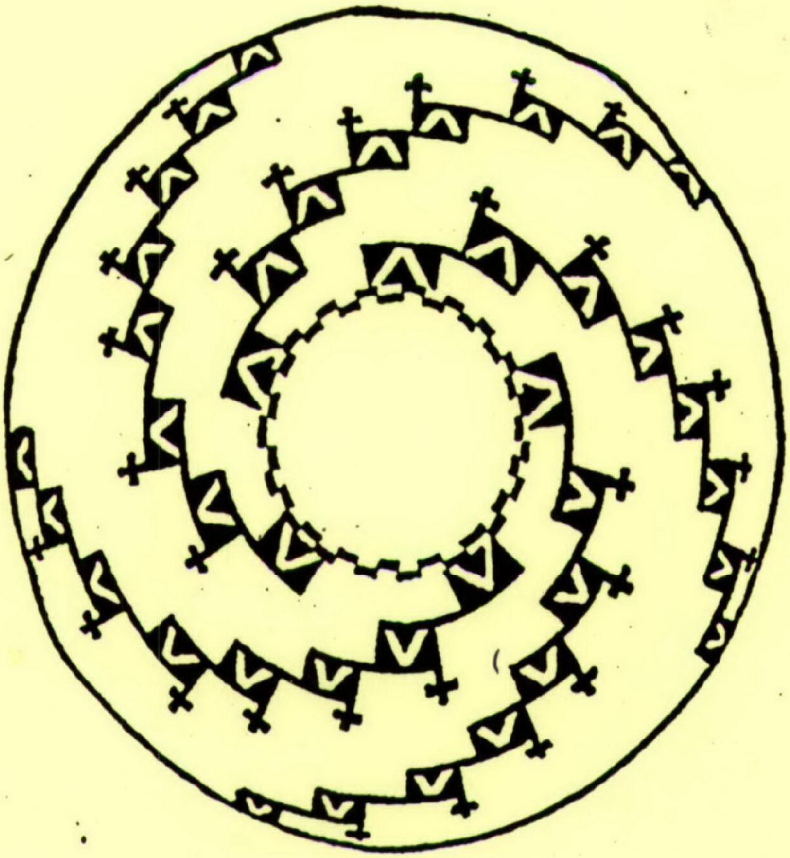
U.S. Environmental Protection Agency
Region 9

November 1996

A Guide to EPA Programs in Indian Country



Preface

This handbook was prepared for use by tribes and their members as a quick reference guide. This handbook provides only a summary of basic environmental information. It is not a definitive statement to the specific ways in which a tribe may assure environmental compliance; it is a quick guide to the environmental programs that typically apply in Indian Country.

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

The handbook is organized according to key program areas. The handbook explores Tribal, Cross Media, Air, Waste, and Water programs, and highlights services available from EPA Region 9. Cross media programs are those that can reach across any of the other program areas. Region-specific contacts, definitions/acronyms and hotlines are provided at the end of the handbook.

This document is based on a similar handbook prepared by EPA Region 7 and on one originally prepared in 1990 by the Midwest Assistance Program (MAP) under contract to the U.S. Environmental Protection Agency, Region 8.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OFFICE OF THE
REGIONAL ADMINISTRATOR

Dear Tribal Representative:

This document, "A Guide to EPA Programs in Indian Country," has been prepared as a tool to assist your tribe with environmental management issues.

We share the President's commitment to establish government-to-government relations with tribes, recognize tribal sovereignty, and fulfill federal trust responsibilities. We understand that tribes are stewards of their land, air and water, and we also understand that tribes play a vital role in both educating EPA how we can best assist you and in sharing valuable traditional stewardship perspectives.

Through this document we hope to support the partnership between the federal government and the tribes to protect public health and the environment. It offers technical assistance and a framework for regulatory compliance and program development. We hope you find it helpful. Please let us know how we can improve upon it.

Yours,

Felicia Marcus
Regional Administrator

Printed on Recycled Paper

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

OFFICE OF
WATER

Dear Reader:

The U.S. Environmental Protection Agency (EPA) is committed to developing a strong partnership with Indian tribes and Alaska Natives to advance environmental protection in Indian Country. In March 1994, EPA Administrator Carol Browner reaffirmed EPA's 1984 Indian Policy which recognizes tribal sovereignty and the Agency's responsibility to work with tribes on a government-to-government basis. In July 1994, Administrator Browner announced an action plan for strengthening Tribal operations throughout the Agency and, in October 1994, established the American Indian Environmental Office (AIEO) to serve as the central coordination point for the Agency's Indian programs. AIEO is working with Senior EPA management, EPA staff, Tribal governments and other Federal agencies to help build Tribal capacity for implementing environmental protection programs and, where Tribal programs are not yet in place, improve Federal implementation of environmental programs in Indian Country.

While AIEO is an important component of the Agency's Tribal operations, most resources for building Tribal capacity and Federal implementation of environmental programs are located in the EPA Regional and Headquarters Offices that have overall responsibility for protecting air and water quality, for ensuring pesticides are safe when used as labeled, for managing the disposal of waste materials and addressing other environmental issues. The purpose of this document is to help Tribes understand what assistance EPA can provide for protecting the environment and public health in Indian Country, the specific programs EPA administers, key provisions of these programs and who to call for additional information.

Our goal is to help Tribes establish environmental protection programs tailored to their needs. I encourage you to contact your EPA Regional Office for assistance on specific issues for your Tribe and the American Indian Environmental Office on issues of national concern.

Sincerely,

Terry R. Williams

Terry R. Williams, Director
American Indian Environmental Office

Printed on Recycled Paper

TABLE OF CONTENTS

TRIBAL PROGRAMS

American Indian Environmental Office 1
Tribal Operations Committee 2
Regional Tribal Operations Committee 2
American Indian Advisory Council (AIAC) 3
Regulations for Tribal Applications for Financial Assistance and Program Authority 4
Tribal Lands Environmental Scholarship Program 7

CROSS MEDIA PROGRAMS

General Assistance Program 11
Environmental Justice for Native American Tribal Programs 13
Office of Environmental Justice Small Grants Program 15
Environmental Justice Through Pollution Prevention 17
Pollution Prevention 19
Environmental Education Grants 21
Quality Assurance and Regional Laboratory 22

AIR AND TOXICS PROGRAMS

Clean Air Act 25
Refrigerant Recycling and Prohibition on Venting 27
Asbestos 29
Indoor Radon 33
Pesticides 35
Toxics - PCBs 37
Toxics - Lead 38
Toxics Release Inventory Program 39

WASTE PROGRAMS

Emergency Response 43
Superfund Program 44
SARA Title III - Emergency Planning and Community Right-to-Know Act . 45
RCRA Hazardous Waste 47
Solid Waste Disposal Program 49
Underground Storage Tanks 52

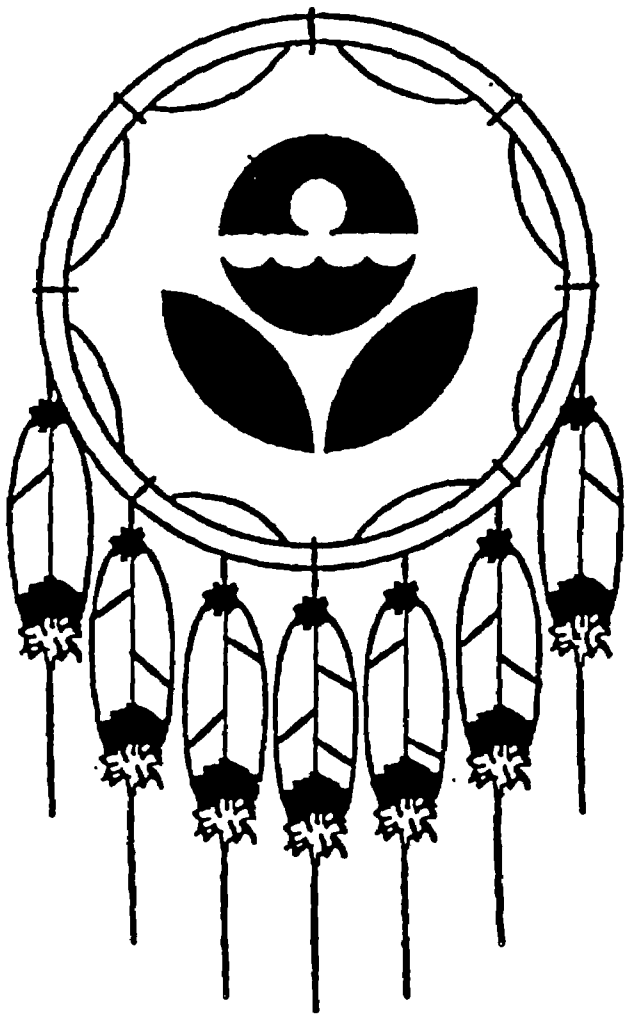
WATER PROGRAMS

Safe Drinking Water Act - Public Water Systems 57
Safe Drinking Water Act - Underground Injection Control 61
Safe Drinking Water Act - Wellhead Protection 63
Clean Water Act 65
Clean Water Act - Section 106 Water Quality Management Plan 66
Clean Water Act - Nonpoint Source Pollution Control 67
Clean Water Act - Indian Set-Aside Programs 68
Clean Water Act - Water Quality Standards Programs 69
Clean Water Act - National Pollutant Discharge Elimination System 70
Clean Water Act - Sewage Sludge Use and Disposal 71
Clean Water Act - Pretreatment Requirements 72
Clean Water Act - Storm Water 73
Clean Water Act - Water and Wetlands Protection 74

GENERAL INFORMATION

Regional EPA Contacts 77
Regional Tribal Contacts 80
Information Services 82
EPA Employee Locator/Regional Receptionist 82
EPA Region 9 Library Services 82
Hotlines and Clearinghouses 83
Acronyms and Definitions 85

Tribal Programs



AMERICAN INDIAN ENVIRONMENTAL OFFICE

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

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

General functions and responsibilities of the AIEO are to:

- Ensure that tribal operations remain a priority throughout the Agency, with the appropriate management and staff support.
- Promote Agency-wide participation in the development of tribal environmental programs.
- Coordinate with Regions and HQ program offices to meet the Agency's resource needs for tribal operations.
- Coordinate with Regions and HQ program offices to develop and/or support, in a manner consistent with applicable law and the EPA Indian Policy, regulations, guidance and/or other policies regarding tribal operations.
- Coordinate the activities and support the participation of the TOC.
- Coordinate the Agency's Indian program and ensure appropriate communication and consistency throughout the programs and regions.
- Serve as cross-program information clearinghouse and coordinate Agency-wide data collection for the Indian program.

TRIBAL OPERATIONS COMMITTEE

In February 1994, the EPA Administrator convened the first Tribal Operations Committee (TOC) to facilitate the government-to-government relationship between EPA and tribes. The purpose of the TOC is to assist EPA in meeting its trust responsibility through tribal input into EPA decision-making that affects Indian Country. The TOC does not replace the direct tribal - EPA relationship.

The TOC is composed of EPA senior management and 19 tribal representatives. There are tribal representatives from each of EPA's Regions except for Region 3 which has no federally recognized tribes. The tribal representatives to the TOC, together with EPA senior management at both the HQ and Regional levels, will work through the newly formed American Indian Environmental Office to continue to address the environmental and human health issues within Indian Country.

REGIONAL TRIBAL OPERATIONS COMMITTEE

The Regional Tribal Operations Committee (RTOC) is the Regional counterpart to the TOC. The RTOC, composed of both tribal and EPA representatives, was chartered in July 1995 to provide a Region 9 forum for tribal-EPA communication, coordination and increased support for strengthening tribal environmental and human health programs. The RTOC will help further the understanding and development of government-to-government relationships between EPA and all tribes in Region 9. The RTOC meets at least four times per year.

AMERICAN INDIAN ADVISORY COUNCIL (AIAC)

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

Objectives of the AIAC

- To assist the EPA in promoting a culturally sensitive work environment and achieving an effective and equitable representation of American Indians in the workforce through aggressive recruitment, hiring, development and promotion activities.
- To promote an understanding and awareness of the American Indian culture.
- To promote a better understanding of employment related problems of American Indians in order to seek solutions to remedy specific problems in EPA.
- To facilitate effective communication and goodwill between American Indians and other individuals in EPA, and the community in general.
- To promote the career development and advancement of American Indians in EPA through the sponsorship of workshops, seminars, and similar programs.
- To ensure that EPA's programs and activities are open and available to all American Indians.

For more information, call the American Indian Employment Program Manager at 202-260-4569, or contact the Region 9 AIAC Lead, Steve Etsitty, at

415 744-1489

Amendment of Regulations Regarding Tribal Applications for Financial Assistance and Program Authority

The Final Rules "Indian Tribes: Eligibility of Indian Tribes for Financial Assistance" (March 23, 1994) and "Indian Tribes: Eligibility for Program Authorization" (December 14, 1994) amended regulations implementing the statutory provisions that authorize EPA to treat Indian tribes in substantially the same manner as it treats states for purposes of various types of financial assistance and program approvals. The purpose of these regulatory amendments was to make it easier for tribes to obtain EPA approval to assume the role Congress envisioned for them under these statutes.

Background

Three federal environmental statutes address the role of tribes specifically by authorizing EPA to treat tribes in a manner similar to the way it treats states: Clean Water Act (CWA), Safe Drinking Water Act (SDWA), and the Clean Air Act (CAA). Each statute specifies the following criteria that tribes must meet in order to receive such treatment: 1) a tribe must be federally recognized; 2) a tribe must have a governing body that carries out substantial duties and powers; 3) a tribe must possess civil regulatory jurisdiction to carry out the functions it seeks to exercise; and 4) a tribe must demonstrate its capability to carry out those functions.

EPA initially chose to implement provisions of the CWA and SDWA regarding Indian tribes by establishing a formal pre-qualification process under which tribes could seek eligibility under those statutes. This pre-qualification process has in the past been referred to as approval for Treatment as a State (TAS). tribes that obtained such approval were then eligible to apply for certain grants and program approvals available to states. The former TAS process has been re-designed because it was burdensome, time-consuming, and offensive to tribal governments. EPA expects that the new process will reduce the burdens and barriers to tribes of participating in environmental management.

Changes to Existing Process

A. Discontinue the use of the term "treatment as a state."

The term "treatment as a state" (TAS) can be misleading and may be offensive to tribal governments. To the extent possible, the final rules amended previous regulations, so as to discontinue use of the term; however, since the term "treat as a state" is included in several statutes, its continued use may sometimes be necessary.

B. Elimination of "TAS" review as a separate step in processing tribal applications for financial assistance (grants).

No environmental statute compelled the use of a formal TAS or other pre-qualification process separate from approval of a tribal program or request for a grant. Thus EPA may approve a tribal program or grant without formally designating a tribe as "eligible for TAS," as long as a tribe meets the applicable statutory requirements.

C. Simplified determination as to "recognition" and "government."

As a general rule, the "recognition" and "government" requirements are essentially the same under the CWA, SDWA and the CAA. The new process establishes identical requirements for demonstrating "recognition" and "government" under each statute. The fact that a tribe can meet the recognition and government functions requirements under the CWA, SDWA, or CAA will establish that it meets those requirements under the other two. To facilitate review of tribal applications, EPA will request a tribe to inform EPA whether a tribe has been approved for "TAS" (under the old process) or deemed eligible to receive a grant or program approval (under the revised process) for any other program.

D. Simplified jurisdictional analysis.

A tribe may have jurisdiction over, and capability to carry out, certain activities (e.g. protection of the quality of a particular lake for the Clean Lakes Program under the Clean Water Act), but not others (e.g. waste management on a portion of the reservation far removed from any lakes). Therefore, EPA must make a specific determination regarding adequate jurisdictional authority and administrative and programmatic capability before it approves each tribal program.

The portion of the jurisdictional determination under which other governments comment is substantially changed under the revised process.

1) Comments will no longer be sought from "appropriate governmental entities" with regard to tribal grant applications.

2) For approvals of all SDWA regulatory programs and most CWA programs under existing regulations, EPA does not authorize a state to operate a program without determining that the state has adequate authority to carry out the actions required to run the program. This also applies to a tribe seeking program approval, and ensures that a close analysis of the legal basis of a tribe's jurisdiction will occur before program approval. A separate "TAS" jurisdictional review is not needed to verify that a tribe meets the statutory jurisdictional requirement, and therefore, is eliminated for all programs under the SDWA and for CWA-Section 404 and CWA-National Pollutant Discharge Elimination System (NPDES) programs.

3) For the CWA-Section 303 Water Quality Standards program, there is no review of tribal civil regulatory authority as part of the EPA approval process. Accordingly, a comment process has been retained. EPA

emphasizes that comments must be offered in a timely manner. Where no timely comments are offered, EPA will conclude that there is no objection to a tribe's jurisdictional assertion. When questions are raised concerning a tribe's jurisdiction, EPA may seek additional information from the tribe or the commenting party, and may consult with other federal agencies prior to making a determination about a tribe's jurisdiction authority. EPA is no longer required, by regulation, to consult with the Department of the Interior.

4) Finally, certain disputes concerning tribal jurisdiction may be relevant to a tribe's authority to conduct activities and obtain program approval under several environmental statutes. Determinations regarding tribal jurisdiction apply only to activities within the scope of EPA programs. Once EPA makes a jurisdictional determination in response to a tribe's application regarding any EPA program, EPA will ordinarily make the same determination for other programs that the tribe requests, unless a later application raises different legal issues. However, one determination that a tribe has inherent jurisdiction to regulate activities in one medium (e.g. related to groundwater) might not conclusively establish its inherent jurisdiction over activities in another medium (e.g. air quality permits).

E. More flexible requirements to establish capability.

EPA will continue to make a separate determination of tribal capability for each program approval application by a tribe. However, the SDWA, CWA-Section 303 Water Quality Standards, CWA-Section 404, and the CWA-NPDES regulations have been be amended to conform to the CWA grant regulations, which do not specifically prescribe the material a tribe must submit to establish capability. EPA may request that a tribe provide a narrative statement or other documents showing that the tribe is capable of administering the program for which it is seeking approval. EPA recognizes that certain tribes may not have substantial experience administering environmental programs; a lack of such experience does not preclude a tribe from demonstrating capability, so long as it shows that it has the necessary management and technical and related skills or submits a plan describing how it will acquire those skills.

Ordinarily the inquiry EPA makes into the capability of any applicant, tribe or state, for a grant or program approval is sufficient to enable EPA to determine whether a tribe meets the statutory capability requirement.

TRIBAL LANDS ENVIRONMENTAL SCHOLARSHIP PROGRAM

Purpose of Program

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

Eligible Students

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

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

Amount of Individual Award

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

Application Process

Students wishing to make an application should do so through the American Indian Science and Engineering Society (AISES) which has chapters on many college campuses. AISES may also be contacted at 1630 30th St., Suite 301; Boulder, CO 80301, or by phone at 303-939-0023. AISES works with EPA to select the scholarship winners and make the annual awards because of its excellent reputation and its expertise in the area of assisting students with employment opportunities. Also, the overhead costs of AISES are below those of universities evaluated to provide similar services.

Funding/Scholarships

Thus far, funds for the scholarships have been collected annually from offices

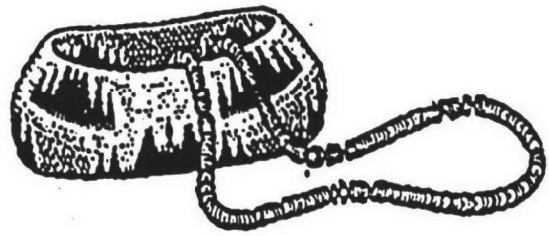
throughout EPA and are issued to students the following fiscal year (due to lag time in selecting the scholarship winners). Efforts are underway to create a specific budget for this scholarship program to eliminate the need to annually contact all EPA Offices for assistance on funding.

FY91	$120,000 for 27 scholarships
FY92	$158,800 for 33 scholarships
FY93	$182,000 for 46 scholarships
FY94	$256,000 for 56 scholarships
FY95	$286,000 for approximately 60 scholarships

Management of Program

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

Cross Media Programs



GENERAL ASSISTANCE PROGRAM

Background

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

Objectives

The objectives of the program are to provide financial assurance to federally-recognized Indian tribes and intertribal consortium or consortia to build capacity to administer environmental regulatory programs in Indian Country, and provide technical assistance from EPA in the development of multi-media programs to address environmental issues in Indian Country.

Eligible Activities and Recipients

Activities eligible for funding under this program are those for planning, developing and establishing capability to implement environmental protection programs including development of solid and hazardous waste programs. General Assistance offers tribes the opportunity to develop an integrated environmental program, develop the capability to manage specific programs and establish a core program for environmental protection. The financial assistance agreements provide the opportunity for defining and developing administrative and legal infrastructures, and conducting assessments, monitoring, planning, as well as other activities.

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

Program Highlights

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

- The project period for General Assistance grants can be for 1-4 years; the grantee can reapply if additional time is needed for capacity-building.
- New grants will be for a minimum of $75,000. Amendments to grants may be made in amounts as are appropriate.
- Funds awarded under the grant remain available through the project term of grant.
- The Agency's standard grant application, reporting and audit procedures apply to the Program.
- Capacity-building activities are eligible for funding but not construction or site-specific actions.
- General assistance funding does not preclude a tribe from also receiving program or project-specific assistance.
- The Program provides for a simplified procurement process for procurements of $25,000 and over but less than $50,000.

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

EPA'S ENVIRONMENTAL JUSTICE FOR NATIVE AMERICAN TRIBAL PROGRAMS

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

What is Environmental Justice?

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

Importance of Native American Programs

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

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

comparable in protection to federal-state environmental programs.

Objectives for Native American Programs

1) Tribal Environmental Programs

EPA will work with other federal agencies and tribes to develop comprehensive tribal environmental programs which address disproportionately high and adverse human health or environmental effects in Indian Country.

2) Native American Participation

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

3) Interagency Coordination

EPA will take the lead to ensure coordination and cooperation between EPA and other federal agencies to address cross-cutting tribal environmental issues.

OFFICE OF ENVIRONMENTAL JUSTICE (OEJ) SMALL GRANTS PROGRAM

Purpose of the Grants Program

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

Important Pre-Application Information

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

Background

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

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

Fiscal Year (FY) 1996 is the third year of the EJ Small Grants Program.

Eligible Activities

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

1. Identify the necessary improvements in communication and coordination among existing community-based/grassroots organizations, and local, state, tribal, and federal environmental programs, and all other stakeholders. Facilitate

communication, information exchange, and partnerships among the tribes to address environmental injustices (for example, workshops, awareness conferences, establishment of community stakeholder committees, newsletters, etc.);

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

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

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

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

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

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

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

In this program, the ceiling for any one grant is $20,000 in federal funds. Depending on the funds appropriated by Congress, EPA's nine Regional Offices that have federally recognized tribes, will each have approximately $200,000 to award. It is anticipated that applicants will not be required to cost share.

ENVIRONMENTAL JUSTICE THROUGH POLLUTION PREVENTION (EJP2)

I. Scope and Purpose of the EJP2 Grant Program

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

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

What is Pollution Prevention?

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

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

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

Pollution Prevention
Recycling
Treatment
Disposal

How is Pollution Prevention Different From Other EPA Programs?

EPA programs have traditionally focused on treatment, disposal, and remediation. These types of activities, though they are important parts of an overall environmental management program, are not pollutant prevention

activities because they are concerned with the handling and management of waste and pollutants after they have been generated. EPA has other program funds available for recycling, treatment and disposal initiatives including funds to support lead abatement projects and to clean up hazardous waste sites.

Eligible Applicants

Who is Eligible to Apply for Funding? May an Applicant Submit More Than One Proposal?

Eligible applicants include any federally-recognized tribal government or 501(c) incorporated non-profit organization.

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

POLLUTION PREVENTION

EPA's Pollution Prevention Approach

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

Actions For Tribes

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

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

- Set pollution prevention as a major goal and integrate the concept into governmental activities. Publicly recognize pollution prevention as a priority. Practice what you preach--set an example.
- Educate the community about pollution prevention. Create an awareness of the profitability and benefits of pollution prevention through greater efficiency and stewardship of natural resources.
- Develop programs that provide environmental alternatives:
  - Use less energy. Set back thermostats; insulate; buy energy-efficient lighting and appliances and make creative use of daylight.
  - Use less water. Be conservative. Use ultra-low flush toilets; install water meters; repair leaks; review maintenance schedules and use water-conserving landscaping.
  - Buy energy efficient automobiles and other fleet vehicles and keep them tuned. Carpool, bike, walk or use mass transit when possible.

- Encourage sustainable agriculture. Take advantage of natural methods of protection. Apply pesticides, such as insecticides and herbicides, carefully if they must be used.
- Reduce toxic use; encourage product substitution and environmentally sound operation modifications.
- Buy recycled or recyclable products. Seek out reusable, recyclable or returnable packages.
- Plant trees, shrubs and indoor plants. They replenish the earth's oxygen supply and clean the air by removing pollution.

- Practice preventative maintenance with equipment, including air conditioning, pumps, power generation, etc. Well maintained equipment generates fewer emissions and uses less energy.
- Conduct P2 assessments at any tribal operation that produces sizable pollutant emissions - air, water, solid or hazardous waste. These operations might have unsuspected potential for reducing waste (and cutting costs).

For a listing of pollution prevention grant opportunities, contact Karen Sundheim at EPA Region 9's library at 415-744-1508.

ENVIRONMENTAL EDUCATION GRANTS

The Environmental Education grant program was authorized by the National Environmental Education Act of 1990. Since it was first funded in 1992 there has been an annual solicitation for proposals.

Activities eligible for funding under this program as defined by the Act include projects that design, demonstrate or disseminate practices related to environmental education. Funds may not be used for construction activities, technical training of environmental professionals, non-educational research and development, or environmental information projects.

Tribal, state, and local educational or environmental agencies, colleges, universities, non-profit organizations, and non-commercial educational broadcasting entities are eligible for this grant. Partnerships are encouraged. Individuals are not are eligible to apply.

Proposals for up to $25,000 are addressed to the regional office; request for above $25,000 to the statutory limit of $250,0000 are sent to EPA Headquarters in Washington D.C.

In its four years of operation, this program has attracted considerably more applications than available funding could award. Because there is a direct proportion between the amount of funding requested and the degree of competition, Congress designated that half of each region's allocation be reserved for grants of $5,000 or less to encourage a community based small grants approach.

Examples of Funded Activities

- Teacher training and curriculum activity kits for fourth grade teachers. The model currently in use in the schools offers a cross-cultural environmental curriculum and presents Native American traditions in a scientific context.
- Tribal Environmental Education Program aimed at all community members with a particular emphasis for high school youth. Community activities include recycling workshops, clean-up days, poster contests, and Earth Day Fair. An environmental education summer camp and habitat study will be conducted for tribal youth.
- "Reservation Environmental Science Education Training". Staff development training in the environmental science curriculum will allow Native American students to get involved in hands on projects that address daily environmental problems of waste management and water pollution in Indian Country.

For additional information contact Matt Gaffney at (415) 744-1582.

QUALITY ASSURANCE AND REGIONAL LABORATORY

Quality Assurance Management Section

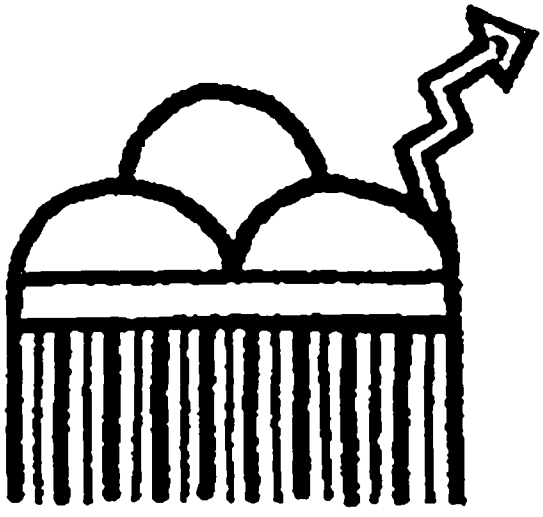
The Quality Assurance Management Section (QAMS) implements the Region 9's mandatory quality assurance (QA) program. It develops regional QA guidance and procedures and provides assistance in areas of preparation of QA management plans, QA project plans, and field sampling plans; QA and technical options and requirements for sampling and analysis; evaluation of data; and data reduction procedures. The Section reviews and approves technical documents related to environmental measurements including QA plans, sampling plans, work plans, alternative test procedures and QA management plans. QAMS also provides input on other technical documents such as final reports, data validation reports, scoping plans, analytical data packages, and proposals as needed.

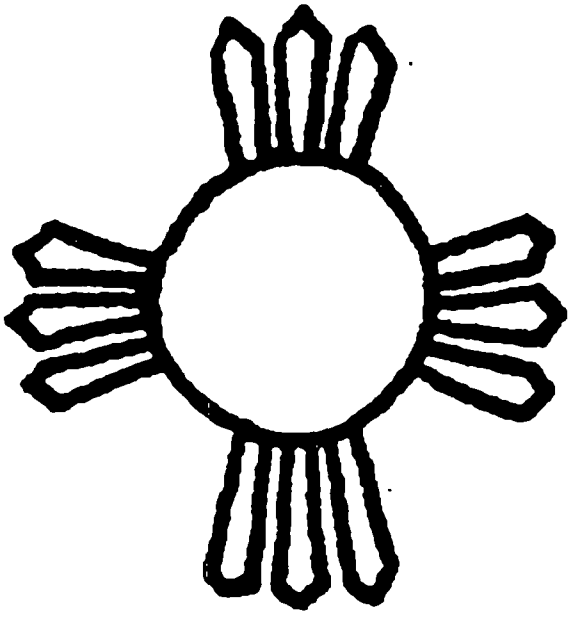
The Quality Assurance Management Section conducts performance and system audits, and manages the Regional Sample Control Center which allocates samples to EPA contract laboratories or to the Region 9 laboratory. The Section provides training in QA and environmental monitoring. QAMS personnel are also available to help assess and establish QA programs relevant to all environmental areas, e.g., air, water, solid waste, pesticides, and cross media programs. Besides providing national and regional guidance documents, QAMS also acts as a clearing house for technical information which might be available from other tribal or state organizations.

Region 9 Laboratory

The Laboratory Section (LS) provides analytical services in support of wastewater sampling inspections, drinking water sampling inspections, Resource Conservation and Recovery Act (RCRA) sampling inspections, hazardous waste site investigations, Superfund investigations, ambient water quality monitoring programs, toxicity testing, and other regional activities. The Laboratory Section is responsible for Drinking Water Certification and evaluation of laboratories conducting National Pollutant Discharge Elimination System (NPDES) analyses. The LS operates the Field Analytical Support Program (FASP) mobile laboratory, provides field audits, and provides training in sampling.

Air & Toxics Programs





Pueblo Lightning and Sun

AIR & TOXICS PROGRAM

CLEAN AIR ACT

With the goal of preventing or controlling discharges of air pollutants into the atmosphere, Congress passed the original Clean Air Act in 1955 and subsequently authorized several amendments, the most recent in 1990. The CAA establishes national ambient air quality standards (NAAQS) for six common or "criteria" pollutants: sulfur dioxide, carbon monoxide, nitrogen oxides, ozone, lead, and particulate matter less than 10 microns in diameter (PM-10). The CAA classifies areas not meeting those standards as "nonattainment areas" and requires them to implement specified air pollution controls. The CAA also establishes emission standards for hazardous air pollutants (or "air toxics") from new and existing sources, and also addresses mobile sources, permitting and enforcement programs.

Ambient Air Quality

In August 1994, EPA issued a proposed rule that would provide tribes authority to implement and administer Clean Air Act (CAA) programs in essentially the same manner as states. EPA anticipates issuing a final rule in late 1995 or early 1996 after analyzing the comments on the proposal.

Providing tribes authority to administer CAA programs represents a critical step in empowering tribes to improve and protect tribal air quality. When this rule becomes final, EPA will work with the tribes to develop the necessary programs to address air concerns. Some tribes may choose not to develop air quality programs or to develop only some parts of an air program. Until a tribe chooses to administer its own air quality program, EPA will continue to administer CAA programs within the tribe's jurisdiction.

As one of the first steps in developing a tribal air program, EPA encourages tribal governments to assess thoroughly their current air quality through emissions inventories. This will help tribes estimate the nature and location of any air quality problems.

Depending upon the results of the emissions inventory and projected growth, several courses of action may be required. Minor air quality problems may be addressed through public education and the application of some basic control strategies. More serious air pollution problems may require a combination of air monitoring, modeling, rule development, enforcement and the development of tribal Implementation Plans and other air programs.

Operating Permits for Air Pollution Sources

Title V of the Clean Air Act Amendments of 1990 established a new requirement for operating permits for major stationary sources of air pollution. These operating permits are designed to enhance the ability of EPA, permitting authori-

ties and citizens to enforce the requirments of the Act. Permits will also clarify for these sources exactly which requirements are applicable to them and what the source must do to comply with those requirements. Sources must pay fees annually to the premitting authority.

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

How the Program Will Work

EPA's principal objective is to assist tribes in developing and administering their own Title V operating permit programs. Currently, EPA is retaining authority for this program in Indian Country until a tribe chooses to develop and administer its own program. Both tribal and state programs are subject to EPA review and approval.

Availability of Tribal Air Grants

Two important sources of financial assistance for tribal air quality planning and management activities are 1) EPA's Indian Environmental General Assistance Program (GAP) and 2) grant funds awarded under Section 103 of the Clean Air Act to be used for assessment, investigation, demonstration and studies.

REFRIGERANT RECYCLING AND THE PROHIBITION ON VENTING

Under Section 608 of the Clean Air Act, EPA published final regulations on May 14, 1993 that:

- Requires service practices to maximize recycling of ozone-depleting compounds (chlorofluorocarbons [CFCs] and hydrochlorofluorocarbons [HCFCs])during the servicing and disposal of air conditioning and refrigeration equipment.
- Sets certification requirements for technician, reclaimers and for recovery and recycling equipment.
- Establishes safe disposal requirements to ensure removal of refrigerants from goods that enter the waste stream with the charge intact (e.g., motor vehicle and room air conditioners and home refrigerators).

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

- Minute quantities of refrigerant released in the course of making good faith efforts to recapture and recycle or safely dispose of refrigerant.
- Refrigerant emitted in the course of normal operation of air conditioning and refrigeration equipment such as from leaks and mechanical purging although there are leak repair requirements in many circumstances).
- Mixtures of nitrogen and R-22 that are used as holding charges or as leak test gases because in these cases, the ozone-depleting compound is not used as a refrigerant.

Use of Approved Equipment

Technicians repairing or servicing motor vehicle air conditioners must use either refrigerant recover/recycle or recover-only equipment approved by EPA. Most certified equipment will be labeled as "design-certified to SAE standards." A list of both types of approved equipment is available from EPA at the address at the end of this section, or by phoning 415-744-1086 or 1-800-296-1996.

Technician Training and Certification

Technicians who repair or service motor vehicle air conditioners must be

trained and certified by an EPA-approved organization. Training programs must cover the use of recycling equipment in compliance with the Society of Automotive Engineers (SAE) Standard J-1989, the regulatory requirements, the importance of refrigerant containment, and the effects of ozone depletion. A list of approved testing programs is available from EPA.

Safe Disposal Requirements

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

Hazardous Waste Disposal

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

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

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

Additional Information:

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

Stratospheric Protection Program
US EPA Region 9 (A-3-2)
415-744-1086

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

ASBESTOS

Schools - Public and Private Nonprofit

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

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

- Designate and train a person to oversee asbestos-related activities in the LEA (designated person).
- Inspect every school building for both friable and nonfriable asbestos containing building materials.
- Prepare a management plan for managing asbestos and controlling exposure in each school and submit that plan to the appropriate state agency. The plan should include a time frame for implementation of recommended actions.
- Use only properly accredited persons to conduct inspections and develop the asbestos management plan. Accredited personnel must also conduct the required reinspections every three years.
- Provide custodial staff and short-term workers with information about the location of any asbestos-containing materials. Post warning labels as required.
- Survey all locations of asbestos-containing materials for damage every six months. Take appropriate steps to repair or replace damaged materials.
- Provide custodial and maintenance staff with two hours of awareness training and an additional 14 hours of training for employees whose duties may cause them to disturb asbestos. This additional training must include proper work

practices and the use of protective equipment when disturbing asbestos containing materials.

- Notify parents, teachers and other school employees about the asbestos inspection and the availability of the asbestos management plan for review.
- Utilize properly accredited individuals to design and conduct asbestos abatement actions that are necessary and appropriate to protect health and the environment. These actions or methods must be documented in the management plan.
- Keep records of all asbestos-related activities in each school plan and make them available for citizen review.

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

Public and Commercial Buildings

In 1990, Congress enacted the Asbestos School Hazard Abatement Reauthorization Act (ASHARA) which amended AHERA to extend some of the training and accreditation requirements to persons performing such work in public and commercial buildings.

A public and commerical building is defined as the interior space of any building which is not a school building except that the term does not include any residential apartment building of fewer than 10 units or detached single-family homes. The term includes, but is not limited to, industrial and office buildings, residential apartment buildings and condominiums of 10 or more units, government-owned buildings, colleges, museums, airports, hospitals, churches, preschools, stores, warehouses and factories. Interior space includes exterior hallways connecting buildings, porticos, and mechanical systems used to condition interior space.

ASHARA requires accreditation for any person who inspects for asbestos-containing material (ACM) in a public and commercial building, or who designs or conducts a response action with respect to friable ACM is such a building. As a result, accreditation requirements for inspectors, project designers, workers, and contractor/supervisors now apply equally to persons in both schools and public and commercial buildings (Congress did not extend the accreditation for management planners to public and commercial buildings).

In addition, ASHARA required EPA to increase the minimum of hours of training, including hands-on training, required for asbestos abatement workers in both schools and public and commercial buildings. It also provided for a civil penalty for contractors who fail to comply with TSCA accreditation requirements by inspecting , designing, or conducting a response action in a school or public and commercial building without TSCA accreditation or by employing individuals

to conduct response actions in such a building and failing to require or provide TSCA accreditation for the employees.

All Buildings

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

The NESHAP requires that each owner or operator of a demolition or renovation activity thoroughly inspect the affected facility or part of the facility for the presence of asbestos, including nonfriable asbestos, before commencement of the demolition or renovation. Private residences of four units or less are exempt from the NESHAP. Regulated asbestos must be properly removed prior to the demolition of a structure.

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

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

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

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

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

The initial point of contact to obtain information on asbestos activities should

be the LEA designee. This individual is most familiar with the asbestos situation in your schools.

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

EPA Region 9 Asbestos Program: 415-744-1093

EPA Region 9 NESHAP Program: 415-744-1145

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

"The Asbestos Informer"

"Asbestos/NESHAP Adequately Wet Guidance"

"Asbestos/NESHAP Regulated Asbestos-Containing Materials Guidance"

"Reporting and Recordkeeping Requirements for Waste Disposal"

"Common Questions on the Asbestos NESHAP"

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

INDOOR RADON

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

Exposure to high radon levels is dangerous. The health hazard from radon arises from inhaling its radioactive decay products. The Surgeon General has warned that radon is the second leading cause of lung cancer in the U.S. today, and is estimated to cause about 14,000 deaths per year. For persons who smoke, the health risk of inhaling radon is especially high.

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

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

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

It is very likely that there are homes, day care centers, schools or commercial buildings that have elevated indoor air concentrations of radon. Testing is the only

way to know.

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

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

Additional Information

Radon Measurement Proficiency Program
Research Technical Information Service
Research Triangle Institute
Research Triangle Park, NC 27709
1-334-272-2797

Western Regional Radon Training Center
1420 Austin Bluffs Parkway
Colorado Springs, CO 80918
1-800-462-7459

PESTICIDES

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

All pesticides must have a label. The label includes instructions for use, human and environmental precautions to be taken, and storage and disposal of containers. The label, together with any literature to which it refers, has the force of law.

In addition to enforcement for the production, sale, distribution and use of pesticides, issues currently being dealt with in the pesticide program include agricultural workers' and pesticide handlers' safety, applicator certification and training, pesticides in groundwater and endangered species. EPA is also targeting funds to promote innovative projects that reduce the risk posed by pesticide use, including Integrated Pest Management projects.

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

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

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

EPA may enter into cooperative agreements with tribes to cooperate in the enforcement of FIFRA and to assist tribes in developing and administering plans to

train and certify pesticide applicators.

Additional Information:

Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), as amended

40 CFR, Parts 150 to 189

Pesticides in Groundwater Strategy, U.S. EPA

54 Federal Register 27984 (July 3, 1989)

TOXICS - PCB'S

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

PCBs were used extensively by the electric power industry for insulating electrical equipment (for example, transformers, capacitors) as well as for fire suppression. Many insulating materials used in heating and ventilating systems also contained PCBs. Manufacturers inadvertently contaminated about twelve percent of the mineral oil-filled electrical equipment in use prior to 1976 by using the same pumps and lines to fill their premium PCB equipment and their mineral oil equipment.

PCB levels at or above 50 parts per million in fluids or non-fluid materials are regulated by the EPA, but EPA allows the use of PCB equipment for the remainder of its useful life, as long as the equipment is properly monitored and maintained.

Tribes confronted with PCB issues should contact the Region 9 PCB program at 415-744-1093.

Additional Information:

PCB Regulations; 40 CFR, Part 761.

AIR & TOXICS PROGRAMS

TOXICS - LEAD

Lead poisoning is known to cause serious health problems, especially in children. Even at low levels, lead poisoning can result in learning deficiencies, reduced intelligence, and other developmental problems. The main source for exposure is through lead-based paint. Lead-based paint was banned for residential use in 1978, but any house built before then may contain it. It is estimated that around three-fourths of the housing stock in the U.S. contains lead-based paint, and as many as three million may be affected by lead poisoning.

To deal with this problem, the Residential Lead-Based Paint Hazard Reduction Act of 1992 - commonly referred to as Title X - added Title IV to the Toxic Substances Control Act (TSCA). Together, these laws mandated EPA to do the following:

- Write regulations for training and certification of lead abatement workers.
- Develop a model state program for tribes, states, and territories to adopt
- Define proper abatement procedures.
- Develop a lead hazard information pamphlet.
- Develop renovation and remodeling guidelines.

Title X regulations will require that anyone doing lead abatement work will be trained, certified, and will perform the abatement work in a safe manner to protect both human health and the environment. The regulations will also require that a person buying or leasing a pre-1978 residence will be notified of known lead hazards, issued a lead hazard information pamphlet, given an opportunity to inspect the property and include specific language regarding lead hazards in any contract for sale or lease.

Tribal governments can work to prevent lead poisoning by educating their constituents in the identification and control of lead hazards. For tribes with sufficient infrastructure and an established lead problem, Title X authorizes grants to establish training and accreditation programs to regulate those involved in lead-based paint activities. Other tribes may wish to consider other funding alternatives, such as an Environmental Education grant, an Environmental Justice grant, or include lead education and outreach as an element of a General Assistance grant.

Any tribe wishing more information should contact Don Lanier at 415-744-1123.

Additional Information:

Lead-Based Paint Regulations: 40 CFR Part 745

TOXICS RELEASE INVENTORY PROGRAM

What is the Toxics Release Inventory (TRI) Program?

Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA) in 1986. Section 313 of the EPCRA mandates that certain businesses submit reports each year on the amounts of 654 chemicals and chemical categories the facilities released, either routinely or by accident. Starting with reporting year 1994, all federal facilities are also required to report.

The purpose of TRI is to provide information about chemical releases to the environment to the community and government officials. In many cases this information has stimulated reductions in emissions, both through a focusing of facility managers' attention on wastes and increased involvement by the public.

Who Is Subject to the EPCRA Section 313 Release Reporting Requirements?

A plant, factory, or other facility is subject to the reporting requirements if it meets all of the following three criteria:

- It conducts manufacturing operations included in Standard Industrial Classification (SIC) codes 20 through 39 (This criterion does not apply to federal facilities); and
- It has 10 or more full-time employees (or the equivalent of 20,000 hours per year); and
- It manufactures, imports, processes, or otherwise uses any of the listed toxic chemicals in amounts greater than the "threshold" quantities. For *manufacturing*, *importing*, or *processing*, the threshold quantity is 25,000 pounds per toxic chemical or category over the calendar year. For *otherwise using* any of the listed toxic chemicals (without incorporating it into any product or producing it at the facility), the threshold quantity is 10,000 pounds per toxic chemical or category over the calendar year.

How to Get Information About the Toxic Chemical Releases

Annual release reports (Form R) are entered into a national computerized data base called the Toxic Release Inventory System, or "TRIS." This is the only multimedia database EPA has on chemical releases and can be used as a yardstick to measure progress in pollution prevention. The data is available through state offices where the forms are filed, through EPA's regional offices, and through EPA's

EPCRA Hotline. In addition, non-trade secret data are available directly to the public through the TOXNET system (National Library of Medicine) and in other forms such as annual national reports, CD-ROM and RTK NET. Many university and public libraries can provide this access.

How Can TRI Help Your Tribe?

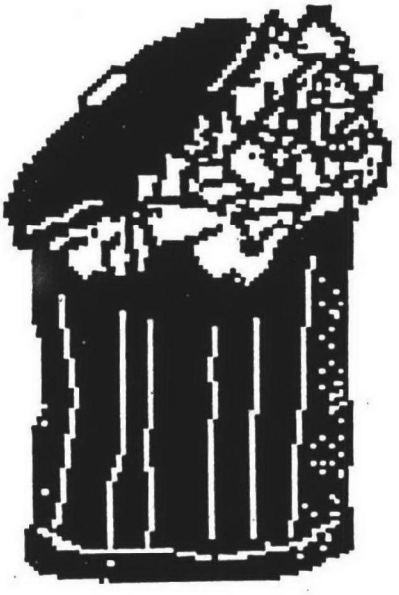
The TRI database can provide your tribe with the following types of information:

- Which toxic chemicals were released into the environment from a specific facility or facilities in a specific community.
- How much of each chemical was released into the air, water, and land.
- How chemical wastes were treated on-site and what was the efficiency of the treatment.
- How much of the chemicals were transported away from the site of the facility for recycling, treatment or disposal.

The TRI data can be printed by year, chemical, facility, county, city, and zip code in a format tailored to meet your need.

To learn more about the TRI Program contact the Toxics Section at (415) 744-1093 or the toll-free national EPCRA Hotline number at (800) 535-0202.

Waste Programs



EMERGENCY RESPONSE

Region 9 operates an Emergency Response Program to receive reports and provide Region-wide response to hazardous materials incidents, sites, and oil spills, which are beyond the capability of local, state, or tribal responders. The 24-hour spill hotline number to call is 415-744-2000. The person who answers the call will obtain as much information as possible about the spill and will then arrange to have a tribal, state, or federal agency respond to the spill, as appropriate.

EPA has a memorandum of understanding with Arizona and Nevada through which the states have agreed to provide hazmat emergency response on federal lands and in Indian Country in Arizona and Nevada respectively. Response in Indian Country is only at the request of the tribe. The benefit for the tribe is faster hazmat reponse with the EPA providing support. In Arizona, call the Arizona Department of Environmental Quality's 24-hour Emergency Response Hotline at 602-207-2330. In Nevada call the Office of Emergency Management at 702-687-4240 from 8:00 a.m. to 5:00 p.m., Monday through Friday, or 702-687-5300 after hours and on holidays and weekends.

SUPERFUND PROGRAM

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

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

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

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

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

Superfund activities depend upon local participation. EPA analyzes hazards and deploys experts, but the Agency needs community input. EPA encourages and solicits input from tribal governments and tribal members in Superfund clean-up decisions.

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

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

Does the Emergency Planning and Community Right-to-Know Act (EPCRA) Apply To My Community?

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

The law provides stiff penalties for facilities that do not comply, and it allows citizens to sue the owner or operator of a facility and regulatory agencies for failure to provide information that must be made public.

What Are The Requirements Under This Law?

The law, passed in October 1986 and applied to the Indian tribes by regulations in July 1990, has many requirements and deadlines. For example, tribal chairpersons are required to establish Tribal Emergency Response Commissions (TERCs). TERCs are required to appoint and supervise Local Emergency Planning Committees (LEPCs). LEPCs are required to develop a local chemical emergency response plan to respond to chemical emergencies in their jurisdiction. Additionally, the LEPC must exercise, review and update the plan annually, informing the community of these activities.

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

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

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

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

1. The tribe may form an independent Tribal Emergency Response Commission (TERC) with either a separate Local Emergency Planning Committee (LEPC) or a combination TERC/LEPC which serves both roles.
2. The tribal chairperson can appoint members to an independent TERC with either a separate LEPC or a combination TERC/LEPC which serves both roles. Most tribes have chosen the latter.
3. The tribe may form a cooperative agreement with the state within which its lands are located. In this case, the tribe will either be a separate LEPC within the state or participate in a nearby LEPC.
4. Until a decision is made and an action taken, the tribal chairperson is considered a one person TERC by default. This is another option some tribes have chosen.

It is important to not only participate in emergency planning, but also to communicate with the members of the LEPC. Become familiar with the law so that you will know what tools are available for assessing and managing risks within the community. Identify what needs to be done to better prepare the community to deal more effectively with, and prevent, chemical emergencies.

RCRA HAZARDOUS WASTE

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

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

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

- **Generator** - Facilities that generate more than 1,000 kilograms (kg) per month of any hazardous waste or more than one kilogram of any "acute" hazardous waste (A kilogram is approximately 2.2 pounds and 1,000 kg is approximately five, 55 gallon drums of material.).
- **Small Quantity Generator** - Facilities that generate less than 1,000 kg per month of hazardous waste but more than 100 kilograms per month. Small quantity generators are given additional time to comply with new regulations and for on-site storage of their waste.
- **Conditionally Exempt Generator** - Facilities that generate less than 100 kilograms a month of any hazardous waste are conditionally exempt from the RCRA regulations.

RCRA Program Applicability

It is very likely that some types of hazardous waste are generated by businesses in your community or by your municipal facility operations themselves. Because hazardous waste includes things like solvents, corrosives and materials containing heavy metals like chromium, cadmium and lead, vehicle maintenance shops often generate hazardous waste that may be subject to RCRA requirements. Any dis-

carded material must be evaluated to determine if it has been listed by EPA as hazardous waste or if the waste exhibits any of the following characteristics: ignitablity, corrosivity, reactivity or toxicity as determined by the Toxicity Characteristic Leaching Procedure (TCLP) test.

Care must be taken with management of products that are no longer wanted or needed. Leftover pesticides from grounds-keeping operations, old paint thinner, etc., must be fully evaluated before determining how to dispose of them. EPA has identified several hundred chemical products which, if disposed of, would also be considered "listed hazardous waste."

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

Timetable

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

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

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

Additional Information:

RCRA Hazardous Waste Regulations, 40 CFR Parts 260-279

SOLID WASTE DISPOSAL PROGRAM

In 1976, Congress directed the US EPA to develop standards for the disposal of solid waste. The two main regulations US EPA developed for the handling of solid waste are 40 CFR Parts 257 and 258.

40 CFR Part 257: The criteria established under this regulation apply to all solid waste disposal sites and practices except agricultural and mining waste. The minimum criteria include evaluating the location of a site (floodplains, endangered species habitats, etc.) and limiting disease vectors, groundwater contamination and explosive gases.

These regulations generally apply to a range of disposal facilities from monofills to construction and demolition debris disposal sites. This regulation has been in effect since 1979.

40 CFR Part 258: The criteria established under this regulation pertain to disposal sites which accept household (or municipal) waste. Household waste is defined as *any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).*

The effective date of this criteria is staggered depending on the size of the disposal site. The general effective date of the criteria was April 9, 1995. However, many tribal sites may be able to claim the "small community exemption." A small community landfill is defined as one that:

- Disposes of less than twenty (20) tons of municipal solid waste daily, based on an annual average;
- Has no evidence of ground-water contamination from the MSWLF unit, and the MSWLF unit serves:
  - A community that experiences an annual interruption of at least three consecutive months of surface transportation that prevents access to a regional waste management facility, or
  - A community that has no practicable waste management alternative and is located in an area that annually receives less than or equal to 25 inches of precipitation.

For a disposal site that fulfills the small community exemption (also called the arid, remote landfill exemption), the general effective date of Part 258 is October 9, 1997.

For many rural communities, the development and implementation of these

regulations require a radical change in solid waste practices. The changes can be expensive if all options are not adequately addressed.

Actions Your Community Should Be Taking

- Develop a Solid Waste Management Plan
- Find alternatives to open dumping and open burning
- Develop community education plans to address solid waste problems and to help find solutions
- Develop waste reduction programs (recycling and composting) in your solid waste management and community education plans
- Close all existing open dumps

Tribes can apply to EPA for approval of landfill regulatory programs. The program approval process involves EPA review of all solid waste regulations and codes. If EPA determines that tribal regulations are equivalent to the federal regulations, landfill owners and operators may have flexibility in landfill operations.

Waste Reduction/Recycling

The solid waste program also works with tribes, states and non-profit organizations to expand markets for recycled materials, stimulate economic development, and create jobs. Through the Jobs Through Recycling (JTR) Initiative, EPA provides grants to states and tribes so that the recipients can provide technical, management, financial, permitting, and marketing assistance to recycling businesses. Using the JTR funds, states and tribes develop programs that: put to productive use recovered materials that would otherwise be landfilled or incinerated; employ innovative technologies to use recovered materials collected in recycling programs; and stimulate economic growth & create jobs.

In its two years of existence, the JTR Initiative has provided approximately $3.5 million in grant funds to states, tribes, and non-profit organizations. To date, three tribes have received funding for their job creation/environmental protection programs. For more information on the JTR Initiative, please contact: John Leigh at 703-308-7896 or Katharine Kaplan at 415-744-2105.

EPA also supports the development and/or enhancement of state and tribal source reduction, recycling, and composting programs through a variety of other grants programs. For information on Agency grants programs, please call Rebecca Jamison at 415-744-2098 or Katharine Kaplan at 415-744-2105.

Additional Information

Solid Waste Program
US EPA Region 9
75 Hawthorne St.
San Francisco, CA 94105
415-744-2135

Region 9 RCRA Information Line: 415-744-2074

National RCRA Hotline: 800-424-9346

Also See:

Resource Conservation Recovery Act, Subtitle D

Code of Federal Regulations: 40 CFR Parts 257 and 258

Public Law 103-399 (McCain Bill/Open Dump Clean-Up on Indian Lands Act)

UNDERGROUND STORAGE TANKS

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

1) DO THE UST REGULATIONS APPLY TO ALL UNDERGROUND STORAGE TANKS? NO, FOLLOWING ARE SOME EXCLUSIONS:

- Farm and residential tanks holding 1,100 gallons or less of motor fuel used for noncommercial purposes.
- Tanks used to store heating oil for consumption on the premises where it is stored.
- Tanks on or above the floor of tunnels or basements.
- Septic tanks and systems for collecting storm water or wastewater.
- Flow-through process tanks.
- Tanks holding 110 gallons or less.
- Emergency spill and overfill tanks.
- Other storage areas that might be considered "tanks", such as surface impoundments, pits, ponds, or lagoons.
- Tanks which contain hazardous waste.

2) WHAT ARE THE GOALS OF THE UST REGULATIONS?

- Prevent leaks and spills.
- Identify leaks and spills.
- Clean up leaks and spills.
- Require that owners and operators of USTs provide a financial means to pay for correcting the problems created if their USTs leak.

3) IF THE UST REGULATIONS APPLY, WHAT MUST I DO AS AN OWNER/OPERATOR?

- Ensure tanks are registered with form 7530-1 and the completed form is sent to U.S. EPA, Region 9 Office of Underground Storage Tanks.
- Employ an approved method of leak detection for both tanks and piping.
- Tanks installed after December 22, 1988, must have spill, overfill, and corrosion protection at the time of installation.

- Tanks installed prior to December 22, 1988, must be closed, removed, replaced, or upgraded with spill, overfill, and corrosion protection by December 22, 1998.
- Demonstrate financial responsibility for the cost of cleaning up a leak or compensating other people for injury or property damage caused by a leaking UST. Compliance date for local governments and Indian tribes is December 31, 1998.

4) **I OWN TANKS THAT COME UNDER THE REGULATIONS, BUT I AM NOT USING THEM, WHAT SHOULD I DO?**

Follow closure requirements for tanks temporarily or permanently closed (see 40 CFR 280 Subpart G). (Note: Tanks not used from 3 to 12 months can be temporarily closed by leaving vent lines open and functioning and cap and secure all other lines, pumps, manways and ancillary equipment.) Permanent closure is required beyond 12 months when the tank(s) must be either filled with an inert material or removed. If a groundwater monitoring system or a vapor monitoring system was in operation at the time of closure and indicates no release has occurred, a site assessment is not required. EPA will help you decide how best to close the UST so that it meets all federal requirements.

5) **IF A LEAK OR SPILL SHOULD OCCUR, WHAT MUST BE DONE?**

- Contact the closest fire department to ensure that it does not pose a hazard to human health.
- Contact the EPA within 24 hours to report the release/spill; the regulatory authority will decide if you must take further action.

Additional Information

(contact your EPA Region 9 Office of Underground Storage Tanks for copies of these publications)

How to Comply with Underground Storage Tanks Regulations on Native American Lands in EPA Region 9 (EPA Region 9 OUST, 1994) Draft

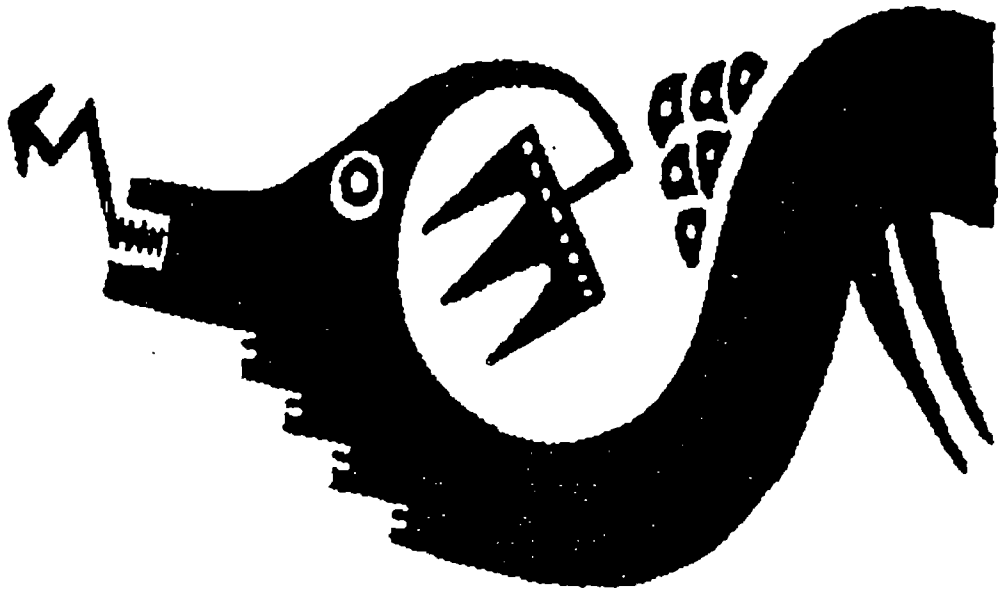
Musts for USTs: A Summary of the New Regulations for Underground Storage Tank Systems (U.S. EPA, OUST, 7/90)

Dollars and Sense: A Summary of the Financial Responsibility Regulations for Underground Storage Tanks Systems (U.S. EPA, OUST 12/88)

Don't Wait Until 1998, Spill, Overfill and Corrosion Protection for Underground Storage Tanks (U.S. EPA, OUST, 4/94)

Regional Contact: Walter Guggenheimer
Office of Underground Storage Tanks
75 Hawthorne Street, Mail Code H-W-4
San Francisco, CA 94105 (415) 744-2094 or (415)744-1305

Water Programs



Pueblo Rain Serpent

SAFE DRINKING WATER ACT - PUBLIC WATER SYSTEMS

The Safe Drinking Water Act (SDWA) is the federal law regulating the quality of finished drinking water from a public water supply (PWS). The purpose of the act is to make sure that the drinking water supplied to the public is safe for human consumption. The EPA has the responsibility of setting national drinking water standards which must be met by all water supplied to the public. EPA also has the authority and responsibility to implement the SDWA and its associated regulations in Indian Country. All public water systems in Indian Country, regardless of ownership, must comply with these requirements. EPA retains the primary enforcement responsibility for these PWS until a tribe has applied for, and been approved for, primacy under the SDWA Public Water Supply Supervision program.

A public water system (PWS) is defined as "a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year." PWS are divided into three categories: community systems, transient non-community systems, and nontransient non-community systems.

Community systems serve a year-round residential population such as a village.

Non-transient non-community systems serve at least the same 25 people at least six months of the year (e.g., schools, clinics, factories, etc.) This type of system serves the same people nearly every day but they do not actually live at the facility.

Transient non-community systems serve at least 25 mobile or transient people at least 60 days of the year at locations such as hotels, restaurants and seasonal campgrounds.

General Responsibilities

It is the responsibility of the owner of a public water system to meet the following general requirements:

Sampling and Reporting: Each supplier of water must collect samples from the water system, take them to a certified laboratory for analysis, and send the results to EPA. The type of analysis performed, the sampling frequency, and the location of the sampling point vary from system to system depending on the category of system (community, non-transient non-community or transient non-community), the number of people served, the number of service connections, and whether it uses surface water or groundwater as its source of supply.

Record Keeping: The water supplier must keep information about the system on file. This information includes laboratory sample results, sanitary surveys, steps

taken to correct problems, operation and maintenance records and correspondence.

Public Notification: Any time there is a violation of the regulations, the public must be notified. The purpose of the public notification is to inform customers of any potential adverse health effects and to describe what steps consumers can take to minimize the impact. The method, timing and frequency of the public notice varies based upon the severity of the violation. Each public notice must meet certain requirements concerning the information it contains and the way that it is issued.

Proper Operation and Maintenance (O&M): The water supplier is responsible for ensuring that the system is properly operated and maintained by qualified persons. This includes correcting problems that cause violations of the requirements. Water system O&M is key to providing a safe supply of drinking water.

It is important to note that the SDWA does not provide funds for construction or improvements to water systems, ongoing operation and maintenance, or for monitoring of drinking water quality.

Drinking Water Standards

EPA sets drinking water standards which apply to all public water systems. There are two types of national standards: primary and secondary. Primary standards are health-based and enforceable. Secondary standards are based on the aesthetic quality of the water and are non-enforceable guidelines.

Primary standards are established as either Maximum Contaminant Levels (MCLs) or as Treatment Technique Requirements.

Maximum Contaminant Levels (MCLs) are the numerical standard against which the water quality is judged. The system will be judged for compliance with the MCLs based upon results of required water sampling.

Treatment Technique Requirements are set for contaminants which are difficult or costly to measure. EPA chooses in some cases to require specific water treatment practices (such as filtration or corrosion control) to remove these contaminants and prevent health problems. The treatment technique is required in place of setting an MCL.

Secondary standards consist of secondary Maximum Contaminant Levels (SMCLs) which are asociated with the aesthetic quality of water such as taste, odor or color. Water with contaminants at levels above the SMCLs may not be pleasant to drink but will not cause health problems. These numbers are guidelines, not enforceable standards.

Monitoring

Water systems are required to monitor the quality of the drinking water supplied to the public. The type of analysis performed, the sampling frequency, and the location of the sampling point vary from system to system depending on the category of system (community, non-transient non-community or transient non-community), the number of people served, the number of service connections, and

whether it uses surface water or groundwater as its source of supply. Monitoring requirements include testing for the following contaminant groups: Coliform bacteria (Total Coliform Rule); Inorganic Chemicals; Volatile Organics Chemicals, Pesticides and Synthetics Organic Chemicals; Radionuclides; and Disinfection By-Products. EPA Region 9 is implementing a "Monitoring Waiver Program" for PWS in Indian Country. Your water system may be eligible for reduced monitoring frequency based upon previous monitoring results, characteristics of your system and land use practices in the watershed. **Contact EPA for the monitoring requirements specific to your water system and for information about the Monitoring Waiver Program application process.**

The Total Coliform Rule requires that samples for coliform bacteria be collected on a routine (usually monthly) basis from locations in the distribution system. Coliform bacteria are used as an indication of the potential presence of potentially harmful bacteria in the water. The MCL is based upon the presence or absence of coliform bacteria.

The Surface Water Treatment Rule requires that water systems using surface water sources or groundwaters which are directly influenced by surface water must filter and disinfect prior to delivery to the public. Monitoring of treated water turbidity and disinfectant residual is required as part of this treatment technique requirement.

Chemical Monitoring

Each chemical contaminant group consists of a list of specific contaminants:

Inorganic Chemicals:

Antimony	Cadmium	Nitrate
Arsenic	Chromium	Nitrite
Asbestos	Cyanide Selenium	
Barium	Fluoride Sodium	
Beryllium	Mercury Thallium	

Lead and Copper (Lead and Copper Rule Monitoring)

Disinfectant By-Products: Total Trihalomethanes (TTHM)

Radionuclides (RAD): Gross Alpha and Radium 226 & 228.

Volatile Organic Chemicals (VOC):

Benzene	para-Dichlorobenzene	Dichloromethane
Carbon tetrachloride	1,1,1-Trichloroethane	Styrene
1,2-Dichloroethane	Trichloroethylene	Tetrachloroethylene
1,1-Dichloroethylene	Vinyl chloride	Toluene
o-Dichlorobenzene	Monochlorobenzene	Ethylbenzene
cis-1,2-Dichloroethylene	1,2-Dichloropropane	
trans-1,2-Dichloroethylene		
1,2,4-Trichlorobenzene		
1,1,2-Trichloroethane		
Xylenes (total)		

Pesticides & Synthetic Organic Chemicals (SOC):

Alachlor	Di(2-ethyhexyl)adipate	Heptachlor epoxide
Arazine	Di(2-ethyhexyl)phthalates	Hexachlorobenzene
Carbofuran	Dinoseb	Lindane
Chlordane	Diquat	Methoxychlor
Dibromochloropropane (DBCP)		Oxymal (Vydate)
2,4-D	Endothall	Picloram
Endrin	Heptachlor	Pentachlorophenol
Ethylene dibromide (EDB)		Toxaphene
Benzo(a)pyrene (PAHs)		2,4,5-TP (Silvex)
Dalapon		Glyphosate
Hexachlorocyclopentadiene		Simazine
Polychlorinated biphenyls (PCBs)		2,3,7,8-TCDD (Dioxin)

Unregulated Contaminants are contaminants which must be sampled for but for which no MCL has been set. This means that there is a requirement to monitor for these contaminants and to report any detections to EPA. Samples for unregulated contaminants are usually collected in conjunction with regulated contaminant monitoring. Unregulated contaminants include the following contaminants:

2 Inorganic Chemicals: Nickel and Sulfate

10 Pesticides and Synthetic Organic Chemicals: Aldrin, Butachlor, Carbaryl, Dicamba, Dieldrin, 3-Hydroxycarbofuran, Methomyl, Metolachlor, Metribuzin, Propachlor.

3 Organic Chemicals Under Court Order Stay: Aldicarb, Aldicarb sulfone, Aldicarb sulfoxide.

21 Volatile Organic Chemicals: Bromobenzene, Bromodichloromethane, Bromoform, Bromomethane, Chlorobenzene, Chlorodibromomethane, Chloroethane, Chloroform, Chloromethane, o-Chlorotoluene, p-Chlorotoluene, Dibromomethane, m-Dichlorobenzene, 1,1-Dichloroethane, 1,1-Dichloropropene, 1,3-Dichloropropane, 1,3-Dichloropropene, 2,2-Dichloropropane, 1,1,1,2-Tetrachloroethane, 1,1,2,2-Tetrachloroethane, 1,2,3-Trichloropropane.

SAFE DRINKING WATER ACT - UNDERGROUND INJECTION CONTROL

Groundwater supplies over half the nation's drinking water, especially in rural areas. It is vulnerable to contamination from activities occurring in and around it. The Underground Injection Control (UIC) Program was establihed under the Safe Drinking Water Act to protect the nation's potable groundwater supplies. The UIC program regulates the subsurface injection of wastewater below, into and above underground sources of drinking water (USDW).

Types of UIC wells:

Class I	Wells which inject hazardous waste below the lowermost USDW.
Class II	Wells used in oil and gas production.
Class III	Wells which inject fluids used in mineral extraction activities.
Class IV	Wells which inject hazardous or radioactive waste into or above a potable source of groundwater. **Class IV wells are prohibited.**
Class V	Wells which inject all other nonhazardous wastes into or above a USDW. These are any wells not included in Classes I - IV. These wells are currently authorized by rule unless EPA (or a primacy state/ organization) determines that a permit is needed to ensure protection of USDWs. Examples of Class V wells: dry wells collecting surface water runoff; automotive disposal wells; and septic tanks which accept industrial wastes. "Injection" includes seeping, flowing, leaching, and pumping with or without pressure.

Class I, II and III wells are very specifically regulated regarding their construction, operation and monitoring. Class IV wells are banned unless they are part of an authorized groundwater cleanup. Class V wells (also called shallow injection wells) constitute the majority of underground injection activities (at least 90% of all such wells are believed to be Class V) and can become a major threat to groundwater resources if used improperly.

Any business that generates liquid waste that is not connected to a municipal sewer is likely to utilize some sort of underground injection to get rid of wastewater. Often, septic systems designed to handle biological wastes from homes are used by businesses to dispose of chemical waste products. The septic system is then unable to treat any waste, and the combined waste stream discharges directly into or above groundwater.

Facilities likely to generate wastes that pose a significant risk to groundwater include: automotive service stations, dry cleaners, transportation service bays,

pesticide applicators, photoprocessors, electroplaters, printers, chemical and electronics manufacturers, pharmaceutical companies, food processors, and much more. (Please note that septic tanks with the capacity to serve fewer than 20 persons per day and receive only biological waste are exempt from UIC regulations.)

In addition to regulating injection wells under the UIC program, Section 1431 of the SDWA broadens federal authority to take quick action in situations where human health may be imminently and substantially endangered by contaminants in or near groundwater. This authority extends not onlyto injection wells, but also to unlined pits, ponds, trenches, etc. Please call your EPA regional office for more information or enforcement assistance.

SAFE DRINKING WATER ACT - WELLHEAD PROTECTION

Groundwater is used by more than half of all Americans for drinking purposes. Rural areas depend on groundwater for 95% of their drinking water. The nation's agricultural community uses ground water for about half of its needs; ground water supplies nearly one-third of industry's water requirements. **Local communities can protect their groundwater resources and prevent contamination** by incorporating wellhead protection activities into land use management efforts.

What is Wellhead Protection?

Wellhead protection is delineating (drawing) boundaries around a water supply well or wellfield, and then managing activities within those boundaries to prevent pollutants from getting to the groundwater which contributes to the well. The delineated area is also called the wellhead protection area (WHPA). Activities which may be managed or limited within a WHPA are any land or subterranean disposal of waste or application of chemicals, from industrial, residential, or agricultural sources. This includes dumps, septic systems, and injection wells.

WHPA boundaries are based on hydrogeologic factors, like time-of-travel of ground water flowing to the well; aquifer boundaries, and the degree to which the aquifer is confined; and pumping rates. All of these hydrogeologic characteristics have a direct effect on the likelihood, extent, and movement of contamination.

Some communities find that it is most appropriate to practice whole aquifer protection, or to define the entire aquifer as their wellhead protection area. However it is defined, and whether it is called a protected recharge zone, wellhead protection area, or aquifer protection area, the steps discussed below apply.

Steps to Establishing a Successful Wellhead Protection Program

1. Specify roles, duties and authorities of tribal, local, state and federal agencies with an interest in managing the quality and quantity of ground water resources in the approximate recharge area. Try to reach consensus on the need for joint management and protection of the resource.

2. Delineate the wellhead protection area (WHPA) for each wellhead. The delineation method you choose depends on available data, staff and funds to contract a hydrogeologist if one is not locally available.

3. Identify potential sources of contaminants within each WHPA. This inventory should consider historical, current and future land uses. Much success has

been achieved from using student and/or senior volunteers in this step.

4. Develop management approaches to protect the WHPA from contaminants. Management may be regulatory, non-regulatory or legislative, and include zoning, health regulations and public education. Educating residents and businesses within the WHPA on the value of ground water and how to prevent or minimize the threat of contamination is extremely important.

5. Develop a contingency plan for each public water supply system, so that if contamination is detected, an alternate water supply is available.

6. Site new wells carefully to maximize yield and minimize potential contamination.

7. Keep the public involved. By participating in wellhead protection efforts, they are taking practical steps to protecting their health and the health of the community.

Please contact your EPA regional office if you would like additional information regarding local Wellhead Protection.

CLEAN WATER ACT

Although federal laws dealing with water quality have existed for almost fifty years, the current era of water pollution control began in 1972 with the comprehensive amendments to the Federal Water Pollution Control Act, the formal name of the Clean Water Act (CWA). The goal of the CWA "is to restore and maintain the chemical, physical, and biological integrity of the Nation's water," primarily through a prohibition against discharging pollution into the waters of the United States. While not comprehensive (certain sources of pollution are not directly regulated), the CWA does deal with a complex variety of matters concerning water pollution, including the following: grants for construction projects and research and study, development of water pollution control programs, permitting and regulations of discharges, and establishing water quality standards.

It wasn't until 1987 that Congress dealt directly with the role of Indian tribes by enacting section 518(e) of the CWA which allows the Administrator to treat Indian tribes as states for specific purposes under the Act. In essence, section 518 expanded the state\federal relationship to include a tribal\federal relationship. Most importantly, eligible tribes, like states, can obtain grants to develop water quality programs, establish water quality standards, issue NPDES permits, and provide certifications under section 401. To be eligible, a tribe must demonstrate the following:

1) a tribe must be federally recognized;
2) a tribe must have a governing body that carries out substantial duties and powers;
3) a tribe must possess civil regulatory jurisdiction to carry out the functions it seeks to exercise; and
4) a tribe must demonstrate its capability to carry out those functions. EPA has promulgated regulations implementing section 518(e) and has established procedures for processing applications under the applicable programs.

CLEAN WATER ACT - 106 WATER QUALITY MANAGEMENT PLAN

Section 106 of the CWA provides financial assistance to eligible tribes for the assessment, prevention, reduction, and elimination of water pollution. Tribes can use Section 106 funds to develop a water quality standards program, for groundwater and wetlands protection, and to abate nonpoint source water pollution. However, 106 funds cannot be used to construct water treatment facilities, to monitor the quality of water used solely for drinking, or to work on water rights issues. Up to three percent of funds available under Section 106 are set aside for Indian tribes. To receive a grant, a tribe must show that it is eligible under the criteria found in Section 518(e) and must have an EPA-approved workplan, which can be developed by tribal staff or consultants.

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

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

Additional Information

"Clean Water Act Grants for Indian Tribes Section 106 Guidelines"

"Indian Tribes: Water Quality Planning & Management," *Federal Register*, Vol. 54, No. 68, April 11, 1989.

Federal Register, 40 CFR Parts 35 & 130, March 23, 1994

Federal Register 40 CFR Parts 35 & 130, January 11, 1985

CLEAN WATER ACT - NONPOINT SOURCE POLLUTION CONTROL

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

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

Up to one-third of one percent of the funds available under Section 319 are set aside for eligible Indian tribes. To receive a grant, a tribe must show that it is eligible and must have an EPA-approved nonpoint source assessment and nonpoint source management plan. A section 106 grant can fund development of the assessment and management plan. A project implementation plan and workplan are also required. Normally, a non-federal match of 40% is necessary. However, upon demonstration of financial hardship, a minimum 10% cost share can be allowed.

Additional Information

"Indian Tribes: Water Quality Planning & Management," *Federal Register*, Vol. 54, No. 68, April 11, 1989.

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

CLEAN WATER ACT - INDIAN SET-ASIDE PROGRAM

Section 518(c) of the CWA establishes an Indian Set-Aside Grant Program. One-half of one percent of the funds available under Section 207 of the CWA are reserved each for the development of wastewater management plans and the construction of sewage treatment works that serve Indian tribes. Grants are awarded according to a national priority listing that is based on three categories of criteria: water quality, public health, and existing level of treatment. The Set-Aside Program provides funds to Indian tribes (as defined by the CWA), Alaska Native Villages (as defined by the Alaska Native Claims Act), and tribes on former reservations in Oklahoma.

Additional Information:

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

CLEAN WATER ACT - WATER QUALITY STANDARDS PROGRAMS

Under Section 303 of the CWA, tribes can establish water quality standards, which must be periodically reviewed and updated. "Designated uses" and "criteria" comprise water quality standards. Designated uses (for example, a "cold water fishery" or "industrial water supply") are the uses for each water body that are to be maintained by the standards. Tribes must also create criteria that specify what concentrations of pollutants will ensure that the designated uses are met. Criteria are usually stated in numerical amounts but can also be written in narrative form. In addition, the CWA requires that a tribe have an antidegradation policy which insures that the tribe's standards maintain existing uses and quality.

To participate in the water quality standards program, a tribe must demonstrate that it is eligible under the criteria contained in Section 518(e) of the CWA and must develop water quality standards pursuant to the requirements of the statute and regulations. EPA must review and approve the standards in the same manner as it approves state standards. tribal water quality standards serve as the basis for certifications under Section 401 of the CWA and are implemented through discharge permits, dredge and fill ("404") permits, and best management practices to control nonpoint sources of pollution. A tribe that has obtained approval of its water quality standards also becomes the certifying authority under Section 401 of the CWA. A tribe may use Section 106 funds to develop and implement the standards. No additional funding is available under Section 303 itself.

Additional Information:

40 CFR, Part 131, Water Quality Standards Regulation.

"Amendments to the Water Quality Standards Regulation that pertain to Standards on Indian Reservations;" Final Rule. 56 *Federal Register* 6 4876, December 12, 1991.

"Reference Guide to Water Quality Standards for Indian Tribes," US EPA, January 1990.

CLEAN WATER ACT - NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

The CWA generally prohibits discharging any pollutants into the waters of the United States except in compliance with certain sections of the statute. One of the primary exceptions to the prohibition is the National Pollutant Discharge Elimination System (NPDES) program found in section 402 of the Act. Every person, including tribal facilities, that discharges into the waters of the United States must have an NPDES permit.

The most significant terms found in NPDES permits are the effluent limitations. There are two types of effluent limitations -- technology-based and water quality-based -- that regulate the content of the discharge based on available pollution control technology and are set to control the effects that the discharge will have on the receiving water. Thus, NPDES permits work in concert with water quality standards established by tribes, states, or the federal government. In addition, pursuant to Section 401 of the CWA, a person seeking an NPDES permit must obtain a certification that the proposed project will comply with specific provisions of the CWA. In the case of a tribe that has EPA-approved water quality standards, the tribe is the certifying authority for the purposes of Section 401.

Section 518(e) authorizes EPA to approve tribal NPDES programs in substantially the same manner as the Agency approves state programs. A tribe may obtain approval by demonstrating that it is eligible under the criteria found in Section 518(e) and submitting the appropriate information as required in 40 CFR Part 123. Until a tribe has an approved NPDES program, EPA will continue to implement the federal NPDES program within the tribe's jurisdiction. Prior to approval of a tribal NPDES program, tribes can increase awareness and education concerning the requirements of the CWA and wastewater collection and disposal, and can implement the most appropriate wastewater collection and treatment policies.

Additional Information

"Treatment of Indian Tribes as States for Purposes of Section 308, 309, 401, 402, and 405 of the Clean Water Act (CWA)" 58 Fed. Reg. 67966 (December 22, 1993) (codified at 40 C.F.R. Parts 122, 123, 124, and 501)

CLEAN WATER ACT - SEWAGE SLUDGE USE AND DISPOSAL

Municipal wastewater sludge (or biosolids) is a by-product of the wastewater treatment process. Sludge regulations ensure that sewage sludge is properly handled by disposal or reused as a soil conditioner or fertilizer. Federal regulations set limits for 10 metals, requirements for disease pathogen reduction, requirements for vector attraction reduction, and management practices when sludge is used or disposed.

The regulations apply to sludge produced by wastewater treatment systems (including tribal systems) with any form of central treatment or mechanical plant, including a lagoon, which will need to be cleaned. The regulations do not apply to individual on-site septic systems. However, the regulations apply to the disosal or reuse of the septage from the individual on-site systems.

The final sewage sludge regulations were published on February 19, 1993 and became effective March 22, 1993. Full compliance was required by February 19, 1995. Monitoring and record keeping was required starting July 19, 1993.

Tribes and their members should be aware of restrictions covering proper use of the sewage sludge for land application (agricultural and small quantity local use) and proper disposal (incineration, surface disposal, dedicated land disposal, disposal in a municipal solid waste landfill or placement in a sludge monofill). Tribes (except those with lagoons*) should immediately begin testing their sludge to determine its quality. Then, the communities should evaluate which options are available based on the sludge in accordance with the regulations.

These regulations are "self-implementing" -- they are in effect and enforceable whether or not they are specified in a permit. However, wastewater treatment plants must submit a sludge permit application with their NPDES permit application. Anyone else who generates or treats sludge must submit an application by February 19, 1994 or 180 days prior to start-up.

Additional Information:

Sewage Sludge Final Rule, 40 CFR Part 503.

* The regulations do not cover lagoons but do apply to the sludge at the time it is removed from the lagoon for use or disposal.

CLEAN WATER ACT - PRETREATMENT REQUIREMENTS

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

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

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

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

Additional Information:

Pretreatment Final Rule, 40 CFR 403.

CLEAN WATER ACT - STORM WATER

The storm water regulations are a new part of the National Pollutant Discharge Elimination System (NPDES) under Section 402(p). In response to these changes, EPA issued final regulations in November 1990 which define the initial scope of the NPDES permit program for storm water discharges. The regulations define the term "storm water discharges associated with industrial activity," and "large and medium municipal separate storm sewer systems" and the permit application requirements for these discharges.

At this time, the municipal side of the program requires applications only from cities with a population of 100,000 or more, and counties having large populations in unincorporated, urbanized areas. Phase II (sometime after October 1994) may require communities less than 100,000 to obtain a permit and develop a storm water management program. The regulations define 11 categories of industrial activities subject to storm water permitting requirements, including landfills, airports, power plants and construction activities disturbing more than 5 acres of land. EPA will be able to give tribes assistance to determine which of their industrial operations need permits and how to apply for the permits.

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

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

CLEAN WATER ACT - WATER AND WETLANDS PROTECTION

An integral part of the CWA is the restoration and maintenance of the nation's wetlands. EPA, in partnership with tribal governments, is responsible for protecting wetland resources. The major federal regulatory tool for this is Section 404 of the CWA, which is jointly administered by the U.S. Army Corps of Engineers and EPA. Section 404 establishes a permit program to regulate the discharge of dredged or fill material into waters of the U.S., including most wetlands. Failure to obtain a permit or to comply with the terms of a permit can result in civil and/or criminal penalties. The U.S. Fish and Wildlife Service has an important advisory role in the permit review process.

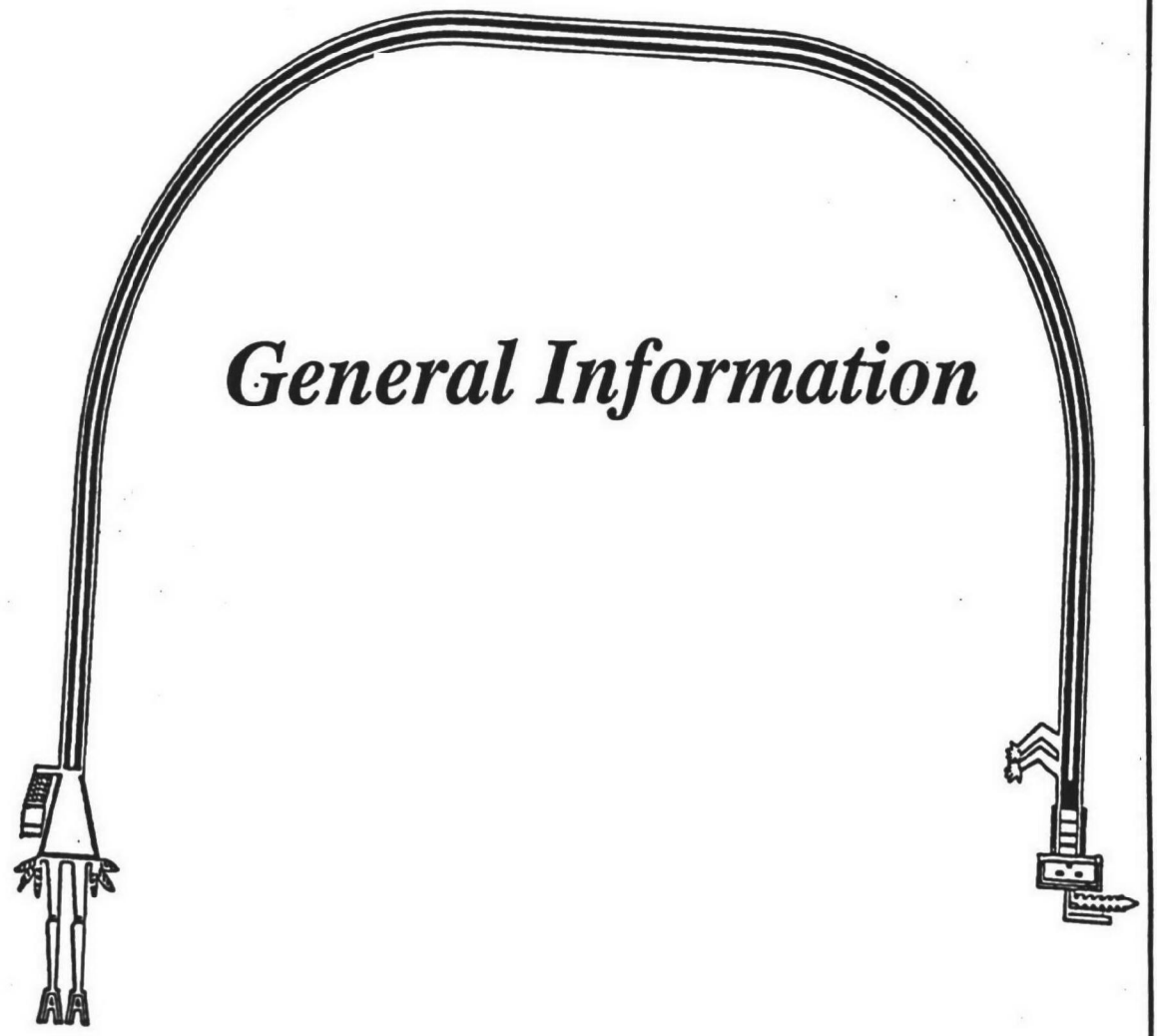
Waters of the U.S. include lakes, streams, rivers, wetlands and coastal waters. Wetlands are areas which are saturated or flooded for varyig periods of time during the growing season. Because of the presence of water, there is a prevalence of aquatic or hydrophytic vegetation, such as that found in swamps,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

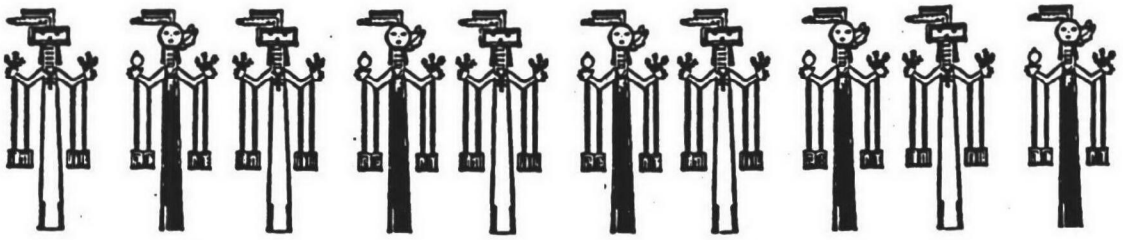
Section 518(e) authorizes EPA to approve tribal wetlands programs in substantially the same manner as the Agency approves state programs. A tribe may obtain approval by demonstrating that it is eligible under the criteria found in Section 518(e) and submitting the appropriate information as required in 40 CFR Part 233. Until a tribe has an approved wetlands program, EPA will continue to implement the federal wetlands program within the tribe's jurisdiction.

Additional Information:

"Clean Water Act; Section 404 Tribal Regulations" 58 Fed. Reg. 8171 (February 11, 1993) (Codified at 40 C.F. R. Parts 232 and 233)

General Information





Navajo Yeii's

REGIONAL EPA CONTACTS

Region 9 Address: **75 Hawthorne Street**
San Francisco, CA 94105

OFFICE OF THE REGIONAL ADMINISTRATOR

Felicia Marcus, Regional Administrator (415)744-1001
John Wise*, Deputy Regional Administrator (415)744-1001
Chair, Regional Indian Program Committee

I. CROSS-MEDIA DIVISION

Laura Yoshii*, Director (415)744-2196
Deanna Wieman*, Deputy Director (415)744-1566

EPA Region 9 Indian Programs Office

Clancy Tenley*, Indian Programs Manager (415)744-1607
Sara Hedrick, Environmental Protection (415)744-1521
Assistant/Office Manager
Christiane Camp (415)744-1490
National Policy Issues
Bill Clarke (415)744-1520
Senior Environmental Employee; Author of the monthly "MEMO" to Region Tribes
Wendy Colombo (415)744-1603
Region 9 Indian Program Resource Planning
Stephen Etsitty (415)744-1489
Tribal Coordinator for these Arizona Tribes:
Chemehuevi, Cocopah, Colorado River, Fort Mojave, Havasupai, Hualapai, Kaibab, Quechan, Salt River, San Carlos, White Mountain
Roccena Lawatch (415)744-1602
Tribal Environmental Plan, General Assistance Program and RTOC Coordinator
Clarice Olson (415)744-1606
Tribal Coordinator for Nevada Tribes and the Bishop and Fort Independence Tribes in California
Pam Overman (415)744-1600
Tribal Coordinator for these Arizona Tribes:
Ak-Chin, Fort McDowell, Gila River, Hopi, Navajo Nation, Pasqua Yaqui, San Juan Southern Paiute, Tohono O'odham, Tonto Apache, Yavapai Apache, Yavapai Prescott

Gilbert Pasqua (415)744-1595
Tribal Coordinator for Northern California Tribes
Lisa Penaska (415)744-1488
Tribal Coordinator for Central California Tribes
Marico Sayoc (415)744-1486
Tribal Coordinator for Southern California Tribes

*Northern/Southern California Contact positions, currently vacant. Until these positions are assigned, please contact Clancy Tenley or Roccena Lawatch

II. OFFICE OF REGIONAL COUNCIL

Gail Cooper*, Deputy Regional Council (415)744-1364
Greg Lind*, Regional Indian Law Attorney (415)744-1376

III. OFFICE OF POLICY AND MANAGEMENT

Elizabeth Stahl*, Grants Specialist (415)744-1689
David Taylor*, Quality Assurance/Laboratory (415)744-1497

IV. OFFICE OF FEDERAL ACTIVITIES

Jeanne Geselbracht, NEPA (415)744-1576

V. OFFICE OF CRIMINAL ENFORCEMENT

David Wilma, Special Agent-in-Charge (415)744-2485

VI. AIR AND TOXICS DIVISION

Doug McDaniel*, Air Quality (415)744-1246
Don Wood*, Pesticides (415)744-1059
Navajo Nation, Gila River Tribe and ITCA
Louise Hill, Radon (415)744-1046
Don Lanier, Lead/PCBs (415)744-1123
Pat Maravilla*, Toxics (415)744-1122

VII. HAZARDOUS WASTE MANAGEMENT DIVISION

Betsy Curnow*, Chief Planning and Assessment Branch	(415)744-2344
Dennis Geiser*, Superfund	(415)744-2147
Bob Mandel, CERCLA-Emergency Response	(415)744-2290
Barbara Joy*, SARA Title III (Central and Northern CA)	(415)744-2342
Jeff Inglis*, SARA Title III (Southern CA)	(415)744-2348
Carolyn Douglas*, CERCLA/SARA Navajo, Gila River	(415)744-2343
Greg Czajkowski, RCRA-Hazardous Waste	(415)744-2107
April Katsura, RCRA-Hazardous Waste Grants	(415)744-2030
Rebecca Jamison*, RCRA-Solid Waste	(415)744-2098
Matt Small, RCRA-Underground Storage Tanks	(415)744-2078
Mary Keil, RCRA-UST/Navajo	(415)744-2080
Bill Wilson, Pollution Prevention	(415)744-2010

VIII. WATER MANAGEMENT DIVISION

Bill Thurston, Drinking Water Protection Branch	(415)744-1817
Su Cox*, Public Water Supply-Northern CA	(415)744-1855
Barry Pollock, Public Water Supply, Southern CA	(415)744-1854
Jill Korte, Public Water Supply, AZ	(415)744-1853
Roger Yates, Public Water Supply, NV	(415)744-1843
Danny Collier, Public Water Supply, Navajo	(415)744-1856
George Robin, Groundwater Protection	(415)744-1819
Lisa Nelson*, Watershed Protection	(415)744-1966
Carla Moore, Construction Grants	(415)744-1938
Terry Oda, NPDES Permits	(415)744-1923
Jeremy Johnstone, NPDES Compliance	(415)744-1895
Laurne Fondahl, Pretreatment/Sludge	(415)744-1909
Wendell Smith*, Water Quality (Section 106, Section 314, Section 319)	(415)744-2018
James Romero, Water Quality 401 Certification	(415)744-1967
Ed Liu, Water Quality Monitoring	(415)744-1934

*member of Region 9 Indian Programs Committee

REGIONAL TRIBAL CONTACTS

NATIONAL TRIBAL OPERATIONS COMMITTEE – REGION 9 TRIBAL REPRESENTATIVES

ARIZONA

Gila River Indian Community
Cecil Antone, Lt. Governor
P.O. Box 97
Sacaton, AZ 85247

Navajo Nation EPA
Lorenda Joe, Acting Director
P.O. Box 339
Window Rock, AZ 86515

CALIFORNIA

Morongo Band of Mission Indians
Jim Fletcher, Planner
11581 Potrero Road
Banning, CA 92220

NEVADA

Nevada Indian Environmental Coalition
Tom Burton, Executive Director
1280 Terminal Way #22
Reno, NV 89502

REGION 9 REGIONAL TRIBAL OPERATION COMMITTEE – TRIBAL REPRESENTATIVES

ARIZONA

Ft. McDowell Indian Community
Stephanie Ostrom, Envir. Manager
P.O. Box 17779
Fountain Hills, AZ 85269

Hopi Tribe
Nat Nutongla
Water Resources
P.O. Box 123
Kykotsmovi, AZ 86039

Hualapai Nation
Clay Bravo, Natural Resources
P.O. Box 300
Peach Springs, AZ 86434

NORTHERN CALIFORNIA

Hoopa Valley Business Council
Hilton Hostler, Jr., Councilman
P.O. Box 1348
Hoopa, CA 95546

Yurok Tribe
Sid Nix, Councilman
517 Third St., Suite 18
Eureka, CA 95501

CENTRAL CALIFORNIA

Fort Independence Council
Richard Wilder, Chairman
P.O. Box 67
Independence, CA 93526

Big Valley Rancheria
Mike Umbrello
Environmental Planner
1490 Soda Bay Road
Lakeport, CA 95452

SOUTHERN CALIFORNIA

Fort Independence Council
Michele Salgado, Chairperson
P.O. Box 391760
Independence, CA 93526

Torres-Martinez
Business Committee
Mary E. Belardo
Chairperson
66-725 Martinez Road
Thermal, CA 92274

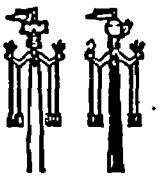
NEVADA

Walker River Paiute Tribe
Sam Stegeman, Water Resources
P.O. Box 220
Schruz, NV 89427

Tom Burton
NV Indian Environmental
Coalition
1280 Terminal Way, #22
Reno, NV 89502

*National TOC Members also sit on the Regional TOC

INFORMATION SERVICES



EPA EMPLOYEE LOCATOR/REGIONAL RECEPTIONIST (415) 744-1305

This number can be used to locate EPA staff at 75 Hawthorne. The Employee Locator telephone number is listed in the San Francisco, Pacific Bell Telephone Directory and in all EPA directories. Your call is answered first by Voice Mail with a menu of options. Calls are then transferred and will ring extensions.

Voice Mail will look for a match in its database and transfer the caller by re-dialing the extension programmed. Between the hours of 8:30 AM to 5:00 PM, calls can be transferred to the Regional Receptionist for additional assistance by pressing 0.

EPA REGION 9 LIBRARY SERVICES

The US Environmental Protection Agency Region 9 Library provides a wide range of services and maintains an extensive collection of environmental information. The Region 9 Library contains approximately 40,000 technical reports, 7,000 books, 250 periodicals,and over 200,000 reports on microfiche. The collection consists primarily of technical material related to water pollution, air pollution, pollution prevention, hazardous waste, environmental law and pesticides. An American Indian collection is currently being developed that will include books, videos and periodicals that cover Indian law, history, and culture. The current services and collections include the following:

*Reference*Law Collection

*Database Access*Map Collection

*Interlibrary Loans*Hazardous Waste Collection

*Journals*Pollution Prevention

The Regional Library provides interlibrary loans through the Online Computer Library Center (OCLC), or by using a standard American Library Association (ALA) form available through your local library.

Tribal members can also access the library via the Online Library System (OLS) a computer catalog of EPA's library network. A brochure about OLS and how to use it is available from the library.

The Regional Library is located on the 13th floor of the Regional Office in San Francisco (75 Hawthorne, SF, CA 94105). The Library is available for use from 9:00 a.m. to 5:00 p.m. Monday-Friday. The reference desk telephone service is available from 10:00 a.m. to 3:00 p.m. Monday-Friday, phone (415) 744-1510.

The Public Information Center is also located in the library and can be reached by telephone at (415) 744-1500. The Information Center will answer question regarding specific EPA programs or direct your call to the appropriate EPA staff person. They also distribute a limited number of EPA brochures and publications.

HOTLINES AND CLEARINGHOUSES

Tribal:

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

Region 9 Emergency Response Hotline	415-744-2000
Region 9 Environmental Justice Information Line (General Information and Grants)	415-744-1565

Air and Radiation:

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

Hazardous and Solid Waste:

Alternative Treatment Technology Information Center	301-670-6294
Emergency Planning and Community Right to Know Information Hotline	800-535-0202 or 703-412-9877
Hazardous Waste Ombudsman Program	800-262-7937 or 202-260-9361 or 913-551-7050
National Response Center (NRC) (Wash. DC)	800-424-8802 or 202-267-2675
Region 9 Emergency Response Hotline	415-744-2000
Resource Conservation and Recovery Act/Superfund/ Underground Storage Tank (RCRA/SF/UST)	800-424-9346 or 800-553-7672
Solid Waste Assistance Program (SWAP)	800-677-9424
Asbestos Ombudsman Clearinghouse/hotline	800-368-5888 or 703-305-5938
National Lead Information Center Hotline	800-LEAD-FYI (800-532-3394) or 800-526-5456
National Pesticide Information Retrieval System (NPIRS)	317-494-6614
National Pesticide Telecommunication Network (NPTN)	800-858-7378
Toxic Substances Control Act/Assistance Information Service	202-554-1404
Pollution Prevention (PPIC)	202-260-1023
Radon Measurement Proficiency Program	205-272-2797

Sandy Cohen & Assoc., Inc.
1418 I-85 Parkway

Montgomery, AL 36106

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

Water:

Clean Lakes Clearinghouse (CLC)	800-726-LAKE (800-726-5253) or 202-833-8317
National Small Flows CLearinghouse & National Drinking Water Clearinghouse	800-624-8301 or 304-293-4191
Nonpoint Source Information Exchange (NPS)	202-260-3665
Office of Water Resource Center	202-260-7786
Safe Drinking Water Hotline	800-426-4791
Storm Water Hotline	703-821-4823
Wastewater Treatment Information Exchange (WTIE-BBS)	800-544-1936
Wetland Hotline	800-832-7828

Other Programs:

Environmental Equity Hotline	800-962-6215 or 202-260-6357
Region 9 Environmental Justice Information Line (general information and grants)	415-744-1565
Environmental Financing Information Network	202-260-0420
Inspector General Hotline	800-424-4000
Risk Communication Hotline	202-260-5606

ACRONYMS AND DEFINITIONS

AARP - American Association of Retired People
AHERA - Asbestos Hazard Emergency Response Act
AIAC - American Indian Advisory Council
AIEO - American Indian Environmental Office
AIO - Americans for Indian Opportunity
AISES - American Indian Science and Engineering Society
ANV - Alaskan Native Village
AO - Administrative Order
AQM - Air Quality Monitoring
ASHAA - Asbestos School Hazard Abatement Act
BIA - Bureau of Indian Affairs
BOD5 - Measurement of oxygen required for biochemical degradation of organic matter and oxygen used in oxidizing inorganic material in water (usually wastewater or receiving water sample).
C&T - Certification and Training
CAA - Clean Air Act
CEPPO - Chemical Emergency Preparedness and Prevention Office
CERCLA - Comprehensive Environmental Response, Compensation and Liability Act ; also known as Superfund.
CERT - Council of Energy Resource Tribes
CFR - Code of Federal Regulations
CR - Circuit Rider
CWA - Clean Water Act
DBP - Disinfection By-Product
D/I - Direct Implementation
DOI - Department of Interior
DMR - Discharge Monitoring Report
EE - Environmental Education
EIS - Environmental Impact Statement
EPA - Environmental Protection Agency
EPCRA - Emergency Planning Community Right To Know Act
FEMA - Federal Emergency Management Agency
FIFRA - Federal Insecticide, Fungicide, and Rodenticide Act
FY - Fiscal Year (October 1- September 30)
GIS - Geographic Information System
GWP - Groundwater Protection
HMTUSA - Hazardous Materials Transportation Uniform Safety Act
HWM - Hazardous Waste Management
IAG - Inter-agency Agreement
IGA - Inter-governmental Agreement
IHS - Indian Health Service
ILAWG - Indian Law Attorney Work Group
IOC - Inorganic Chemical
IPA - Inter-governmental Personnel Agreement
IRAA - Indoor Radon Abatement Act
ISA - Indian Set-Aside
IWG - Indian Work Group
LCCA - Lead Contamination Control Act
LEA - Local Education Agency
LEPC - Local Emergency Planning Committee, established under SARA
LUST - Leaking Underground Storage Tank
MOA - Memorandum of Agreement/MOU - Memorandum of Understanding
MCL - Maximum Contaminant Level
NCAI - National Congress of American Indians
NEPA - National Environmental Policy Act
NESHAP - National Emission Standards Hazardous Air Pollutants
NPDES - National Pollution Discharge Elimination System
NPDWR - National Primary Drinking Water Regulation
NPL - National Priority List
NPS - Non-point Source
NTEC - National Tribal Environmental Council
NTNC - Non-transient non-community
O&M - Operation and Maintenance
OSHA - Occupational Safety and Health Administration
pH - A measurement of hydrogen ion in a compound; determines whether a compound is "acidic" or "basic."
PHS - Public Health Service

PPIS - Pollution Prevention Incentives to States
PRP - Potentially Responsible Party
PWS- Public Water System
RA - Regional Administrator
RCRA - Resource Conservation and Recovery Act
RRT - Regional Response Team
SARA - Superfund Amendments and Reauthorization Act
SDWA - Safe Drinking Water Act
SEE - Senior Environmental Employee
SERC - State Emergency Response Commission
SIC - Standard Industrial Classification
SLR - State/Local Relations
SMCRA - Surface Mining Control and Reclamation Act
SMF - Standardized Monitoring Framework
SOC - Synthetic Organic Chemical (non-volatile)
SSA - Sole Source Aquifer
SWM - Solid Waste Management
T/A - Technical Assistance
TAS - Treatment-As-A-State
TCLP - Toxicity Characteristic Leaching Procedure
TCTF - Tribal Capacity Task Force
TERC - Tribal Emergency Response Commission
TIP - Tribal Implementation Plan
TOC - Tribal Operations Committee
TRI - Toxic Release Inventory
TSCA - Toxic Substances Control Act
TWQS - Tribal Water Quality Standards
UIC - Underground Injection Control
USDA - US Department of Agriculture
VOC - Volatile Organic Chemical
WHP - Wellhead Protection
WQM - Water Quality Management
WQS - Water Quality Standards
WWTF - Wastewater Treatment Facility