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EPA Activities On Indian Reservations FY 89

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL ACTIVITIES ON INDIAN RESERVATIONS: FY 89

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ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL ACTIVITIES ON INDIAN RESERVATIONS: FY 89

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 three major areas: (1) seeking amendments to environmental statutes in order to clarify the role of tribal governments in this area; (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; and (3) working to incorporate attention to tribal environmental problems and issues into EPA's broader management structure: operating guidance, program strategies, budget considerations, etc.

This report is designed to give an 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 thousands of dollars that EPA headquarters and each region expended on each program (i.e., Clean Air Act, Federal Insecticide, Fungicide and Rodenticide Act) on Indian lands. It is important to note that travel funds and salaries are not included in the funding column or in the matrix page of this report; if they were, the total amount of reported monies would be larger. It also 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.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OBSERVATIONS

1. In FY 89, EPA expended approximately $7.3 million and 93 workyears on environmental activities on Indian lands.

2. Increases in funding occurred in programs funded under the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation, and Liability Act. These increases represent an across-the-board increase in Indian activities by the EPA media program offices.

3. The one significant decrease in funding occurred in the Office of Pesticides and Toxic Substances. The FY 88 figures included a one-time expenditure of $1 million for asbestos management plans.

4. There was also an increase in workyears expended. Increases occurred in the programs operated by the Offices of Water, Solid Waste, and Federal Activities. There were no major decreases.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL ACTIVITIES ON INDIAN RESERVATIONS: FY 89

PROGRAM HIGHLIGHTS FOR FY 89

Office of Air and Radiation

The headquarters Office of Air Programs conducted a review of existing data and found that more than 100 tribes have lands in counties that are in non-attainment for National Ambient Air Quality Standards. Region 8 contracted for technical assistance for tribes developing tribal air quality codes and to assist in coordinating their air quality efforts with the respective states. This was in addition to continuing regional support for the air quality efforts that it undertook with tribes in FY 88.

The Office of Radiation Programs provided charcoal canisters and alpha track detctors and technical assistance for radon surveys on Indian lands in Nebraska, Iowa, North Dakota, South Dakota, New Mexico, Colorado and Utah.

Office of Water

The Office of Water published interim final regulations for grants to tribes under Section 106 of the CWA. Headquarters and regional offices coordinated their efforts and issued 14 grants to tribes for water quality management activities.

The Office of Water and regional offices in Regions 4, 6, 9 and 10 deeveloped wastewater treatment pilot projects on Indian lands under Title II of the CWA. The Region 4 project was funded in FY 88 and conducted in FY 89. The other projects were funded and initiated in FY 89.

Region 6 awarded a direct implementation grant for underground injection control.

Office of Solid Waste and Emergency Response

The Office of Emergency and Remedial Response developed and distributed a booklet for tribal officials describing how tribes can participate in EPA's programs under CERCLA. It is entitled "Hazardous Waste Releases on Indian Land."

The Office of Solid Waste provided funding to regions for the development of solid waste management plans for seven reservations.

The Office of Underground Storage Tanks continued its pilot projects in Regions 8 and 9 to determine the most effective way of working with tribes to prevent and respond to leaking underground storage tanks. Efforts in Region 8 indicated that the number of tanks in Indian lands may be significantly larger than first thought.

PROGRAM HIGHLIGHTS FOR FY 89 (CON'T)

Region 6 entered into a pre-remedial cooperative agreement with the Navajo Tribe for the evaluation of 33 sites in New Mexico. In addition, Region 6 gave the Navajo Tribe a Superfund core program development grant.

Office of Pesticides and Toxic Substances

The Office of Compliance Monitoring (OCM) provided funding to support pesticid enforcement cooperative agreement programs on Indian reservations. Eight cooperat agreement programs involving 15 tribes, were negotiated by the regions with tribes ar tribal consortium (the InterTribal Council of Arizona [ITCA]) in Regions 8, 9, and 10. OC provided funds, through Region 9, to ITCA to conduct a special enforcement project or species on 8 reservations.

OPTS, incooperation with Region 9 and ITCA, conducted the EPA/Tribal Inspecto workshop in Phoenix. The workshop provided three days of training for tribal pesticic inspectors and other tribal representatives from Regions 8, 9, and 10. Twelve tribes w enforcement cooperative agreements with EPA and 14 tribes which are not currently i program were represented at the workshop.

Headdquarters funded a review of its Indian program implementation. The findi study will be evaluated for action in FY 90.

Office of Federal Activities

The Office of Federal Activities provided funds for the first year of a three-year training program that will teach tribes to identify and overcome administrative and other barriers that hinder tribes from full participation in environmental protection programs.

OFA underwent a reorganization and was assigned to the Office of Enforcement upon the dissolution of the Office of External Affairs.

Region 8 sponsored a very well attended training session on "Working Effectively with Tribal Governments" for regional manager and staff. Other regions are considering the same kind of activity to sensitize their staffs to the kinds of special issues that arise when working with tribal governments. A similar training session was provided to members of the Senior Executive Service in headquarters.

PROGRAM HIGHLIGHTS FOR FY 89 (CON'T)

Communciation

The Agency continued to focus on tribal communciations. A formal EPA Indian communciations plan was adopted and disseminated to tribal officials and staff. As part of that plan, staff have been assigned to headquarters program office and regional Indian workgroups. These individuals are assigned the task of communcating with tribes on programmatic and day-to-day issues.

In addition to day-to-day communcations, a concerted effort was made to provide tribal representatives with training on environmental issues. Region 6 teamed up with the Indian Health Service in New Mexico to provide wastewater treatment plant operator training. Two training sessions on pesticide issues were held for tribal representatives by OPTS. OFA issued a guide on training opportunities for tribes. The Office of Radiation funded radon mitigation training in Region 5. And funds were committed to provide training sessions on Title III of SARA and on environmental planning and solid waste management planning. These sessions will take place in FY 90.

FY 88 ENVIRONMENTAL ACTIVITIES ON INDIAN RESERVATIONS

REG	OAR		CWA		SDWA-UIC		SDWA-PWSS		SDWA-GWP		OPTS		RCRA		SARA/CERCLA/TITLE III		OFA		OGC/ORC		TOTAL	
	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY	Exp.	WY
1			40	0.1		0.1				0.1								0.2		0.1	40	0.6
2	30	0.3	80	0.4		0.5	9	0.4						0.3	47	1.2	50	0.7		0.1	216	3.9
3																						
4				0.3				0.4						0.1				0.3		0.1	0	1.2
5	87.9	1	360	2.9	15	0.4	48.2	0.9				0.1	55	1.5	15	0.1	100	3		0.7	681.1	10.6
6	9	0.1	1273	0.7	305.5	22.5	47.2	1.5				0.2	110	0.8	465	1.2		1		0.3	2209.7	28.3
7		0.1		0.2		0.3	10	1									10	1.2			20	2.8
8	695.5	0.9	270	0.7	112.5	2.7	40	0.6	75	0.3	185.5	1	189	0.8	200	2	50	1.8		1	1817.5	11.8
9	174	0.2	126.1	1.5			115.2	3			294.5	0.8	105	4.2	269		57	4.4		0.5	1140.8	14.6
10	38.1	0.5	727	2.5	20	0.3	37.8	0.2		0.2	18	0.5	35	1	25	0.4	50	1.5		0.8	950.9	7.9
HQ	27	1.2		3		0.5		0.5			6		25	0.8	6	1	190.3	2.7		1.2	254.3	10.9
TOT	1062	4.3	2876	12	453	27.3	307.4	8.5	75	0.6	504	2.6	519	9.5	1027	5.9	507.3	16.8	0	4.8	7330.3	92.6

WY = Workyear (rounded to the nearest 0.1)
Exp. = Expenditure ($1,000)
All figures are rounded to the nearest 0.1 workyear and the nearest $100.

MATRIX

EPA ACTIVITIES ON INDIAN RESERVATIONS : FY 89

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 pollution. The 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 primary responsibility for the control and prevention of air pollution.

The EPA strategy to meet the requirements of the Act in the 1980s focused on five major program goals. They were:

* Reduce the risk of exposure to air toxics.

* Achieve National Ambient Air Quality Standards (NAAQSs) set to protect human health.

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

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

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

The first three goals are directed at addressing major environmental problems. They are listed in general order of national priority, based on public health risk and feasibility of control. The order of these priorities may vary from area to area depending on the relative health risks presented by local pollution problems. The fourth and fifth goals are more programmatic and cross-cutting in nature.

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

* Reduce risk of exposure to unhealthful levels of radiation.

* Maintain comprehensive surveillance and effective emergency response capabilities.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF AIR AND RADIATION - AIR PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 2	$30.0	0.10	F/A	Funding to the St. Regis Mohawk Tribe under Section 105 for air quality monitoring. Source of funds was OFA.
		0.20	Outreach	Sent copies of informative materials to the Seneca Nation concerning radon. Exploring the possibility of entering into an agreement with HUD to address radon corrective measures.
Region 5	$38.0	0.35	F/A	Air assistance award provided for a program to assess air quality levels for the White Earth Reservation. Support provided for monitoring acid precipitation, wood burning and to analyze filters for heavy metals and pesticides.
	$44.9	0.35	F/A	An air assistance agreement to the Oneida, Menominee and Stockbridge-Munsee Community Tribes, in consortium, for an air monitoring program to assess air quality particulate levels, pesticides, heavy metals, and sulfur dioxide.
		0.05	T/A	Technical assistance and guidance to the Region 5 Indian Program Coordinator for air grant-related issues.
		0.02	Outreach T/A	Review of proposal submitted by North American Water Office to conduct 3 seminars on acid rain.
		0.05	T/A	Reviewed five progress reports for four tribes' quarterly progress.
		0.03	T/A	Reviewed FY 90 Air Program guidance for two Region 5 tribes.
		0.02	T/A	Reviewed laboratory report on toxics for the White Earth Reservation.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF AIR AND RADIATION - AIR PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 6	$9.0		F/A	Contribution to Navajo air grant which is managed by Region 9.
		0.06	D/I	Inspection and follow up of portable rock crusher on Santa Ana and Sandia land and of a coal preparation plan on Navajo land.
		0.02	T/A	Trained staff and coordinated household radon survey carried out by Albuquerque IHS for all Indian lands in NM except Navajo.
Region 7		0.06	T/A	Supported IHS in implementing radon monitoring program including training of radon surveyors, data management and survey design.
Region 8	$517.0	0.50	F/A	Provided grants to 9 reservations to complete emissions inventories and air quality climatology and to progress toward the development of air quality codes and regulations for each reservation.
		0.10	T/A	Air Programs Officer provided training in handling and interpreting air quality data. Also coordinated presentations of special efforts and projects occurring on reservations.
		0.10	T/A	PSD permit applicability determination and modeling/monitoring assessment in instances of a proposal to locate a stationary source on reservation land under federal permitting authority
	$12.0		T/A	Air quality monitoring assistance by the State of Montana, including equipment servicing and location selection. Coordination between reservations and state program activities for all Montana tribes receiving air quality monitoring grants.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF AIR AND RADIATION - AIR PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 8 (cont.)	$66.5		T/A	Funded CERT to provide technical assistance in developing tribal air quality codes and regulations for non-Montana tribes receiving CAA Section 105 grants. Early stages of regulation development include CERT's efforts to coordinate the air quality interest of each tribe and appropriate state air officials.
	$100.0	0.20	F/A T/A	Two reservations completed PM-10 monitoring; assisted in the development of source control plans for TIP.
Region 9	$174.0	0.20	F/A	Navajo Air Quality Project for monitoring, inventory, modeling training, and TIP development.
Region 10	$38.1	0.20	T/A	Program grant awarded to Shoshone-Bannock Tribe.
		0.10	D/I	Oversight of program grant to Shoshone-Bannock Tribe.
		0.01	D/I	Inspected plywood mill on Warm Springs Reservation and recommended improvements to air pollution control facilities.
		0.06	D/I	Processed Spokane Tribe PSD redesignation to Class I status.
		0.10	Outreach	Provided information to tribes regarding EPA air programs and funding.
HQ	$7.0	0.25	D/I	Conducted a review of data to determine the number of tribes that had land in non-attainment counties.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF AIR AND RADIATION - RADIATION PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 5	$5.0	0.05	D/I	Developed and delivered a 3-day hands-on radon mitigation training course to tribal group.
		0.05	T/A	Technical assistance and guidance were provided to IHS, BIA, HUD, and Region 5 Indian Coordinator on radon issues.
HQ/ORP/ Regions 6, 7 & 8	$15.0	0.20	D/I	1400 charcoal canisters and 200 alpha track detectors and technical assistance provided for radon surveys on Indian lands in NE, IA, ND, SD, NM, CO, and UT.
HQ/ORP/ Region 5	$5.0	0.10	T/A	Developed training for radon measurement of homes on Indian lands.
HQ/ORP		0.10	T/A	Provided radiation detection equipment, reference materials and training to Navajo for radiation surveys.
HQ/ORP & Regional Offices		0.50	T/A	Worked with Indian Coordinators and IHS staff to provide information and assistance to Indian tribes concerning radon assessment and mitigation techniques.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

THE OFFICE OF WATER

The EPA together with state, tribal and local governments has responsibility for water quality in three areas. The first is reducing pollution of surface waters. The second is preventing contamination of groundwater needed for human consumption. The final area concerns maintaining the purity of drinking water. The EPA, states and tribes also implement programs to protect general groundwater quality authorized under several different statutes and described in EPA's 1984 groundwater strategy.

Authority to implement these programs comes from three major statutes. They are:

Safe Drinking Water Act (SDWA)

Ensure that drinking waters are free from harmful contaminants, protect groundwater from contamination by underground injection, and support groundwater quality management initiatives.

Clean Water Act (CWA)

Restore and maintain the chemical, physical, and biological integrity of the nation's waters.

Marine Protection, Research, and Sanctuaries Act (MPRSA)

Provide for the safe and effective disposal of dredged materials, sewage sludge, hazardous waste, and other materials at sea. (This statute does not directly relate to American Indian tribes or tribal governmental authorities.)

The Groundwater Protection Strategy, though not a statute, supports the development and implementation of groundwater protection programs. It also provides a common policy basis for all EPA Groundwater Program activities.

The Safe Drinking Water Act and 1986 amendments establish four programs through which the EPA is to fulfill its mandate of ensuring that drinking waters are free from harmful contaminants. The first one is the Public Water Supply Supervision Program (PWSS), which focuses on providing safe drinking water to users of public water systems. The Underground Injection Control Program (UIC) focuses on protection of groundwater supplies that are or might be sources of drinking water from contamination by the subsurface injection of fluids by well operators.

The Sole Source Aquifer Demonstration Program (SSAD) authorizes funds to state, tribal or local political units to demonstrate unique groundwater protection activities. The Welhead Protection Program (WHP) authorizes funds to states and tribes to protect the area around public drinking water wells or wellfields. It should be noted, however, that Congress did not appropriate funds for these programs in FY 89.

THE OFFICE OF WATER (CON'T)

The Clean Water Act provides a comprehensive structure for water pollution control. The Act provides for (1) establishment of technology-based and water quality-based controls for sources of pollutants; (2) state and tribal water quality standards to protect water uses; (3) monitoring to assess water conditions and trends; and (4) water quality management (WQM) planning to analyze problems and design needed control measures.

The CWA accomplishes its purpose by creating a partnership between EPA and the governments of the various states and tribes. It allows for state and, under certain circumstances, tribal governments to develop water quality standards. In addition, it creates specific programs to assist states and tribes in funding pollution control activities in the areas of wastewater treatment, clean lakes restoration, and non-point source pollution abatement.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF WATER - CLEAN WATER ACT PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 1	$40.0	0.06	T/A Outreach	Project with NEIWPCC to provide outreach and technical assistance to Indian tribes in New England.
			T/A	Submitted documentation for two projects from the Passamaquoddy Tribe for inclusion on the national priority project list for wastewater facility construction grants.
Region 2		0.10	D/I	Assisted the St. Regis Mohawk Tribe and the Seneca Nation in identifying wastewater treatment needs and included their projects on the national priority project list for wastewater facility construction grants.
	$80.0	0.30	F/A	Awarded a Section 106 grant to the St. Regis Mohawk Tribe.
Region 4		0.25	T/A	Conducted a stream study at the Cherokee Reservation in NC for establishing stream standards and compliance activities.
		0.05	T/A	Provided technical assistance to the Seminole Indian Reservation in Dade County, FL, concerning operation and maintenance of their WWTPs.
Region 5		0.5	D/I	Five biological surveys at five reservations to assess ambient water quality using fish and benthic macroinvertebrates utilizing rapid assessment techniques. This phase documents baseline information from known or suspected point and nonpoint source influences.
		1.0	Outreach T/A	Indian Program Coordinator served as liaison among tribes, states, and Water Division Staff. Coordinated/planned workshops for SDWA/CWA activities.
		0.02	Outreach	Conducted a biological criteria conference which included Indian interest topics such as inland lakes and wetlands, biological criteria development, Superfund, and discussion groups.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF WATER - CLEAN WATER ACT PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 5 (cont.)	0.01	T/A	Advised	representatives of Lac du Flambeau Chippewa Indians on study plan objectives for assessing the impacts of a cranberry grower on reservation lakes. Technical assistance on selection of appropriate numbers of samples for a multi-media sampling scheme and test methodology.
		0.15	T/A	Technical assistance visits to 9 tribal facilities for evaluation of lagoon/land treatment systems with follow-up assistance.
		0.12	Outreach	Three combined EPA drinking/ wastewater workshops for tribal personnel.
	$30.0	0.05	T/A	Awarded 104(g)(1) grant to MN Rural Water Association to provide direct onsite technical training on administration, construction, operation and NPDES issues.
		0.70	F/A	Implementation of the construction grants set-aside program and setting project priorities. Also aided workgroup in finalizing procedures and criteria.
		0.01	D/I	Four NPDES permits were issued to Indian tribes.
		0.15	T/A	Visited all reservations to assess needs for NPDES permits. All sewage lagoon systems discharging to surface waters were issued permits.
	$240.0	0.10	F/A	Issued three lake water quality assessment grants
		0.01	Outreach	Distribution of "Clean Lakes Program Booklet." "Lake Conservation Handbook," "Lake Restoration Guidance Manual," and "Guidance on Lake Water Quality Assessment Grants" to all tribes.
		0.01	T/A	Provided guidance in preparation for clean lakes grant proposals.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF WATER - CLEAN WATER ACT PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 5 (cont.)	$90.0	0.10	F/A	Awarded Section 106 grants to the Oneida and Minnesota Chippewa Tribes and the Red Cliff and Red Lake Bands of Chippewa Indians.
Region 6			Outreach	Met with representatives of the Cherokee Nation and the Cheyenne-Arapaho Tribes to discuss their applications for priority list ranking for wastewater facility construction grants.
	$390.0	0.02	F/A	Isleta Pueblo was elected for funding as a model project for the wastewater facility construction grant program.
	$40.0	0.05	T/A	Entered into an IAG with the Albuquerque Area IHS to provide wastewater operator training to 19 Indian Pueblos and 2 Apache Tribes in NM and two Ute Tribes in CO. Documented approach and results for use in developing Indian operator training programs in other areas.
		0.05	Outreach	Letter sent to all eligible tribes reminding them of the deadline for applying to the region for national priority project listing for waste-water facility construction grants.
	$843.0		F/A	Title II construction grant awarded to Pojoaque Pueblo.
		0.08	T/A	Technical assistance for developing WQSs for the Pueblos of Sandia, San Juan and Isleta.
		0.08	T/A	Developed a model WQS to be used for discussion purposes for developing tribal water quality standards.
		0.05	Outreach	Prepared FY 90 priorities letter for Indian water quality management program.
		0.30	Outreach	Prepared address list for mailing of EPA's FY 90 Operating Guidance. Transmitted information to tribes as requested.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF WATER - CLEAN WATER ACT PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 6 (cont.)		0.02	T/A	Assisted Indian tribes with application and eligibility requirements for Section 106 grants. Meetings with Sandia, San Ildefonso, Taos, Santa Domingo, and Pojoaque Pueblos and the eight Northern Indian Pueblos' Council.
Region 7		0.10	T/A	Promoted construction grants Indian set-aside program on Indian reservations including assessing wastewater needs and assisting tribes in preparing grant applications.
		0.05	T/A	Assisted tribes in preparing grant applications for the Section 106 water quality management program.
Region 8		0.05	Outreach	Meetings, workshops, and correspondence with tribes for priority ranking of construction grants projects.
		0.04	T/A	IHS, St. Stephens School and Arapahoe and Shoshone tribal personnel clarified ownership and accountability issues for wastewater treatment facilities.
	$230.0	0.50	F/A T/A	Water quality management and planning including assessment, monitoring, data analysis, groundwater and nonpoint pollution.
	$40.0	0.10	F/A T/A	Lake water quality assessment grants and technical assistance.
Region 9	$80.0	0.08	F/A	Clean lakes grant funding awarded to Pyramid Lake Paiute Tribe from the NV Division of Environmental Protection as part of an EPA clean lakes grant.
		0.45	D/I	Reviewed "treatment as a state" applications from 15 tribes.
		0.10	Outreach	Provided information via workshops on water quality management planning for AZ tribes and the Inter-Tribal Council of AZ.
	$46.1	0.25	F/A	Construction grant awarded to White Mountain Apache Tribe for planning and design of a wastewater treatment facility.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF WATER - CLEAN WATER ACT PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 9 (cont.)		0.25	F/A	Reviewed applications submitted for the wastewater facility construction grants program.
		0.10		Assisted in negotiations with the Pyramid Lake Paiute Tribe, the NV Division of Environmental Protection, and the Cities of Reno and Sparks to resolve Truckee River water quality issues.
		0.30	D/I	NPDES permits issued on Indian lands: NTUA (Kinlichee) NTUA (Chinle) NTUA (Kayenta) NTUA (Tuba City) NTUA (Many Farms) BIA (TEEL) BIA (Hunters Point) BIA (Pine Springs) BIA (Pine Springs)
Region 10		0.05	T/A	Assisted the Nez Perce Tribe in developing water quality standards.
		0.01	T/A	Assisted other tribes in developing water quality standards.
	$32.0	0.02	F/A D/I	Awarded 104(b)(3) grant to the Confederated Colville Tribes for water enforcement.
		0.60	D/I	Issued Section 402 permits for Sand Point and Tyonek Alaska Native Villages and the Nome Eskimo Community. Reviewed 301(h) waivers.
		0.20	D/I	Prepared NPDES permit and inspected lagoon at the Warm Springs Reservation.
	$550.0	0.30	F/A D/I	Model construction grant to Tulalip Tribe. Oversight and planning/design for this project.
	$125.0	0.30	F/A D/I	Model construction grant to the Alaska Native Village of Huslia. Oversight and planning/design for this project.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF WATER - CLEAN WATER ACT PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 10 (cont.)		0.20	D/I	Assisted Spokane Tribe concerning closure of the Dawn Uranium Mine site.
		0.10	D/I	Participated in program and priority list development for the Title II Indian set-aside program.
	$20.0		F/A	Awarded Section 106 grant to Swinomish Tribe.
		0.25	T/A	Conducted pre-award activities with tribes slated to receive Section 106 funding.
		0.02	Outreach	Advised tribes on program/funding for clean lakes.
		0.02	Outreach	Provided information on EPA's non-point source programs to Indian tribes.
		0.01	D/I	Administered construction grants to the Swinomish and Shoshone-Bannock Tribes, and the Nome Eskimo Community.
		0.03	F/A	Developed proposal to provide financial management assistance to Alaska native villages.
		0.01	Outreach	Informed tribes of wastewater treatment facility funding available from EPA.
		0.25	Outreach	Visited Alaska native villages regarding the Title II Indian set-aside program.
		0.03	D/I	Assisted Confederated Colville Tribes in promulgation of tribal water quality standards.
		0.02	Outreach	Ongoing communication with Columbia River Inter-Tribal Fish Commission regarding state water quality standards.
		0.05	Outreach	Informed tribes of water quality standards developments and issues and Section 106 grant funding issues.
HQ		3.0	D/I Outreach	Development of Indian regulations for the CWA and associated consultation with tribes.

EPA ACTIVITIES ON INDIAN RESERVATIONS FY 89

OFFICE OF WATER - SAFE DRINKING WATER PROGRAMS - UIC

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 1		0.05	T/A Outreach	Provided information as needed to NE Indian tribes about UIC Program.
Region 2		0.10	D/I	Administered the UIC program for the Seneca Nations.
		0.20	D/I	Administered the new SDWA amendments for the St. Regis Mohawk . Tribe and the Seneca Nation.
		0.10	T/A	Provided technical assistance to the Seneca Nation for inspection of Class II wells.
		0.10	T/A	Provided technical assistance to the Seneca Nation and the St. Regis Mohawk Tribe on UIC program delegation.
Region 5	$15.0	0.25	D/I	An IAG with IHS to assist in direct implementation by providing an inventory of UIC wells emphasizing Class V.
		0.10	T/A	Provided training on injection wells to IHS field personnel and tribal staff.
Region 6		0.50	Outreach	Developed UIC regulations for the remaining OK and NM Indian lands, including all Ute Mountain Ute and Navajo lands. Coordinated with Regions 8 and 9, the Bureau of Land Management and the BIA in development of a MOU to implement the above UIC regulations. Coordinated the development and implementation of the programs. Participated on OW Indian Workgroup and reviewed, commented and participated in meetings regarding Indian primacy regulations.
		0.65	Outreach	Conducted 2 seminars for tribes, well owners, and operators on the new regulations.
		0.33	Outreach	Met with leaders of the Ute Mountain Ute and Jicarilla Apache Tribes in New Mexico and 13 tribal representatives in OK to determine UIC D/I procedures and requirements for EPA assistance.

EPA ACTIVITIES ON INDIAN RESERVATIONS FY 89

OFFICE OF WATER - SAFE DRINKING WATER PROGRAMS - UIC

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 6 (cont.)	$91.9		F/A	Awarded grant to Navajo Tribe for UIC direct implementation activities.
	$213.6	21.0	F/A	Awarded grant to Osage Tribe for UIC direct implementation activities.
Region 7		0.25	D/I	Staff implemented regulations for UIC on Indian lands, as necessary.
Region 8	$107.0	2.0	D/I	Continued direct implementation and aquifer protection activities on MT, UT, WY and CO Indian lands.
	$1.0	0.05	T/A	Participated in HQ IWG developing primacy guidance package. Assistance provided to well operators to help protect tribal aquifers. Support to Indian tribes and regional IWG.
	$0.5	0.05	Outreach	Discussions with Wind River Tribes regarding primacy.
	$4.0	0.50	D/I	Coordinated with regions and tribes on Navajo and Ute Mt. regarding implementation of program.
		0.05	D/I	Developed a strategy to identify and set priorities for Class V wells on Region 8 Indian lands.
Region 10	$20.0	0.05	D/I	Took inventory of UIC wells on Indian lands in WA.
		0.20	T/A	Met with tribes to discuss UIC primacy issues.
HQ		0.50	D/I Outreach	Development of Indian UIC regulations and associated outreach to tribes.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF WATER - SAFE DRINKING WATER PROGRAMS - PWSS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 2	$9.0	0.10	F/A	Provided funds to the Seneca Nation and the St. Regis Mohawk Tribe for PWS monitoring, testing and training.
		0.30	T/A	Provided direct technical assistance to the St. Regis Mohawk Tribe and the Seneca Nation of Indians for their PWSs.
Region 4		0.30	D/I	Sanitary surveys of all the drinking water systems on the four reservations were conducted. Provided funds for VOC sampling through grant from ODW.
		0.10	T/A	Direct technical assistance to the four tribes on their PWSs.
Region 5		0.25	D/I	Sanitary surveys were conducted at PWSs by the MRWA circuit rider. Radiological and inorganic chemicals were collected.
	$5.0		D/I	Contracted labs to analyze samples from the sanitary surveys. Fifty-one (51) PWSs targeted for Radium 226-228 analyses.
	$38.0	0.50	T/A	Grant to MRWA Circuit Rider. Provided technical assistance related to operation and maintenance of community systems on 29 reservations.
	$4.6	0.10	Outreach	Outreach activities included the publication of "Community Water Systems O&M Service line" and an SDWA workshop.
	$0.60	0.01	T/A	Provided T/A to the Minnesota Chippewa Tribe in developing its laboratory capability to meet EPA certification for nitrates and microbiological analyses.
		0.02	D/I	Evaluated and certified Minnesota Chippewa Tribe's laboratory to analyze PWS samples for nitrates and coliforms.

EPA ACTIVITIES ON INDIAN RESERVATIONS FY 89

OFFICE OF WATER - SAFE DRINKING WATER PROGRAMS - PWSS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 5 (cont.)		0.04	T/A	TA was provided to the Minnesota Chippewa in reviewing technical specifications for selection of instrumentation to conduct PWS metals analysis and to conduct mercury analysis of fish flesh. Equipment has been purchased and is in the process of being put "on-line."
Region 6	$22.2	0.60	D/I	Implementation of drinking water regulations on Apache and pueblo lands in New Mexico. Funding for laboratory analysis of samples required by SDWA awarded.
	$1.0	0.10	D/I	Follow-up work onVOC survey of all Apache and pueblo public water supply wells in New Mexico. EPA regional laboratory supplied laboratory resources.
		0.20	Outreach	Assistance provided to Indian training sessions on an update of EPA regulations and other technical information.
	$24.0	0.40	T/A	Through an IAG with IHS, training was provided for water operators to ensure compliance with the SDWA. Assistance also was provided to help tribes form utility authorities that will develop ordinances and fee systems, and to help tribes cope with operator turnover situations.
		0.10	T/A	Reviewed "treatment as a state" applications.
Region 7	$7.9	0.65	T/A	IAG with IHS Aberdeen Area for (1) two studies of lead in water in homes on the Sac and Fox and the Winnebago Reservations, (2) testing and preparing water operators for certification, and (3) management training for tribal managers, council members, utilities directors and tribal planners.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF WATER - SAFE DRINKING WATER PROGRAMS - PWSS

PROGRAM HEADING	($000) FUNDING	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 7 (cont.)	$2.1	0.33	D/I	Indian Lands Coordinator and state staff visited tribal PWSs to discuss the SDWA requirements and to perform sanitary surveys. Met with IHS and BIA staff, and attended a workshop for tribal staff.
		0.02	D/I	Regional Counsel reviewed regulations and documents prepared for tribes.
Region 8	$35.0		T/A	O&M training for Indian water system operators through the AWWA of SD using a trainer traveling to reservations to conduct hands-on training.
	$5.0		T/A	Continued SDWA training to tribal council members and utility managers through IAG with IHS.
		0.50	D/I	Continued tracking, monitoring and compliance activities for water systems, including surveys.
		0.05	D/I	Updated inventories on facility conditions and T/A needs through performance of sanitary surveys on Indian lands.
Region 9	$15.0		D/I	Cooperative agreement with NTUA for the continuation of an O&M training program for operators of water systems owned, operated and maintained by NTUA. The program grant included the development of videotapes for use in classroom instruction, purchase of video-related equipment, etc.
	$15.0		D/I T/A	Cooperative agreement with Navajo PWSS program to implement parts of the PWSS program including surveys, case-by-case follow-up on reported violations, and systems visits to promote O&M.
			T/A	Continuation of cooperative agreement with the Tohono O'Odham for costs associated with tribal assistance to EPA in implementing portions of the PWSS program. $15,000 awarded in FY 88.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF WATER - SAFE DRINKING WATER PROGRAMS - PWSS

PROGRAM HEADING	($000) FUNDING	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 9 (cont.)			T/A	Grant to SCTCA for operator training and utility district formation. (Prior year funding.)
			D/I	Logging & tracking data collected from over 450 PWSs on Indian lands.
			T/A	Continued IAG with IHS CA Area Office for operator training. (Prior year funding.)
	$24.0		D/I	Developed computer information system for tracking water quality monitoring results and inventory data for Indian PWSs.
	$30.0		T/A	Continuation of IAG with IHS CA Area Office for O&M advocate/ circuit rider position. Provided hands-on training and support for operators in isolated rural communities in northern CA.
			D/I	Performed sanitary surveys and inspections of PWSs on Indian lands in CA, NV, and AZ.
	$20.0		T/A	IAG with IHS to partially fund an O&M coordinator for western Arizona; provided for increased emphasis on O&M aspects of water supply and wastewater treatment facilities.
	$5.0		T/A Outreach	Revised and reprinted flyer to inform homeowners about water treatment facilities.
			T/A	Worked with tribes applying for "treatment as a state" in developing approvable applications.
			D/I	Worked with IHS, tribes and affected counties along the CA side of the Colorado River to resolve jurisdictional issues for regulating PWSs on tribal lands.
		3.0 For all PWSS projects noted above.	D/I	Directed implementation of SDWA on Indian lands, including administrative enforcement, T/A, and supervision.
	$1.5		D/I	A contract to a lab to analyze water samples collected by IHS and EPA

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF WATER - SAFE DRINKING WATER PROGRAMS - PWSS

PROGRAM HEADING	($000) FUNDING	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 9 (cont.)	$4.7		D/I	Provided analytical support for pesticide/herbicide analysis of several surface water systems.
Region 10	$37.8	0.10	F/A	Co-sponsored Indian PWS operator training program with IHS.
		0.05	T/A	Met with tribes to discuss primacy issues.
HQ		0.50	D/I Outreach	Development of Indian SDWA regulations and associated outreach to tribes.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF WATER - GROUNDWATER PROGRAMS

PROGRAM HEADING	($000) FUNDING	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 1		0.05	T/A Outreach	Provided information to northeast Indian tribes about the Wellhead Protection Program.
		0.01	T/A	Reviewed federally financed projects with the potential for contaminating groundwater on the Narragansett Indian Tribe's lands.
Region 8	$50.0*	0.30	F/A	Grant to the Turtle Mountain Reservation to develop a risk-based environmental information system to use for developing priorities for pollution reduction and prevention. Project has been expanded to include input of data and information about two potential Superfund sites on the reservation. *Funding provided by the Office of Policy, Planning and Evaluation.
	$25.0		F/A	Hired a contractor to complete training and development of part of the Turtle Mountain environmental information system.
Region 10		0.004	Outreach	Met with Swinomish tribe to discuss a Section 106 grant.
		0.008	Outreach	Met with the Yakima Tribe concerning sole source aquifer and wellhead protection programs.
		0.06	D/I	Tulalip sole source aquifer designation process.
		0.10	T/A	Assisted in review of quality assurance project plan, safety plan and sampling program for petroleum release cleanup activities on Warm Springs Reservation.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

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 (FIFRA), the Federal Food, Drug and Cosmetic Act (FFDCA), the Toxic Substances Control Act (TSCA), the Asbestos Hazard Emergency Response Act (AHERA), the Asbestos Schools Hazard Abatement Act (ASHAA), and Title III of the Superfund Amendments and Reauthorization Act (SARA)..

These authorizations recognize the need for protecting human health and the environment from harmful chemicals. They form the basis of the OPTS program activities on Indian lands.

Programs under ASHAA and AHERA focus on the elimination of asbestos in schools and public buildings as an existing chemical risk/hazard while other potential risks from new and existing chemicals (including pesticides) are identified, assessed, and managed under TSCA, FIFRA, and the Emergency Planning/Community Right to Know Act (Title III of SARA). This broad coverage enables EPA to take a variety of regulatory actions which impact on the manufacture, distribution in commerce, processing, use and disposal of chemical substances for the public good. To date, the states, regions, and EPA have collectively focused on achieving environmental results through federal assistance (e.g., asbestos abatement and enforcement grants) and outreach (e.g., training, seminars, etc.)

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

PROGRAM HEADING	($000) FUNDING	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 5			Outreach T/A	School asbestos inspection, assessment and management of buildings. (AHERA regulations for schools.)
		0.02	T/A	Background information packet for FIFRA grant guidance for the Oneida and other interested Region 5 tribes.
		0.03	Outreach	Conducted a pesticides seminar to facilitate information exchange between states, region and tribes in Region 5 on groundwater issues.
Region 6		0.20	T/A	Coordination and oversight of grant awarded by HQ to BIA to administer and subsidize the asbestos inspection and management plan development program under AHERA for all Indian schools in the U.S.
		0.02	D/I	Met with Laguna Pueblo representatives concerning a TSCA enforcement action against a pipeline company for contamination of Indian lands.
Region 8	$125.5		F/A	There are five pesticide cooperative enforcement agreements active in the region with the Cheyenne River, Lower Brule, Pine Ridge Oglala and Rosebud Sioux Tribes and Three Affiliated Tribes at Ft. Berthold. They provide for pesticide enforcement of FIFRA and tribal pesticide ordinances.
		0.20	T/A	Inspector training, program information, joint enforcement as requested.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

PROGRAM HEADING	($000) FUNDING	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 8 (cont.)		0.30	T/A	Program oversight, pesticide use and technical assistance. Efforts are under way to achieve tribal/ state/EPA coordination. Enforcement training involves pesticide problem identification.
		0.50	D/I	Pesticide enforcement on several reservations.
	$60.0		T/A	A national Indian tribal certification and training workshop to discuss pesticide program initiatives and detailed instructions for development and administration of certification and training programs.
				Two certification plans have been submitted for approval and Federal Register publication. Tribes submitting plans were the Rosebud Sioux and the Cheyenne River Sioux.
Region 9	$74.5	0.25	F/A	Grant to Navajo Nation to enable the tribe to enforce FIFRA and conduct a pesticide outreach program on the reservation.
	$140.0	0.50	F/A T/A	Grant to Inter-Tribal Council of Arizona on pesticide issues including enforcement of FIFRA and tribal pesticide ordinances, and to provide technical assistance. Tribes which are included in this effort are the Gila River and the Salt River Pima-Maricopa, Cocopah, Quechan, Ak Chin, Colorado River, Fort Mohave and Tohono O'Odham.
	$30.0		F/A T/A	Grant to the Inter-Tribal Council of Arizona to coordinate a FIFRA tribal inspectors' training workshop, which was held in March 1989 and which was attended by tribal representatives from reservations in EPA Regions 8, 9 and 10

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

PROGRAM HEADING	($000) FUNDING	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 9 (cont.)	$50.0	0.05	F/A	Funding for Inter-Tribal Council of Arizona to conduct a 2-year special project on endangered species that will include 8 of the reservations in AZ.
Region 10		0.20	D/I	Working with Shoshone-Bannock Tribes in pesticides enforcement, code development, training, disposal policies, safety programs and in development of an IAG.
	$18.0		F/A	Pesticide enforcement grant to Shoshone-Bannock Tribes to assist with implementation of the tribal pesticide code and certification programs.
		0.25	D/I	Work with Shoshone-Bannock Tribes to help develop and implement a penalty matrix and enforcement response policy.
		0.02	D/I	Investigation and inspection of Rockford Grain Growers at the request of the Coeur D'Alene Tribe.
		0.05	Outreach	Continue to train tribal inspectors and oversee the permit program. Participation in national pesticide training program for tribes.
HQ-ASHAA			Outreach	HQ personnel met with BIA officials regarding the ASHAA loan and grant program and assisted the Bureau with the application process.
HQ-OPTS	$6.0		T/A	AA/OPTS funded a review of Indian program implementation and options for revised strategies.
			T/A	OPTS mailed SARA Title III section 313 information to Indian libraries in order to increase public awareness of manufacturing facility emissions into the environment and to encourage access and use of this data for planning purposes.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

THE OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

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

EPA's goal in these areas is to protect human health and the environment by addressing hazardous substance emergencies and to address 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; and to promote community awareness of chemical hazards and to develop state, tribal and local capabilities for preventing and responding to chemical accidents and emergencies.

In FY 1989, the Office of Solid Waste's (OSW) greatest challenge in implementing the EPA Indian Policy involved efforts to provide technical assistance to Indian tribes for the implementation of Subtitle D (solid waste) in Indian Country. Toward this end, OSW has been working to provide funding to Indian tribes for technical training and to develop solid waste management plans.

In addition to this work, OSW has continued to evaluate statutory and regulatory issues regarding implementation of Subtitles C (hazardous waste) and D (solid waste) of RCRA in Indian Country. As part of this evaluation, OSW has included recommendations regarding statutory changes to RCRA as it pertains to Indian lands in its Report to Congress on Solid Waste Management in the United States. Recommendations included: (1) changing the statutory definition of Indian tribes (currently included under the municipality definition) to treat tribes as states similar to the language included in the Safe Drinking Water Act; and, (2) encouraging greater communication and coordination among the EPA, the Indian Health Service (IHS), the Bureau of Indian Affairs (BIA), and the Department of Housing and Urban Development (HUD).

The Office of Underground Storage Tanks (OUST) continued its efforts to assess the extent of human health and environmental problems caused by underground storage tanks (UST) on Indian lands. During FY 1989, OUST funded pilot projects in Regions 8 and 9 that provided outreach and compliance assistance, monitored compliance, and facilitated remediation efforts. OUST also began work on a draft interim guidance on conducting emergency federal-lead UST corrective actions for petroleum releases on Indian lands.

THE OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE (CONT)

The Office of Emergency and Remedial Response (OERR) was involved in the design of Indian identifiers for the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) during FY 1989. These identifiers are significant as they represent the first step in any emergency or remedial action under CERCLA. A booklet entitled "Hazardous Waste Releases on Indian Land," providing specific information on the site discovery process and general information on Superfund, was produced by OERR.

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

The Office of Waste Programs Enforcement (OWPE) provides technical support to the regional offices concerning enforcement issues on Indian lands. OWPE and the other OSWER program offices provided background materials and briefing issues in preparation for the Agency's testimony before the Senate Select Committee on Indian Affairs.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - RCRA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 2		0.10	Outreach	Met with the Seneca Nation concerning a proposal to site a waste-to-energy facility on its lands.
		0.10	Outreach	Analyzed grant funding and technical assistance available to Indian tribes in Region 2; presented the results to the St. Regis Mohawk Tribe.
		0.05	Outreach	Made a presentation at a national tribal water meeting in Denver, CO, concerning the Region 2/St. Regis Mohawk Tribal cooperative agreement.
Region 4		0.05	T/A	Consulted with the Cherokee Indian Tribe regarding proposed changes to RCRA and implications for solid waste landfills on tribal lands.
Region 5		0.10	T/A	RCRA/Superfund/UST division level program coordination.
		1.0	T/A	Pilot project with Menominee Tribe and negotiations on RCRA implementation.
	$25.0	0.20	Outreach	Training and technical assistance on developing solid waste plans and feasibility studies.
		0.05	T/A D/I	Training on landfill operations and groundwater contamination. Direct technical assistance on resolving a landfill methane problem.
		0.10	D/I	Compiled list of all known RCRA notifiers on Indian lands. Scheduled and conducted inspections.
	$30.0	0.02	T/A	Technical assistance grant to help Menominee fulfill pilot project and develop hazardous waste and other environmental regulations.
Region 6	$50.0	0.08	F/A	Processing grant applications for Northeast Oklahoma Solid Waste Advisory Committee to collect data on solid waste disposal systems to meet present and future needs in the NE Oklahoma region. The Committee includes members of the Cherokee Nation.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - RCRA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 6 (cont.)	$60.0*	0.25	D/I	Initiated work to identify the potential RCRA universe on Region 6 Indian lands. * $15,000 of FY 89 regional funds used to augment an existing contract for the project.
		0.05	T/A	Arranged for basic safety training to be provided to inspectors of the Navajo Environmental Protection Administration. Provided "mini-course" on RCRA inspections of hazardous waste generators and provided on-the-job training during inspection of a RCRA-regulated facility on Navajo land.
		0.02	D/I	Conducted a RCRA compliance evaluation inspection at the Four Corners Power Plant on Navajo land in New Mexico.
		0.01	T/A	Met with representatives of the Ponca Tribe to provide technical guidance and regulatory interpretation related to a proposed waste-to-energy facility on tribal lands in Marland,OK.
		0.20	D/I	RCRA enforcement and permit staff provided technical support and consultation to Laguna Pueblo representatives to correct problems from a hazardous waste release.
		0.04	D/I	Response to a special request from the Navajo Nation for information relative to tribal development of an UST program effort and tribal designation as an UST implementing agency.
				Examination of issues regarding implementation of Subtitle I (UST) activities on all Region 6 Indian lands, and specific issues relative to Navajo Reservation lands in Region 6. Efforts coordinated by UST staff with existing CERCLA program staff and Regional Indian Coordinator to determine feasibility of adding UST program development activities as part of a planned Navajo hazardous waste management program.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - RCRA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 6 (cont.)		0.02	D/I	Development of UST information materials for presentation to Navajo tribal leaders and staff in response to a request from the Tribal Chairman. Development of recommendations for possible program alternatives.
		0.01	T/A	On-site meeting with Navajo staff to explain total UST program concept and to discuss necessary legal tribal authorities for a program with the Navajo Department of Justice.
		0.02	D/I	Receipt of, and response to, leaking tank incident on Navajo Reservation lands in Region 6. Region assumed responsibility for oversight of responsible party investigation and corrective action at the site.
		0.02	D/I	General oversight of UST problems on Indian lands.
		0.04	D/I T/A	Development of a regional Indian tank notification data base; provision of UST regulations; information to all tribal governments in the region; continuing development of data requests and reporting formats for establishment of central notification files.
Region 8	$20.0	0.05	T/A	Contractor support to develop and implement a final solid waste landfill operational plan to include reservation-wide solid waste routing and collection utilized by the Blackfeet Tribe of Montana, the town of Browning, MT., Glacier National Park, and Glacier County, MT.
	$32.0	0.05	F/A	IAG with IHS in Phoenix, AZ, to hire a contractor to compile and develop a Uintah and Ouray Reservation-wide solid waste management study and landfill operations plan. Plan will include a system to manage solid wastes generated by communities near the reservations.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - RCRA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 8 (cont.)		0.05	Outreach	Provide assistance and/or guidance to Northern Cheyenne Tribe and its consultant on the feasibility of setting up a tribally run reuse, recovery and source reduction/ separation plant. Tribe may be eligible for municiple solid waste program "seed" funds for development of a pilot program to recycle materials from reservation wastes.
		0.10	Outreach	Overall solid waste coordination on Indian lands including program oversight, technical assistance, program information, and compliance statistics. Coordination activities always include involvement, cooperation, and assistance from IHS, BIA, HUD, and individual states.
	$25.0	0.05	T/A	Contractor support to develop solid waste management plan and acquire block grant ($100,000) for Corson County, SD, for development of a reservation-wide routing and collection system for Standing Rock Sioux Tribe of North/South Dakota.
	$10.0		F/A	Funding to support the development of a feasibility study of solid waste management options and preliminary development of a solid waste management plan for Fort Belknap.
	$50.0	0.40	D/I	CERT inventory of USTs.
	$2.0	0.08	D/I	Site assessments at leaking USTs.
	$50.0		D/I	Training of tribal members in UST related work.
Region 9	$45.0	1.0	T/A	Indian Lands Solid Waste Liaison to assist tribes in Region 9 in solving solid waste management problems and complying with federal standards.
		1.0	TA D/I Outreach	Pilot project to assess the extent of UST-related human health and environmental problems on Indian lands. An agreement with IHS in Phoenix, AZ, provides a circuit rider for EPA Region 9 under this pilot project.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - RCRA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 9 (cont.)		0.10	Outreach	Three workshops and informational meetings held for tribes, IHS, and BIA on the final federal UST regulations.
		0.20	Outreach	Seven tribal profiles completed to determine the extent of UST problems and tribal capabilities. Tribal UST notifications are being maintained, updated and entered into an EPA data base.
		0.17	D/I	Four RCRA compliance, closure, certification, or complaint inspections on the Navajo Nation and the Gila River Reservation.
		0.06	D/I	Two additional RCRA compliance/ complaint inspections (Navajo and Gila River).
		0.25	D/I	Reviewed inspection reports of RCRA handlers on Indian lands in Arizona (17 total). Issued 6 warning letters to facilities with suspected RCRA violations. Coordinated with appropriate tribal environmental personnel to verify compliance status.
		0.12	D/I	Issued 3008(a) order to illegal storage and disposal facility on the Gila River Reservation.
		0.50	D/I	Conducted oversight of compliance activities for three facilities on the Gila River Reservation under corrective action final orders.
		0.30	D/I	Issued two 3008(a) orders to facilities with major violations.
	$25.0	0.05	T/A	Provided support to the Rincon Reservation in S. Calif. to gather information on current solid waste management practices, develop ordinances to control solid waste, and develop a plan to eliminate unauthorized dumping, control hazardous waste disposal and provide training for landfill operation and maintenance.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - RCRA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 9 (cont.)		0.40	T/A D/I	Oversaw twelve LUST cleanups; oversaw reported installations and closures when feasible; responded to oral/written UST inquiries; prepared a final report with recommendations for FY 90.
	$35.0	0.05	T/A	Provided assistance to the Pyramid Lake Paiute Reservation to assess current solid waste management and to prepare and develop a solid waste management plan and program.
Region 10		0.05	Outreach	Responded to tribal concerns about RCRA implementation on Indian lands.
		0.60	D/I	Compliance and permitting activities at RCRA facilities on reservations, primarily the Puyallup.
	$35.0	0.02	F/A	IAG with IHS to address solid waste management issues on the Makah Reservation.
		0.01	Outreach	Provided information on RCRA Subtitle C to the Confederated Tribes of the Warm Springs Reservation.
		0.05	Outreach	Responded to tribal questions about RCRA Subtitle D implementation on Indian lands and possible funding.
		0.01	Outreach	Presentations to IHS and BIA concerning the emerging EPA solid waste program.
		0.01	Outreach	Conducted speaking engagements concerning UST/LUST program at regional tribal meetings and with IHS personnel.
		0.02	T/A	Mailing to owners/operators of USTs on Indian lands and to tribal coordinators discussing the updated federal UST requirements.
		0.20	T/A	Developed database and processed UST notification forms.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - RCRA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
HQ/OWPE		0.02	D/I	Provided guidance to Region 8 on Turtle Mountain Manufacturing Co. and prepared briefing paper for Senate Select Committee on Indian Affairs.
HQ/OSW	$25.0		T/A	Awarded grant to NCAI for (5) one-day solid waste training sessions.
		0.50	D/I	Participation in Indian Work Group; coordination of funds; preparation of Congressional briefings and meetings with tribal leaders.
HQ/OUST		0.10	D/I	Developed "Draft Interim Guidance on Conducting Emergency Federal-Lead UST Corrective Actions for Petroleum Releases on Indian Lands."
		0.10	D/I	General program coordination with OFA, OGC, other OSWER offices and regional offices.
HQ/AAs Office		0.04	D/I	OSWER Indian Program Coordination.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - CERCLA/SARA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPEE	PROGRAM DESCRIPTION
Region 2		0.50	Outreach T/A	Maintained close liaison with and provided legal and technical assistance to the St. Regis Mohawk Tribe on the remedial investigation/feasibility study for the GM Central Foundry Superfund site which borders on the reservation.
		0.20	D/I	Maintained liaison with the Tuscarora Tribe, and assisted in an enforcement action on Seneca Nation lands for oil spills under CERCLA/SARA and the CWA.
	$10.0*	0.20	F/A T/A	Provided the St. Regis Mohawk Tribe with funding and technical assistance to conduct studies on impacts to its natural resources due to the GM Central Foundry Superfund site. * Funding source OFA.
	$47.0	0.25	F/A	Awarded a CERCLA technical assistance grant to the Akwesasne Environmental Task Force for TA relating to the GM Central Foundry Superfund site.
Region 5		0.01	Outreach	Ft. Howard site managers made several visits to the Oneida Reservation to explain the Superfund program, discuss results of preliminary assessment/site investigations and explain how the tribe can get involved in the process.
	$15.0	0.05	Outreach	Funded a Superfund supporting agency cooperative agreement to the Oneida Tribe so that it can participate in the Ft. Howard Superfund site remedial investigation/ feasibility study.
Region 6	$200.0	0.10	F/A	Pre-remedial cooperative agreement to address 33 sites on the NM portion of the Navajo Nation.
	$250.0	0.10	F/A	Core program cooperative agreement for the overall development and administration of the Navajo Superfund program.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - CERCLA/SARA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 6 (cont.)		0.50	D/I	Staff review/comment on Navajo preliminary assessments and follow up reports.
		0.10	D/I	Monthly meetings with Navajo Superfund Office staff to provide guidance and review accomplishments.
		0.10	D/I	Staff participation in a national workgroup revising Superfund procurement regulations concerning Indian tribal government involvement in the Superfund program.
		0.02	D/I	Staff coordination for EPA field inspection team training activities for Navajo Superfund staff.
		0.10	D/I	Superfund staff coordination with underground storage tank staff in the development of a Navajo UST strategy and workplan in response to Navajo requests, and meetings with Navajo staff.
		0.01	D/I	Superfund enforcement staff activities and coordination with the Environmental Services Division for site inspection, sampling, and subsequent drum removal action on Navajo lands.
		0.01	D/I	Superfund technical staff participation in requests for uranium waste assessments on Navajo Nation lands.
		0.01	D/I	Superfund community relations staff response and follow up to Navajo technical assistance grant (TAG) inquiries concerning the Prewitt Refinery and United Nuclear sites.
	$15.0	0.02	F/A	Management assistance funding awarded to Navajo Superfund Office for the Prewitt Refinery and United Nuclear sites.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - CERCLA/SARA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 6 (cont.)		0.02	T/A	Technical assistance grant (TAG) workshops for Navajo Chapter Houses.
		0.02	D/I	Superfund community relations staff participation in site-specific public meetings for Prewitt Refinery and United Nuclear sites.
		0.01	D/I	Superfund community relations staff coordination with Navajo Superfund Office community relations staff in development of Navajo community relations plans and activities for Prewitt Refinery site.
		0.02	D/I	Superfund technical staff assistance, staff assistance and coordination with the Navajo Superfund Office and the primary responsible party for United Nuclear site remedial design/remedial action, site access, etc.
		0.05	D/I	Superfund enforcement and administrative staff participation in Navajo/primary responsible party remedial investigation/ feasibility study meetings and follow-up for Prewitt Refinery site.
Region 8	$200.0	2.0	D/I	Continued preliminary assessments at 41 sites on Indian lands.
			D/I	Superfund removal actions on several reservations in MT and SD.
Region 9	$19.0		D/I T/A Outreach	Removal of pesticides from an abandoned mine near Red Mesa, AZ, on the Navajo Reservation. In addition to the removal action, a hazard recognition class was conducted utilizing the removal as a case study.
			D/I	A site evaluation/investigation of an asbestos mono-fill on the Cortina Rancheria.
	$150.0		D/I	Removal of pesticides from Parker pesticide site (Trading Post) in Parker, AZ, on the Colorado River Indian Reservation.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - CERCLA/SARA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 9 (cont.)	$100.0		F/A	Cooperative agreement with the Arizona Department of Environmental Quality to assist EPA in conducting preliminary assessments and site investigations on federal and Indian lands in AZ.
Region 10		0.03	Outreach	One day Superfund workshop for tribes, IHS, and BIA. Overview of how Superfund applies to Indian tribes amd how they can get involved.
		0.25	T/A	Assistance to Tulalip Tribe regarding Tulalip landfill.
	$25.0	0.02	F/A D/I	Support for an agency cooperative agreement to the Puyallup Tribe for the Commencement Bay Superfund site.
		0.04	T/A	Working with the Puyallup Tribe concerning health assessment issues, natural resource issues, and discussions on Commencement Bay feasibility study and record of decision.
		0.01	Outreach	Meetings and briefings with tribes who are or may be affected by EPA's Superfund agreement at Hanford; in particular the Nez Perce, Yakima and Umatilla.
		0.02	Outreach	Responding to the concerns of the Coeur D'Alene Tribe regarding Bunker Hill Superfund site impacts.
		0.02	Outreach	Responding to the concerns of the Puyallup Tribe regarding Tacoma Tar Pits Superfund site impacts.
HQ/OERR		0.05	Outreach D/I	Design of Indian identifiers for the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)
	$6.0	0.50	Outreach T/A	Produced and distributed to all Indian tribes "Hazardous Waste Releases on Indian Land" booklets.
		0.25	Outreach T/A	Coordinated with regional offices concerning Superfund site discovery.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE - CERCLA/SARA PROGRAMS

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
HQ/OERR & Regions 6, 8, & 9		0.02	Outreac' T/A	gned a CERCLA core program ooperative agreement, a multi-site pre-remedial cooperative agreement, and a Superfund memorandum of agreement with the Navajo Nation. Provided support to the Grants Administration Division to develop the interim final rule for "Cooperative Agreements and Superfund State Contracts for Superfund Response Actions" as it relates to tribal governments
HQ/CEPPO		0.05	D/I	Developed and published proposed rule on the treatment of Indian tribes to be treated as states for purposes of Title III. Final rule to be published in FY 1990.
		0.05	Outreach	Developed and coordinated three workshops on emergency planning and response. Funding comes from FEMA/EPA grants approved in FY 1988.
		0.05	T/A	Coordinated activities related to six training grants approved in FY 1988.
HQ/AAs Office				OSWER Indian Program Coordination

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF ENFORCEMENT AND COMPLIANCE MONITORING

Office of Federal Activities

Formerly within the Office of External Affairs and now located within the Office of Enforcement and Compliance Monitoring (OECM), the Office of Federal Activities (OFA) is responsible for establishing effective liaison and coordination between EPA and other federal agencies on environmental issues and for working with those agencies to assure that they carry out their activities in an environmentally sound manner; for assuring that EPA's programs comply with the goals and requirements of the National Environmental Policy Act (NEPA) 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 and consider impacts on natural resources and environmental values, as well as on public health.

The objectives of EPA's Indian program are (1) to strengthen EPA program coverage on Indian reservations in order to restore and protect environmental quality, and (2) to assist tribal governments in developing the necessary infrastructure and technical skills to assure maintenance of environmental quality in the future.

OFA's program is directed to coordinating the Agency's efforts in working to ensure that EPA programs can be implemented on Indian reservations. These efforts include statutory amendments, regulatory changes, policy statements, and increased emphasis on Indian needs in the program and fiscal planning processes, as well as communication planning that will provide for consulting with and making information available to the tribes on EPA program and policy matters. In addition, support and guidance are given to the regions, where Regional Indian Program Coordinators serve as the primary contact for the tribes and oversee regional activities with Indian tribal governments.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF FEDERAL ACTIVITIES

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 1		0.20	T/A	Coordination of the regional Indian program.
Region 2		0.10	T/A	Followed up on a technical assistance grant, under which technical assistance was provided to the St. Regis Mohawk Tribe (SRMT) on water/air quality management issues.
		0.30	D/I	Coordinated the region's implementation of EPA's Indian Policy including development of a Regional Indian Strategy and Indian Work Group participation.
		0.30	D/I	Negotiated a cooperative agreement between the St. Regis Mohawk Tribe and the region to address the tribe's environmental needs/concerns.
	$40.0			Initiated an air quality management program on the St. Regis Mohawk Reservation. Future funding to be provided by OAR.
Region 4		0.10	T/A	Provided program coordination as needed.
		0.15	D/I	Inspected all reservations for wastewater treatment issues. Drafted NPDES permits as necessary.
Region 5	$30.0	0.8	T/A Outreach	Assignment of a SEE to provide technical assistance and training on multi-media environmental problems to Michigan Indian tribes.
	$70.0	1.0	T/A Outreach	Provided technical assistance and training on multi-media environmental problems to Indian tribes in Minnesota and Wisconsin through an Indian Environmental Liaison.
		1.0	T/A Outreach	Oversight and coordination for implementation of EPA's Indian Policy in MI, MN and WI, including Indian Work Group meetings.
		0.05	T/A	Assistance of the Environmental Review Branch Chief as needed.
		0.12	T/A	Administrative support by the Environmental Review Branch Secretary.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF FEDERAL ACTIVITIES.

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
`Region 6		1.0	Outreach	Overall coordination of Indian program, including consultation to 66 tribes; participation in the EPA National Indian Work Group and its committees; participation in regional and national Indian organizations' conventions and conferences; served as negotiator betwen tribal leaders and federal/state/local agency officials; and interpreted and implemented the EPA Indian Policy at the regional level.
Region 7		0.55	Outreach	Visited reservations quarterly; acted as liaison between reservations and regional office media programs.
		0.10	D/I	Coordinated regional Indian program; participated in EPA headquarters Indian Work Group activities.
	$10.0	0.50	T/A	Co-sponsored "Utility Management" and "First-Responder" (hazardous spill response) training with IHS.
Region 8		1.2	T/A D/I Outreach	Overall coordination of Indian program including Indian Work Group participation and coordination with other federal agencies.
	$30.0	0.60	T/A	Indian program SEEs in South Dakota and in the EPA Montana Office to provide support to tribes on multi-media issues.
	$5.0		T/A	"Working Effectively with Tribal Governments" training.
	$5.0		T/A	UST inventory on Uintah and Ouray Indian reservation.
	$10.0		F/A	Supplemental funding for solid waste projects.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF FEDERAL ACTIVITIES

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 9		0.15	Outreach	General liaison with tribal leaders, tribal organizations, and federal agencies (BIA, IHS) on broad issues; general mailings and informing tribes regarding agency activities,
	$37.0	1.0	D/I T/A Outreach	SEE employee to perform as Indian Environmental Liaison to work with reservations along the Lower Colorado River in California and Arizona, particularly with regard to environmental issues pertaining to the federal requirements of the CWA, the SDWA, and the Superfund amendments.
		1.5	D/I	Review of draft and final environmental impact assessments for the Black Mesa/Kayenta Mine on Navajo and Hopi lands.
		0.75	D/I T/A Outreach	Overall Indian program coordination and Indian Work Group participation.
	$20.0	1.0	F/A	Funding provided through an IAG to IHS Phoenix Area Office to work with the Inter-Tribal Council of Arizona in the development of two training efforts: RCRA training for tribes in Arizona and cultural, historical, governmental, tribal awareness training for EPA managers and staff.
Region 10		1.2	D/I	Overall Indian Policy coordination activities, participation on national Indian Work Group and Region 10 Indian Work Group.
	$6.3		F/A	Funds for a CWA Section 104(b)(3) grant to the Upper Skagit Tribe to develop a tribal environmental program.
		0.05	Outreach	Provided information to the Makah Tribe regarding Air Force station closure concerns.
		0.20	D/I	Grant administration work with the Warm Springs, Colville, and Upper Skagit Tribes.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF FEDERAL ACTIVITIES

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 10	$30.0	0.02	F/A T/A	Senior Environmental Employment Program - Yakima Indian Nation.
	$13.7		F/A	Funds for a CWA Section 104(b)(3) grant to the Confederated Tribes of the Warm Springs Reservation.
		0.01	Outreach	Regional participation in IHS annual Environmental Health Meeting and the Indian Health Board Conference in Seattle.
HQ		2.72	T/A	Overall national Indian Policy coordination and regional oversight.
	$40.1		T/A	Environmental training seminars for Indian tribes. (Additional funds provided by OSW.)
	$15.0		T/A	Guide to EPA Information Tracking Systems for regional coordinators for Indian lands data.
	$135.2		T/A	A grant to AIO to develop training for tribal staff on how to define and overcome barriers that may exist to tribal participation in EPA programs.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF GENERAL COUNSEL/ OFFICE OF REGIONAL COUNSEL

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 1		0.05	Outreach	Participated on Indian Attorney's Work Group and general liaison.
Region 2		0.05	T/A	Assisted media offices by reviewing regulations that affected tribes and provided legal counsel as necessary.
Region 4		0.05	D/I	Efforts include informal program counseling, preparation of formal opinions, and review of applications for grant funds under CWA.
Region 5		0.65	D/I	Provided legal counsel to program offices; reviewed EPA regulations and "treatment-as-a state" applications; participated in regional and national Indian workgroups; Fort. Howard Superfund site (Oneida); legal opinions on case law, statutes and regulations regarding the Menominee Tribe's national RCRA pilot project.
Region 6		0.25	D/I	Provided legal counsel to program offices; reviewed MOAs and tribal regulations; reviewed EPA regulations which affect tribes; participated in national Indian workgroups; case-specific counseling.
			Outreach	Lectured at an EPA Indian Law Seminar and at an American Bar Association Indian Law Conference.
			T/A	Reviewed and wrote UIC regulations for Indian lands as well as assisted in implementation.
		0.08	Outreach	Participated in the EPA Institute Scholar Program for Indian lands; spent four weeks visiting the Cherokee Nation, the Sac & Fox Tribe in OK and the Santo Domingo Pueblo in NM; assisted in setting priorities for each tribe's environmental needs, and drafted five environmental ordinances for each tribe.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

OFFICE OF GENERAL COUNSEL/OFFICE OF REGIONAL COUNSEL

OFFICE	FUNDING ($000)	WORK YEARS	TYPE	PROGRAM DESCRIPTION
Region 8		1.0	D/I	Legal research and review of CAA 105 grants and TIPs; CWA and SDWA implementation issues and jurisdictional analyses; regulatory revision of environmental statutes; lead Regional Indian Attorney Workgroup, conference calls, memos, and meetings; reviewed Superfund legal issues.
Region 9		0.50	D/I	Provided legal counsel to program offices; reviewed MOAs and tribal regulations; reviewed "treatment-as-a-state" applications; reviewed EPA regulations that affect tribes; provided jurisdictional analyses and case-specific counseling; participated in the Indian Attorney and Regional Indian Workgroups.
Region 10		0.75	D/I	Provided legal counsel to program offices; reviewed MOAs and tribal regulations; reviewed EPA regulations that affect tribes; reviewed "treatment as a state" applications; lead and participated in regional and national Indian workgroups; drafted and reviewed proposed changes to legislation; reviewed litigation.
HQ		1.20	D/I	Efforts included CWA-SDWA regulations development; informal program counseling and preparation of formal opinions; litigation; participation in Indian Work Group activities.

EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

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EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

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EPA ACTIVITIES ON INDIAN RESERVATIONS: FY 89

GLOSSARY OF ACRONYMS

AHERA = Asbestos Hazard Emergency Response Act

AIO = Americans for Indian Opportunity, Inc.

ASHAA = Asbestos School Hazard Abatement Act

AWWA = American Water Works Association

BIA = Bureau of Indian Affairs

CAA = Clean Air Act

CEPPO = Chemical Emergency Preparedness and Prevention Office

CERCLA = Comprehensive Environmental Response, Compensation and Liability Act

CERCLIS = Comprehensive Environmental Response, Compensation and Liability Information System

CERT = Council of Energy Resource Tribes

CWA = Clean Water Act

D/I = Direct Implementation

F/A = Financial Assistance

FEMA = Federal Emergency Management Agency

FIFRA = Federal Insecticide, Fungicide, and Rodenticide Act

FTS = Federal Telephone System (Federal Communications Network)

FY = Fiscal Year (October 1 - September 30)

GWP - Groundwater Program

HUD = Department of Housing and Urban Development

IAG = Interagency Agreement

IHS = Indian Health Service

ITCA = InterTribal Council of Arizona, Inc.

IWG = Indian Work Group

LUST = Leaking Underground Storage Tanks

GLOSSARY OF ACRONYMS (CON'T)

MOA = Memorandum of Agreement

MOU = Memorandum of Understanding

MRWA = Minnesota Rural Water Association

NAAQS = National Ambient Air Quality Standards (CAA)

NCAI = National Congress of American Indians

NEIWPCC = New England Interstate Water Pollution Control Commission

NPDES = National Pollutant Discharge Elimination System

OAR = Office of Air and Radiation

OCM = Office of Compliance Monitoring (within OPTS)

ODW = Office of Drinking Water (within OW)

OECM = Office of Enforcement and Compliance Monitoring

OERR = Office of Emergency and Remedial Response (within OSWER)

OFA = Office of Federal Activities (within OECM)

OGC = Office of General Counsel

O&M = Operation and Maintenance

OPTS = Office of Pesticides and Toxic Substances

ORC = Office of Regional Counsel

OSWER = Office of Solid Waste and Emergency Response

OWPE = Office of Waste Programs Enforcement (within OSWER)

Outreach = Communication

OUST = Office of Underground Storage Tanks

OW = Office of Water

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

PSD = Prevention of Significant Deterioration (CAA)

GLOSSARY OF ACRONYMS (CON'T)

PWS = Public Water System

PWSS = Public Water System Supervision

RCRA = Resource Conservation and Recovery Act

SARA = Superfund Amendments and Reauthorization Act

SCTCA = Southern California Tribal Chairmans' Association

SDWA = Safe Drinking Water Act

SEE = Senior Environmental Employee (A hiring program with certain senior citizens' groups)

T/A = Technical Assistance

TIP = Tribal Implementation Plan (CAA)

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

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

TSCA = Toxic Substances Control Act

UIC = Underground Injection Control

UST = Underground Storage Tank

VOC = Volatile Organic Chemical

WHP = Wellhead Protection (SDWA)

WQS = Water Quality Standards

WWTP = Wastewater Treatment Plant

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

OFFICE OF
EXTERNAL AFFAIRS

INDIAN POLICY
U.S. ENVIRONMENTAL PROTECTION AGENCY

Attached are two documents which were adopted by the Environmental Protection Agency (EPA) on November 8, 1984, relating to Indian Tribes and Federal programs for protection of reservation environments:

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

2) Indian Policy Implementation Guidance.

These documents lay the groundwork for EPA management of the Agency's regulatory programs on reservation lands. The cornerstones of the Policy and Guidance are the principles of Indian "self-government" and "government-to-government" relations between the Federal Government and Tribal Governments. Through implementation of the Policy, the Agency hopes to realize the long-range objective of including Tribal Governments as partners in decision-making and program management on reservation lands, much as we do with State Governments off-reservation.

In the beginning, implementation of the Policy will be slowly paced, as the Agency will need to seek legislative authority in many areas and go through a lengthy budget process before we can carry out the principles of the Policy and directives of the Guidance in a comprehensive manner. In the first year, however, we will begin to seek statutory changes, modify regulations, and work on selected pilot programs. These pilot programs will investigate problems associated with Tribal regulation of water and air quality and the handling and disposal of hazardous materials on reservation lands. The experience will help both EPA and the Tribes develop models for dealing with these problems in the special legal and political context of Indian reservations.

Environmental programming that will involve Tribal Governments in the Federal regulatory process on a significant scale is a new endeavor for EPA and Tribes alike. To be successful, we will need cooperation and assistance from all sectors and would welcome your on-going support.

If you have questions or need further information, please contact Dr. Martin D. Topper, National EPA Indian Coordinator, at (202) 382-5051.

Attachment

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.

. THE AGENCY WILL INCORPORATE THESE INDIAN POLICY GOALS INTO ITS PLANNING ND MANAGEMENT ACTIVITIES, INCLUDING ITS BUDGET, OPERATING GUIDANCE, LEGISLA- IVE INITIATIVES, MANAGEMENT ACCOUNTABILITY SYSTEM AND ONGOING POLICY AND EGULATION 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

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

NOV 8 1984

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Indian Policy Implementation Guidance

FROM: Alvin L. Alm
Deputy Administrator

TO: Assistant Administrators
Regional Administrators
General Counsel

INTRODUCTION

The Administrator has signed the attached EPA Indian Policy. This document sets forth the broad principles that will guide the Agency in its relations with American Indian Tribal Governments and in the administration of EPA programs on Indian reservation lands.

This Policy concerns more than one hundred federally-recognized Tribal Governments and the environment of a geographical area that is larger than the combined area of the States of Maryland, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire and Maine. It is an important sector of the country, and constitutes the remaining lands of America's first stewards of the environment, the American Indian Tribes.

The Policy places a strong emphasis on incorporating Tribal Governments into the operation and management of EPA's delegable programs. This concept is based on the President's Federal Indian Policy published on January 24, 1983 and the analysis, recommendations and Agency input to the EPA Indian Work Group's Discussion Paper, Administration of Environmental Programs on American Indian Reservations (July 1983).

TIMING AND SCOPE

Because of the importance of the reservation environments, we must begin immediately to incorporate the principles of EPA's Indian Policy into the conduct of our everyday business. Our established operating procedures (including long-range budgetary and operational planning activities) have not consistently focused on the proper role of Tribal Governments or the special legal and political problems of program management on Indian lands. As a result, it will require a phased and sustained effort over time to fully implement the principles of the Policy and to take the steps outlined in this Guidance.

Some Regions and Program Offices have already made individual starts along the lines of the Policy and Guidance. I believe that a clear Agency-wide policy will enable all programs to build on these efforts so that, within the limits of our legal and budgetary constraints, the Agency as a whole can make respectable progress in the next year.

As we begin the first year of operations under the Indian Policy, we cannot expect to solve all of the problems we will face in administering programs under the unique legal and political circumstances presented by Indian reservations. We can, however, concentrate on specific priority problems and issues and proceed to address these systematically and carefully in the first year. With this general emphasis, I believe that we can make respectable progress and establish good precedents for working effectively with Tribes. By working within a manageable scope and pace, we can develop a coordinated base which can be expanded, and, as appropriate, accelerated in the second and third years of operations under the Policy.

In addition to routine application of the Policy and this Guidance in the conduct of our everyday business, the first year's implementation effort will emphasize concentrated work on a discrete number of representative problems through cooperative programs or pilot projects. In the Regions, this effort should include the identification and initiation of work on priority Tribal projects. At Headquarters, it should involve the resolution of the legal, policy and procedural problems which hamper our ability to implement the kinds of projects identified by the Regions.

The Indian Work Group (IWG), which is chaired by the Director of the Office of Federal Activities and composed of representatives of key regional and headquarters offices, will facilitate and coordinate these efforts. The IWG will begin immediately to help identify the specific projects which may be ripe for implementation and the problems needing resolution in the first year.

Because we are starting in "mid-stream," the implementation effort will necessarily require some contribution of personnel time and funds. While no one program will be affected in a major fashion, almost all Agency programs are affected to some degree. I do not expect the investment in projects on Indian Lands to cause any serious restriction in the States' funding support or in their ability to function effectively. To preserve the flexibility of each Region and each program, we have not set a target for allocation of FY 85 funds. I am confident, however, that Regions and program offices can, through readjustment of existing resources, demonstrate significant and credible progress in the implementation of EPA's Policy in the next year.

ACTION

Subject to these constraints, Regions and program managers should now initiate actions to implement the principles of the Indian Policy. The eight categories set forth below will direct our initial implementation activities. Further guidance will be provided by the Assistant Administrator for External Affairs as experience indicates a need for such guidance.

1. THE ASSISTANT ADMINISTRATOR FOR EXTERNAL AFFAIRS WILL SERVE AS LEAD AGENCY CLEARINGHOUSE AND COORDINATOR FOR INDIAN POLICY MATTERS.

This responsibility will include coordinating the development of appropriate Agency guidelines pertaining to Indian issues, the implementation of the Indian Policy and this Guidance. In this effort the Assistant Administrator for External Affairs will rely upon the assistance and support of the EPA Indian Work Group.

2. THE INDIAN WORK GROUP (IWG) WILL ASSIST AND SUPPORT THE ASSISTANT ADMINISTRATOR FOR EXTERNAL AFFAIRS IN DEVELOPING AND RECOMMENDING DETAILED GUIDANCE AS NEEDED ON INDIAN POLICY AND IMPLEMENTATION MATTERS. ASSISTANT ADMINISTRATORS, REGIONAL ADMINISTRATORS AND THE GENERAL COUNSEL SHOULD DESIGNATE APPROPRIATE REPRESENTATIVES TO THE INDIAN WORK GROUP AND PROVIDE THEM WITH ADEQUATE TIME AND RESOURCES NEEDED TO CARRY OUT THE IWG'S RESPONSIBILITIES UNDER THE DIRECTION OF THE ASSISTANT ADMINISTRATOR FOR EXTERNAL AFFAIRS.

The Indian Work Group, (IWG) chaired by the Director of the Office of Federal Activities, will be an important entity for consolidating the experience and advice of the key Assistant and Regional Administrators on Indian Policy matters. It will perform the following functions: identify specific legal, policy, and procedural impediments to working directly with Tribes on reservation problems; help develop appropriate guidance for overcoming such impediments; recommend opportunities for implementation of appropriate programs or pilot projects; and perform other services in support of Agency managers in implementing the Indian Policy.

The initial task of the IWG will be to develop recommendations and suggest priorities for specific opportunities for program implementation in the first year of operations under the Indian Policy and this Guidance.

To accomplish this, the General Counsel and each Regional and Assistant Administrator must be actively represented on the IWG by a staff member authorized to speak for his or her office. Further, the designated representative(s) should be afforded the time and resources, including travel, needed to provide significant staff support to the work of the IWG.

3. ASSISTANT AND REGIONAL ADMINISTRATORS SHOULD UNDERTAKE ACTIVE OUTREACH AND LIAISON WITH TRIBES, PROVIDING ADEQUATE INFORMATION TO ALLOW THEM TO WORK WITH US IN AN INFORMED WAY.

In the first thirteen years of the Agency's existence, we have worked hard to establish working relationships with State Governments, providing background information and sufficient interpretation and explanations to enable them to work effectively with us in the development of cooperative State programs under our various statutes. In a similar manner, EPA managers should try to establish direct, face-to-face contact (preferably on the reservation) with Tribal Government officials. This liaison is essential to understanding Tribal needs, perspectives and priorities. It will also foster Tribal understanding of EPA's programs and procedures needed to deal effectively with us.

4. ASSISTANT AND REGIONAL ADMINISTRATORS SHOULD ALLOCATE RESOURCES TO MEET TRIBAL NEEDS, WITHIN THE CONSTRAINTS IMPOSED BY COMPETING PRIORITIES AND BY OUR LEGAL AUTHORITY.

As Tribes move to assume responsibilities similar to those borne by EPA or State Governments, an appropriate block of funds must be set aside to support reservation abatement, control and compliance activities.

Because we want to begin to implement the Indian Policy now, we cannot wait until FY 87 to formally budget for programs on Indian lands. Accordingly, for many programs, funds for initial Indian projects in FY 85 and FY 86 will need to come from resources currently planned for support to EPA-and State-managed programs meeting similar objectives. As I stated earlier, we do not expect to resolve all problems and address all environmental needs on reservations immediately. However, we can make a significant beginning without unduly restricting our ability to fund ongoing programs.

I am asking each Assistant Administrator and Regional Administrator to take measures within his or her discretion and authority to provide sufficient staff time and grant funds to allow the Agency to initiate projects on Indian lands in FY 85 and FY 86 that will constitute a respectable step towards implementation of the Indian Policy.

5. ASSISTANT AND REGIONAL ADMINISTRATORS, WITH LEGAL SUPPORT PROVIDED BY THE GENERAL COUNSEL, SHOULD ASSIST TRIBAL GOVERNMENTS IN PROGRAM DEVELOPMENT AS THEY HAVE DONE FOR THE STATES.

The Agency has provided extensive staff work and assistance to State Governments over the years in the development of environmental programs and program management capabilities. This assistance has become a routine aspect of Federal/State relations, enabling and expediting the States' assumption of delegable programs under the various EPA statutes. This "front end" investment has promoted cooperation and increased State involvement in the regulatory process.

As the Agency begins to deal with Tribal Governments as partners in reservation environmental programming, we will find a similar need for EPA assistance. Many Regional and program personnel have extensive experience in working with States on program design and development; their expertise should be used to assist Tribal Governments where needed.

6. ASSISTANT ADMINISTRATORS, REGIONAL ADMINISTRATORS AND THE GENERAL COUNSEL SHOULD TAKE ACTIVE STEPS TO ALLOW TRIBES TO PROVIDE INFORMED INPUT INTO EPA'S DECISION-MAKING AND PROGRAM MANAGEMENT ACTIVITIES WHICH AFFECT RESERVATION ENVIRONMENTS.

Where EPA manages Federal programs and/or makes decisions relating directly or indirectly to reservation environments, full consideration and weight should be given to the public policies, priorities and concerns of the affected Indian Tribes as expressed through their Tribal Governments. Agency managers should make a special effort to inform Tribes of EPA decisions and activities which can affect their reservations and solicit their input as we have done with State Governments. Where necessary, this should include providing the necessary information, explanation and/or briefings needed to foster the informed participation of Tribal Governments in the Agency's standard-setting and policy-making activities.

7. ASSISTANT AND REGIONAL ADMINISTRATORS SHOULD, TO THE MAXIMUM FEASIBLE EXTENT, INCORPORATE TRIBAL CONCERNS, NEEDS AND PREFERENCES INTO EPA'S POLICY DECISIONS AND PROGRAM MANAGEMENT ACTIVITIES AFFECTING RESERVATIONS.

It has been EPA's practice to seek out and accord special consideration to local interests and concerns, within the limits allowed by our statutory mandate and nationally established criteria and standards. Consistent with the Federal and Agency policy to recognize Tribal Governments as the primary voice for expressing public policy on reservations, EPA managers should, within the limits of their flexibility, seek and utilize Tribal input and preferences in those situations where we have traditionally utilized State or local input.

We recognize that conflicts in policy, priority or preference may arise between States and Tribes as it does between neighboring States. As in the case of conflicts between neighboring States, EPA will encourage early communication and cooperation between Tribal and State Governments to avoid and resolve such issues. This is not intended to lend Federal support to any one party in its dealings with the other. Rather, it recognizes that in the field of environmental regulation, problems are often shared and the principle of comity between equals often serves the interests of both.

Several of the environmental statutes include a conflict resolution mechanism which enables EPA to use its good offices to balance and resolve the conflict. These procedures can be applied to conflicts between Tribal and State Governments that cannot otherwise be resolved. EPA can play a moderating role by following the conflict resolution principles set by the statute, the Federal trust responsibility and the EPA Indian Policy.

8. ASSISTANT ADMINISTRATORS, REGIONAL ADMINISTRATORS AND THE GENERAL COUNSEL SHOULD WORK COOPERATIVELY WITH TRIBAL GOVERNMENTS TO ACHIEVE COMPLIANCE WITH ENVIRONMENTAL STATUTES AND REGULATIONS ON INDIAN RESERVATIONS, CONSISTENT WITH THE PRINCIPLE OF INDIAN SELF-GOVERNMENT.

The EPA Indian Policy recognizes Tribal Governments as the key governments having responsibility for matters affecting the health and welfare of the Tribe. Accordingly, where tribally owned or managed facilities do not meet Federally established standards, the Agency will endeavor to work with the Tribal leadership to enable the Tribe to achieve compliance. 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 we do to noncompliance by the private sector off-reservation.

Actions to enable and ensure compliance by Tribal facilities with Federal statutes and regulations include providing consultation and technical support to Tribal leaders and managers concerning the impacts of noncompliance on Tribal health and the reservation environment and steps needed to achieve such compliance. As appropriate, EPA may also develop compliance agreements with Tribal Governments and work cooperatively with other Federal agencies to assist Tribes in meeting Federal standards.

Because of the unique legal and political status of Indian Tribes in the Federal System, direct EPA actions against Tribal facilities 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. Regional Administrators proposing to initiate such action should first obtain concurrence from the Assistant Administrator for Enforcement and Compliance Monitoring, who will act in consultation with the Assistant Administrator for External Affairs and the General Counsel. In emergency situations, the Regional Administrator may issue emergency Temporary Restraining Orders, provided that the appropriate procedures set forth in Agency delegations for such actions are followed.

9. ASSISTANT ADMINISTRATORS, REGIONAL ADMINISTRATORS AND THE GENERAL COUNSEL SHOULD BEGIN TO FACTOR INDIAN POLICY GOALS INTO THEIR LONG-RANGE PLANNING AND PROGRAM MANAGEMENT ACTIVITIES, INCLUDING BUDGET, OPERATING GUIDANCE, MANAGEMENT ACCOUNTABILITY SYSTEMS AND PERFORMANCE STANDARDS.

In order to carry out the principles of the EPA Indian Policy and work effectively with Tribal Governments on a long-range basis, it will be necessary to institutionalize the Agency's policy goals in the management systems that regulate Agency behavior. Where we have systematically incorporated State needs, concerns and cooperative roles into our budget, Operating Guidance, management accountability systems and performance standards, we must now begin to factor the Agency's Indian Policy goals into these same procedures and activities.

Agency managers should begin to consider Indian reservations and Tribes when conducting routine planning and management activities or carrying out special policy analysis activities. In addition, the IWG, operating under the direction of the Assistant Administrator for External Affairs and with assistance from the Assistant Administrator for Policy, Planning and Evaluation, will identify and recommend specific steps to be taken to ensure that Indian Policy goals are effectively incorporated and institutionalized in the Agency's procedures and operations.

Attachment