

# **Tribal Waste and Response Steering Committee**



## **2023 Priorities Document**

April 2023

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**\* All photos are courtesy of TWAR Steering Committee members and reflect activities on their Nation’s 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 Alaska 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 Alaska 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 Alaska 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.



# 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 to cooperate 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 maintains a reciprocal exchange of information between Tribal Nations 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 and 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 Alaska 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.



*Great Blue Heron enjoying a recently restored wetland and stream complex in the Coeur d'Alene Lake watershed.*

# 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

- Identify and assist Alaska Native Villages and Tribal Nations experiencing managed retreat to evolve their capacity, to implement waste and response programs and infrastructure, and to address existing contaminated lands and legacy waste that is affecting Native lands and waters due to the effects of the climate crisis.
- Work with Tribal Nations and Alaska Native Villages on integrating Indigenous Knowledge, considering Tribal beneficial use, addressing Tribal needs, and ensuring Tribal data is utilized and Tribal perspectives are included in decision making in decisions and actions taken by OLEM offices.
- In 2023, EPA and Tribes will jointly provide two one-hour trainings for EPA staff on working with Tribal Nations and Alaska Native Villages and their specific issues, utilizing Tribal co-presenters with front line experience.
- Hold meetings with Tribal and Native professionals to discuss current issues involving data usability of EPA databases focused on OLEM programs.
- Prioritize having EPA project officers visit Tribal lands and prioritize making it possible for EPA staff to spend time in Native communities so they fully understand the challenges Tribal professionals are facing. Support EPA Project Officers, Technical Staff, and Grants Specialists to travel to Tribal lands and Alaska Native Villages.
- Continue to support the development and growth of the [Tribal Lands Assistance Center \(TLAC\)](#) website across all media.
- Collaborate on a national level to incorporate the use of Indigenous Knowledge consistent with culturally significant practices and with sensitivity to Tribal data sovereignty.
- Encourage all Regions to provide resources on proper sampling techniques for Tribal staff or sharing resources developed by Regions with Tribes across the country so that all can benefit from this knowledge.
- Consider climate resiliency, wildfire risk, flooding, and other natural disasters in all OLEM Program decision making.
- Increase awareness throughout EPA of the definition of businesses in rural Tribal communities, to include not-for-profit businesses that serve the communities (e.g., schools, tribal offices, clinics, etc. ).

## PFAS and Emerging Contaminants of Concern

- All relevant EPA departments should collaborate with the Tribal PFAS Working Group to develop and provide Tribes with training on proper sampling procedures so they can prevent contamination, and other issues, as part of their own PFAS activities (i.e., sampling, QAPP development, result interpretation, cross contamination mitigation, Tribal exposure pathways, etc.)

- Prioritize and expand Tribal exposure pathway research, such as whole food webs, wildlife and game, and culturally sensitive plants, in order to mitigate potential contamination to all Tribal members.
- Assist Tribes in holding manufacturers of contaminants responsible for cleanup activities on Tribal Lands.
- Provide robust public outreach regarding new and upcoming emerging contaminants of concern, especially 6PPD-quinone and decabromodiphenyl ether (“decaBDE”) and inform Tribes and Alaska Native Villages on risk management/Tribal pathways, fate & transport, etc.
- All EPA offices should follow OLEM’s approach in ensuring any changes to PFAS rule, policy, standards, etc. require Tribal Consultation. All changes will impact Tribes unless specifically indicated by a specific Tribe. Consultation guidelines need to reflect this position. We ask that EPA acknowledge that contamination concerns to the public are also concerns to Tribes.

## Program Specific Priorities

### Solid/Hazardous Waste

- There are many examples of entities creating a “roadmap” to address excessive packaging and Extended Producer Responsibility. Two examples are from North Carolina and Maine. We appreciate EPA informing the TWAR SC that studies on addressing this issue were initiated in 2022, and ask EPA to develop a roadmap for action that is shared with the TWAR SC by September 30, 2023.
- We thank EPA for their action on the 2022 priority for addressing many of the issues associated with funding for Tribal and Native solid waste programs (e.g. siloed funding sources, lack of funding for long-term work, etc.) In response to this priority last year it was stated that negotiations had begun in 2022 among various federal agencies on the creation of a joint funding program similar to the defunct Tribal Solid Waste Management Assistance Project. We request an update on the progress of these negotiations in January of 2024.
- We appreciate EPA’s response to our 2022 priority on a toolkit specific to recycling, composting, and waste diversion projects. TWAR SC members have begun a review of this tool and encourage EPA to expand the case studies, examples, and resources that are relevant to Tribal and Native programs.
- In EPA’s response to the 2022 priority focused on the importance of regional recycling business infrastructure, it was stated EPA is working on a map of secondary processing centers accepting feedstock for the manufacture of new products. We applaud EPA for creating such a useful visual tool and look forward to updates on its progress in January of 2024.
- We appreciate EPA’s response to the 2022 priority on implementing the recommendations of the Infrastructure Task Force (ITF) and look forward to hearing about progress on the creation of the Tribal Waste Management Web-based Training Repository. We ask ORCR to provide an update on this resource, as well as other ITF recommendations, in January of 2024.
- Expand funding and support for backhaul of solid wastes on all Indian Country and Alaska Native Villages.

- There is a critical need for universal waste (e.g. batteries, bulbs, etc.) recycling opportunities in rural America so we ask EPA to work with partners to ensure that all citizens have access to needed recycling opportunities.
- We appreciate the work EPA has done in the last year developing a website on food waste. Tribal Nations and Alaska 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.
- 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.

### Brownfields

- Tribes may inherit operating fuel centers. These facilities are not currently eligible for brownfield funding, which is an issue that needs to be addressed.
- Work in partnership with Tribal Nations and Alaska Native Villages to create reuse assessments for lands being lost due to managed retreat and the lands being moved to.
- Encourage a national working forum at the National Brownfield Conference to address how best to identify eligible activities to enhance program capacity.
- While OBLR does encourage the use of multi-year workplans, national consistency in regard to reporting requirements and increasing the efficiency of those reporting requirements are necessary for Tribal and Native professionals.
- Prevent future releases to the environment that could pose a risk to human health and environment by using the oversight and enforcement element of the Brownfields program.
- Utilize EPA's authority under CERCLA to enhance Tribal Environmental Self-Determination by assisting Tribes in establishing MOAs.
- When municipalities receive brownfield funding to address contaminated sites and their work will affect Tribal and Native lands or resources, then these communities should work with Tribes and ensure that 40% of benefits (based on the Justice-40 initiative) impact Tribes.
- Increase funding to Tribal TAB so they can increase their own capacity through additional staffing and use of contractors, enabling them to more effectively assist in developing Tribal capacity.
- Involve Native Alaska brownfield professionals and technical experts in the guidance development and support around the Alaska Native Claims Settlement Act (ANCSA) as funds are appropriated to Alaska's eligible Native entities.

### Underground Storage Tanks

Gas stations, emergency generators, and related facilities are part of the critical infrastructure for Tribal Nations and Alaska Native Villages, as well as being engines of economic development. In addition to providing necessary services for communities, they are also often the only source of fuel, including for emergency vehicles responding to disasters. Keeping these operations safe and in compliance is in itself a priority, but operators also face unique challenges including a lack of qualified service providers, providers who may operate within state frameworks, vast distances, small population bases, and a

rapidly changing environment regarding electric vehicles and other factors. These challenges need to be considered when creating an overall culture of compliance that protects the environment and promotes economic development.

- Ensure the new Facility Specific Compliance Plan tool is useable, and applicable, for Tribes by involving Tribal professionals in the beta testing.
- Investigate new and innovative approaches when conducting outreach and engage with Tribal business.
- Work with industry and Tribal UST professionals to develop easy to understand tools that focus on emerging fuels and compatibility issues and UST closure and removal plans.
- OUST staff should attend at least one Tribal business conference a year, such as the Reservation Economic Summit to inform OUST about Tribal economic trends with transportation energy.
- Work with Tribes that are facing relocation or managed retreat due to climate change by identifying USTs impacted, establishing cleanup standards, sharing best management practices, and assisting communities/facilities in transition to maintain compliance.
- Provide outreach materials and training to the service industry highlighting the difference between State and Tribal regulations for UST operations.

### Superfund and Federal Facilities

- Provide an update on EPA's work with other federal agencies on critical minerals and how they are involving Tribal Nations and Alaska Native Villages as well as addressing Environmental Justice concerns.
- Optimization studies at contaminated sites involving Tribal Nations or Alaska Native Villages should ensure Tribal data is utilized and Tribal perspectives are included.
- Ensure Tribal Research Permits are obtained (when required) well in advance when data is being collected in Indian Country.
- Provide Tribal training opportunities to explore new technologies, tools, and research that impacts contaminated sites. For example, the use of artificial intelligence (AI) and unmanned apparatus.
- Consider climate resiliency when designing and implementing remedies. EPA should consider providing presentations on the work OSRTI is doing with the Akwesasne, Carson River, Iron Mountain, and the Peck Iron sites, as well as the protocols they have mentioned to the TWAR SC in their response to the 2022 Priority Document.
- Once EPA issues the revised Residential Lead Policy, provide support to Tribes to implement the Tribal Lead Curriculum in Indian Country and Alaska.
- Continue to support Tribes leading the effort in cultural resource assessment, data collection, and monitoring on all sites in Indian Country and Alaska 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, site visits, mentoring opportunities, and capacity-building projects.
- Coordinate closely with Tribes when ORD approaches Regional EPA offices 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 commensurate funding for Support Agency Cooperative Agreements and increase awareness of their availability.
- Maintain annual reporting from the Office of Mountains, Deserts and Plains on their operation, including coordination with Tribes, TPG's, RTOCs, and other Tribal organizations, as well as on their goals for the near future.
- Prioritize Tribal site use during Superfund revitalization and reuse planning, including remediation goals that are protective for Tribal use.
- Follow the EPA memo issued June 30, 2021 'Consideration of Climate Resilience in the Superfund Clean-up Process for Non-Federal NPL's Sites' so Sites can be protected in perpetuity.
- Continue to train new EPA RPM's on working with Tribes on Superfund Sites.

### Emergency Management and Response

Due to the very nature of Tribal lands, environmental threats are magnified in comparison to other locations. Historically, Tribal members utilize land more extensively and rely on it for sustenance, medicine, and other traditional uses to a greater degree than the general population. Emergency response is hindered by a lack of understanding and inspection at regulated facilities, and timely access and awareness of the full federal family of resources.

- Prioritize inspecting SPCC facilities in Indian Country and Alaska.
- The disaster in Ohio, during February of 2023, highlights the vital need for Tribal professionals to be fully prepared to respond to these types of situations. One of the best ways to achieve this is for Tribal staff to participate in existing table-top exercises. EPA OEM is doing a good job with advertising SPCC trainings; the same effort needs to be put into notifying Tribes about these types of table-top exercises and hands-on trainings. We would like to see this increase in outreach done over the next year.
- Meet with Tribal responders in the field to inventory needs and help evaluate response at least once every five years. This would allow EPA staff to provide guidance on the adequacy and necessity of spill kits, PPE, and other equipment, as well as making recommendations on appropriate training (such as hazmat specialist courses and other training EPA or their contractors could provide for free).

- 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 sources for repairs, decontamination, debris removal, proper equipment, and other necessary response functions are necessary for Tribes. There are currently multiple funding sources available through different EPA offices, other agencies, and broader federal government initiatives. Tribal response professionals look to their OEM colleagues to provide assistance in identifying the right funding sources to allow them to respond to, and manage, emergencies and disasters.
- In their response to the 2022 Priority Document, OEM stated that they will be working to expand webinars for Tribal professionals focused on how to establish and build effective TERCs. Once this achieved, we ask OEM to provide the TWAR SC with the results of evaluations by participants.



*Fish passage dam removal and large woody debris (LWD) re-introduction in critical bull trout (endangered species) habitat area along the St. Joe River in North Idaho. USFS as Lead Trustee.*

# 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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