



# **Tribal Waste and Response Assistance Program Steering Committee Priorities**

**March 2016**

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\* Photos courtesy of TWRAP Steering Committee and ITEP staff



This is a living document that will be updated as the TWRAP Steering Committee sees necessary. Its intention is to communicate the needs of tribes, influence policy, and determine useful actions for the protection of health, culture, and natural resources in respect to OLEM-related issues.

# Tribal Waste and Response Assistance Program Steering Committee Members



Alex James, Tim Kent, Virginia LeClere, Julie Jurkowski, Victoria Kotongan, Rob Roy, Elliott Talgo, Mathy Stanislaus, Katherine Kruse, Victoria Flowers, Janice Sims, Mehrdad Khatibi, Todd Barnell, John Wheaton (Arvind Patel not pictured)

Member	Tribe	Current Term
Victoria Flowers	Oneida Nation	2014-2016
Alex James	Yakutat Tlingit Tribe	2014-2016
Tim Kent	Quapaw Tribe	2014-2016
Victoria Kotongan, Chair	Native Village Unalakleet	2015-2017
Katherine Kruse	Keweenaw Bay Indian Community	2015-2017
Virginia LeClere	Prairie Band Potawatomi Nation	2015-2017
Arvind Patel, Vice Chair	Pueblo of Acoma	2015-2017
Rob Roy	La Jolla Band of Luiseno Indians	2015-2017
Elliott Talgo	San Carlos Apache Tribe	2014-2016
John Wheaton	Nez Perce Tribe	2014-2016

# TWRAP Overview

The Tribal Waste and Response Assistance Program Steering Committee (TWRAP SC) is a Tribal Partnership Group, composed of up to ten tribal professionals working in waste, brownfields, Underground Storage Tanks (USTs), Superfund, and response programs and represent Native American and Alaskan Native programs throughout the country. This group was established in 2009, as part of a cooperative agreement with US Environmental Protection Agency's (USEPA) Office of Land and Emergency Management (OLEM) and the Institute for Tribal Environmental Professionals (ITEP). The TWRAP SC meets four times a year to provide input to USEPA and other federal agencies on tribal priorities, as well as assisting ITEP with TWRAP activities.



## Mission

The TWRAP SC will maintain a cooperative exchange of information between American Indian Tribes and Alaska Native Villages, USEPA OLEM, other federal partners, and other organizations to assess, understand, prevent, or mitigate environmental impacts that adversely affect health, culture, and natural resources.



## TWRAP-SC Goals

**Goal 1:** Exchanging information directly with tribes and communicating evolving needs and priorities.

**Goal 2:** Enhancing tribal communication and coordination on policies and programs related to OLEM.

**Goal 3:** Protect human health and the environment while recognizing the unique needs of American Indian Tribes.

# Recommended Priorities for USEPA

The TWRAP SC recognizes OLEM's efforts in developing a climate change adaptation plan, and expresses their desire to see OLEM expand their work on climate change to include traditional and customary use and the unique issues tribes face. The TWRAP SC has also identified the following actions the USEPA should undertake to help reach the goals outlined above. These activities include, but are not limited to, the following:

- Continue efforts to broaden training opportunities and outreach, with an emphasis on tribally-led and hands-on trainings, in Indian country and Alaska Native Tribes and Villages across all environmental programs associated with OLEM programs.
- Enhance the accessibility and applicability of USEPA databases, which are currently segregated and not fully integrated, with the goal of integrating them and improving their ease of use by tribal environmental professionals.
- Recognize the importance of and utilize Tribal Environmental Knowledge (TEK) and Tribal Lifeway models in determining cleanup standards and providing guidance on ecological baseline monitoring techniques.
- Continue to engage and participate in Tribal meetings and conferences.
- Institutionalize the consideration of treaty rights, traditional use areas, and cultural resources in all USEPA decisions.
- Ensure that cooperative agreements and Memorandums of Understanding (MOUs) with states should always include a language requirement to "consult and coordinate with Tribes".
- The USEPA should recognize the "nation building" aspect of Tribal governments and the associated challenges to sustainability.



# Program Specific Priorities

## Solid/Hazardous Waste

- Continue to foster cross-agency identification and development of resources helpful to fostering sustainable tribal solid waste programs through the interagency Infrastructure Task Force (ITF) and similar collaborative entities.
- Promote “cradle to grave” approaches to solid waste management, such as industry take-back programs, as well as other waste diversion and source reduction strategies that are naturally aligned with Tribal values and approaches and assist with reducing the costs associated with handling solid waste.
- Continue the utilization of federal funding to offset the costs associated with the collection, transportation, and disposal of solid waste in Tribal communities.
- Provide resources to develop and implement integrated waste management plans unique to each Tribe with the goal of creating a foundation for sustainable waste programs, both economically and environmentally, as well as addressing fundamental concerns such as illegal dumping.
- Pursue, and evaluate the impact of, a Resource Conservation and Recovery Act (RCRA) Statute change related to the definition of Tribes.
- Continue discussion with the Indian Health Service (IHS) to encourage changes to the Sanitary Deficiency System (SDS) that improves the accuracy of the data and increases Tribal roles in prioritizing solid waste needs.
- Working with IHS, encourage a solid waste set-aside within the IHS budget that would fund solid waste projects that otherwise would never rise to the level of human health concerns to be funded.



## Brownfields

- Provide training to Regional Tribal Project Officers that manage grants under the Comprehensive Emergency Response, Compensation, and Liability Act (CERCLA) 128(a) in Tribal Response Programs to help facilitate program development and consistency.
- Allow for the utilization of CERCLA 128(a) funds to conduct assessments and cleanup of contamination on lands defined by Tribal Treaty, Customary and Traditional Use, and Traditional Cultural Properties.
- Change the eligibility criteria to allow Alaska Native Tribes and Villages to compete for CERCLA 104 (k) grants.
- Continue to provide a scoring system that allows CERCLA 104 (k) grants to be competitive for Tribes and/or for Tribes to receive preference.
- Improve funding investment in an effort to further expand/enhance Tribal Response Programs.



## Underground Storage Tanks

- Improve collaboration between OLEM and the Office of Enforcement and Compliance Assurance (OECA) the process by which Tribes and Tribal Consortia obtain federal credentials for UST compliance assistance and inspections.
- Improve collaboration between OLEM and OECA to facilitate the distribution of federal credentials for Tribal professionals conducting UST compliance assistance activities and inspections.
- Develop a uniform tank inspection and inventory form.
- Provide resources to Tribes or Tribal consortia for federally credentialed tribal staff to conduct regular compliance assistance and inspections of facilities every three years and increase owner/operator training opportunities.
- Support and expand cross-media partnerships within USEPA to provide resources to Tribes to prevent releases and to conduct cleanup and oversight of Leaking Underground Storage Tanks (LUST) sites.
- Foster public-private partnership research collaborations to explore solutions to the critical problem of corrosion at UST facilities.

## Superfund

- Include TEK and Tribal use scenarios in the decision-making process when considering cleanup standards at Superfund, and other special sites of concern.
- Continue support for the Tribal Superfund Workgroup through conference calls, in-person meetings, trainings, and peer to peer mentoring.
- Improve outreach and training on availability of cooperative agreements to Tribes.
- Develop a national database/map layer to identify Superfund sites in Indian Country, Alaska Native



Tribes and Villages and those areas that impact treaty rights and cultural resources, and strive to ensure these resources are integrated with similar tools such as those being developed by the Federal Facilities Restoration and Reuse Office.

- Build the capacity of Tribes to oversee, coordinate, and conduct cleanup activities on NPL sites.

## Federal Facilities

- Improve outreach on funding mechanisms and technical assistance available to Tribes so they may effectively provide oversight and/or conduct assessment and cleanup activities.
- Support the development of Tribal capacity in overseeing assessment and cleanup activities.
- Encourage USEPA to use convening authorities to facilitate collaboration among federal entities involved in cleanup activities so that Tribes are engaged and active partners in all cleanup processes.
- Improve outreach and training regarding CERCLA oversight roles and responsibilities on other federally led actions to Tribes.

## Emergency Response

- Continue to recognize Tribal Treaty Rights as well as Customary and Traditional Use areas and Traditional Cultural Properties, which can affect transboundary jurisdiction.
- Develop a matrix or other tool on various agencies involved in emergency response in order to help Tribes delineate roles and responsibilities and facilitate planning and early notification before and during emergency response activities and cleanup efforts.
- Improve local hazard identification and coordination of transportation issues with US Department of Transportation (DOT).

## Office of Enforcement and Compliance Assurance

- Increase awareness regarding compliance and enforcement assistance available to Tribes.



# Summary

The TWRAP SC priorities are shared regularly with the National Tribal Operations Committee, USEPA OLEM, Tribal Nations, and others. More information, including meeting notes and the committee's charter, are available at the TWRAP SC website ([http://www7.nau.edu/itep/main/Waste/waste\\_ntsc](http://www7.nau.edu/itep/main/Waste/waste_ntsc)). If you would like to sign up to be on our listserv to receive our bi-monthly newsletter and more information about TWRAP SC meetings and trainings we offer please contact ITEP staff listed below. To provide feedback on the content of this document please contact the Chair, Vice Chair or ITEP staff listed on page 11 of this document.

# Addendum to the 2016 Priority Document

## Suggested Options to OLEM for Assisting in the Development of Sustainable Tribal Solid Waste Programs

In addition to the solid waste priorities provided in this document, the TWRAP Steering Committee respectfully submits the following suggestions to Mathy Stanislaus, Assistant Administrator of OLEM, per his request for guidance in assisting Tribes develop sustainable solid waste programs.

- Efficient and sustainable management of solid waste is a critical necessity for all Tribal communities and nations. When solid waste is not properly managed, the consequences directly affect the health of all community members, as well as the health of their water and land resources. The USEPA, and other federal agencies working directly with Tribal communities and nations, need to prioritize solid waste management when allocating resources and funding to allow high priority solid waste projects to rise to the level of actually being funded to assist Tribal environmental program activities and recognize Tribal priorities.
- Tribal communities and nations are well positioned to “break the mold” when it comes to typical solid waste management practices. Living in harmony with the world is a value that fully embraces the concept of “reduce, reuse, recycle”. Developing Tribal sustainable solid waste practices should always look to the creation of efficient waste diversion and source reduction activities which minimize waste streams and therefore the costs associated with collection, transport, and disposal of solid waste. As the USEPA, and other federal agencies working with Tribal communities and nations, develop resources to assist Tribes, this value needs to be prioritized.
- The work being done by the three solid waste work teams of the interagency Infrastructure Task Force (ITF) will hopefully produce a variety of helpful resources for Tribal communities and nations looking to enhance their solid waste programs. However, in order to successfully develop these resources, the ITF work teams need the full commitment and encouragement of the administrators of each and every one of the ITF agencies. The information being compiled, and the resources being developed, by these work teams requires the full cooperation of multiple federal agencies, as well as Tribes. The only way this process will move forward and produce truly helpful resources requires the full participation and guidance of senior staff who can guarantee tasks are completed.
- Key components of effective and sustainable Tribal solid waste programs include the creation *and* implementation of Solid Waste Management Plans and solid waste codes/ordinances. Many Tribal communities and nations have made great strides in this area. However, it is only one part of the puzzle. Assistance with jurisdictional issues, as well as addressing behavioral changes on the part of community members and environmental justice concerns, are critical needs in truly implementing plans and laws. Resources and assistance from USEPA and other federal agencies on these issues must play a role in the work Tribes do to create sustainable solid waste programs.

- In order to ease the process for Tribes to locate, and apply for, grant funding from various federal sources, changes to Grants.gov, cfda.gov, or other “one-stop-shopping” resources that streamline and rationalize the grant research process for Tribes should be considered.
- Given the potential for significant changes in funding support, priorities to funding Tribal solid waste programs will need to be made by USEPA. This prioritization process should be done in consultation with Tribal professionals in order to ascertain their critical needs.
- While technical assistance from USEPA and other entities can be helpful in assisting Tribes as they develop their own capacity in solid waste management, the fact remains that financial assistance with the ongoing issues of infrastructure maintenance, equipment, and staffing is critical. As USEPA considers funding for Tribal solid waste programs, these needs must be taken into consideration. Many Tribal Nations will never be able to develop fully sustainable and self-funding solid waste programs. The reasons for this may be due to minimal economic opportunities, lack of a tax base, insufficient population density, inability to impose user fees, and the higher than average costs associated with being in remote rural areas. Because of these factors, the federal government needs to be ready to meet Trust responsibilities and fund these services where needed.
- Currently, USEPA does not have uniform and reliable data that is necessary if they are to efficiently assist Tribes in developing sustainable solid waste programs. For example: How many Tribes have unmet solid waste needs, and what are these needs? How many Tribes use GAP funding as their main source of funding for solid waste activities? What other sources of revenue are Tribes currently relying on to meet their solid waste needs? How many Tribes have ISWMPs and solid waste codes? How much waste are Tribal programs dealing with and what are they paying to properly manage this waste? EPA Regional Offices should develop a database where such information can be collected in order to work more efficiently with tribes on developing sustainable solid waste programs.



*Signing ceremony finalizing plans for  
expanding the San Carlos Apache Tribe's  
transfer station*

# Contact Information

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## Federal Trust Responsibility

The US Environmental Protection Agency (USEPA) is responsible, in concert with Tribes, for ensuring that federal environmental laws are carried out on Tribal lands and that the Tribal government is not degraded. In November, 1984, the USEPA published its agency policy for the development and implementation of tribal environmental protection programs. The USEPA Indian Policy provides the guidance necessary for the administration of environmental protection on Indian lands. Reaffirmed by USEPA Administrator Lisa Jackson in 2009 and consistent with President Obama's Executive Order on government-to-government relationships when working to "protect the land, air and water in Indian country."