



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

March 2017

# Table of Contents

Table of Contents.....	1
List of Members.....	2
TWRAP Overview.....	3
TWRAP Mission.....	3
TWRAP SC Goals.....	3
Cross-Programmatic Priorities.....	4
Top Media Specific Priorities.....	5
Program Specific Priorities	
Solid/Hazardous Waste.....	6
Brownfields.....	7
Underground Storage Tanks.....	7
Superfund.....	8
Federal Facilities.....	8
Emergency Response.....	9
OECA.....	9
Summary.....	10
Contact Information.....	10

\* 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



Victoria Flowers, Todd Barnell, Nigel Simon, Rebecca Stevens, Rob Roy, Katie Kruse, Barry Breen, Cynthia Naha, Arvind Patel, Ann Wyatt, John Wheaton, Jessica Snyder, Virginia LeClere

<b>Member</b>	<b>Tribe</b>	<b>Current Term</b>
Victoria Flowers	Oneida Nation	2016-2018
Katherine Kruse	Keweenaw Bay Indian Community	2015-2017
Virginia LeClere, Vice Chair	Prairie Band Potawatomi Nation	2015-2017
Cynthia Naha	Santo Domingo Tribe	2016-2018
Arvind Patel, Chair	Pueblo of Acoma	2015-2017
Rob Roy	La Jolla Band of Luiseño Indians	2015-2017
Rebecca Stevens	Coeur d'Alene Tribe	2016-2018
John Wheaton	Nez Perce Tribe	2016-2018
Ann Wyatt	Klawok, Alaska	2016-2018

# 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 organizations to assess, understand, prevent, or mitigate environmental impacts that adversely affect health, culture, and natural resources.



## TWRAP-SC Goals

**Goal 1:** Protect human health and the environment while recognizing the unique needs of American Indian Tribes and Alaska Native Tribes and Villages.

**Goal 2:** Improve communication between Tribes and Alaska Native Tribes and Villages and federal agencies and other partners.

**Goal 3:** Increase tribal opportunities to guide OLEM in developing policies and programs related to the evolving needs and priorities of Native environmental programs.

# Cross-Programmatic Priorities for USEPA

The TWRAP SC has 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:

- Assist Tribes as they develop their own climate adaptation plans that include traditional and customary use.
- Expand work in utilizing Tribal Environmental Knowledge (TEK) and Tribal Lifeway models in determining cleanup standards and providing guidance on ecological baseline monitoring techniques.
- Fully consider, and where appropriate, implement, the actions stipulated in Chapter 9 of the EJ2020 document as part of USEPA decision-making processes.
- Continue to enhance the tools developed by USEPA E-Enterprise activities and integrate them into existing, and future, USEPA projects.
- In order to increase efficiency, and reduce duplication of efforts, continue work to break down barriers between OLEM offices and other USEPA divisions through improved intra-agency communication and coordination.
- Explore mechanisms under the existing Resource Conservation and Recovery Act (RCRA) Statute to allow Tribes and Alaska Native Villages to access resources and assistance on par with States, with the ultimate goal of changing the definition of Tribes in the Statute.
- Given the potential for significant changes in funding support, priorities to funding Tribal 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.
- Ensure data resources are integrated and compatible across USEPA databases.
- Continue efforts to broaden training opportunities and outreach, with an emphasis on Tribally-led and hands-on trainings, in Indian country and Alaska Native Villages across all environmental programs associated with OLEM programs, including those associated with enforcement, compliance and closely related media like water quality and protection.



- 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.
- 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.

## Top Media-Specific Priorities

During this time of transition it is critical to maintain funding and support to Tribal programs as they work to protect the health and well-being of their communities and the natural environment. The members of the TWRAP Steering Committee work across all of the media overseen by OLEM, and wish to emphasize that these media are significantly connected to one another in Native environmental and utility programs, as well as vital in their own rights. Following are top priorities from specific media included in this priority document:



- Fully implement the recommendations and/or tools developed by the three teams involved in the Infrastructure Task Force (ITF) Solid Waste Sub-Workgroup by the end of Fiscal Year 2018.
- Identify federal sources of financial support to maintain sustainable and ongoing Tribal and Alaska Native Village solid waste operations, which serve as the best defense against illegal dumping and other environmental concerns.
- As more Tribes begin participating in the CERCLA 128(a) program, increase the funding investment in order to enhance and expand Tribal Response Programs.
- Identify the negotiated steps necessary to enter into an MOA between Tribes and USEPA in order for Tribes to receive primacy under CERCLA 128(a).
- Ensure Regions fully implement the approach outlined in the January 17, 2017 OLEM memorandum (OLEM 9200.2-177) considering TEK and Tribal use scenarios as they consult with Tribes throughout the decision-making process.

- Improve collaboration and communication between OLEM, OECA, and Office of Water (specifically Office of Water, and Watershed and Superfund Programs) at both the national and Regional level.
- Continue to recognize Tribal Treaty Rights as well as Customary and Traditional Use areas and Traditional Cultural Properties, which can affect transboundary jurisdiction.
- Support Tribes and Alaska Native Villages with multi-jurisdictional enforcement and compliance assurance issues.
- Develop inspector and compliance assistance training curricula, through collaboration between OLEM, OECA, and other partners, with the goal to make inspections more efficient and allow Tribal staff to secure federal credentials when desired.

## Program Specific Priorities

### Solid/Hazardous Waste

- Fully implement the recommendations and/or tools developed by the three teams involved in the Infrastructure Task Force (ITF) Solid Waste Sub-Workgroup by the end of Fiscal Year 2018.
- Support waste minimization, waste diversion and source reduction strategies that reduce the costs associated with handling solid waste.
- Promote industry take-back programs.
- Identify federal sources of financial support to maintain sustainable and ongoing Tribal and Alaska Native Village solid waste operations, which serve as the best defense against illegal dumping and other environmental concerns, such as vector control.
- Provide resources to develop and/or implement activities identified in integrated waste management plans unique to each Tribe with the goal of establishing a foundation for sustainable waste programs, both economically and environmentally.
- Allow Tribes to determine their own approval mechanisms for Solid Waste Management Plans.
- Work with the Indian Health Service (IHS) to encourage changes to the Sanitary Deficiency System (SDS) that allows Tribes themselves to set solid waste projects as their main priority as well as having specific set-asides for solid waste activities.



- Work collaboratively with the Exchange Network and other entities to collect uniform and reliable data, where appropriate, on the status of Tribal solid waste program development. Examples of this data may include the number of Tribes with Solid Waste Management Plans, solid waste codes, sources of revenue supporting Tribal solid waste programs, and the status of waste diversion activities. This type of information is necessary to determine the unmet needs Tribal solid waste programs face so that USEPA can more efficiently work with Tribes as they develop sustainable solid waste programs.

## Brownfields

- Continue to pursue changes in the eligibility criteria to allow Alaska Native Tribes and Villages to compete for CERCLA 104 (k) grants.
- Identify the negotiated steps necessary to enter into an MOA between Tribes and USEPA in order for Tribes to receive primacy under CERCLA 128(a)
- Ensure that Regional Tribal Project Officers, that manage grants under CERCLA 128(a), are applying guidance in a consistent manner.
- 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.
- Create a set-aside specific for Tribes as part of the CERCLA 104 (k) grants and create flexibility between assessment and cleanup funds.
- As more Tribes begin participating in the CERCLA 128(a) program, increase the funding investment in order to enhance and expand Tribal Response Programs.



## Underground Storage Tanks

- Develop inspector and compliance assistance training curricula, through collaboration between OLEM, OECA, and other partners, with the goal to make inspections more efficient and allow Tribal staff to secure federal credentials when desired.
- Continue engagement activities such as quarterly calls with Tribal partners, annual meetings at the Tribal Lands and Environment Forum, and providing updates via a Tribal-specific UST listserv.



- Encourage the full funding of public-private partnership research collaborations to study solutions to the critical problems of microbial fouling and corrosion at UST facilities.
- Develop a uniform tank inspection and inventory form.
- Increase resources to address Tribal Leaking Underground Storage Tanks (LUST) sites. This could include increasing the percentage of funding allocated for Tribal activities and making data on LUST sites consistent and reliable.



## Superfund

- Ensure Regions fully implement the approach outlined in the January 17, 2017 OLEM memorandum (OLEM 9200.2-177) considering TEK and Tribal use scenarios as they consult with Tribes throughout the decision-making process.



- Improve collaboration and communication between OLEM, OECA, and Office of Water (specifically Office of Water, and Watershed and Superfund Programs) at both the national and Regional level.
- Continue funding and supporting the Tribal Superfund Workgroup through conference calls, in-person meetings, trainings, and peer to peer mentoring.
- Continue to fund cooperative agreements to Tribes.
- Continue to develop a national database/map layer to identify Superfund sites in Indian Country, Alaska Native Tribes and Villages and those areas that affect treaty rights and cultural resources.
- Support Tribes in the development of their own Tribal Superfund cleanup programs, as well as their capacity to oversee, coordinate, and administer Tribal Remedial Response Cooperative Agreements with EPA on NPL sites.
- Support Regional Superfund Job Training Initiatives with Tribal cooperation.

## 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

- Foster interagency collaboration and support the development of Tribal capacity to fully participate in mitigation, response, recovery, and preparedness activities through increased communication, as well as training opportunities.
- Enhance outreach activities by reaching out to Tribal environmental staff through attendance at Tribal events, via Tribal-specific listservs, and by presenting at RTOC meetings.
- Provide training to increase awareness of, and risks associated, with the storage and transportation of hazardous substances and materials.
- Continue to recognize Tribal Treaty Rights as well as Customary and Traditional Use areas and Traditional Cultural Properties, which can affect transboundary jurisdiction.



### Office of Enforcement and Compliance Assurance

- Support Tribes and Alaska Native Villages with multi-jurisdictional enforcement and compliance assurance issues.
- Streamline, and consistently implement, the process for Tribes and Alaska Native Villages to obtain federal credentials.
- Develop and maintain a resource directory of training opportunities for personnel involved in conducting inspections.
- 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.

## Contact Information

### TWRAP SC Officers

Arvind Patel, Chair

Email: [apatel@puebloofacoma.org](mailto:apatel@puebloofacoma.org)

Phone: (505) 552-5131

Virginia LeClere, Vice Chair

Email: [valeclere@pbnation.org](mailto:valeclere@pbnation.org)

Phone: (785)966-2946

### ITEP Staff

Todd Barnell, Program Manager

Email: [Todd.Barnell@nau.edu](mailto:Todd.Barnell@nau.edu)

Phone: (928) 523-3840

Julie Jurkowski, Program Coordinator Senior

Email: [Julie.Jurkowski@nau.edu](mailto:Julie.Jurkowski@nau.edu)

Phone: (928) 523-9404