



Tribal Waste and Response Steering Committee 2022 Priorities

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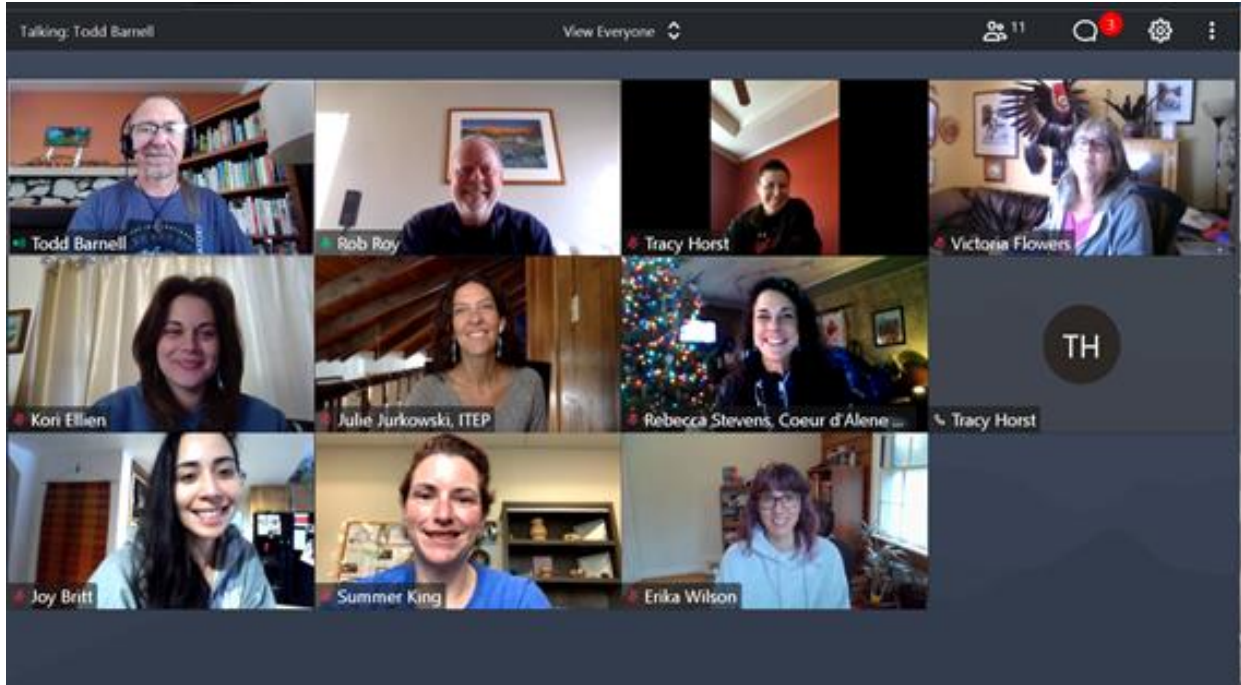
*** All photos are courtesy of TWAR Steering Committee members and reflect activities occurring on their Tribal Nation lands.**



The Tribal Waste and Response Steering Committee (TWAR SC) is a Federal US EPA Tribal Partnership Group comprised of subject matter experts from federally recognized Tribes and Alaskan Native Villages from various EPA regions. The views expressed by the TWAR SC are those of the SC members and not of individual Tribes and/or Alaskan Native Villages. Furthermore, interaction with the TWAR SC is not a substitute for, or constitutes government-to-government consultation, which can only be achieved through direct, early and meaningful consultation between the Federal government and individual Indian Tribes and Alaskan Native Villages.

This is a living document that will be updated as the TWAR 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 Steering Committee Members



The TWAR SC held multiple online meetings December 2021 through March 2022 to develop this year's Priority Document.

Member	Tribe	Current Term
Joy Britt	Alaska Native Tribal Health Consortium	2021-2023
Kori Ellien	Yurok Tribe	2021-2023
Victoria Flowers	Oneida Nation	2021-2023
Page Hingst	Santee Sioux Nation	2021-2023
Tracy Horst	Choctaw Nation	2021-2023
Mark Junker, chair	Sac and Fox Nation of Missouri in KS and NE	2019-2022
Summer King	Quapaw Nation	2019-2022
Rob Roy	La Jolla Band of Luiseño Indians	2021-2022
Rebecca Stevens, vice chair	Coeur d'Alene Tribe	2019-2023

TWAR SC Overview

The Tribal Waste and Response Steering Committee (TWAR SC) is a Tribal Partnership Group, composed of Tribal professionals working in waste, emergency response, Superfund, Brownfields, and Underground Storage Tanks (USTs). They were established in 2009 as part of a cooperative agreement with EPA's Office of Land and Emergency Management (OLEM) and the Institute for Tribal Environmental Professionals (ITEP). The TWAR SC meets at least six times a year to provide input to EPA and other federal agencies, as well as cooperating with ITEP and other Tribal Partnership Groups (TPGs). They strive to provide two-way communication between Tribal professionals and staff at the EPA utilizing this Priority Document is one tool that is used to ensure Tribal concerns and suggestions are considered by OLEM personnel and others at EPA.

Mission

The TWAR SC will maintain a cooperative exchange of information between American Indian Tribes and Alaska Native Villages, EPA OLEM, and other federal partners and organizations to assess, understand, prevent, or mitigate environmental impacts that adversely affect health, culture, and natural resources. The TWAR SC also coordinates with other Tribal Partnership Groups (TPGs) throughout the year where appropriate. They also work closely with ITEP to plan and coordinate the annual Tribal Lands in the Environment Forum which brings together Tribal professionals, TPG members, EPA OLEM staff, and others to discuss case studies and strategies on implementing OLEM Programs in Indian Country and Alaskan Native Villages.

TWAR SC Goals

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

Goal 2: Improve communication and foster interagency collaboration between Tribes and Alaska Native Tribes and Villages, 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 EPA

The TWAR SC has identified the following actions that EPA should undertake to help reach the goals outlined above. These activities include, but are not limited to, the following:

General OLEM Priorities



- When EPA staff revise GAP guidance and STRP guidance, include Tribal representatives early and throughout the entire discussion process.
- Continue to support the development and growth of the TLAC website across all media.
- Assist Tribal professionals through the process of getting employees credentialed as federal inspectors.
- Increase and document the use of Traditional Ecological Knowledge (TEK), as defined by Tribes and with the FAIR and Care principles in mind (found at www.gida-global.org/care), in risk scenarios consistent with culturally significant practices and with sensitivity to Tribal data sovereignty.
- Provide training and resources on proper sampling techniques for Tribal staff so they can prevent contamination as part of their programs.

PFAS and Emerging Contaminants of Concern

- Assist Tribes with training on proper sampling procedures so they can prevent contamination, and other issues, as part of their own PFAS activities.
- As Tribes increase their own PFAS sampling activities, we ask EPA to develop Tribal-specific QAPP templates and sampling guidance documents to assist them in their work.
- We support the EPA Office of Research and Development's work on fish sampling research. We ask that this research expand to include whole food webs, wildlife and game, and culturally sensitive plants.

Program Specific Priorities

Solid/Hazardous Waste

- Excessive packaging adds significant stress to solid waste programs, especially in Tribal and rural areas where solid waste management struggles with funding and access. As part of EPA's work with their partners on the National Recycling Strategy, we emphasize the need for concrete and measurable actions to reduce packaging and utilize more sustainable alternatives.
- Increase waste diversion competency and knowledge by developing a resource for Tribal solid waste programs that provides guidance on buy-back programs (especially those accessible in Tribal and rural areas), and promote those programs through the development of case studies and guidance documents which can be use by Tribal professionals.

- In order for Tribal Nations and Native Villages to fully collaborate with EPA in achieving our mutual long-term goals (such as the recycling goal of 50% by 2030), reliable funding is necessary to hire the appropriate staff and maintain facilities and equipment. Currently federal funding for solid waste management is siloed into numerous agencies and programs, and all too often encourages the development of new projects and initiatives without providing for long-term and effective management and operations. In order for Tribal programs to provide the services necessary to protect their communities and lands, and to maintain their own capacity in addressing the challenges through innovative projects, this lack of long-term funding needs to be addressed.
- We applaud EPA's intention to design a new tool kit to assist Tribes, States, and local authorities with their recycling program, and to create this toolkit in collaboration with their Tribal colleagues. We also strongly encourage EPA to collaborate as well with Tribal professionals on outreach, engagement, training, and technical assistance focused specifically on composting initiatives and meeting other types of waste diversion goals.
- Tribal, and rural, recycling centers need regional based businesses that can utilize their feedstock. As part of the National Recycling Strategy, and EPA Regional office work with their local Tribal colleagues, we encourage EPA staff to develop Region-specific resources of existing businesses Tribal recycling centers could work with, and to advocate for the development of end-use facilities utilizing source materials that are accessible in under-served parts of the country.
- The deliverables of the Infrastructure Task Force (ITF) work teams, and the collaboration with other federal agencies and Tribal professionals that led to them, are appreciated. We would like EPA to continue to implement the recommendations of the task forces and to hear from EPA staff as to how effective they have been and if they are being utilized by Tribal solid waste programs, as well as encouraging future such collaborations.
- We appreciate the work EPA has done in the last year developing a website on food waste. We also look forward to the proposed initiatives on this issue they have identified for 2022. Tribal Nations and Native Villages are also involved in many projects that go beyond food waste, addressing concerns related to food sovereignty and security. These projects bridge multiple environmental media. We encourage EPA to support these initiatives as well, and to work with both their Tribal colleagues and those at other federal agencies on these special projects.
- Many Tribal Nations and Native Villages are struggling to address Construction & Demolition waste, abandoned vehicles, and other types of non-Municipal Solid Waste affecting their lands and communities. Given additional funding through the Bipartisan Infrastructure Law, as well as other funding sources, we request funding be considered to assist Tribal programs with implementing and maintaining activities aimed at efficiently managing these sources of waste and contamination.
- Continue collaborating with Tribal staff when designing and delivering EPA trainings, and work with Tribal colleagues to identify new Tribal professionals with stories and resources to share.
- The climate crisis is forcing more Native Villages in Alaska to move inland, and currently plans for waste removal are lacking leading to materials being eroded into the sea. EPA should address this issue and work with Alaskan Native Villages to plan for and address this situation.

Brownfields

- Conduct an evaluation with Tribes of the overall effectiveness of efforts by EPA, and their service providers, in increasing understanding of the 128(a) program.



- Work with Tribes to create a list of allowable and allocable activities that Tribes can conduct under the brownfield program.
- Encourage the use of multi-year workplans and explore opportunities to increase reporting efficiencies under new funding mechanisms.
- Affirm Tribal Environmental Self-Determination through the issuance of MOAs as part of 128(a) funding program consistent with the funding guidance.
- Support and encourage Tribal environmental self-determination that supports the development of beneficial use scenarios and cleanup standards based on traditional ecological knowledge, usual and customary uses, and are resilient to climate change.
- Work with Tribes to identify appropriate measures to ensure that 40% of the benefit of brownfield funded activities positively affect Tribal territories, and usual and customary use areas.
- Create a Tribal working group to identify site specific evaluation criteria that supports Tribal programs to conduct more site assessment, cleanup and reuse based on their specific needs and Tribal beneficial use.
- Support the development of Tribal capacity in overseeing assessment and cleanup activities.
- Prioritize the funding of Alaska Native Claims Settlement Act contaminated lands in Alaska. These lands were contaminated pre-ANCSA and then conveyed to Native Corporations.

Underground Storage Tanks

- Continue to work with Tribal, industry, and federal partners to develop new technology and outreach to assist Tribal owner operators achieve compliance.
- Develop and deploy, through a dedicated Tribal liaison, outreach material for the regulated community that creates a nexus between environmental compliance, social governance, and the business, operational, and role of the facilities on Tribal lands.
- Facilitate and create opportunities for Tribal professionals to participate in mentoring opportunities, and to attend industry-oriented conferences and trainings to foster better communication and collaboration between Tribal environmental staff and business owners.
- Provide outreach materials and training to the service industry highlighting the difference between State and Tribal regulations for UST operations, as well as addressing the issue of aging tanks.
- Continue to require owners and operators to maintain records of equipment manufacturers demonstration of equipment compatibility with stored fuels.
- Identify an effective and appropriate vehicle for Tribal-specific training and resources to assist owner operators.

Superfund and Federal Facilities

- Explore opportunities for Tribes to lead the effort in cultural resource assessment, data collection, and monitoring on all sites in Indian Country and Alaskan Native Villages with OLEM Programs.
- Continue to support EPA's engagement with both the Office of Water and Office of Superfund with Tribes at the national and regional levels during the development of Remedial Investigation/Feasibility studies, remedial design, and implementation phases.
- Recognize that Tribal standards, and tools utilized by Tribal Superfund programs, are critically important in protecting downstream waters, lands, and Traditional Lifeways. These may include measures protecting cultural resources and Tribal data integrity, Treatment as a Sovereign, Tribal Water Quality Standards (WQS), and the investigation and use of innovative technologies. Working in partnership with Tribes, EPA should respect these standards and tools, and ensure Tribal data are secure and considered in decision making.



- Continue investing in and supporting the Tribal Superfund Workgroup through meetings, mentoring opportunities, and capacity-building projects.
- Encourage cooperation between Tribes and EPA offices such as ORD, to facilitate research at Tribal superfund sites, respecting Tribal management oversight, deadlines and needs.
- Increase funding to 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, including local Tribal cultural resource monitoring with EPA on NPL sites. Ensure comensurate funding for Support Agency Cooperative Agreements and increase awareness of their availability.
- Provide opportunities for Tribal professionals to share and participate on discussions involving sites affecting their lands and people.
- Request an annual Office of Mountains, Deserts and Plains report on their operation, including coordination with Tribes, TPG's, RTOCs, and other Tribal organizations, as well as on their goals for the near future.
- Consider Tribal site use during Superfund revitalization and reuse planning, including remediation goals that are protective for Tribal use.
- Include climate resiliency into superfund decision making, including in the RI/FS and Record of Decision (ROD) process, so that sites can be protected in perpetuity.
- The loss of institutional knowledge over the last few years has led to many disruptions, and left many Tribal and federal staff doing double duty. We ask EPA to work with their Tribal colleagues, Regional EPA RPMs, and others, to address succession planning and develop tools and resources to assist remaining staff.

Emergency Management and Response

- Continue to support and encourage Tribal environmental emergency response programs to be involved with their regional and local response agencies through Local Emergency Planning Committees (LEPCs).
- Funding opportunities are needed to help Tribes with capacity development and equipment procurement (including analytical tools and testing materials) to adequately address emergency situations. Funding opportunities are also needed for disposing of materials used in emergency management activities, as many Tribes are far from landfills that can accommodate these types of debris.
- As the Office of Emergency Management is expanding their webinar series, we suggest having topics such as “How to establish a TERC/TEPC” and “Building an effective TERC”. Webinars are also needed for smaller Tribes, where emergency management staff wear many hats. Specific webinars that help them understand the benefits of emergency response planning and how to engage in this field are needed.

Summary

The TWAR SC priorities are shared regularly with the National Tribal Operations Committee, EPA OLEM, Tribal Nations, and others. The TWAR SC meets each year with various offices in EPA OLEM to discuss these priorities, as well as other issues of concern to Tribes. The TWAR SC also requests reports from these offices on any progress made in addressing the priorities detailed in this document, so this information can be shared with other Tribal professionals around the country. More information, including meeting notes and the committee’s charter, are available at the TWAR SC website (<http://www7.nau.edu/itep/main/twarsc/Home/Index>).

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