



# **Response to Recommendations From The National Tribal Environmental Council's February 10-11, 1998 Albuquerque National Tribal Forum**



**Dear Albuquerque Conference Participant:**

It is my pleasure to present the Office of Solid Waste and Emergency Response's (OSWER) response to the recommendations made by the participants at the February 10-11, 1998 National Tribal Environmental Council Forum. As you know, a number of recommendations were made by the participants from the small working group sessions at the forum. Those recommendations centered on identifying impediments, and possible solutions to more effectively implementing waste programs on Tribal lands.

OSWER would like to thank the National Tribal Environmental Council for hosting this important event, and for their support in assisting Tribal governments in waste program implementation.

Attached you will find our final response to the recommendations. We provided a two-month comment period on our first draft which was sent to you in August 1998. Where possible, we have incorporated the comments that we received into this action plan. Additionally, your comments will be incorporated into our OSWER Tribal Strategy, which we expect to finalize by May 1999.

This action plan outlines how my office will provide more support to Tribal governments in implementing their waste programs in Fiscal Year 99-2000. We have completed approximately 22 of the 106 recommendations made to OSWER at the meeting. I pledge to you my support in completing the remaining actions, and continuing our efforts to provide more support to Tribal governments.

Again, thank you for your attendance and participation at the Albuquerque forum. The issues and concerns expressed at the forum have become the basis not only of this action plan, but our OSWER Tribal Strategy as well. I believe that by working together, we can make a difference in Indian Country, and I look forward to working with you on these issues. Should you have any questions regarding this action plan, please contact Charlene Dunn at 202-260-9466.

Sincerely,

Timothy Fields, Jr.

Acting Assistant Administrator



## OFFICE OF EMERGENCY AND REMEDIAL RESPONSE (OERR) ACTION PLAN

The following is a list of activities that the Office of Emergency and Remedial Response will conduct to meet its commitments from the Albuquerque meeting. The Superfund commitments are correlated with each Tribal recommendation, and include a brief explanation of the recommendation, actions we will take to address the commitments, and completion milestones.

### (1) Tribal priorities study

Under CERCLA section 126 (c), EPA is tasked to conduct a Tribal Priorities Study consisting of a survey, in consultation with Indian Tribes, to determine the extent of hazardous waste sites on Indian lands. The study is to be part of a report which makes recommendations on the program needs of Tribes under CERCLA, with particular emphasis on how Tribal participation in the administration of such programs can be maximized.

EPA will develop a Tribal priorities study through the following action items:

**Action:** OERR will compile current information on hazardous sites in Indian Country into an inventory of Tribal sites that potentially qualify for action under CERCLA. EPA will use existing data from EPA Regions, Federal agencies and Tribes as a starting point to compile the information. The site inventory will include:

- Non-CERCLIS sites identified by Tribes and EPA
- CERCLIS sites identified by Tribes and EPA
- NPL sites in or adjacent to Indian Country
- Open dump sites potentially containing hazardous waste identified by Federal Agencies (IHS, BIA, DoE, DoD and EPA) and Tribes

**Projected completion date:** Draft List, January 1999; EPA regional review of Draft List, March 1999

**Action:** OERR will share the draft list of compiled sites with Tribes for Tribal review and approval, and incorporate changes made by Tribes.

**Projected completion date:** share Draft List, June 1999; Final List, September 1999

**Action:** OERR will utilize the approved Tribal sites list to (1) seek from Tribes their priorities for sites needing assessment and cleanup, and (2) to develop, in conjunction with Tribes, recommendations for the Tribal Priorities Study.

**Projected completion date:** September 2001

**Action:** OERR will work closely with Tribes to assess Tribal sites in order to determine which sites may qualify for action under the Superfund Program.

**Projected completion date:** annual site assessment through 2002

### (2) Federal facility deletion policy

**Action:** OERR is committed to working with the Federal Facilities Restoration and Reuse Office to ensure that Tribal concerns and interests as related to Superfund are reflected in EPA's revised policy for deleting Federal facility sites on the NPL and deferring eligible Federal facility sites to the RCRA program.

**Projected completion date:** ongoing

### (3) Enhanced Tribal Policy for Dissemination

This commitment is to ensure that EPA's Plan to Enhance the Role of States and Tribes in the Superfund Program (a document outlining the proposed plan) is fully communicated and disseminated to Tribes to encourage comments and Tribal participation in the implementation effort.

**Action:** OERR will disseminate the plan to all federally-recognized Tribes.

**Completion date:** August 1998

**Action:** OERR, through the State/Tribal Enhanced Role Team (STROLE), will develop a communications plan with a component for conducting Tribal outreach, including making use of recommendations provided by Tribes at the December 1998 Tribal Risk Conference on ways to improve communications with Tribes.

**Projected completion date: January 1999**

#### **(4) Educate employees on Tribal issues**

The American Indian Environmental Office in EPA has developed a training package entitled “Working Effectively with Tribal Governments” to educate EPA personnel on how to work with Tribes through, among other things, knowledge of their special status, treaty rights and government structures, as well as the Federal government’s trust responsibility. The Superfund program managers are committed to training all managers and staff on these topics.

**Action:** OERR will conduct program specific Tribal training consistent with materials developed with the American Indian Environmental Office for OERR managers.

**Projected Completion date: April 1999**

**Action:** For its staff, OERR will conduct a series of program-specific Tribal training that is consistent with materials developed with the American Indian Environmental Office.

**Projected completion date: December 1999; additional training as needed through FY 2002**

**Action:** OERR staff and managers will participate in OSWER’s Tribal issues training program.

**Projected completion date: April 1999**

#### **(5) Treaty rights**

The recommendation was for OERR to hold a meeting to discuss treaty rights in relation to the HRS and the overall Superfund Program.

**Action:** After consultation with its Office of General Counsel, OERR has decided not to pursue a commitment to this recommendation. Given the importance of this subject and its

implications for the entire Agency, it is appropriate for OSWER to wait for the Office of General Counsel to lead discussions in this area, and we will continue to encourage them to lead this effort.

#### **(6) Mechanisms other than the NPL**

EPA recognizes that remediation of contaminated sites in Indian Country that do not qualify for the NPL may be significantly delayed or may never occur due to a lack of resources and cleanup program options. OERR will identify, evaluate, and raise the issue of using mechanisms other than the NPL to support environmental protection and cleanup in Indian Country.

**Action:** Identify, evaluate and raise this issue for discussion at a Superfund Division Directors meeting.

**Projected completion date: February 1999**

**Action:** Follow-up initial discussions with managers to make decisions on which tools to use and how to use them to cleanup non-NPL Tribal sites.

**Projected completion date: July 1999**

**Action:** Institute the Superfund Budget 2000 Site Assessment Initiative to significantly increase (or set aside) funds for Tribes to conduct site assessment activities in Indian Country, and seek options for cleanup apart from NPL listing.

**Projected completion date: December 1999**

**Action:** Explore alternatives through appropriate Tribal pilots originating out of EPA’s initiative to Enhance the Role of States and Tribes in the Superfund Program. Secure proposals for Tribal pilots through EPA regional offices.

**Projected completion date: EPA has approved proposals for eight Tribal pilots, and we expect to review several more pilot project proposals by April 1999**

**Action:** Evaluate initial pilot results in identifying alternative mechanisms to achieve environmental cleanup with the intent to implement on a wider basis.

**Projected completion date: March 2000**



## **(7) Consider a Superfund Tribal lands funding decision**

This recommendation addresses the need for a Tribal funding “set-aside” in Superfund to ensure Tribes are given an appropriate proportion of funding (in relation to States) to address environmental contamination.

**Action:** Institute the Superfund Budget 2000 Site Assessment Initiative to significantly increase (or set aside) funds for Tribes to conduct site assessment activities in Indian Country.

**Projected completion date:** December 1999

## **(8) Cultural values in OERR programs**

This recommendation specifies that EPA’s current methods of screening and prioritizing Superfund sites are based on risk principles that do not account for Tribal cultural impacts. Two important risk tools are the Hazard Ranking System (HRS) regulations and the Risk Assessment Guidance in Superfund (RAGS). The HRS is EPA’s mathematical scoring system to assess the relative risks posed by sites in order to determine whether a site is eligible for the NPL. RAGS also does not account for unique practices of Tribes which may result in insufficient protection of Indian Country.

**Action:** OERR will work with Tribal representatives and organizations to develop an approach to incorporate Tribal cultural values into the HRS prioritization process, and test this approach at one or more sites in Indian Country. This effort will include forming a working group of interested Tribal risk assessment contacts and Superfund personnel to analyze and develop an approach, and holding a national workshop on Tribal risk issues. Finally, OERR will approve Tribal pilots to develop and test alternatives to the current HRS methodology through incorporation of Tribal cultural values.

**Projected completion date:** October 1999

**Status Update:** EPA completed a national workshop on Tribal issues on December 10, 1998, and approved two Tribal pilot projects that will explore Tribal risk issues

in the HRS (Pueblo Office of Environmental Protection) and risk assessment (Leech Lake Tribe). OERR, through NTEC, will solicit Tribal membership for a workgroup to address risk issues in a letter addressed to all federally-recognized Tribes in March 1999.

**Action:** OERR will work with Tribal representatives to develop an outline for a generic Tribal risk assessment as one approach that may be used by Tribes interested in preparing their own risk assessments.

**Projected Completion date:** September 1999

## **OFFICE OF UNDERGROUND STORAGE TANKS (OUST) ACTION PLAN**

The following is a list of activities that the Office of Underground Storage Tanks will conduct to meet its commitments from the Albuquerque meeting:

### **(1) Build Tribal capacity to implement an underground storage tank program**

**Action:** We are accomplishing this primarily by providing RCRA section 8001 grants. We are also accomplishing this through technical assistance, training and grants provided under other authorities (e.g., General Assistance Program or “GAP”).

**Projected completion date:** ongoing

### **(2) Request authority to give grants to Tribes under the annual appropriation**

**Action:** This request was made as part of the President’s proposed fiscal year 1999 budget. Congress gave EPA the requested authority to provide assistance agreements to Tribes through RCRA Sections 2007 and 9003.

**Completion date:** October 1998

### **(3) Prioritize non-tribal dollars from RCRA to entities other than EPA for training**



Action: OUST does this whenever possible. For example, we are using non-tribal designated dollars to pay for the development of draft Tier 2 software and Tier 2/3 guidance documents to implement Risk Based Corrective Action (RBCA) in Indian Country. RBCA is a streamlined corrective action process which integrates risk assessment throughout the process).

**Projected completion date: ongoing**

#### **(4) Expand direct implementation strategy**

**Action:** OUST is actively accomplishing this on the following several issues:

A. Determine legal limitations on use of Leaking Underground Storage Tank (LUST) Trust Funds in Indian Country.

**Projected completion date: February 1999**

B. Determine contract options for spending LUST Trust Funds.

**Projected completion date: February 1999**

C. As part of the planning effort for fiscal year 1999-2005, determine all of the priority activities in Indian Country.

**Completion date: November 1998**

D. Finalize an implementation plan for enforcement of the 1998 deadline with the Office of General Counsel and the Office of Enforcement and Compliance Assurance.

**Completion date: December 1998**

#### **(5) Provide training opportunities for Tribal environmental staff**

**Action:** We provide funding to the regions each year and all or virtually all training requests from Tribal environmental staff are approved.

**Projected completion date: ongoing**

#### **(6) Locate abandoned USTs**

**Action:** The regions have been completing abandoned UST surveys and providing RCRA Section 8001 grants to Tribes to do so. We anticipate a large increase in the number of abandoned USTs as a result of the 1998

deadline. It will be several years and an increase in LUST funding to determine whether there have been releases and the effect of any releases that have occurred. (See discussion below on fiscal year 1999 appropriations.)

**Projected completion date: ongoing**

#### **(7) Leverage more LUST resources**

**Action:** As part of the President's fiscal year 1999 budget request, the Administration proposed increasing the amount of LUST Funds available for Indian Country by \$2.4 million for a total of \$2.8 million. Congress approved the President's request.

**Completion date: October 1998**

#### **Issues Which OUST Has Identified As Beyond Its Control**

##### **(1) Amend RCRA so that Tribes are not defined as municipalities**

**Explanation:** OSWER is continuing to work within the Administration to accomplish this.

##### **(2) Ensure that EPA abides by and acknowledges sovereignty issues**

**Explanation:** Through its 1984 and 1994 Indian policies, EPA recognizes Tribes as sovereign nations.

##### **(3) Clarify EPA's responsibility on trust and fee lands**

**Explanation:** OUST is attempting to do this with the help of OGC as it relates to the expenditure of LUST Trust Funds especially as they are used to deal with abandoned sites.

##### **(4) Notify Tribes about the creation of Tribal Association on Solid Waste and Emergency Response (TASWER)**

**Explanation:** OSWER has provided funding for TASWER. A notification of its establishment was mailed to all federally-recognized Tribes during the Summer of 1997.

##### **(5) Create a Region 11 for all Tribes and allocate Tribes a fair share of appropriations**

##### **(6) Create internships with universities or state agencies to work with consortia or Tribes**



**(7) Expand the number and use of IPAs and coordinate with Tribal colleges**

**Explanation:** OSWER will continue to support and fund at least one Tribal IPA each fiscal year. (Contingent upon available funding).

**(8) Develop a list of universities that have internships for Native Americans**

**(9) Invite EPA staff to work and learn at Tribal offices and send Tribal people to EPA**

**Explanation:** OSWER will continue to support and fund at least one Tribal IPA each fiscal year.

**(10) Clarify agency jurisdictions through MOUs**

**Explanation:** OSWER supports the use of MOUs and is interested in pursuing them whenever feasible.

**(11) Get clearer language in grants through a language training manual concerning EPA programs**

**(12) Provide more grants to Tribes with small numbers of underground storage tanks.**

**Explanation:** With the existing level of appropriations, this will be difficult to achieve since OUST has almost enough to fund Tribes with a moderate or large number of USTs. However, this becomes more feasible if appropriations increase.

**(13) Consider use of tax incentives to further cleanups on reservations**

**(14) Clarify EPA's role as it relates to DoE areas adjacent to Indian reservations**

## **OFFICE OF SOLID WASTE (OSW) ACTION PLAN**

The following is a list of activities that OSW will complete to meet its commitments from the Albuquerque meeting. There are two sections, the Municipal Solid Waste activities and Hazardous Waste activities. The OSW commitments are correlated with each Tribal recommendation, and include a brief explanation of the recommendation, actions OSW will take to address the commitments, and completion milestones. Within each section there are

recommendations that will require the assistance of another EPA program office, and for those recommendations, OSW will defer to that other office.

In developing this Action Plan, OSW assumed increased funding levels for Tribal program activities. As most actions are dependent on future funding levels, particularly those actions with completion dates in fiscal years 2000-2002, actual activities and completion dates may change.

### **Municipal Solid Waste**

**(1) Link safe water with solid waste to increase priority**

As the number of environmental priorities increase for Tribal governmental programs, the priority that Tribes place on solid waste management competes with other Tribal environmental issues. Tribes have consistently placed drinking water and water quality issues as the top priority. To maintain solid waste issues as a high priority, Tribes have asked EPA to develop linkages between solid waste management and safe water programs.

**Action:** OSW will review our grant programs and identify those that can be linked with safe water programs. This information will be made available to EPA regions and Tribes.

**Projected completion date: March 1999**

**Action:** OSW will initiate coordination with the appropriate programs in the Office of Water and explore the use of additional EPA grant authorities to include solid waste management issues in watershed planning and management. Grant programs where waste management and compliance issues could be linked with safe water issues include the Water Pollution Control Program, the Public Water Supply Supervision Program, and the Indian Environmental General Assistance Program.

**Projected completion date: June 1999, with continued coordination ongoing**

**Action:** OSW will coordinate with the EPA regional offices to ensure that all information and examples of linkages between solid waste and safe water issues are available for Tribes.

**Projected completion date: September 1999**





## **(2) Address integrated waste management; look for potential crossover within areas**

Many Tribes have expressed a need to address their waste management issues in a holistic manner. Integrated waste management (IWM) practices are important methods of developing Tribal waste programs. IWM enables Tribes to address various components that are important for success, such as developing compliance programs for open dumps, planning for solid waste management alternatives, developing recycling or waste minimization or diversion programs, and fostering community education regarding solid waste management objectives. IWM is a central theme of the OSW Tribal program.

**Action:** OSW will improve its current approaches for providing technical and financial assistance to Tribes on IWM. Improved IWM guidance for Tribes at all levels of program development will be incorporated into technical and financial assistance to Tribes.

**Projected completion date: June 1999**

**Action:** OSW is developing a comprehensive database to track Agency-wide grants given to the Tribes for solid waste management activities.

**Projected completion date: March 1999**

## **(3) Interagency initiative on cleanup resources**

The Tribal Solid Waste Interagency Workgroup was formed in April 1998 and met three times in fiscal year 1998. The workgroup, which is co-chaired by the Acting Director of the Office of Solid Waste and the Director of the Federal Facilities Enforcement Office, is charged with developing a multi-agency strategy for addressing open dumps and other solid waste issues in Indian Country. Current workgroup members include representatives from the EPA Office of Solid Waste and Emergency Response, the EPA Office of Enforcement and Compliance Assurance, the Bureau of Indian Affairs, the Indian Health Service, the Federal Aviation Administration, the National Oceanic and Atmospheric Administration, the U.S. Geological Survey, the Department of Housing and Urban Development,

the Department of Agriculture (Forest Service and Rural Utilities Service), and the Department of Defense. The Workgroup has and will continue to consult with EPA's Tribal Operations Committee, TASWER, and Tribal governments on long-term strategies for assisting Tribes in this area.

In fiscal year 1999, the Workgroup plans to test a multi-agency approach to closing open dumps and improving compliance by awarding 3-6 pilot projects to small, medium, and large Tribes. The pilot projects will serve as models for developing the Workgroup's long-term approach to addressing the open dump issue and other Tribal solid waste management needs.

**Action:** Continue working with Tribal Solid Waste Interagency Workgroup to develop multi-agency strategy for addressing solid waste issues in Indian Country.

**Projected completion date: July 1999 and ongoing**

**Action:** OSW and OECA will solicit and award 3-6 Open Dump Clean-Up Pilot Projects. The projects will be funded by multiple agencies.

**Projected completion date: December 1999 — depending upon funding from participating Federal agencies**

**Action:** Continue to solicit and award Open Dump Clean-Up Projects for up to 140 open dump sites.

**Projected completion date: fiscal years 2000-2002 — depending upon funding from participating Federal agencies**

## **(4) Organize to help Tribes locate potential cleanup funds**

TASWER was chartered in July 1997 as a non-profit, membership organization open to all federally-recognized Indian Tribes. TASWER recognizes the sovereign relationship of all Tribal nations with the Federal Government and will be pro-active in the national decision-making and regulatory process, ensuring Tribal participation on an equal level on all solid waste and emergency response issues. TASWER is funded by the





Office of Solid Waste and Emergency Response.

**Action:** OSW will consult with TASWER on key issues for Tribal solid and hazardous waste management in Indian Country.

**Projected completion date: ongoing consultation**

**Action:** As resources are available, OSW will provide funding support for TASWER.

**Projected completion date: OSW (with other OSWER offices) funded TASWER in FY 99**

**Action:** OSW will provide training support for TASWER personnel, and facilitate relationships with other Federal agencies.

**Projected completion date: September 1999 and continuing as requested**

#### **(5) Assist in grant and loan requests**

OSW will continue to provide Tribes with financial assistance information and guidance for solid waste activities.

**Action:** Update the document, Grant Resources for Solid Waste Activities in Indian Country, #EPA530-R-96-051, which provides information on Federal and non-federal sources of funding for Tribal solid waste activities.

**Completion date: October 1998**

**Action:** Develop tip sheet, "Preparing Successful Grant Proposals (#EPA 530-F-97-051), which describes procedures that Tribes can follow when applying for solid waste management grants.

**Completion date: February 1998**

#### **(6) Leverage**

This recommendation restates the need for OSW to join other Federal agencies with resources to address solid waste management issues on Indian lands. See discussion above regarding the interagency initiative on cleanup resources under Recommendation 3.

#### **(7) Legislative Strategy: whose responsibility; Tribal coordination on**

#### **issues; possible TASWER role; issues regarding use of funds**

OSW understands that Tribes support amending RCRA to authorize EPA to treat Tribes in a similar manner as states, to provide long-term financial assistance, and to fund construction activities. EPA is prohibited from directly initiating or lobbying for legislative changes to RCRA. The responsibility for proposing legislative changes rests with the Tribes. However, OSW commits itself to work with Tribes to organize policy and technical justifications in the appropriate program areas of RCRA, and to improve its readiness to respond to opportunities for changes in RCRA that affect Tribes.

**Action:** As appropriate, OSW will also work to enhance authorities in other legislation that could address waste issues on Tribal lands. For example, P.L. 105-276 (fiscal year 1999 EPA Appropriations Bill) now provides the Agency with the authority to award grants to Tribes for "the development and implementation of programs to manage hazardous waste, and underground storage tanks."

**Completion date: fiscal year 1999 EPA Appropriations Bill signed in October 1998; follow-up activities ongoing through fiscal year 2002; track status semi-annually**

**Action:** As appropriate, OSW will help identify statutory barriers faced by Tribes. OSW and OSWER will continue to co-chair the "RCRA Fix" small workgroup, recently established by the American Indian Environmental Office (AIEO). The workgroup provides a framework for the EPA Regions and Headquarters to discuss statutory barriers and technical and policy considerations for addressing impediments.

**Proposed completion date: ongoing, status will be reported semi-annually**

**Action:** Review the National Tribal Environmental Council's (NTEC) Final Report: "Solid Waste Management in Indian Country-Tribal Focus Meetings for identification of statutory and regulatory barriers. Revise the "Draft Municipal Solid Waste Strategy for Indian Country" to address barriers raised in NTEC's

report. The revised Municipal Solid Waste (MSW) Strategy will be posted on the MSW Management in Indian Country website and comments will be requested.

**Projected completion date: June 1999**

**Action:** Draft a list of potential technical and policy considerations related to potential legislative changes.

**Projected completion date: December 1999**

### **(8) Short -term emergency plan for Tribes given 1998 enforcement deadlines**

The municipal solid waste landfill deadlines for final cover were October 9, 1998. OSW will coordinate with the Office of Enforcement and Compliance Assurance and with the Federal Interagency Solid Waste Workgroup on this recommendation.

**Action:** Coordinate with OECA and Tribal Solid Waste Interagency Workgroup.

**Projected completion date: March 1999; track status quarterly**

### **(9) Initiative to change RCRA from Federal agencies**

See discussion and actions under Recommendation 7.

### **(10) Partnerships with neighbors: jurisdictional issue; collection/disposal; cleanups**

OSW will continue to facilitate partnerships with Tribal governments, and to identify opportunities for partnerships among Federal agencies, Tribes, States, and local communities. We will provide support to ongoing partnerships in the EPA regions, and provide assistance in establishing new partnerships.

**Action:** OSW developed the tip sheet, Partnerships in Solid Waste Management, #EPA530-F-97-050, which provides guidance to Tribes on establishing partnerships with other Tribes, States, or local governments to address solid waste issues.

**Completion date: February 1998**

**Action:** Re-establish Tribal Solid Waste Peer Match Program. This action is dependent upon future funding levels.

**Proposed completion date: January 2000**

**Action:** On a case-by-case basis coordinate with the Office of General Counsel, the Office of Enforcement and Compliance Assurance, and appropriate EPA regional offices regarding jurisdictional issues.

**Proposed completion date: track status quarterly**

**Action:** As part of tip sheet/case studies under Recommendation 27, develop two to four tip sheets and/or case studies on successful partnerships between Tribes and Federal and non-federal sources for use by Tribes interested in establishing similar relationships. This action is dependent on future funding levels.

**Proposed completion date: one by September 1999; additional tip sheets in fiscal years 2000-2002**

### **(11) Waste reduction**

OSW plans to improve its current approaches for providing technical and financial assistance to Tribes on waste reduction as it addresses integrated waste management. See actions under Recommendation 2.

### **(12) Integrated Waste Management Plan supported by all Federal agencies**

See discussion and actions under Recommendation 3.

### **(13) Initiative to address land ownership/jurisdiction**

Currently EPA has no authority to authorize RCRA Subtitle C programs or approve RCRA Subtitle D- Municipal Solid Waste Landfill programs for Tribal governments. Thus, determinations regarding land ownership and jurisdiction in Indian Country are not frequently reviewed. However, the issue of land ownership is important in determining responsible parties for RCRA-regulated facilities on Indian lands, such as open dumps.

**Action:** On a case-by-case basis, coordinate with the Office of General Counsel, the American Indian Environmental Office, the Office of Enforcement and Compliance Assurance, and EPA regional offices regarding land ownership and jurisdictional issues.

**Proposed completion date: ongoing; track status every six months**

**(14) Tribes with dollars enter waste management business, e.g., transfer station**

OSW is supporting Tribal solid waste training efforts in two areas. In fiscal year 1998, OSW provided a grant to the Solid Waste Association of North America (SWANA) in Silver Spring, Maryland, to work in conjunction with Tribal solid waste representatives in developing municipal solid waste management technical training courses for Tribal solid waste managers. OSW has also supported the development of an introductory solid waste management training course by Northern Arizona University's Institute for Tribal Environmental Professionals (ITEP) in Flagstaff, Arizona. These training programs will provide basic knowledge of the waste management industry and the regulatory environment for anyone interested in pursuing waste management as an economic activity. OSW will continue to provide Tribes with topic-specific technical information and training on solid waste management issues. OSW will continue to consult with Tribes on their information and training needs.

**Action:** Complete development of ITEP training course.

**Projected completion date: April 1999**

**Action:** Complete development of SWANA technical courses. This action is dependent on future funding levels.

**Projected completion date: December 2000**

**Action:** Conduct ITEP's introductory solid waste management training at 3-4 locations. This action is dependent on future funding levels.

**Projected completion date: December 2000**

**Action:** Conduct SWANA technical courses

at 3-4 locations. This action is dependent upon future funding levels.

**Projected completion date: December 2001**

**Action:** Develop a technical assistance and training directory containing information on organizations that offer assistance and training courses to Tribes on solid waste issues.

**Projected completion date: June 1999; also see actions under Recommendation 10**

**(15) Send a grant writer to Tribes, e.g., EPA grant writing seminar/training at conferences**

OSW will coordinate with the Office of Grants and Debarment on this recommendation.

**Action:** Defer to and coordinate with Office of Grants and Debarment.

**Completion date: ongoing; track status quarterly**

**(16) Look for specific problems to target**

The recommendation is to look for specific problems or initiatives to target. Linking safe water and solid waste, understanding issues related to Federal agencies' jurisdiction (especially in Alaska), and identifying priorities in Tribal environmental agreements are examples of the type of specific problems or initiatives contemplated by this recommendation. OSW will coordinate with the Office of General Counsel, American Indian Environmental Office, and EPA regional offices on issues between States and Tribes relating to jurisdiction, particularly in Alaska.

**Action:** On a case-by-case basis, coordinate with the Office of General Council, American Indian Environmental Office, and EPA Region 10.

**Projected completion date: ongoing; track status every six months**

**Action:** As resources allow, OSW will continue to fund the Alaska Solid Waste Demonstration Project managed by the Alaska Native Health Board.

**Projected completion date: September 1999**

**Action:** OSW will coordinate with the American Indian Environmental Office, and EPA regional offices to ensure that Tribal solid waste management priorities are included in Tribal/EPA Agreements (TEAs) discussions.

**Projected completion date: September 1999**

**Action:** As TEAs are negotiated by Tribes and the EPA regional offices, OSW will defer to and coordinate with the EPA regional offices and the American Indian Environmental Office regarding individual TEAs.

**Projected completion date: on a case-by-case basis; track status annually; also see discussion and actions under Recommendation 1**

### **(17) Pooling all solid waste funding from all agencies**

See discussion and actions under Recommendation 3.

### **(18) EPA takes lead role in coordinating funding for all programs: air, water, solid waste**

This recommendation addresses an issue related to all of EPA's programs, and EPA's relationships with other Federal agencies. OSW will coordinate with the American Indian Environmental Office on this matter as it pertains to waste programs.

**Action:** Coordinate with the American Indian Environmental Office.

**Projected completion date: September 1999; track status every six months**

### **(19) Policy level commitment from EPA to secure dedicated, adequate, yearly funds for Tribal solid waste programs, which includes money for: enforcement; construction; education; operations; management; planning; and implementation**

In fiscal years 1999-2000, OSW expects an increase in Tribal program resources from 1997-1998 levels with a specific emphasis on financial and technical assistance to Tribal governments. In future years, actual appro-

priations may vary. Currently, OSW grant funds are restricted from supporting operation, management, construction, and implementation activities. Also see the discussion and actions in Recommendations 3 and 7.

**Action:** Review current methods for allocating and distributing resources, and where appropriate make necessary adjustments to support a growing grant program.

**Completion date: February 1999**

**Action:** Coordinate with the American Indian Environmental Office and the Office of General Counsel to review grant guidance regarding Tribal implementation activities, and where appropriate, seek to increase flexibility for Tribal solid waste program implementation activities.

**Proposed completion date: June 1999**

**Action:** Continue to participate in the Baseline Assessment Workgroup, managed by the American Indian Environmental Office. The goal of the workgroup is to assess environmental conditions in Indian Country and obtain information useful for long-term planning, budgeting and documentation of progress.

**Proposed completion date: fiscal year 2000**

**Action:** Conduct a workload analysis for providing increased technical assistance and direct implementation to Tribal governments, paying attention to needs of Tribes that have managed EPA program planning grants for more than three years, and Tribes that are at initial stages of environmental program development. The results of the analysis will be used to improve program operations between EPA Headquarters and the regions and ultimately program delivery to the Tribes in fiscal years 2000-2002.

**Projected completion date: December 1999**

**Action:** Continue to fund current projects awarded under the Municipal Solid Waste Grant Program for Indian Country. In fiscal year 1997, eight projects were awarded in amounts ranging from \$50,000 to \$100,000 per year for up to three years. OSW will continue to seek funds to award additional projects under this grant program.



**Projected completion date: complete funding for previously awarded projects in fiscal year 2000; additional projects dependent upon funding availability for new projects**

**(20) Long-term planning - 5 years**

This recommendation addresses the need for OSW to extend its vision for its Tribal Program and improve the ability of Tribes to also initiate long-term planning for their waste management programs. See discussions and actions under Recommendations 3, 7, and 19.

**(21) Develop funding mechanisms similar to General Assistance Program**

OSW's financial assistance to Tribes and Tribal consortia is authorized by Section 8001 of RCRA - Research, Demonstrations, Training, and Other Activities. This recommendation addresses the need to expand the grant authorities for Tribes to develop solid waste management programs.

**Action:** Review the effectiveness and limitations of the RCRA Section 8001 grant authority for Tribal solid waste management.

**Projected completion date: March 1999**

**Action:** Coordinate with the American Indian Environmental Office to analyze the applicability of the Indian Environmental General Assistance Program grant authority for solid waste program capacity building.

**Projected completion date: June 1999**

Also see discussion and actions under Recommendation 19.

**(22) Eliminate cash match requirements (in-kind match)**

This recommendation addresses an issue related to all of EPA's programs that award financial assistance to Tribes. OSW will coordinate with the American Indian Environmental Office and the Office of Grants and Debarment on this matter.

**Action:** Coordinate with the American Indian Environmental Office and the Office of Grants and Debarment.

**Projected completion date: On-going; track status every six months**

**(23) Redirect existing solid waste planning funds into other solid waste programs**

See discussion and actions under Recommendation 19.

**(24) Work to eliminate concept of "competition" between Tribes**

See discussion and actions under Recommendation 19.

**Action:** OSW will review its grant programs and address the issues of competition, funding equity and administrative burdens.

**Projected completion date: March 1999**

**(25) Encourage broad-based planning such as needs assessment and regional cooperation**

This recommendation addresses the need to maintain basic solid waste management planning grants for Tribes and to support partnerships among Tribes. Also, see discussion and actions under Recommendations 2 and 10.

**(26) Establish base funding for each Tribe**

See discussion and actions under Recommendation 19.

**(27) Build and improve information, training, and education for Tribes on municipal solid waste management**

OSW will continue to provide Tribes with topic-specific technical information and training on solid waste management issues. OSW will continue to consult with Tribes on their information needs. Since fiscal year 1991, OSW has managed the grants and assisted the host Tribes in planning the National Tribal Conference on Environmental Management. The conference is held every other year. The Fourth National Tribal Conference was held in May 1998.



Also since fiscal year 1997, OSW has organized Tribal program hazardous waste and solid waste sessions during the RCRA National Meetings and arranged for limited travel support for Tribal officials to attend the meetings. While the RCRA National Meeting highlights primarily the State-EPA programs, it is a valuable opportunity for Tribal officials to meet other waste management officials, and to learn about the many aspects of RCRA. RCRA National Meetings have been held every other year since fiscal year 1997.

In addition, OSW will explore how to ensure more interactive and accessible Internet capability that allows Tribes to receive and exchange information. In January 1998, OSW launched the MSW Management in Indian Country website <[www.epa.gov/tribalmsw](http://www.epa.gov/tribalmsw)>. The website provides easy access to information about Tribal MSW issues, and provides links to the OSW home page, EPA regions, other EPA offices, other government agencies, Tribal environmental sites, and relevant industry sites. Also in 1998, OSW launched its list server for Landfill Regulatory and Disposal issues. The purpose of the list server is to: (1) function as a vehicle to efficiently disseminate information on disposal issues and regulatory questions to members of the regulated community, (2) provide members with an electronic means to communicate with EPA and provide feedback to EPA, and (3) facilitate communication between members, allowing for a forum for members to share information and ideas among themselves. The list server is available to interested State and Tribal governments and EPA regions.

**Action:** OSW will continue to lead the effort to direct the planning and management of the upcoming fiscal year 2000 National Tribal Conference and future conferences as appropriate.

**Projected completion date: December 2000 for the fiscal year 2000 conference; December 2002 for the fiscal year 2002 conference; action dependent on future funding levels**

**Action:** OSW will continue to promote the inclusion of OSW Tribal program sessions in future RCRA National Meetings; and to direct

the planning of sessions in upcoming meetings in fiscal years 2000-2002, as appropriate.

**Projected completion date: January 1999 for the fiscal year 1999 Meeting; December 2000 for the fiscal year 2000 Meeting; and ongoing through the fiscal year 2002 conference; action dependent upon future funding levels**

**Action:** Continue to update and expand the MSW Management in Indian Country website, including posting all EPA municipal solid waste publications.

**Projected completion date: April 1999; updated every six months; action dependent upon future funding levels**

**Action:** Continue to support the list server for Landfill Regulatory and Disposal issues.

**Projected completion date: ongoing; action dependent on future funding levels**

**Action:** Publish up to four Tribal tip sheets and/or case studies per year highlighting successful MSW approaches in Indian Country.

**Projected completion date: fiscal years 1999-2002**

**Action:** Publish the "Native American Network" newsletter on a quarterly basis each fiscal year.

**Projected completion date: September 1999 and through fiscal year 2002; action dependent upon future funding levels**

**Action:** Publish curriculum guide for Native American schools (grades 1-12) developed by Humboldt State University (Arcata, California).

**Projected completion date: January 2000; publication dependent on delivery of curriculum by Humboldt**

**Action:** Monitor the use of the Site-Specific Flexibility Requests for MSW Landfills in Indian Country: Draft Guidance, #EPA530-R-97-016; and revise it if appropriate.

**Projected completion date: April 1999; updated every six months; action dependent upon future funding levels**

Also see actions under Recommendation 14.



### **(28) More quarterly meetings**

In fiscal year 1997, OSW provided funding to the National Tribal Environmental Council to conduct a series of focus group meeting with Tribes in order to facilitate interaction between Tribes and Federal agencies, including EPA, with trust responsibilities for solid waste issues in Indian Country. Tribes generally viewed the availability of frequent meetings on solid waste issues as useful.

**Action:** Provide funding to a Tribal organization to conduct two to four Tribal solid waste focus meetings per year.

**Proposed completion date:** fiscal years 2000-2002; **action dependent upon future funding levels**

### **(29) Technical advisors in each agency**

OSW has funded the Tribal Solid Waste Circuit Rider program for the past six years. Tribal Solid Waste Circuit Riders provide hands on technical assistance and training to Tribes. The circuit riders are hired under a grant with the National Senior Citizens Education and Research Center, Inc., and are usually solid waste specialists with years of technical and planning experience. The positions are based in the EPA Regional Offices. Also, see discussion and actions under Recommendation 3.

**Action:** In fiscal year 1998, OSW increased funding for the Tribal Solid Waste Circuit Rider program. In fiscal year 1999, funding will continue to support the Tribal Circuit Rider program. OSW will maintain its support for this program through fiscal year 2002.

**Proposed completion date:** September 1999 and ongoing; **action dependent upon future funding levels**

**Action:** OSW, in coordination with the American Indian Environmental Office and the EPA regional offices, will review the Tribal Solid Waste Circuit Rider Program periodically to ensure that technical assistance and training is appropriate for the changing needs of Tribal solid waste management programs.

**Proposed completion date:** September 1999; and ongoing

### **(30) Dedicated staffs in agencies for solid waste**

See discussion and actions under Recommendation 3.

### **(31) Dedicated Tribal staff for solid waste issues**

See discussion and actions under Recommendation 19.

### **(32) Develop audio visual and reference materials to circulate to Tribes**

See discussion and actions under Recommendations 14 and 27.

### **(33) EPA set up scholarships to train Tribal members**

OSW has contributed to the EPA Tribal Lands Environmental Science Scholarship Program over the past three years. The scholarship program is managed by the American Indian Environmental Office through a grant to the American Indian Science and Engineering Society (AISES). OSW will be provided one intern from AISES in fiscal year 1999.

**Action:** Contribute to the scholarship program in fiscal years 1999-2002.

**Projected completion date:** May 1999 and ongoing; **action dependent upon future funding levels**

**Action:** Coordinate with the American Indian Environmental Office on selection of an AISES intern for Summer 1999.

**Projected completion date:** April 1999

**Action:** In addition to AISES, OSW has funded interns through the Environmental Careers Organization (ECO) since fiscal year 1995, and American University's Washington Internships for Native Students (WINS) in fiscal year 1998. As a part of the commitment to diversity in the workforce, OSW will expand internship and hiring opportunities for Native American students and professionals.

**Projected completion date:** September 1999





**Action:** Coordinating with the EPA Office of Civil Rights and EPA regional offices, OSW will increase recruitment and outreach to Tribal governments and Indian student and professional organizations regarding employment opportunities.

**Projected completion date: initial coordination March 1999 and ongoing**

#### **(34) Roving group of advisors**

See discussion and actions under Recommendations 3 and 29.

#### **(35) Concentrated workshops**

See discussion and actions under Recommendations 14 and 28.

#### **(36) Public events to promote programs**

OSW publishes the Native American Network newsletter, a national newsletter for Tribes, containing information about OSWER and other EPA programs.

**Action:** Provide more exposure for OSWER and Tribal waste program events in future issues of Native American Network.

**Projected Completion date: ongoing**

#### **(37) Develop intern programs for college students to bring information to Tribes and to enroll Tribal students**

OSW has funded an intern position through ECO since fiscal year 1995. The last intern program covered the period from November 1997 to July 1998. In June 1998, OSW participated in the WINS program coordinated by American University. The WINS program runs for 10 weeks. Also see discussion and actions under Recommendation 33.

**Action:** Hire an intern for a six-month period through ECO.

**Completion date: December 1998 and ongoing; action dependent upon future funding levels**

**Action:** Fund an intern through the 1999 WINS program.

**Projected completion date: March 1999; action dependent upon future funding levels**

#### **(38) Interns and academic credit for summer jobs**

OSW internship opportunities, in most cases, can qualify for academic credit. The intern is responsible for coordinating the approval of academic credits prior to the beginning of his/her program. Also see discussion and actions under Recommendations 33 and 37.

#### **(39) Tribal representatives visiting municipalities with successful solid waste programs**

See discussion and actions under Recommendation 10.

#### **(40) Rewording regulations in lay terms**

See discussion and actions under Recommendations 14 and 27.

#### **(41) Internet: websites; capabilities to request and gather information; workshops and video conferencing; chatlines and other information sources; gathering information from technical advisors**

See discussion and actions under Recommendation 27.

#### **(42) Capability to network between Tribes to build Tribal capacity**

See discussion and actions under Recommendation 10.

## **Hazardous Waste**

### **(I) TASWER**

This recommendation addresses the need for adequate support for the establishment of

TASWER. TASWER was chartered in July 1997, and is a non-profit, membership organization open to all federally-recognized Indian Tribes. TASWER recognizes the sovereign relationship of all Tribal nations with the Federal Government and is proactive in



national decision making and regulatory process, ensuring Tribal participation on an equal level with States in issues pertaining to solid waste and emergency response. TASWER is funded by the Office of Solid Waste and Emergency Response.

**Action:** OSW will consult with TASWER on key issues for Tribal solid and hazardous waste management in Indian Country.

**Projected completion date: consultation was initiated in August 1998; consultation will be ongoing**

**Action:** OSW will provide funding support for TASWER.

Projected completion date: OSW provided funding for TASWER in fiscal year 1998, and expects to provide funding in fiscal year 1999 through upcoming fiscal years; action dependent upon future funding levels

## **(2) Peer exchange**

This recommendation expresses the need to establish a peer exchange program for Tribes establishing hazardous waste programs. OSW will continue efforts to facilitate partnerships with Tribal governments concerned with hazardous waste issues, and to identify opportunities for partnerships among Federal agencies, Tribes, States and local communities. We will provide support to ongoing partnerships in the EPA regions, and provide assistance in establishing new partnerships.

**Action:** Identify the Tribes currently developing hazardous waste programs or who are interested in hazardous waste program development.

**Projected completion date: March 1999; list of Tribes will be updated annually**

**Action:** Coordinate with the Tribes, Office of Emergency and Remedial Response, Federal Facilities Restoration and Reuse Office and EPA regional offices to determine the various hazardous waste program issues that Tribes are working in and to begin to organize issue areas. For example, OSW is currently working on the RCRA aspects of the Military Munitions Rule and a technical document that will provide Tribes more information on mining waste management.

**Projected completion date: December 1999 and ongoing; issue areas will be tracked annually**

**Action:** Award a grant to a Tribal organization to host outreach meetings for Tribes on the Military Munitions Rule.

**Completion date: grant award September 1998; first meeting October 1998; additional meeting to be held by September 1999**

**Action:** Coordinate with the Tribes and the EPA regional offices to establish additional forums for Tribal hazardous waste personnel to exchange information and experiences. Future meetings will be announced in the Native American Network newsletter, posted on the OSW Tribal Program Internet homepage, and the American Indian Environmental Office Internet homepage.

**Projected completion date: July 1999 and ongoing**

**Action:** Coordinate with the EPA regional offices and within OSWER to develop appropriate guidance for including Peer Match activities in Tribal hazardous waste grant work plans.

**Projected completion date: September 1999 and ongoing**

## **(3) Broad-based Network**

This recommendation expresses the need for EPA to help Tribes become active in a broad-based network among entities managing hazardous wastes. Since fiscal year 1991, OSW has managed the grants and assisted the host Tribes in planning the National Tribal Conference on Environmental Management. The conference is held every other year, and provides a great opportunity for Tribal environmental managers to meet and share experiences. The Fourth National Tribal Conference was held in May 1998.

Also, since fiscal year 1997, OSW has organized Tribal program hazardous waste and solid waste sessions during the RCRA National Meetings and arranged for limited travel support for Tribal officials to attend the meetings. While the RCRA National Meeting highlights primarily the State-EPA programs,

it is a valuable opportunity for Tribal officials to meet other waste management officials, and to learn about the many aspects of RCRA. RCRA National Meetings have been held every year since fiscal year 1997.

**Action:** OSW will continue to lead the effort to direct the planning and management of the upcoming FY 2000 National Tribal Conference and future conferences as appropriate.

**Projected completion date: December 2000 for the fiscal year 2000 Conference; December 2002 for the fiscal year 2002 Conference; action dependent upon future funding levels.**

**Action:** OSW will continue to promote the inclusion of OSW Tribal program sessions in future RCRA National Meetings; and to direct the planning of sessions in upcoming meetings in fiscal years 2000-2002 as appropriate.

**Projected completion date: January 1999 for the fiscal year 1999 meeting; December 2000 for the fiscal year 2000 meeting; and ongoing through the fiscal year 2002 conference; action dependent upon future funding levels**

**Action:** Coordinate hazardous waste technical information exchange through the EPA Regional Tribal conferences and meetings.

**Projected completion date: September 1999 and ongoing through fiscal year 2002**

**Action:** Research and publish articles on Tribal Hazardous Waste program issues in the Native American Network newsletter. The newsletter will be published on a quarterly basis each fiscal year.

**Projected completion date: September 1999 and ongoing; action dependent upon future funding levels**

#### **(4) Central clearinghouse**

This recommendation expresses the need for improved access to information regarding Tribal hazardous waste program issues.

**Action:** Coordinate with the Tribes, EPA regional offices, and TASWER to share pertinent RCRA program information and address Tribal hazardous waste management in Indian Country.

**Projected Completion date: September 1999**

**Action:** Coordinate with EPA regional offices and TASWER to establish Tribal hazardous waste information that will be posted on the OSW Tribal Program Internet homepage.

**Projected completion date: May 1999; updates to OSW Internet homepage will occur periodically**

**Action:** As appropriate, facilitate a relationship between TASWER and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), the organization that supports State government waste management programs.

**Projected completion date: September 1999 and ongoing**

#### **(5) Tribal EPA Agreement**

This recommendation expresses the need to include hazardous waste program issues in Tribal/EPA Agreement documents.

**Action:** OSW will coordinate with the American Indian Environmental Office and regional offices to ensure that Tribal hazardous waste management priorities are included in TEAs discussions.

**Projected completion date: September 1999; track status annually**

**Action:** As TEAs are negotiated by Tribes and the EPA regional offices, OSW will defer to and coordinate with the EPA regional offices and the American Indian Environmental Office regarding individual TEAs.

**Projected completion date: on a case-by-case basis**

### **CHEMICAL EMERGENCY PREPAREDNESS AND PREVENTION OFFICE (CEPPO) ACTION PLAN**

The following is a list of activities that CEPPO will complete to meet its commitments from the Albuquerque meeting.



**(1) Improve the grant process to provide better assistance to Tribes**

**Action:** Eliminate Tribal competition with States for funding

Grant applications from Tribes were considered apart from State applications this year. \$100,000 was set aside for Tribes. In fiscal year 1998, five Tribes were awarded CEPP grants.

**Completion date:** fiscal years 1998-1999

**Action:** Develop a Tribal emergency preparedness grants compendium.

The compendium will list Tribal emergency preparedness grant products developed since fiscal year 1990 through CEPP technical assistance grants and GAP grants. CEPPPO is also considering developing a web site that will feature a description of grant products and related information that could be helpful to other Tribes. Both will be done through the CEPPPO contractor.

**Completion date:** December/January 1998

**Action:** Work through the GAP.

CEPPPO will shift Tribal grant funds to the GAP in fiscal year 2000 in order to reduce the burden involved in obtaining and managing Tribal grants, and to make CEPP grant funding available to a greater number of Tribes.

**Projected completion date:** fiscal year 2000

**(2) Consider sovereignty issues as they pertain to emergency response mutual aid agreements and partnerships with State agencies**

**Action:** Identify successful cases and obstacles encountered by Tribes who have opted to enter into mutual aid and other agreements.

**Completion date:** Ongoing (and concurrent with research for the grants compendium)

**(3) Clarify options and information resources available to Tribes for program implementation and capacity-building (through Regional Tribal coordinators and State contacts)**

**Action:** Work with Tribes to identify optimal TERC/LEPC structure.

**Completion date:** ongoing

**Action:** Work to help Tribes identify existing local emergency response resources, and to form agreements with these resources where possible.

**Completion date:** ongoing

**Action:** Help Tribes identify local sources of information for conducting local hazard assessments.

**Completion date:** ongoing

**Action:** Participate in the Federal Emergency Response panel at the Fourth National Tribal Conference on Environmental Management in Red Wing, Minnesota.

**Completion date:** May 21, 1998

**(4) Promote communication/networking among Tribes and between Tribal and State response agencies**

This is a recommendation to include Tribes in State/county emergency notification procedures.

**Action:** CEPPPO will work with the Office of Emergency and Remedial Response and with Regional, Tribal and local contacts to identify ways to bridge Tribal and State/local emergency response procedures.

**Completion date:** ongoing

**Action:** Support outreach conducted by Tribes to improve State/local governments' understanding of the Tribal context in emergency response and notification procedures.

**Completion date:** ongoing

**Action:** Promote and facilitate inter-Tribal information sharing. This will be achieved at the Regional level with the continued assistance of Regional coordinators, and at the national level through such efforts as the proposed grants compendium.

**Completion date:** ongoing

**(5) Coordinate with other EPA offices, as well as with other agencies**



**Action:** Work with Office of Emergency and Remedial Response on chemical emergency response issues and on reimbursement for response activities at the Headquarters level.

**Completion date:** ongoing

**Action:** Communicate and work with Federal Emergency Management Agency, Bureau of Indian Affairs, and other agencies involved in emergency response issues.

**Completion date:** ongoing

## **FEDERAL FACILITIES RESTORATION AND REUSE OFFICE (FFRRO) ACTION PLAN**

The following is a list of activities that the Federal Facilities Restoration and Reuse Office will complete to meet its commitments from the Albuquerque meeting:

### **(1) Enhance Tribal participation in decision-making**

**Action:** Ensure consultations and involvement with Tribes impacted by Federal facilities restoration and reuse issues.

**Projected completion date:** ongoing

**Action:** Issue EPA guidance on the Transfer of Federal Property by Deed

**Completion date:** fiscal year 1998

**Action:** Use of risk-based methodologies in setting priorities for cleanup actions at Federal facilities (Draft Guidance)

**Completion date:** July 1998

**Action:** Revise NPL listing/deletion policy

**Projected completion date:** fiscal year 1999

**Action:** Enhance Department of Defense (DoD) efforts to identify the universe of Native American lands affected by DoD activities before property transfer.

**Projected completion date:** ongoing

**Action:** Distribute map identifying Federal facility NPL and BRAC sites in proximity to federally-recognized Tribal areas to provide

an initial snapshot of Federal facilities impacting Indian Country.

**Completion date:** fiscal year 1998

**Action:** Partner with DoD on development of the Native American Tracking System to improve the collection of Federal facility environmental cleanup data needed to conduct site characterization, prioritization, and resource allocation.

**Projected completion date:** fiscal year 1999

### **(2) Enhance Tribal capacity in the Federal facility restoration and reuse process**

**Action:** Promote the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC) recommendation for improving the dissemination of Federal facilities clean up information; community involvement and consultation on Federal facilities cleanup funding decisions and setting priorities in the event of funding shortfalls.

**Projected completion date:** ongoing

**Action:** Develop a FFERDC Fact Sheet/Progress Report.

**Projected completion date:** fiscal year 1999

**Action:** Identify opportunities for FFERDC training to Tribal audiences.

**Projected Completion date:** fiscal year 1999

**Action:** Develop partnership with Civilian Federal Agencies.

**Projected completion date:** fiscal year 1999

**Action:** Participate in the Federal facility and Superfund panels at the Fourth National Tribal Conference on Environmental Management in Red Wing, Minnesota.

**Completion date:** May 21, 1998

**Action:** Provide financial assistance to a Native American organization on Federal facilities and BRAC projects.

**Projected completion date:** fiscal year 1999

**Action:** Provide support for International Institute for Indigenous Resource Management to establish and operate a research program to identify and assess the legal,



cultural, social, economic and other barriers to, and opportunities for enhancing Tribal participation in Federal facilities environmental restoration programs.

**Projected completion date: fiscal year 2000**

**Action:** Provide assistance to NTEC's Federal facilities workgroup.

**Projected completion date: ongoing**

**Action:** Provide financial assistance to TASWER on Federal facilities issues.

**Projected completion date: fiscal year 1999**

**Action:** Seek additional funding mechanisms for building Tribal capacity projects.

**Projected completion date: fiscal year 1999**

### **(3) Promote interagency collaboration on Tribal policy and resource issues**

**Action:** Serve as an advocate for Tribes on interagency workgroups discussing Tribal policy, resource issues, and historic/ cultural areas at Federal facilities.

**Projected completion date: ongoing**

**Action:** FFRRO participates on the: DoD Defense Environmental Restoration Task Force (DERTF), BRAC Environmental Work Group (BEWG), DoE Environmental Management Advisory Board (EMAB), DoE State Tribal Government Working Group (STGWG), DoD RAB/TAPP Workgroup and DoE SSAB Workgroup.

**Projected completion date: ongoing**

**Action:** Continue efforts to facilitate partnerships with Tribal governments, and to identify opportunities for partnerships among Federal agencies, Tribes, and local communities.

- \* DoD's Principles for Working with Native American Indians and Alaska Natives
- \* DoE's American Indian Policy
- \* EPA Indian Policy

**Projected completion date: ongoing**

### **(4) Enhance communication and outreach**

**Action:** Increase awareness of EPA, DoD, and DoE citizens advisory boards to Tribal communities.

**Projected completion date: ongoing**

**Action:** Develop outreach materials specifically for Tribal communities to enhance communication and participation in the Federal facility restoration and reuse process.

**Projected completion date: fiscal year 1999**

**Action:** Increase information exchange by mail and electronically to Tribal Chairpersons.

**Projected completion date: ongoing**

**Action:** Develop mechanism to ensure follow-up with Tribal communities.

**Projected completion date: fiscal year 1999**

**Action:** Provide links on FFRRO Web site to access additional websites of interest to Tribes.

**Completion date: fiscal year 1998**

### **(5) Intra-agency coordination**

**Action:** Work with EPA American Indian Environmental Office, program offices and regions.

- \* FFRRO participates on EPA National Indian Work Group

**Projected completion date: ongoing**

**Action:** Assist with Tribal cultural awareness training for OSWER.

**Projected completion date: April 1999**

## **GLOSSARY OF TERMS**

AIEO— American Indian Environmental Office

AISES— American Indian Science and Engineering Society

ASTSWMO— Association of State and Territorial Solid Waste Management Officials

BEWG— BRAC Environmental Work Group

DERTF— Department of Defense Environmental Restoration Task Force

DoD RAB/TAPP— Department of Defense Restoration Advisory Board/Technical Assistance for Public Participation

DoE SSAB WORKGROUP— DoE Site Specific Advisory Board Workgroup

EMAB— DoE/Environmental Management Advisory Board

ECO— Environmental Careers Organization

FFRRO— Federal Facilities Restoration and Reuse Office

MSW— Municipal Solid Waste

OCR— Office of Civil Rights

OERR— Office of Emergency and Remedial Response

OSW— Office of Solid Waste

OSWER— Office of Solid Waste and Emergency Response

OUST— Office of Underground Storage Tanks

STGWG— DoE/State Tribal Government Working Group

TASWER— Tribal Association on Solid Waste and Emergency Response

TEAs— Tribal Environmental Agreements

WINS— Washington Internships for Native Students





## APPENDIX A

### OFFICES WITH RESPONSIBILITIES FOR TRIBAL ISSUES

**OFFICE OF SOLID WASTE— (OSW)** The Office of Solid Waste is responsible for EPA’s national waste management program, implemented through the promulgation of regulations, policies, and guidance that apply to facilities and persons generating, transporting, treating and disposing of hazardous and non-hazardous solid waste, and pollution prevention and environmentally sound recycling.

**OFFICE OF UNDERGROUND STORAGE TANKS— (OUST)** The Office of Underground Storage Tanks defines, plans, develops, and implements the legislative requirements established under RCRA Subtitle I, mandating that the EPA regulate leaking underground storage tanks that contain petroleum and hazardous substances. The Office develops and promulgates rules such as notification requirements for underground storage tanks, technical and corrective action requirements for existing tank systems, new tank standards, and State program approval requirements.

**OUTREACH AND SPECIAL PROJECTS STAFF— (OSPS)** The Outreach and Special Projects Staff is responsible for providing leadership and direction for the overall OSWER Tribal program, as well as providing staff support to the Assistant and Deputy Assistant Administrators on all issues relating to Tribal governments, including management of the Brownfields redevelopment initiative.

**OFFICE OF EMERGENCY AND REMEDIAL RESPONSE— (OERR)** This office is responsible for administering EPA’s national environmental emergency response program for oil and hazardous materials spills, and mitigating hazardous waste sites, including management of the National Priorities List (NPL) listing process.

**CHEMICAL EMERGENCY PREPAREDNESS AND PREVENTION OFFICE— (CEPPO)** The Chemical Emergency Preparedness and Prevention Office develops, manages and implements the Agency-wide chemical emergency preparedness and prevention programs, as well as preparing community right-to-know regulations, guidance materials, technical assistance, training and managing the National Incident Coordination Team for nationally significant emergencies.

**FEDERAL FACILITIES RESTORATION AND REUSE OFFICE— (FFRRO)** This office oversees the environmental restoration of federally owned and managed properties on the Superfund NPL and works with the Department of Defense and the military services on the restoration and reuse of closing bases.

