §126, 42 U.S.C. §9626, ELR STAT. CERCLA 47.

31. CERCLA §101(36) defines a "tribe" as a federally recognized entity. 42 U.S.C. §9601(36), ELR STAT. CERCLA 9. However, the statute does not establish formal prerequisites for treatment as a state (*e.g.*, a government, jurisdiction, and capability). *See* §§101(36) and 126, 42 U.S.C. §§9601(36) and 9626, ELR STAT. CERCLA 9, 47.

32. In addition to authorizing treatment of tribes in a manner equivalent to that provided to states, §126 also addresses the tribal role in other ways. Specifically, §126(b) provides for a tribal role in any decision to relocate tribal members away from a contaminated site; §126(c) mandates a study to determine the extent of hazardous wastes on Indian lands; and §126(d) extends all applicable limitations periods as necessary to ensure that at least two years after the United States notifies a tribe that it will not commence an action on behalf of the tribe, for the tribe to commence an action on its own behalf.

33. §103(a), 42 U.S.C. §9603(a), ELR STAT. CERCLA 10.

34. §104(c)(2), 42 U.S.C. §9604(c)(2), ELR STAT. CERCLA 12.

35. §104(e), 42 U.S.C. §9604(e), ELR STAT. CERCLA 13.

36. §104(i), 42 U.S.C. §9604(i), ELR STAT. CERCLA 15.

37. §105, 42 U.S.C. §9605, ELR STAT. CERCLA 18-20.

38. §126(a), 42 U.S.C. §9626(a), ELR STAT. CERCLA 061. Unlike states, however, tribes are not assured of having at least one site within their jurisdiction included on the national priorities list for remedial action.

39. *But see* CAA §164(c) and (e), 42 U.S.C. §7474(c) and (e), ELR STAT. CAA 47 (regarding prevention of significant deterioration that address the tribal role separate from provisions authorizing the treatment of tribes as states).

cial assistance to, tribes,[40] authorizes tribes to recover costs incurred in carrying out response actions from persons responsible for releases,[41] and addresses the tribal role in other ways.[42] CERCLA also treats tribes differently than states by waiving, for remedial actions on tribal lands, requirements that apply to such actions within states.[43]

EPA Implementation of Authority to Treat Tribes as States

To date, EPA has promulgated four regulations specifically focusing on how Indian tribes can be treated as states.[44] Three of these have been issued under the CWA: one governing Water Quality Standards (WQS) for Indian reservations,[45] one for the §404 program regarding the dredging and filling of waters of the United States,[46] and one for grants to tribes.[47] The fourth was issued under the SDWA.[48]

Requirements for Treatment as a State

All four regulations listed above contain approval processes for treating Indian tribes as states that are relatively formal and virtually identical.[49] A tribe seeking treatment as a state must submit an application, which EPA reviews to ensure that the tribe meets the applicable requirements, including recognition,[50] a functioning government,[51] jurisdiction,[52] and capability.[53] A tribe that meets those

40. §104(d), 42 U.S.C. §9604(d), ELR STAT. CERCLA 13.

41. §107(a)(4), 42 U.S.C. §9607(a)(4), ELR STAT. CERCLA 21.

42. CERCLA §§107(f) and 111(b)(1) authorize tribes to act as trustees for tribal natural resources and to seek recovery for damages to such resources. 42 U.S.C. §§9607(f) and 9611(b)(1), ELR STAT. CERCLA 22, 27. The Act also precludes tribes from recovering costs or damages arising from application of registered pesticides, §107(i), 42 U.S.C. §9607(i), ELR STAT. CERCLA 22, and specifies that tribal recovery for costs or damages in connection with federally permitted releases must be pursuant to existing law, not CERCLA. §107(j), 42 U.S.C. §9607(j), ELR STAT. CERCLA 22.

43. These requirements involve payment of a share of the costs of remedial actions, assurance of future maintenance of a remedy, and assurance that a suitable facility is available for disposing of the wastes at the site. §104(c)(3), 42 U.S.C. §9604(c)(3), ELR STAT. CERCLA 12.

44. EPA has not developed Indian regulations under CERCLA, but instead has addressed the tribal role in two generally applicable regulations. *See* 40 C.F.R. pt. 35, subpt. O (Cooperative Agreements and Superfund State Contracts for Superfund Response Actions); 40 C.F.R. pt. 300 (National Oil and Hazardous Substances Pollution Contingency Plan (NCP)).

45. 40 C.F.R. pt. 131 (1992), 56 Fed. Reg. 64875-96 (1991).

46. 40 C.F.R. pts. 232 and 233 (1992), 58 Fed. Reg. 8171 (1993).

47. 40 C.F.R. pts. 35 and 130 (1992), 54 Fed. Reg. 14354-60 (1989).

48. 40 C.F.R. pts. 35, 124, and 141-46 (1992), 53 Fed. Reg. 37395-414 (1988).

49. 40 C.F.R. pts. 35, 124, and 141-46 (1992), 53 Fed. Reg. 37396-414 (1988) (the SDWA, the PWS, and UIC regulations); 40 C.F.R. pts. 35 and 150 (1992), 54 Fed. Reg. 14354-60 (1989) (the CWA grant regulations).

50. The SDWA, and the CWA Water Quality Standards (WQS) and §404 regulations, require submission of a "statement that the tribe is recognized by the Secretary of the Interior." 40 C.F.R. §§131.8(b)(1) (WQS); 233.61(a) (§404); 142.76(a) (PWS); and 145.56(a) (UIC). The CWA grant regulation requires "documentation that [the Tribe] is recognized by the Secretary of the Interior." *See* 54 Fed. Reg. 14355 (1989). This can ordinarily be met by showing the applicant's inclusion on a list of federally recognized tribes published by the Interior Secretary. *Id.*

51. To meet the functioning government requirement, a tribe must submit a statement describing its government. Under the SDWA, the WQS, and §404 regulations, a tribe must submit "[a] descriptive statement demonstrating that the tribal governing body is currently carrying out substantial governmental duties and powers over a defined area." 40 C.F.R. §§131.8(b)(2) (WQS); 233.61(b) (§404); 142.76(b) (PWS); and 145.56(b) (UIC). This statement must describe the form of the tribal government and the types of governmental functions it performs, and must identify the sources of its authorities to perform those functions. *Id.*

The CWA grant regulations require submission of a narrative statement describing the form, functions, and sources of authority (*e.g.*, tribal constitutions, codes, etc.) of the tribal government. *See* 54 Fed. Reg. 14355 (1989). This language is from the preamble of the regulation, but there is no regulatory text specifically addressing this matter. EPA believes that it should be relatively easy for most tribes to make the required showing. 53 Fed. Reg. 37399 (1988) (SDWA); *see also* 54 Fed. Reg. 14355 (1989) (the CWA grants). The requirements in the CWA grant regulations were developed with the expressed intent to "minimize the burdens to a Tribe in demonstrating that it is carrying out substantial governmental duties and powers." *Id.*

52. Under the SDWA, the WQS, and §404 regulations, a tribe must submit various documents to establish its jurisdiction. These required documents include: a map or legal description of the area over which the tribe has authority; a statement by a tribal legal official describing the basis, nature, and subject matter of the tribe's jurisdictional authority; a copy of all documents supporting the jurisdictional assertions (*e.g.*, tribal constitutions, codes, bylaws, charters, etc.); and a description of the locations of the systems or sources the tribe proposes to regulate. 40 C.F.R. §§131.8(b)(3) (WQS); 233.61(c) (§404); 142.76(c) (PWS); and 145.56(c) (UIC).

The CWA grant regulations do not mandate the submission of any specific documents. However, the preamble to the regulation requires submission of "a statement signed by the Tribal Attorney General or an equivalent official explaining the legal basis for the Tribe's regulatory authority over its water resources." 54 Fed. Reg. 14355 (1989).

53. The SDWA, the WQS, and §404 regulations require that a tribe submit a narrative statement describing tribal capability to administer an effective program. 40 C.F.R. §§131.8(b)(4) (WQS); 233.61(d) (§404); 142.76(d) (PWS); and 145.56(d) (UIC). All three regulations provide an expansive and detailed list of materials the tribe must provide in support of this statement. The narrative statement must include:

> (1) a description of the tribe's previous management experience, including but not limited to its administration of programs authorized under certain specified statutes;
>
> (2) a list of tribally administered environmental or public health programs, and copies of related tribal laws, policies, and regulations;
>
> (3) a description of tribal procurement and accounting systems;
>
> (4) a description of the entity or entities that exercise the tribe's executive, legislative, and judicial functions;
>
> (5) a description of the existing or proposed tribal agency that will assume primary responsibility for the program, which addresses the relationships between owners and operators of regulated facilities and that agency; and
>
> (6) a description of the technical and administrative capabilities of the staff to administer the program, or a plan describing how the tribe will acquire the needed capability and how it will fund that acquisition. 40 C.F.R. §§131.6(b)(4) (WQS), 233.61(d) (§404), 142.76(d) (PWS), and 145.56(d) (UIC).

The CWA grant regulations do not require a tribe to submit any particular materials in order to establish capability. *See* 54 Fed. Reg. 14356 (1989). However, the requirement in CWA §106 that the tribe have injunctive relief-type authority comparable to that in CWA §504, is relevant to the capability requirement for treatment as a state, although it is identified as a grant limitation in both the regulation and the preamble. *See* 40 C.F.R. §35.260 (1992), 54 Fed. Reg. 14357 (1989).

Moreover, EPA's regulations governing approval of state grant or program applications will apply to tribes. These regulations are designed to preclude the awarding of a grant or the approval of a program for which the state lacks capability. *See, e.g.*, 40 C.F.R. pt. 31 (grant regulations applicable to states).

quirements is then approved for treatment as a state and comes eligible to seek applicable grants and program approvals.

Before it will conclude that a tribe meets the jurisdictional requirement, EPA notifies "appropriate governmental entities" such as states, other tribes, and federal land management agencies,[54] as to the substance of the jurisdictional assertions the tribe offers in its application. EPA invites comment on those assertions, but not on any other aspect of the application.[55] Where another government raises a competing or conflicting jurisdictional claim, EPA will consult with the Department of the Interior and then make a final decision on the tribe's jurisdiction for the particular function in question.[56] This is not a determination of the tribe's general regulatory authority.[57]

The Effects of Being Approved for Treatment as a State

Although a tribe may have been approved for treatment as a state under a particular program, it must obtain a separate approval under each new program in which it seeks to function as a state. After an initial approval, however, a tribe generally need submit only that additional information unique to the additional program.[58] Once a tribe meets the regulatory requirements and obtains approval for treatment as a state it will generally be treated in the same manner as a state.[59] Thus, a tribal application for program responsibility will be subject to the same requirements as a state application. For example, before a tribe or a state can assume primary enforcement responsibility for drinking water, under existing regulations it must demonstrate legal "authority to compel compliance with [its] primary drinking water regulations."[60]

Simplifying the Process

EPA has recognized that its procedures for processing tribal grant and program applications are cumbersome. Reflecting this, it issued a memorandum in late 1992, directing that the application process be simplified and standardized.[61] This memorandum provides that EPA will move toward the use of a one-step approval process, determining whether to approve a tribal program or grant application without the separate step of formally determining whether the tribe is eligible for treatment as a state. Further, the Agency will reduce the use of consultations with interested states and tribes regarding tribal jurisdiction;[62] this process is often time-consuming and tribes may find it demeaning, since EPA generally does not seek the comments of tribes regarding state jurisdiction before approving an element of a state's program.[63] EPA will implement those changes by developing new regulations, and by amending existing regulations.[64]

EPA's CERCLA Regulations

Under the NCP, which governs CERCLA cleanup processes, tribes ordinarily have the same roles and responsibilities as states.[65] EPA's regulations provide that to be treated in the same manner as a state for certain purposes, a tribe must be federally recognized, have a governing body currently performing governmental functions either to pro-

54. 56 Fed. Reg. 64084 (1991) (the WQS preamble stating that "EPA defines the phrase 'governmental entities' as States, Tribes, and other Federal entities located contiguous to the reservation of the Tribe which is applying for treatment as a State.").

55. 53 Fed. Reg. 37400 (1988); 54 Fed. Reg. 14355 (1989); 40 C.F.R. §§131.8(c)(2) and 233.62(c) (1992).

56. The CWA grant regulations provide that EPA may determine that a tribe does not have jurisdiction over some of the water resources covered in its application, and may approve the application for those resources for which the tribe does have jurisdiction. 54 Fed. Reg. 14355 (1989). EPA also has indicated it will follow this approach for the WQS (54 Fed. Reg. 39097, 39102 (1989)) (proposing WQS regulation), and §404 (58 Fed. Reg. 8171, 8176 (1993)).

57. 53 Fed. Reg. 37402 (the SDWA regulations).

58. 40 C.F.R. §§131.8(b)(6); 233.61(f); 142.76(f), 145.56(f) (1992). *See* 54 Fed. Reg. 14356 (1989).

59. *See, e.g.*, 53 Fed. Reg. 37403 (1988) (the SDWA preamble). *See also* 54 Fed. Reg. 39103-04 (1989) (the WQS proposal discussing ways in which tribes are subject to the same requirements as states). Tribes are typically treated differently than states with regard to such matters as grant match requirements, developmental grant time frames, and primary enforcement responsibility requirements. *See, e.g.*, 53 Fed. Reg. 37403 (1988).

60. 40 C.F.R. §142.10(b)(6) (1992). *See generally* 40 C.F.R. §§142.10-11 (PWS); 145.21-25, 145.31 (UIC). *See also* discussion of effects of treatment as state approval in EPA Brief in South Dakota v. EPA, No. 89-2772 (8th Cir. Mar. 19, 1990) at 7-8, 13-19 (state petition for review of EPA's decision to approve Standing Rock Sioux Tribe for treatment as state as to public water system program under the SDWA).

61. Memorandum from F. Henry Habicht II, Deputy Administrator, U.S. Environmental Protection Agency, to Assistant, Associate, and Regional Administrators, General Counsel, and Inspector General, Simplification of EPA's Process for Treating Indian Tribes as States (Nov. 10, 1992) [hereinafter TREATMENT MEMO].

62. Specifically, EPA will no longer solicit comments regarding tribal jurisdiction with regard to tribal grant applications: "The Agency now has experience awarding grants to more than a hundred tribes, and is fully capable of evaluating tribal applications to ensure that the tribe has adequate jurisdiction to receive a grant." TREATMENT MEMO *supra* note 61, at 2-3.

In addition, where the existing process for reviewing state or tribal applications for program approval involves a searching inquiry into jurisdictional authority, a separate review, for purposes of determining tribal eligibility for "treatment as a state," is duplicative. EPA will identify those programs for which such reviews are duplicative and eliminate them. Under the revised approach, however, no tribe will "receive program approval until the Agency has received full and adequate input concerning the scope and extent of the tribe's jurisdiction and program and administrative capabilities." *Id.* at 3.

63. *See, e.g.*, 56 Fed. Reg. 64884 (1991) (describing comments on the WQS proposal to this effect).

64. *See* TREATMENT MEMO *supra* note 61. EPA could also adopt identical procedures for all programs, rather than having two separate, but similar, processes. *Id. Compare* 40 C.F.R. §§131.6, 233.62(c), 142.78, 145.58 (the CWA, the WQS, and the SDWA regulations providing 30 days for states to comment on tribal jurisdiction) *with* 40 C.F.R. §130.15 (the CWA grant regulations giving 15 days).

These changes seem legally defensible. The applicable statutes do not compel the adoption of a two-step approval process, consultation with states regarding tribal jurisdiction, or consultation with the Department of the Interior before resolving a disagreement as to jurisdiction.

65. 40 C.F.R. §300.5 (1992) (defining "state" to include Indian tribes "except where specifically noted" to the contrary). Tribes are also treated as states for purposes of assurances regarding property acquisition. *See* CERCLA §104(j)(2), 42 U.S.C. §9604(j)(2), ELR STAT. CERCLA 18. Thus, before EPA acquires an interest in real property on a reservation to conduct a remedial action, the tribe must assure, to the extent of its authority, that it will accept transfer of that interest on or before completion of the remedial action. 40 C.F.R. §§300.510(f) and 300.6110(b)(2) (1992). The Agency has not yet "address[ed] whether tribes are states for purposes" of the state obligation under CERCLA §104(c)(9), which requires an assurance of the existence of adequate capacity to process hazardous waste expected to be generated in a state in the next 20 years. 40 C.F.R. §300.510(e)(2) (1992).

mote public health, safety, and welfare or to protect the environment, and have jurisdiction over a Superfund site.[66]

EPA's regulations provide that the Agency will act to ensure meaningful tribal involvement in the cleanup process,[67] and tribes may participate significantly in decisions regarding selection of cleanup alternatives.[68] Also, reservation cleanups must be performed in compliance with tribal standards to the extent they would have to be performed in compliance with state standards if performed on nonreservation land.[69] In addition, EPA and eligible tribes[70] may enter into a wide range of cooperative agreements under which tribes receive financial assistance and participate in various types of response activities, as either the lead or support agency.[71] Tribes may also enter into core program cooperative agreements to receive financial assistance in developing the general ability to participate in the response process.[72]

Grant Programs Not Requiring Treatment as a State

Under all four statutes authorizing treatment as a state, EPA administers grant programs for which tribal groups not treated as states appear to be eligible.[73] Tribes can assume a role under, or benefit from, those provisions without receiving treatment as a state.

In addition, the Indian Environmental General Assistance Program Act of 1992[74] authorizes EPA to provide general assistance grants to federally recognized Indian tribal governments to build environmental capacity without any requirement to treat recipient tribes as states.[75] Indeed, grants of this type are not available to states.

Acts Not Expressly Authorizing Treatment of Tribes as States

RCRA

The Resource Conservation and Recovery Act (RCRA)[76] refers to Indian tribes only once when it defines "municipality" to include Indian tribal governments.[77] The Act provides no explicit provision authorizing EPA to treat tribes as states.[78] Nonetheless, the Agency has decided to issue rules that permit eligible Indian tribes to administer RCRA subtitle C and D hazardous and solid waste programs[79] in the same manner as states.

FIFRA

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)[80] authorizes EPA to enter into cooperative agreements with Indian tribes delegating to them the authority to cooperate in enforcement actions, and develop and administer pesticide applicator training and certification programs.[81] This is the sole reference to tribes in FIFRA.[82]

EPA's regulations under FIFRA govern EPA's approval of tribal requests for pesticide applicator certification programs.[83]

66. 40 C.F.R. §300.515(b) (1992). A tribe must meet these requirements to be treated in the same manner as a state for purposes of CERCLA §104, which is not included in the list of purposes for which §126 expressly authorizes that tribes may be treated as states. Because these requirements are imposed by regulation, not by statute, a tribe need not undergo any formal prequalification process or qualify for "treatment as a state" so long as it meets those requirements.

67. This will apply whether the cleanup is conducted by a governmental entity or the person responsible for the site. 40 C.F.R. §300.500(a) (1992).

68. A tribe will be given the opportunity to review site documents, consult with EPA at least annually, concur in various decisions relating to the response process, and be formally involved in the selection of the cleanup. 40 C.F.R.§§300.515(c), (d), (e), (h), and 300.525 (1992).

69. Specifically, CERCLA response actions must attain (or waive) legally applicable, or relevant and appropriate requirements (ARARs) of tribal law that are promulgated, more stringent than federal requirements, and identified in a timely manner. *See* §121(d), 42 U.S.C. §9621(d), ELR STAT. CERCLA 41. A key element in the EPA-tribal partnership will be the communication of potential ARARs and other pertinent advisories, criteria, or guidance to be considered in selection of the remedy. 40 C.F.R. §§300.515(d) and 300.525 (1992). Tribes have the opportunity to comment on proposals to waive ARARs. 40 C.F.R. §§300.515(e) and 300.525 (1992).

70. To be eligible to enter these agreements, a tribe must be federally recognized and meet the criteria established in 40 C.F.R. §300.515(b). 40 C.F.R. §35.6010 (1992).

71. Such agreements include preremedial response cooperative agreements, 40 C.F.R. §35.6050-70, remedial response cooperative agreements, 40 C.F.R. §35.6100-20, enforcement cooperative agreements, 40 C.F.R. §35.6145-55, and removal response cooperative agreements, 40 C.F.R. §35.6200-05.

72. 40 C.F.R. §35.6240-55 (1992).

73. *See, e.g.*, SDWA §1442(b)(3), 42 U.S.C. §300j-1(b)(3), ELR STAT. SDWA 015 (authorizing grants to "any organization."); CWA §104, 33 U.S.C. §1254, ELR STAT. FWPCA 16-19 (authorizing grants to wide range of entities, including "institutions, organizations, and individuals"); CAA §§103(b)(3), 105, and 302(b)(5), 42 U.S.C. §§7403(b)(3), 7405, and 7602(b)(5), ELR STAT. CAA 21, 26, and 142 (authorizing grants to air pollution control agencies, defining agency of tribe as pollution control agency); CERCLA §311(b)(3), 42 U.S.C. §9660(b)(3), ELR STAT. CERCLA 55 (authorizing grants for development and demonstration of alternative or innovative cleanup technologies to variety of entities). *See also* RCRA §8001, 42 U.S.C. §6981, ELR STAT. RCRA 60 (authorizing grants to broad range of entities for research, demonstrations, training, activities).

74. Pub. L. No. 102-497 (codified at 42 U.S.C.A. §4368b (Supp. 1993).

75. This authority is very similar to that which Congress provided to EPA in appropriations acts, beginning with fiscal year (FY) 1991, to make grants to tribes for the development of multimedia environmental programs. *See, e.g.*, Pub. L. No. 191-507 (FY 1991 Appropriations Act authorizing EPA Administrator "to make grants to 'Federally recognized Indian tribes' on such terms and conditions as he deems appropriate for the development of multi-media environmental programs.")

76. 42 U.S.C. §§6901-6991i, ELR STAT. RCRA 1-78. Originally the Solid Waste Disposal Act, Congress amended it in 1976 with the Resource Conservation and Recovery Act.

77. §1004(13), 42 U.S.C. §6903(13), ELR STAT. RCRA 13.

78. *But see* Memorandum from Bertram Frey, Regional Counsel, U.S. Environmental Protection Agency Region 5, to Valdas Adamkas, Regional Administrator, U.S. Environmental Protection Agency Region 5, Legal Opinion Regarding Delegation of Partial RCRA Program to Menominee Indian Tribe of Wisconsin (Nov. 3, 1989) (concluding that EPA has legal authority to delegate program to tribe).

79. §§3006 and 4007, 42 U.S.C. §§6926 and 6947, ELR STAT. RCRA 32-33, 47.

80. 7 U.S.C. §§136-136y, ELR STAT. FIFRA 001-034.

81. §23, 7 U.S.C. §136u, ELR STAT. FIFRA 030.

82. Further, Indian tribes have not been carrying out other activities that FIFRA authorizes states to carry out, such as issuing special local need registrations.

83. Ordinarily, a tribe has the option of adopting a tribal certification plan or using a plan previously adopted by the state in which the reservation is located. 40 C.F.R. §171.10(a) (1992). Where a tribe does not adopt either option, EPA will implement a plan for federal certification of applicators or restricted use pesticides. *Id.* The regulations describe the types of persons subject to the rules; applicable standards; recordkeeping requirements; recognition of other certificates; procedures for denial, suspension, modification, or revocation of certificates; and pesticide dealer requirements. *Id.*

Under these regulations, EPA has authorized the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota to certify applicators of restricted use pesticides.[84]

TSCA

The Toxic Substances Control Act (TSCA)[85] does not mention tribes directly. However, it does allow tribes to assume a local regulatory role. Tribes that run their own schools are treated as local education authorities, and assume responsibility to inspect their schools for asbestos and develop plans for managing asbestos problems.[86]

Other Statutes

The Emergency Planning and Community Right-To-Know Act (EPCRA),[87] which created new rights for local governments and members of the public to obtain information on potential hazardous substance threats in their neighborhoods, does not mention Indian tribes. Nevertheless, EPA concluded that the purposes of EPCRA were best served by providing a tribal role, comparable to the role a state assumes, in planning and gathering information. EPA used authority to fill statutory gaps to define this role, which tribes may assume on a reservation-wide basis.[88]

EPA has also solicited applications from tribes for grants under the Pollution Prevention Act.[89] The Act authorizes grants to states for technical assistance programs,[90] but does not mention Indian tribes.[91]

84. 51 Fed. Reg. 43662 (1986); Proposal at 50 Fed. Reg. 31011 (1985), and Supplemental Notice of Intent at 51 Fed. Reg. 22860-61 (1986). This was the first formal authorization of a tribe to operate a program under an EPA statute. Until the December 1991 promulgation of the WQS regulations (56 Fed. Reg. 64875 (1991)) the FIFRA regulations were the only regulations under which EPA had authorized a tribe to operate a federal program.

85. 15 U.S.C. §§2601-2671, ELR STAT. TSCA 001-056.

86. *See* §202(7), 15 U.S.C. §2642(7), ELR STAT. TSCA 046.

87. Superfund Amendments and Reauthorization Act, Title III, Pub. L. 99-499, 100 Stat. 1613 (1986), 42 U.S.C. §§11001-11050, ELR STAT. EPCRA 1-16.

88. "EPA believes that in the absence of clear legislative intent on who should implement the statute on Indian lands, EPA has the discretion to designate the Indian Tribes as the implementing authority." 55 Fed. Reg. 30641 (1990) (implementation of Title III by Indian Tribes on Indian lands). EPA previously described its reasoning as follows:

> The requirements of an effective Title III program indicate that Congress intended that only one governing authority implement the program within a given area. Implementation of Title III by more than one governing authority would be unwieldy and contrary to the dictates of local emergency response planning. . . . In summary, because Congress envisioned effective and comprehensive emergency response planning under Title III it is reasonable to interpret the statute . . . as contemplating only one governing authority implementing the Act within a single geographic area.

54 Fed. Reg. 12992, 13001 (1989).

89. 42 U.S.C. §§13101-13109.

90. *Id.* §13104.

91. *See* 56 Fed. Reg. 11553, 11554 (1991) (announcing availability of grants to states and tribes).

Legal Issues

Jurisdictional Analysis

☐ *Inherent Tribal Authority.* A key issue in defining and implementing a tribal role in reservation management is the extent and nature of tribal jurisdiction over environmental activities on reservations. Tribes almost invariably have such jurisdiction over lands owned by the tribe or held in trust for the tribe by the United States.[92] In a few specific cases, however, EPA has recognized state authority on tribal lands where federal statutes so provide.[93]

Jurisdiction is more complex with regard to lands located within reservation boundaries that are owned in fee by non-Indians. Thus, in the controversial and divided decision of *Brendale v. Confederated Tribes and Bands of the Yakima Nation,*[94] the U.S. Supreme Court found that such jurisdiction often depends on the facts in a particular case. In *Brendale*, the Court ruled that a tribe had authority to zone fee lands located in an area of its reservation heavily populated by Indian tribal members, but that the state had zoning authority over fee lands on a part of the reservation in the suburbs of Yakima, Washington, where there was substantial non-Indian land ownership.

In developing regulations for water quality standards on reservations under the CWA, EPA addressed the question of tribal authority over environmental activities on reservation fee lands. The Agency read *Brendale* narrowly, finding primary significance in its result,[95] which was to apply the rule announced in the earlier case of *Montana v. United States.*[96] The Court has consistently stated that "[a] tribe may . . . retain inherent power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe."[97] EPA found some ambiguity in how significant or direct the effect from non-Indian conduct must be to support jurisdiction under this test, and decided "as an interim operating rule, [to] require a showing that the potential impacts of regulated activities on the tribe are serious and substantial" before authorizing a tribal program.[98] EPA adopted this standard "solely as a matter of prudence in light of judicial uncertainty" as to the precise formulation courts should employ.[99]

In applying its jurisdictional test, EPA will conduct a fact-specific analysis, but one that also recognizes that activities relating to water quality standards generally have

92. Tribes have broad authority on such lands, including the power "to exclude persons whom they deem to be undesirable" from entry. Duro v. Reina, 110 S. Ct. 2053, 2065 (1990).

93. *See, e.g.,* 40 C.F.R. §147.1851 (1992) (state of Oklahoma administers Class II wells on lands of some Oklahoma tribes under the UIC program).

94. 492 U.S. 408 (1989).

95. 56 Fed. Reg. 64877-78 (1991).

96. 450 U.S. 544 (1981).

97. South Dakota v. Bourland, 61 U.S.L.W. 4632, 4637, 23 ELR 20972, 20976 (U.S. June 14, 1993), quoting Montana v. United States, 450 U.S. 544, 566 (1981); also quoted in Brendale v. Confederated Tribes and Bands of Yakima Indian Nation, 492 U.S. 408, 428-29, (White, J.), 457 (Blackmun, J.).

98. 56 Fed. Reg. 64878 (1991).

99. *Id.*

serious and substantial impacts on human health and welfare.[100] EPA also has recognized that congressional enactment of a federal statute reflects a belief that the regulated activities are important.[101] Finally, the fact that Congress has specifically authorized treatment of tribes as states with regard to regulation of particular activities effectively expresses a preference for tribal regulation of those activities.[102]

These factors, however, do not preclude the possibility that, under some unusual fact patterns, states may be able to demonstrate authority over some reservation fee lands. Indeed, a number of EPA's regulations recognize, at least implicitly, the possibility that a state may attempt to establish regulatory authority on Indian lands.[103] EPA has also expressly recognized that, in some cases, tribes may be unable to demonstrate jurisdiction on some reservation lands; in such cases, the Agency will limit its approval of the tribal program to those areas for which the tribe does have jurisdiction.[104]

☐ *Delegated Authority.* Congress has broad authority over tribal affairs and may, by statute, delegate federal authority to a tribe.[105] Such a delegation could provide a federal statutory source of tribal authority, at least partially independent of the tribe's inherent authority.[106] EPA has recognized that construing the CWA as a delegation would support tribal authority over all water resources within the exterior boundaries of a reservation, regardless of whether the tribe's inherent authority covered the resources.[107]

The Clean Water Act

EPA analyzed the language and legislative history of the CWA to determine whether to treat the Act as a delegation of authority. The Agency recognized that language in *Brendale*[108] could be construed as characterizing the Indian provisions of the CWA as an express delegation of federal authority.[109] EPA declined to rely on this language, however, noting that it was offered in dicta, was not adopted by a majority of the Court, and did not discuss the confusing legislative history of the Indian provisions of the CWA.[110]

The Agency's own analysis led it to conclude that the language and the legislative history were ambiguous and inconclusive regarding any congressional intent to delegate authority. EPA also expressed the view that "if Congress had intended to make a change as important as an expansion of Indian authority to regulate nonmembers, it probably would have done so through statutory language and discussed the change in the committee reports."[111] Accordingly, the Agency declined to construe the CWA as a delegation.[112] EPA likewise has not implemented the SDWA as a delegation.[113]

100. *See* 56 Fed. Reg. 64878; 58 Fed. Reg. 8174.

101. *See, e.g., id.* ("Congressional enactment of the Clean Water Act establishes a strong Congressional interest in effective management of water quality.").

102. *Id.* EPA's analysis of inherent tribal sovereignty in the WQS regulations does not appear to differ substantially from the less detailed position it announced nearly two years earlier in its brief filed in South Dakota v. EPA, *supra* note 60, at 29-30, 34-40.

In the WQS regulation, EPA expressed its awareness of the political cross-currents that often revolve around issues of tribal and state jurisdiction:

> The Agency recognizes that jurisdictional disputes between tribes and states can be complex and difficult and that it will, in some circumstances, be forced to address such disputes. However, EPA's ultimate responsibility is protection of the environment. In view of the mobility of environmental problems and the interdependence of various jurisdictions, it is imperative that all affected sovereigns work cooperatively for environmental protection, rather than engage in confrontations over jurisdiction.

56 Fed. Reg. 64879 (1991).

103. *See* 40 C.F.R. §§123.23(b) (requirement that state seeking an NPDES program approval under the CWA to cover Indian lands must submit statement analyzing legal basis for state's authority); 145.24(b) (when state submission for approval of the SDWA UIC program "seeks authority over activities on Indian lands, the [state submission] shall contain an appropriate analysis of the State's authority."). *See also* 40 C.F.R. §§142.3(b)(2) and .10(b)(6)(i) (specifying that a state can obtain program approval without showing authority over "[p]ublic water systems on Indian lands with respect to which the State does not have the necessary jurisdiction or its jurisdiction is in question."); 271.1(h) (state can obtain approval of RCRA hazardous waste program without obtaining authority on Indian lands and "EPA will administer the program on Indian lands if the State does not seek [such] authority"); and 281.21(a)(4) (requiring state seeking approval of underground storage tank program under RCRA to declare whether "the state has any existing authority over Indian lands").

104. *See* 53 Fed. Reg. 37395, 37402 (1988) (SDWA); 54 Fed. Reg. 14353, 14355 (1989) (CWA Grants); 54 Fed. Reg. 39097, 39102 (1989) (WQSs); 58 Fed. Reg. 8171, 8176 (1993) (CWA §404).

105. United States v. Mazurie, 419 U.S. 544, 557 (1975). *See also Brendale, supra* note 94 (White, J., for four justice plurality identifying CWA §§518(e) and 518(h)(1) as delegating to tribes the authority over entire reservations).

106. *See* 56 Fed. Reg. 64880 (1991).

107. 54 Fed. Reg. 64879-81 (1989).

108. The *Brendale* Court reasoned that:

> There is no contention here that Congress has expressly delegated to the Yakima Nation the power to zone fee lands of nonmembers of the Tribe. Compare 18 U.S.C. §§ 1151, 1161 (1982 ed, and Supp V) [18 U.S.C. §§ 1151, 1161]; 33 U.S.C. § 1377(e) and (h)(1) (1982 ed, Supp V) [33 U.S.C. § 1377(e) and (h)(1)]. Therefore under the general principle enunciated in Montana, the Yakima Nation has no authority to impose its zoning ordinance [on the fee lands in question].

Brendale, supra note 94, at 428.

The first statutory provision the Court cites as a delegation involves liquor regulation, and was found to be a delegation in United States v. Mazurie, 419 U.S. 544 (1975). The second provision is from CWA §1377(e), which provides that a tribe may be treated as a state for functions that "pertain to the management and protection of water resources which are held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe if such property is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation." CWA §1377(h)(1) defines a reservation as "all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation."

109. 56 Fed. Reg. 64880 (1991).

110. *Id.*

111. *Id.*

112. *See, e.g.*, 54 Fed. Reg. 39101 (1989) (the WQS proposal stating that "Clean Water Act authorizes use of existing tribal authority . . . but it does not grant additional authority to Tribes.").

113. *See* 52 Fed. Reg. 28111, 28113 (1987) (proposal for the SDWA Indian regulations, stating that tribe must have its own authorities to operate the program: "EPA does not delegate its own authority. Nothing in this proposal is intended to alter any preexisting authority or immunity any Indian tribe may have by way of third parties.").

The Clean Air Act

EPA has not yet published regulations for implementing the Indian provisions of the CAA. Accordingly, it has neither announced its views on jurisdiction under that Act nor determined whether to construe the Act as a delegation. Based on the tests EPA used in analyzing the CWA, however, it appears that the CAA could be construed as delegating to approved tribes authority over all air resources within reservation boundaries.

The language of the CAA, which is similar to that of the CWA, authorizes a tribe to regulate "air resources within the exterior boundaries of the reservation or other areas within the tribe's jurisdiction."[114] However, the CAA also includes two additional provisions that expressly recognize tribal authority over all areas within the exterior boundaries of the reservation. One provides that approved tribal implementation plans are "applicable to *all areas . . . located within the exterior boundaries of the reservation,* notwithstanding the issuance of any patent."[115] The other provides that "[l]ands *within the exterior boundaries of reservations* . . . may be redesignated [with regard to the prevention of significant deterioration of air quality] only by the appropriate Indian governing body."[116] The legislative history of the CAA also contains language that appears to reflect Congress' intent to effect a statutory delegation of authority.[117]

Tribal Liability Under CERCLA

Although tribal participation in CERCLA response activities is well defined by statute and regulation, the extent to which a tribe may be liable for the cost of responding to a release under CERCLA is not. CERCLA imposes liability for response costs on any "person" who plays a specified role with regard to a release.[118] CERCLA's definition of "person"[119] does not include an "Indian tribe," although that term is, as noted above, expressly defined.[120] Further, CERCLA does not expressly provide that tribes may be treated as states for purposes of imposing liability.[121] Indeed, CERCLA provision on liability mentions tribes in four separate provisions, all of which describe liability *to* tribes, rather than the liability *of* tribes.[122] Two provisions of CERCLA suggest that the statute's silence as to tribal liability reflects congressional intent that tribes not be liable for response costs. First, although CERCLA §107(a)(4)(A) recognizes that tribes, as well as states, will carry out emergency response actions,[123] it includes a provision expressly limiting liability arising from such actions, but extends that limitation only to states and local governments, without mentioning tribes.[124] The omission of tribes from this provision appears to be predicated on the assumption that tribes are generally not subject to liability; accordingly they would have no need for the specific protection of this limitation. Otherwise, subjecting tribes to such liability could conflict with the apparent policy goal of this provision, to encourage emergency response activities by alleviating fears of liability arising from such actions. Moreover, the four specific references to tribes elsewhere in §107 suggest that the omission of tribes from this provision was probably not a drafting oversight.

Second, CERCLA generally requires that a state pay 10 percent of remedial action costs for cleanups within the state.[125] Where a facility was operated by a state or a political subdivision, a state must pay 50 percent of all response costs;[126] response costs are broader than costs of remedial action, covering both remedial and removal costs.[127] Under

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§301(d)(2)(B), 42 U.S.C. §7601(d)(2)(B), ELR STAT. CAA 133.

§110(o), 42 U.S.C. §7410(o), ELR STAT. CAA 36 (emphasis added).

116. §164(c), 42 U.S.C. §7474(c), ELR STAT. CAA 76 (emphasis added). This provision has been part of the Act since 1977 and was not added to the Act by the 1990 Amendments.

117. The report of the Senate Committee on Environment and Public Works on the CAA amendments characterizes proposed amendatory language as expressly delegating to tribes the power to administer and enforce the CAA on Indian lands:

> These amendments are intended to provide Indian tribes the same opportunity to assume primary planning, implementation and enforcement responsibilities for programs under the Act as they are presently accorded under the Safe Drinking Water Act and Clean Water Act. Subsection 328(a) [containing language identical to that in the SDWA] authorizes the Administrator to treat Indian tribes as States and to provide grant and contract assistance to tribes to carry out functions provided by the Act. Thus, new section 328(a) of the Act *constitutes an express delegation of power to Indian tribes to administer and enforce the Clean Air Act in Indian lands,* as Indian tribes were delegated the power to administer and enforce the Safe Drinking Water Act and Clean Water Act. *See Brendale v. Confederated Yakima Indian Nation* [sic], U.S. 109 S. Ct. 2994, 3006-07 (1989) (emphasis added).

This statement was offered at the time the CAA was being developed. It was offered several years after the enactment of the relevant provisions of the Water Acts, and its relevance to a proper construction of those Acts is accordingly limited. *See* Hazardous Waste Treatment Council v. EPA, 886 F.2d 355, 365, 19 ELR 21398, 21402 (D.C. Cir. 1989).

The report does not expressly address whether tribes would have delegated authority over all sources within reservation boundaries. At least arguably, however, the report could be read to reflect an intent to provide tribes with full authority over all reservation sources, including those that might not fall within the tribe's inherent authority.

Finally, this language was offered to describe the Senate CAA amendments, which were not enacted, but contained jurisdictional language authorizing a tribe to exercise regulatory functions "within the area of the tribal government's jurisdiction." S. 1630, §113, p. 165, 101st Cong., 2d Sess., Apr. 3, 1990, printed as passed legislative day Jan. 23, 1990. *Cf.* SDWA §1451(b)(1)(B), 42 U.S.C. § 300j-11(b)(1)(B), ELR STAT. SDWA 021 (identical language in the SDWA). The actual CAA language Congress adopted, similar to that in the CWA, would, if anything, support a characterization as a delegation of authority over all sources within reservation boundaries more readily than the language to which the report refers.

118. §107(a)(2)-(4), 42 U.S.C §§9607(a)(2)-(4), ELR STAT. CERCLA 20-21. CERCLA §107(a)(1) also imposes liability on "the owner and operator of a . . . facility," 42 U.S.C. §9607(a)(1), ELR STAT. CERCLA 20. It further defines an "owner or operator" as a "person." §101(20)(A), 42 U.S.C. §9601(20)(A), ELR STAT. CERCLA 8.

119. CERCLA §101(21) defines a person as an "individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or an interstate body." 42 U.S.C. §9601(21), ELR STAT. CERCLA 8.

120. §101(36), 42 U.S.C. §9601(36), ELR STAT. CERCLA 9.

121. §126, 42 U.S.C. §9626, ELR STAT. CERCLA 47.

122. §107(a)(4)(A), (f)(1), (i), and (j), 42 U.S.C. §9607(a)(4)(A), (f)(1), (i), and (j), ELR STAT. CERCLA 21, 22.

123. *See* 42 U.S.C. §9607(a)(4)(A), ELR STAT. CERCLA 21.

124. §107(d)(2), 42 U.S.C. §9607(d)(2), ELR STAT. CERCLA 21.

125. §104(c)(3)(i), 42 U.S.C. §9604(c)(3)(i), ELR STAT. CERCLA 12.

126. §104(c)(3)(ii), 42 U.S.C. §9604(c)(3)(ii), ELR STAT. CERCLA 12.

127. *See* §101(23)-(25), 42 U.S.C. §9601(23)-(25), ELR STAT. CERCLA 8.

this provision, a state may also be required to pay a sum greater than 50 percent, as "appropriate, taking into account the degree of responsibility of the State or political subdivision for the release."[128] This provision does not require a tribe to pay any share of any response cost, regardless of the tribe's responsibility for the release. This seems most consistent with a congressional assumption that tribes, regardless of their responsibility for releases, are not required to help pay for cleanups.

There could also be some practical difficulties with attempting to subject tribes to liability. CERCLA imposes liability through cost recovery litigation.[129] However, "[s]uits against Indian tribes are . . . barred by sovereign immunity absent a clear waiver [of that immunity] by the tribe or congressional abrogation."[130] Although this may not preclude the federal government from maintaining an action against a tribe,[131] CERCLA's silence as to tribal liability, to the extent it cannot be characterized as a "clear waiver" of tribal immunity, may preclude any nonfederal party from initiating an action asserting tribal liability. At best this could create the apparent anomaly that a tribe might be liable if named by the United States, but insulated by sovereign immunity when named by a third party.

Finally, as a general principle of statutory construction, statutes are to be construed liberally in favor of tribes, with ambiguous provisions interpreted in their favor.[132] Moreover, statutes are to be construed in ways that promote tribal self-government.[133] On the basis of these constructs, the CERCLA Indian provisions discussed above appear to relate to tribes and are ambiguous as to tribal liability.

EPA's Indian Policy

EPA's implementation of its various statutory authorities on Indian land is governed by the Agency's 1984 Indian Policy.[134] The thrust of the Policy is to encourage tribal self-determination and to "work directly with Indian Tribal Governments on a one-to-one basis (the 'Government-to-Government' relationship)."[135] It also "recognizes Tribal Governments as sovereign entities with primary authority and responsibility for the reservation populace."[136] It commits EPA to "encourage and assist tribes in assuming regulatory and program management responsibilities for reservation lands."[137]

Conclusion

The environmental statutes that authorize EPA to treat tribes as states effectively ratify the approach EPA adopted in its 1984 Indian Policy. Indeed, if tribes are to remain self-governing, the only viable approach to reservation management is one that, like the Indian Policy and the statutes, looks to tribes to fill the same role for reservations that states fill elsewhere.

128. §104(c)(3)(C)(ii), 42 U.S.C. §9604(c)(3)(C)(ii), ELR STAT. CERCLA 12.

129. *See* §107(a), 42 U.S.C. §9607(a), ELR STAT. CERCLA 20.

130. Oklahoma Tax Commission v. Citizen Band Potawotomi Indian Tribe of Oklahoma, 111 S. Ct. 905, 909 (1991).

131. *See* United States v. Red Lake Band of Chippewa Indians, 827 F.2d 380 (8th Cir. 1987); United States v. Yakima Tribal Court, 806 F.2d 853 (9th Cir. 1986).

132. County of Yakima v. Confederated Tribes and Bands of the Yakima Indian Nation, 112 S. Ct. 683, 693 (1992).

133. Ramah Navajo School Board, Inc. v. Bureau of Revenue of New Mexico, 458 U.S. 832, 846 (1982).

134. Policy for the Administration of Environmental Programs on Indian Reservations, U.S. Environmental Protection Agency (Nov. 8, 1984). None of the statutory provisions authorizing treatment of tribes as states had been enacted at the time EPA promulgated its Indian Policy. Amendments addressing Indians were added to the SDWA and CERCLA in 1986, to the CWA in 1987, and to the CAA in 1990.

135. *Id.*

136. *Id.*

137. *Id.*

Overview of Indian Law Issues

1. Tribes

-Indian tribes are sovereign governments, subject to federal but not state power. Tribal members are citizens of the United States, of their tribes, and, for some purposes, of states.

-In the late 19th century, Congress encouraged non-Indians to settle reservations. This policy was discontinued, but large parts of some reservations are now owned in fee by non-Indians.

2. EPA Indian Policy and Statutes

-Under its 1984 Indian Policy EPA works with tribes on a government-to-government basis, with tribes playing the same role on reservations that states play elsewhere.

-Beginning in 1986, the Safe Drinking Water, Clean Water, Clean Air Acts, and CERCLA have been amended to authorize EPA to treat tribes in the same manner as states. Agency regulations allow tribes to qualify for "treatment as states," through a process tribes have criticized as creating paperwork burdens, and which the Agency has proposed a regulation to revise. Air Act regulations will soon be proposed.

3. Jurisdiction on Reservations

-Tribal civil authority over tribal members and lands is generally unchallenged. Tribes lack criminal authority over non-Indians. Tribal civil authority over non-Indians and non-Indian lands ("fee lands") within reservations is a difficult issue, that sometimes leads to confrontations between tribes and states.

-EPA recognizes that tribes, as governments, have inherent sovereign authority over activity on fee lands that "threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe."

> -This test, which EPA applies in its Water Act regulations, involves a fact-specific analysis, recognizing that environmental activities generally have serious effects. Tribes can usually demonstrate authority over environmental matters throughout reservations.
>
> -Some states are uncomfortable with this approach. See Flathead materials.

-Congress has broad authority over tribal affairs and may, by statute, delegate authority to tribes, extending tribal authority to areas that may be beyond the tribe's inherent authority.

-EPA intends to propose Clean Air Act regulation providing that, approved tribe will exercise authority over all air activities within the borders of a reservation, not just those within tribe's inherent authority.

-Novel interpretation. May have some legal risk.

-Differs from interpretation of Water Acts. May be pressure to construe Water Acts as delegations, or to seek amendatory language.

-Delegation approach emphatic in treating reservations as cohesive administrative units; moves toward limiting state presence on reservations.

-Provides clarity, predictability.

-Raises jurisdictional issue squarely and attempts to resolve it through rule-making, rather than case-by-case as with inherent authority.

4. EPA-Tribal Concept Paper

-The Agency has never expressly foreclosed approval of a state program on a reservation.

-In 1991 EPA's Administrator generally endorsed a Regional Concept Paper which would effectively preclude almost any state programs anywhere on a reservation, even in areas where tribe lacked inherent authority.

-The Agency has never explicitly followed this approach, and has not discussed it in any regulation governing reservation jurisdiction, including those promulgated since Concept Paper. Nevertheless, Paper is sometimes cited as a statement of official Agency policy.

-If the Agency intends to implement this approach, it should announce it formally in a forum that provides full notice to all affected parties.

5. Funding for Tribes:

-Grants are principal component of Indian program to date; Agency has authorized handful of tribes to operate federal programs, has awarded hundreds of grants.

-Tribes are eligible for categorical grants for work in individual programs, such as water or air.

-EPA has special authority to award grants to tribes for the purpose of developing general capacity to manage reservation environments. This program grew out of an Agency initiative to identify how best to meet the needs of tribes.

Indian Policy

Issued November 1984, when none of EPA statutes addressed tribal role comprehensively (several statutes have been amended to specify tribal role in environmental management). Until 1991, EPA was only Agency with Indian Policy; DOE now has one. Key principles: recognition of principle of tribal self-government, and commitment to working with tribes as governments.

Specific Provisions

1. Work with tribes directly, not as subdivisions of states.

2. Recognize tribal governments as primary parties for managing reservation environments.

3. Affirmatively encourage and assist tribes in assuming management responsibility for reservations.

   -"EPA will retain responsibility for managing programs for reservations." Federal programs are not in place on many reservations.

   -Agency will displace state from reservations without "an express [Congressional] grant of jurisdiction" to state. Regulations adopted since Policy imply that a state may be able to assume role on reservation without an express grant of authority. See Discussion of Concept Paper in Overview.

4. Work to remove barriers to working effectively with tribes in managing reservation programs. [To extent this refers to seeking amendments to statutes that fail to address tribes, it has been accomplished for SDWA, CWA, CAA, CERCLA, which now address tribes].

5. Consistent with trust responsibility, assure that tribal concerns and interests are considered in decisions affecting reservations.

6. Encourage cooperation between tribes and state and local governments.

7. Work with Federal agencies to help tribes assume reservation management responsibilities.

8. Strive to assure compliance with environmental laws on Indian land; attempt to bring tribal facilities into compliance by working cooperatively with tribes before resorting to more formal enforcement procedures.

9. Incorporate the goals of the Policy into Agency planning and management.

Agency Trust Responsibility to Indian Tribes

The federal government has a general trust relationship with Indians, which informs federal policy and requires that the federal government consider the best interests of the tribes in its dealings with them. However, specific, legally enforceable trust responsibilities ordinarily arise only from a formal action of the United States, such as a statute, treaty, or executive order.

The legal contours of the federal trust responsibility have not been fully defined; the Supreme Court has recently declined to expand trust doctrine in Lincoln v. Vigil. OGC is currently examining whether and to what extent the trust responsibility may impose legal duties on EPA in implementing environmental programs on Indian lands. Because the responsibility is federal, it will be necessary to coordinate with other agencies, including DOI and HHS, as well as DOJ, before adopting any formal views.

It is our current understanding that the trust relationship provides a compelling policy argument for adopting policies and practices that favor Indian tribal interests. It also provides the basis for a legal argument to support such policy decisions. However, it is unclear whether and to what extent the trust relationship can, in the absence of a specific statutory or other mandate, create a legally enforceable duty for the Agency to adopt particular policy choices.

December 1993 Region 5 ORC staff memo suggests that the federal trust responsibility may compel certain policy choices. Parts of the analysis are problematic.

-Most potentially serious problem is statement that "Federal agencies administering Indian programs ..., when faced with more than one reasonable course of action, must choose the alternative that is in the best interest of the affected Indians." [emphasis added]. To the extent this suggests that EPA could be legally precluded from choosing the alternative that is in the best interest of the environment, it is not correct.

-Suggestion that EPA might have broad responsibility to protect certain tribal resources located outside reservation boundaries is speculative.

-Memorandum may have been circulated outside the Agency, and could be raised at forthcoming Tribal Operations Committee meeting to urge the Administrator to adopt an expansive view of the federal trust responsibility to tribes. Other materials placed before the Administrator have also taken an expansive view of the federal trust responsibility..

-General Counsel is preparing to address issue of trust, has not yet adopted formal position.

Flathead Issues

60% of reservation land owned by tribe or individual Indians; rest by non-Indians; 75% of residents are non-Indian.

Tribe and state disagree bitterly over tribal authority to regulate non-Indian lands located within reservation boundaries:

> Non-Indian irrigators have actively lobbied against tribal jurisdiction directly, and through Senator Baucus, who argued that EPA regulations should define tribal jurisdiction under CWA narrowly; CWA regulations have not followed this approach.
>
> Mike Evans, former Baucus staffer, now General Counsel of EPWC, met with Agency staff to express concern with tribal regulation of non-Indians on Flathead reservation; suggested that if EPA construes CWA to subject non-Indians to civil actions in tribal courts, (which are not subject to Bill of Rights), CWA should be amended. Specific concerns focused on inability of non-Indians to participate in tribal government, problems obtaining just compensation for regulatory takings.
>
> Tribe has active, sophisticated environmental program with large staff, extensive experience working with EPA grants.
>
> Tribe has submitted applications for approval of programs under Sections 303 (Water Quality Standards or "WQS") and 404 (wetlands) of the Clean Water Act. Tribe has expressed concerns that EPA has not processed applications promptly.
>
>> 303 package in final stages of review in Region, may be nearly ready for decision; final Regional action may be delayed to accommodate public meetings RA would like to arrange with irrigators. Upon approval in Region, will come to HQ for concurrence (as first 303 approval in Region 8). If approved immediately, would be fourth tribal 303 program approved.
>>
>> 404 package is now complete, being reviewed in Region. Upon approval, will come to HQ for concurrence. To date, one state has obtained 404 program approval (approval of a second is imminent); Flathead would be first tribe in nation.

Key issue: jurisdiction. WQS regulation, based on Supreme Court decisions, finds tribal jurisdiction over management of water activity that has a substantial effect on tribal health or welfare. EPA will approve application if it meets this test, but if decision is challenged, reservation demcgraphics may make this an unattractive "test case" for regulation.

Alaska Native Villages and Alaska Native Corporations.

1. Background: ANCSA

Status of Alaska Indians defined by Alaska Native Claims Settlement Act (ANCSA), which provided Alaska Indian entities with money and title to some lands as part of final settlement of Indian claims to large areas of land; this ensured the orderly development of Alaska resources, including oil.

Alaska Native Villages function as governments with authority over their members; other Alaska Indian entities, such as Native Corporations may perform non-governmental functions.

Native Villages do not have "reservations," generally do not have land held in trust for them by the U.S.; ("trust" status is important basis for tribal jurisdiction over land).

2. Issues for EPA Programs

EPA statutes generally authorize EPA to work only with tribes that are federally recognized. DOI periodically publishes a list of recognized Indian tribes. Entities not on this list are not "federally recognized" for purposes of EPA programs. October 1993 list includes over 200 villages, regional tribes that function as governments, but does not include non-governmental entities such as Native Corporations (which were included in 1988 list).

A January 11, 1993 DOI Solicitor's Opinion states that villages have little or no governmental power over lands. That statement is under review but has not been withdrawn or modified. This creates some uncertainty about role of villages for EPA programs. EPA statutes authorize role only for tribes with "reservation" or jurisdiction over some "area;" under Solicitor's Opinion, villages may not meet this requirement.

EPA Indian Law Issues

I. EPA Indian Policy and Statutes

A. Tribes

Indian tribes are distinct political entities, "domestic, dependent nations," possessing a unique sovereignty. Tribes are subject to the supreme power of the federal government, but not to state power. Tribal members are citizens of the United States, of their tribes, and, for many purposes, of the states in which they live. The Bill of Rights does not apply to Indian tribes, although the Indian Civil Rights Act imposes many of the same limitations on tribal governmental power. There are nearly three hundred federally recognized tribes in the continental United States; their reservations cover an area larger than New England. Collectively, the nation's tribes are extremely diverse, culturally, politically, and sociologically.

Although tribes historically have been located on reservations, for a time late in the nineteenth century Congress adopted a policy of terminating reservations, allotting part of the land to individual Indians and making the rest available for non-Indians for purchase and settlement. By the time this policy was discontinued, substantial portions of some reservations were owned by non-Indians.

B. EPA Indian Policy

EPA statutes define a federal-state partnership in environmental management. However, states generally lack authority on Indian lands, and the statutes have, until recently, not addressed such lands. Under its 1984 Indian Policy EPA undertook to work with tribes on a government-to-government basis, with tribes playing the same role on reservations that states play elsewhere. Since 1986, the Safe Drinking Water, Clean Water, and Clean Air Acts, and CERCLA have been amended to address Indians by authorizing (but not requiring) EPA to treat Indian tribes in the same manner in which it treats states. Agency Water Act regulations allow tribes to apply for "treatment as states," through a process tribes have criticized and which the Agency has issued a regulatory proposal to revise.

II. Jurisdiction on Reservations

Tribal authority over tribal members and lands is generally unchallenged. However, authority over non-Indians and non-Indian lands within reservations is a difficult political and legal issue, that is a source of friction between tribes and states.

EPA's analysis of reservation jurisdiction is based on the Supreme Court's recognition that "a tribe may ... retain inherent

power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe." In determining whether a tribe has jurisdiction over an activity, EPA conducts a fact-specific analysis which focuses on the effects of the regulated activity on the tribe, recognizing that environmental activities generally have serious impacts on human health and welfare. Although this approach addresses jurisdiction on a case-by-case basis, and recognizes the possibility that a tribe might lack jurisdiction in some cases, as a practical matter it means that tribes will usually be able to demonstrate authority over environmental matters on fee lands. Some states are uncomfortable with EPA's approach, particularly as applied to reservations with large non-Indian populations.

Congress has broad authority over tribal affairs and may, by statute, delegate federal authority to a tribe. Such a delegation could provide a federal statutory source of tribal authority that would not depend on the tribe's inherent authority. The Agency has not construed the Clean Water or Safe Drinking Water Acts as such delegations; however, EPA is preparing to issue regulations under the Clean Air Act, under which approved tribes will have jurisdiction over entire reservations.

III. Trust Responsibility

The federal government has a general trust relationship with Indians. This relationship is based in part on the fact that the United States holds title to Indian lands and resources as trustee for tribes. The existence of a trust relationship informs federal policy and requires that the federal government consider the best interests of the tribes in its dealings with them. The trust also provides the basis for the legal principle that ambiguities or doubts in statutes must be construed in favor of Indians. However, specific, legally enforceable trust responsibilities ordinarily arise only from some formal action of the United States such as a statute, treaty, or executive order.

The legal contours of the federal trust responsibility have not been fully defined; the Supreme Court recently declined to expand trust doctrine in Lincoln v. Vigil. While the trust relationship provides a compelling policy argument for adopting policies and practices that favor Indian tribal interests, it is unclear whether and to what extent the trust relationship can, in the absence of a specific statutory or other mandate, create a legally enforceable duty for the Agency to adopt particular policy choices. OGC is currently examining this issue closely.

IV. Funding Issues

Many tribes seek financial assistance for developing environmental programs. Tribes are eligible for categorical grants for work in individual programs, such as water or air. In addition, as a result of an Agency initiative to identify how best to meet the needs of tribes, EPA sought and obtained Congressional authority to award multimedia grants to tribes for the purpose of developing general capacity to manage reservation environments. The Indian Environmental General Assistance Program Act of 1992 gives the Agency a new authority that supports continued funding of general tribal capacity building and program development. The Agency is currently developing regulations for implementing that new authority.

V. State-Tribal Agreements

Cooperative agreements provide a mechanism for addressing jurisdictional tensions between tribes and states. It has been the stated policy of Congress (in the Clean Water Act) and the Agency to promote such agreements wherever possible. While it is clear that a tribe cannot cede jurisdiction to a state under a cooperative agreement, there may be considerable flexibility in the types of activities states can perform for tribes under such agreements. Intergovernmental cooperation is also critical among tribes, which frequently work together, pooling resources and knowledge in consortia.

Flathead Issues

1. Jurisdiction, Tribal program applications

55-60% of reservation land owned by tribe or individual Indians; rest by non-Indians; 75-90% of residents are non-Indian.

Tribe and state disagree bitterly over tribal authority to regulate non-Indian lands located within reservation boundaries:

> Non-Indian irrigators have actively lobbied against tribal jurisdiction directly, and through Senator Baucus, who argued that EPA should define tribal jurisdiction narrowly in Water Quality Standards Regulation; Regulation, as promulgated rejected this approach.
>
> Miike Evans, former Baucus staffer, now General Counsel of EWPC, met with Agency staff to express concern with tribal regulation of non-Indians on Flathead reservation; suggested that if EPA construes CWA to subject non-Indians to civil actions in tribal courts, (which are not subject to Bill of Rights), CWA should be amended.
>
> Tribe has active, sophisticated environmental program with large staff, extensive experience working with EPA grants.
>
> Tribe has submitted applications for approval of 303 (Water Quality Standards), 404 (wetlands) programs under Clean Water Act. (WQS Regulation issued in 1991; 404 regulation issued Feb. 1993, long after tribe submitted application).

Key issue: jurisdiction. WQS regulation, based on Supreme Court decisions, finds tribal jurisdiction over management of water activity that has a substantial effect on tribal health or welfare.

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NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

SUMMARY
"Treatment-as-a-State" Regulations
U.S. Environmental Protection Agency

The amendments to the Interim Final Rule under the Clean Water Act and the proposed amendments to Final Rules under the Clean Water and Safe Drinking Water Acts are designed to simplify EPA's process for qualifying Indian tribes for financial assistance and program approval. They were 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 promulgated regulations for implementing this authority under the Water Acts and is developing the Air Act regulations.

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 proposed and interim final rules, current regulations would be amended to eliminate TAS review as a separate step in the processing of a tribal application for a grant or program approval. Under the new, simplified process, the Agency will ensure compliance with statutory requirements as an integral part of the process of reviewing grant or 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 rules amend 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 sometimes 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 Act 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 foreclose 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 substantially altered under the proposed and interim final rules:

(1) comments will no longer be sought from "appropriate governmental entities" with regard to tribal grant applications;

(2) 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 program. This change will have the effect only of eliminating duplicative requirements;

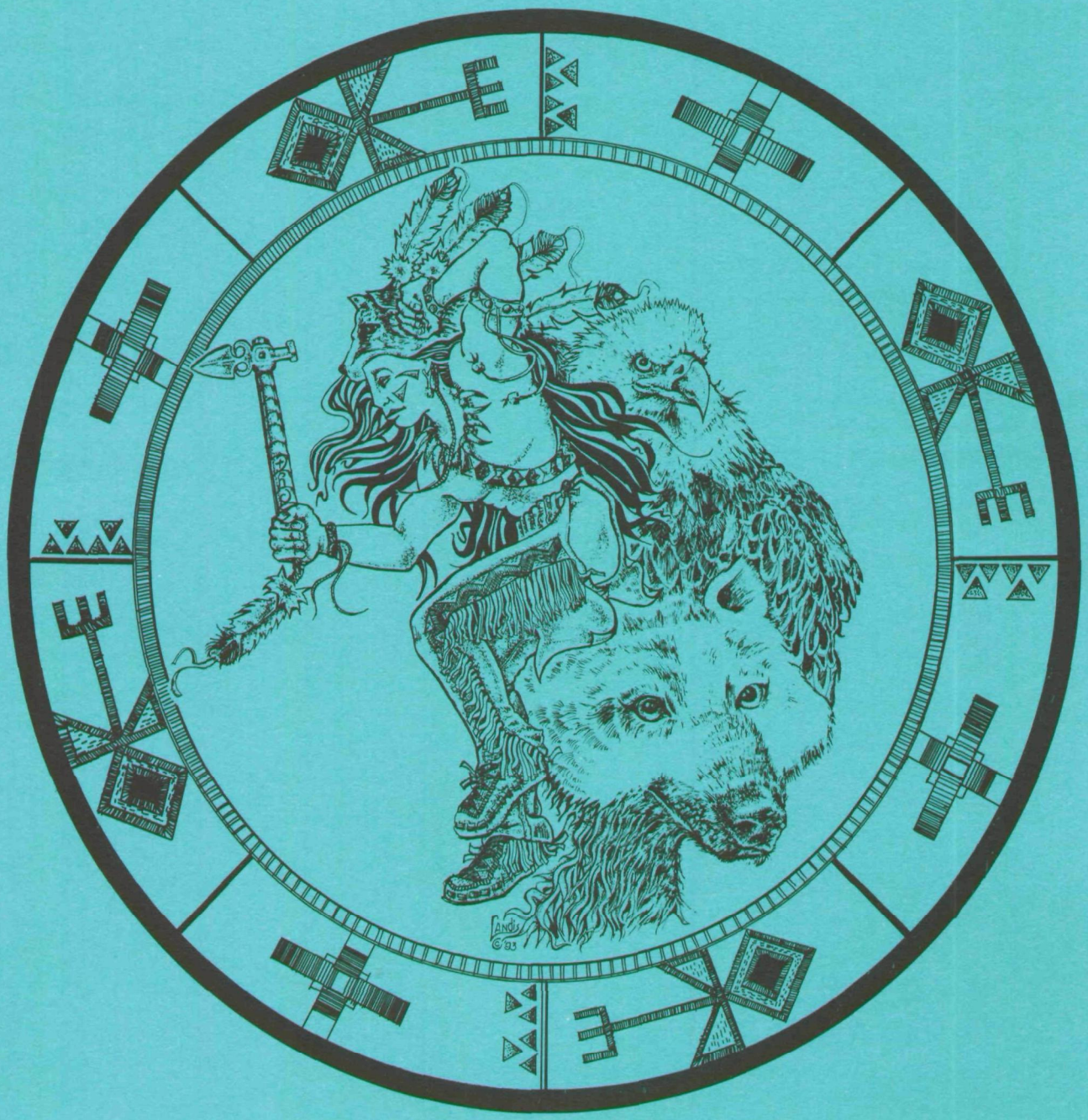
(3) for the Water Quality Standards program, there is no

U.S. Environmental Protection Agency
Region 7
Tribal, State and Local
Capacity Building Workgroup

January 1994

Everything You Wanted To Know About Environmental Regulations . . .

but were afraid to ask



A Guide for Indian Nations

Dear Tribal Representative:

In developing this document, "Everything You Wanted To Know About Environmental Regulations But Were Afraid To Ask," we have attempted to provide you with information that will assist you in protecting the environmental resources of your reservation.

While the Environmental Protection Agency can provide the framework for regulatory compliance, program development, and technical assistance, we acknowledge that Tribes are stewards of their land, air, and water. Tribal governments provide a vital role of educating EPA in traditional and valuable stewardship perspectives. We appreciate this leadership, and look forward to working with you in the future to protect the tribal environment.

Sincerely,

William W. Rice,
Acting Regional Administrator
Region 7 Environmental Protection Agency

Everything You Wanted To Know About Environmental Regulations But Were Afraid To Ask

Comments and Evaluations

Please indicate which handbook you received:

_____Tribal _____Iowa _____Kansas _____Nebraska

Please indicate your affiliation: _____Community _____State

_____Assistance Provider _____Federal _____Other

Did you find the handbook helpful?

Did you learn about any regulations you were unaware of? If so, which one(s)?

Did you make any new contacts as a result of this handbook?

What improvements would make the handbook more helpful to you?

Thank you for your time and thoughts. Please fold this page on the dotted line, and mail (with a stamp) to the address on the other side.

Water Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, Kansas 66101

Attn: WPAB/WIAS

Everything You Wanted To Know About Environmental Regulations

But Were Afraid To Ask

A Guide For Indian Nations

January, 1994

This handbook was produced by the Region 7 office of the Environmental Protection Agency (EPA). Cover by Bill Landis, Office of Public Affairs, Region 7.

Printed on recycled paper

Preface

This handbook was prepared for use by representatives of tribal comunities 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 mid-1993. 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 Cross Media, Air, Land, and Water programs. Cross media programs are those that can reach across any of the other program areas. Definitions and acronyms are provided at the end of the handbook.

This document was initially prepared in 1990 by the Midwest Assistance Program (MAP) under contract to the U.S. Environmental Protection Agency, Region 8. It was expanded by the Region 8 Small Community Work Group in early 1991. In Region 7, separate handbooks have also been developed for each of the four states. A few sections on various wastewater related grant programs were obtained from Region 8's, Water Management Solutions, A Guide for Indian Tribes (EPA 908-K-93-001; February, 1993).

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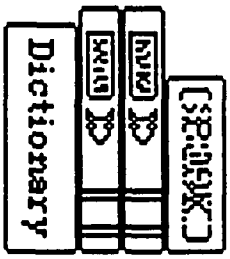

EPA REGION 7 SERVICES

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 howto 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 addtion to the toll free number list above, please contact the reservation liaison at (913) 551-7298, or the Region 7 Indian Coordinator at (913) 551-7810. A voice mail message may be left on these numbers 24 hours a day.

Multi-Media Agreements For Indian Tribes

Public Law 102-389 provides "...that from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multi-media environmental programs."

EPA's goal is to assist in the development of tribal environmental programs which are tailored to individual tribal needs. Multi-media assistance agreements are intended to assist Indian tribes in developing the capacity to manage their own environmental programs by providing an integrated and streamlined means for the tribes to receive federal assistance. Multi-media assistance agreements offer the opportunity for a tribe to develop an integrated environmental program, develop the capability to manage specific delegated programs, and as appropriate, implement a continuing core program for pollution prevention, abatement and control. These assistance agreements provide the opportunity for the tribes to define and develop administrative and legal infrastructures, and to implement program-specific assessments, inspections, monitoring, planning and corrective actions, and to undertake other activities to develop environmental programs within a simplified adminstrative framework. As the administrative requirements are minimized with a multi-media assistance agreement, the tribe's resources are focused on environmental management.

The objective of the multi-media grant approach is to build tribal capacity by directing resources to environmental management through a simplified adminstrative process. For additional information on multi-media agreements, contact:

Indian Program Coordinator
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7810

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 examine all parts of the facility, the equipment and the procedures in use at the facility and then make 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. These are most often the local fire or police departments. The first responder training includes safety, communications and contacts who can provide assistance when necessary.

CROSS MEDIA PROGRAMS

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. Pollution that cannot be prevented should be recycled whenever possible. Pollution 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 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 reservation 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 ofpollution 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; use water conserving landscaping.

-Buy energy efficient automobiles and other 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 more 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 to replenish the earth's oxygen supply and clean the air.

Additional Information

Regional Contact:

Pollution Prevention Program:
Waste Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101

1-913-551-7050

CROSS MEDIA PROGRAMS

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 a partnership for a variety of 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 can initiate 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 leaders 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.

Additional Information

Public-Private Partnership Program:
Office of Policy and Management
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913- 551-7045

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

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

Does the Emergency Planning and Community Right-to-Know Act apply to a tribal community?

Yes, the chemicals in your community may pose a threat to members 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 that do not comply, and it allows tribal members 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 citizens and 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 citizens and 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 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 not only to 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 deal more effectively with and prevent chemical emergencies.

Additional Information

Regional Contact:

Toxics Substances Control Section
Air and Toxics Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7020

SARA Title III Hotline, 1-800-535-0202

CROSS MEDIA PROGRAMS

ASBESTOS

Schools - Reservation, 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 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.

- Every six months, survey all locations of asbestos-containing materials for any damage. Take appropriate steps to repair/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 public 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-containg material that has already been stripped or removed and placed in containers or left on the floor or ground.

Under the NESHAP, renovation operations require notification to the appropriate regulatory agency, as well as compliance with work practice procedures, waste disposal requirements, and recordkeeping provisions apply to those demolition operations 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-containg 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 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 EPA Region 7 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.

Additional Information

EPA Toxic Substances Control Act (TSCA) Hotline 1-202-554-1404

ASHHA Asbestos Hotline (Schools) 1-800-462-6706

"Managing Asbestos in Place, A Building Owner's Guide to Operations and Maintenance Programs for Asbestos-Containing Materials"

"The ABC's of Asbestos in Schools"

"100 Commonly Asked Questions About the New AHERA Asbestos-in-Schools Rule"

For the following information, please call the EPA Region 7 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"

Regional Contact:

Asbestos Control Program
Air and Toxics Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7499

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.

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

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 communities, 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 the 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 the EPA.

IRAA also required the EPA to develop a program to evaluate radon mitigation contractors and radon measurement labs. In response, the EPA established four regional radon training centers to train radon professionals. The 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. The 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 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 members 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 inthe tribal communities; fourth, by ensuring that local radon contractors are RCP-listed or state-certified; 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

Regional Contact:
Radon Program
Air and Toxics Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7020

Radon Measurement Proficiency Program
Sandy Cohen & Associates, Inc.
1418 I-85 Parkway
Montgomery, AL 36106
1-205-272-2797

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 the 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 trainingt, 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 training programs, particularly with respect to groundwater protection, worker protection and endangered species protection. EPA has prepared a Pesticides in Groundwater Strategy 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).

Regional Contact:

Pesticide Program
Air and Toxics Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913- 551-7020

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 con taminated 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.

Dielectric fluid less than 50 part per million (ppm) PCBs is considered "Non-PCB," but disposal is regulated by the states. Fluid from 50-499 ppm is "PCB contaminated" and is regulated. Fluid at 500 ppm or greater is considered "PCB" and is highly regulated.

Currently, EPA has Cooperative Agreements to do PCB inspections. EPA does the enforcement since the reservation does not have enforcement legisilation in place.

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 and maintained.

Additional Information

PCB Regulations; 40 CFR, Part 761.

Regional Contact:

Toxic Substances Control Section
Air and Toxics Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7020

AIR PROGRAM

CLEAN AIR ACT AMENDMENTS

Will the Clean Air Act Amendments apply to my Reservation?

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. Emitting 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, the EPA 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 Coordinator, or the office listed below, prior to addressing significant air pollution issues.

Additional Information

Regional Contact:

Air and Toxics Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7020

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:

Radiation and Indoor Air Section
Air and Toxics Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7020
1-800-223-0425

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)

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 the 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 1300 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 1800 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.

Additional Information

Superfund Program
Waste Management Division
EPA Region 7

726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7052

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 what 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, many of which may still exhibit some of the dangers described above, are 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 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 kilograms is approximately five, 55 gallon drums of material.

-Small Quantity Generator - Facilities that generate less than 1,000 kilograms per month of hazardous waste but more than 100 kilograms per month (approximately one half 55 gallon drum). 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 tribal community or by tribal facility operations themselves. Because hazardous waste includes things like solvents, corrosives, and materials containing heavy metals like chrome, 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 Toxic 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 no longer are 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 a very expensive 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:

Regional Contact:

RCRA Program
Waste Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7051

RCRA Regulations 40 CFR Parts 260-272

RCRA Hotline 1-800-424-9346

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 Part 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 Priotities List.

Action your tribal community shoud 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 collection sites.

Additional Information

Regional Contact:

Solid Waste Program
Waste Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7051

RCRA Hotline: 1-800-424-9346

40 CFR Part 258, regulations under RCRA Subtitle D

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 regulations.

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/overfills 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'm 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 and safety.

-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.

Regional Contact:

UST Program
Waste Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7051

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:

Regional Contact:

Wetlands Program
Office of Planning and Management
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7042

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 C.F.R., 1977 Comp. pp. 121-123.

The Wetlands Protection Hotline:
1-800-832-7828 9-5:30 (EST) M-F, excluding Federal holidays.

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 the provision to the public of water for human consumption, if such system has at least 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 a 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 systems - System that serves at least 25 of the same persons over 6 months of a year (e.g., schools, factories, nursing homes, etc.)."

The Environmental Protection Agency (EPA) is responsible for assuring the requirements found in the NPDWR are carried out. The Public Water System Program in EPA Region 7 has been delegated to the states of Iowa, Kansas, Missouri and Nebraska, with the exception of Indian lands. 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.

For questions on the drinking water requirements for tribal communities, please use the following contact.

Regional Contact:
Drinking Water Program
Water Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7032

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.

Safe Drinking Water Hotline: 1-800-426-4791, 9-5:30 (EST) M-F, excluding Federal Holidays.

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/nitrite 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 contaminate 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 rule for IOCs is 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 (> 10 micrometers 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 to tribal 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 be 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 finalized 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 cement pipe. 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 tribal community, contact IHS for information on this rule.

Additional Information

The rule for Asbestos is 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 IOCs, 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 reservation 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

On October 28, 1987, specific public notice requirements were published as a final rule.

MCLs

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 tribal community 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 are 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 Drinking Water Hotline: 1-800-426-4791.

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 samples 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 notfication requirements discussed separately beginning on page 65.

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 preform 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 there are no detects of SOCs, 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 toEPA with a request for a waiver. If a waiver is granted, no monitoring is required for that 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 finalized 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/1
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 8 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 3 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 within 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 chemical 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 is 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 After 1 year < 50% of MCL, SWS may reduce to an annual sample	Quarterly	≥ 50% MCL	NO
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)

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 from one to three 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.

National Safe Drinking Water Act Hotline 1- 800-426-4791

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 2 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 late 1993. 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	-	20 pCi/l
Radium - 228	-	20 pCi/l
Uranium	-	20 ug/l
Radon	-	300 pCi/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 are expected to be proposed in June 1993 and will 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

Proposed MCLs have not yet been circulated. The MCL for total trihalomethanes is 0.1 mg/l.

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 requires 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 mandatory 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 (see below)
- EPA Rules are generally effective 18 months after being finalized

WATER PROGRAMS

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.

EPA Region 7 administers the UIC program on Indian lands. For further information, please contact:

UIC Program
Water Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7032

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.

Regional Contact:
Indian 106 Program
Water Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7034

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 aremultiple, 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.

Regional Contact:

Nonpoint Source Pollution Control Program
Water Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7034

WATER PROGRAMS

WASTEWATER

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 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.

Regional Contact:

Water Compliance Branch	726 Minnesota Ave.
Water Management Division	Kansas City, KS 66101
EPA, Region 7	1-913-551-7034

WATER PROGRAMS

WASTEWATER

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."

For more information on obtaining an Indian Set-Aside grant, please contact the Region 7 EPA contact below.

Additional Information:

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

Regional Contact:

Indian Set-Aside Program
Water Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7031

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

Regional Contact:
Clean Lakes Program
Water Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7439 or x-7431

WASTEWATER

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.

Regional Contact:

NPDES Program	726 Minnesota Ave.
Water Management Division	Kansas City, KS 66101
EPA Region 7	1-913-551-7034

WATER PROGRAMS

WASTEWATER

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.

Regional Contact:

Water Compliance Program
Water Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7034

WATER PROGRAMS

WASTEWATER

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 record keeping 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 .

Sewage Sludge Final Rule, 40 CFR Part 503.

Regional Contact: Sludge Program/Water ComplianceBranch
Water Management Division/EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101 1-913-551-7034

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.

Regional Contact:

Pretreatment Program
Water Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7034

WATER PROGRAMS

WASTEWATER

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 terms "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 exposed 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);

Additional Information

Regional Contact:

Stormwater Program
Water Management Division
EPA Region 7
726 Minnesota Ave.
Kansas City, KS 66101
1-913-551-7034

DEFINITIONS-ACRONYMS

AHERA - Asbestos Hazard Emergency Response Act

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.

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).

CERCLA - Comprehensive Environmental Response, Compensation and Liability Act ; also known as Superfund.

CFR - Code of Federal Regulations

DBP - Disinfection By-product

EPA - Environmental Protection Agency

FIFRA - Federal Insecticide, Fungicide, and Rodenticide Act

Groundwater - Water below the land surface that feeds wells and springs.

IOC - Inorganic Chemical

IRAA - Indoor Radon Abatement Act

LEA - Local Education Agency

LEPC - Local Emergency Planning Committee, established under SARA

MCL - Maximum Contaminant Level

NESHAP - National Emission Standards Hazardous Air Pollutants

NPDES - National Pollution Discharge Elimination System

NPDWR - National Primary Drinking Water Regulation

NTNC - Non-transient non-community

OSHA - Occupational Safety and Health Administration

pH - A measurement of hydrogen ion in a compound; determines whether a compound is "acidic" or "basic."

RCP - Radon Contractor Proficiency

RCRA - Resource Conservation and Recovery Act

SARA - Superfund Amendments and Reauthorization Act

SDWA - Safe Drinking Water Act

SERC - State Emergency Response Commission, established under SARA

SIC - Standard Industrial Classification

SMCRA - Surface Mining Control and Reclamation Act

SMF - Standardized Monitoring Framework

SOC - Synthetic Organic Chemical (non-volatile)

TCLP - Toxicity Characteristic Leaching Procedure

TSCA - Toxic Substances Control Act

UIC - Underground Injection Control

UST - Underground Storage Tank

VOC - Volatile Organic Chemical

WHP - Wellhead Protection