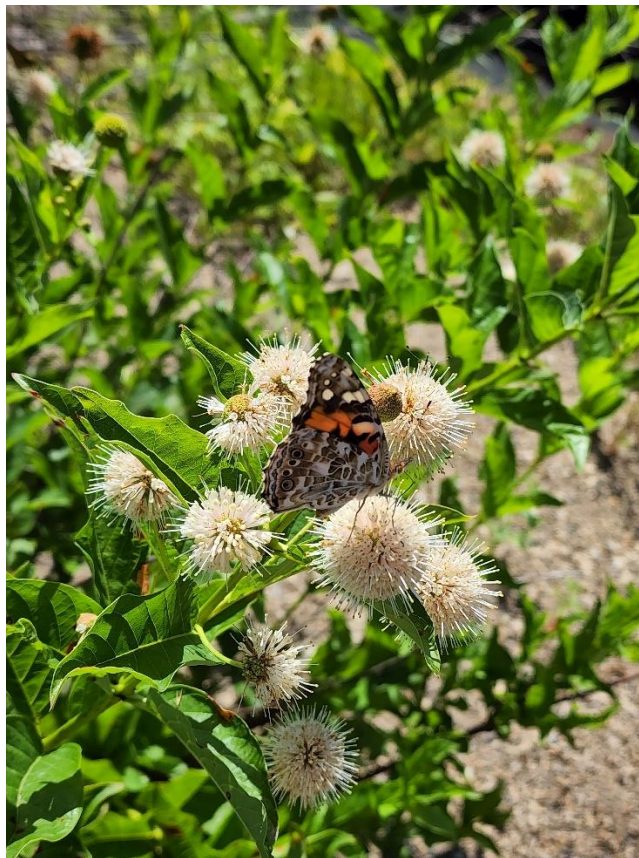


# Tribal Waste and Response Steering Committee



2024-2025 Priority Document  
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**All photos are courtesy of TWAR Steering Committee members and reflect activities on their lands.**

The Tribal Waste and Response Steering Committee (TWAR SC) is a US EPA Tribal Partnership Group comprised of subject matter experts from federally recognized Tribal Nations 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) when and where appropriate. They work closely with ITEP to plan and coordinate the annual Tribal Lands and Environment Forum (TLEF) 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, Nations, and Alaska Native Villages.

**Goal 2:** Improve communication and foster interagency collaboration between Tribes, Tribal Nations, and Alaska Native 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.



*Deer traversing a chat pile at the Tar Creek Superfund site (Quapaw Nation).*

# 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

- Work with other offices, agencies, and outside partners to avoid scheduling conferences on similar media during, or adjacent to the TLEF.
- Identify and assist Alaska Native Villages and Tribal Nations pursuing community-led relocation 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 Tribes and Alaska Native Villages on integrating Traditional and Indigenous Knowledge, considering Tribal beneficial use, addressing Tribal needs, and ensuring Tribal data is utilized and Tribal perspectives are included in decisions and actions taken by OLEM offices.
- In 2024, 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 challenges, utilizing Tribal co-presenters with front line experience.
- Hold meetings with Tribal and Native professionals to discuss current issues involving Tribal data sovereignty and data usability of EPA databases focused on OLEM programs.
- 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.
- 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, clinics, public utilities, etc.).
- Incorporate the President's Executive Order principles of reducing grant reporting burdens, especially funding from the Infrastructure Investment and Jobs Act (IIJA) Brownfield and Superfund appropriations, to change the current quarterly requirement to biannual reporting.

## Emerging Issues

- Collaborate with the Tribal PFAS Working Group to develop and provide Tribes with training on proper sampling procedures, results interpretation, cross contamination mitigation, and Tribal exposure pathways.
- Incorporate community involvement and shared research objectives for Tribal exposure pathway research, including whole food webs and culturally sensitive plants that protects and respects Tribal data sovereignty.



- Assist Tribes in holding manufacturers of contaminants responsible for cleanup activities yesterday, today, and into the future, on ancestral and aboriginal territories, ceded and unceded Tribal Lands and Alaskan Native Villages; and lands adjacent to Tribal Lands and Alaskan Native Villages that are harming, or have the potential to harm, Tribal or Native peoples.
- Continue to provide robust public outreach and support research for 6PPD-quinone and decabromodiphenyl ether (“decaBDE”) and evaluate the potential for heavier electric vehicles to increase their presence in the ecosystems and traditional foodwebs.
- Continue to engage Tribes and Alaskan Native Villages through Consultation during changes to PFAS rules and policies.
- Work in partnership with Tribal Nations and Alaska Native Villages to create reuse assessments for lands being lost due to community-led relocation, as well as the lands being moved to, which may have been previously injured.

## Program Specific Priorities

### Solid/Hazardous Waste

- The last two years has seen an unprecedented investment in Tribal solid waste capacity development, and improvement in backhaul programs in Alaskan Native Villages though continued investment and improvement is necessary, including recycling and waste diversion initiatives. Identification of emerging contaminants, their impact on Tribal lifeways, and associated waste management considerations remain issues that complicates continued progress.

- By the end of FY24, complete the Operations and Maintenance Assessment and create a priorities list to address the deficiencies that exist for FY25, prioritizing the issues specific to Indian Country.
- By the end of FY24, create an outreach plan with Tribal colleagues to facilitate the identification of emerging contaminants that affect Tribal lifeways and food webs.



*Tire cleanup (La Jolla Band)*

- Create a roadmap for Tribes to create purchasing policies that support the reduction of excessive packaging and extended producer responsibility, where feasible, by the end of Q3 FY24.
  - Continue to work with other federal agencies to create a cross-walk of available solid waste funding sources, eligibility criteria, and funding restrictions.
  - By Q2 FY24, provide an update to the TWAR SC of the effort to highlight recycling, solid waste management, waste diversion and composting success stories in Indian Country and Alaska Native Villages and develop a plan to deploy these success stories in a story map by Q4 FY24.
- By Q3 FY24, provide an update on progress made in supporting solid waste backhaul in Indian Country and Alaska Native Villages and necessary next steps. By Q4 FY24, deploy a minimum of 2 Indian Country specific training opportunities, developed in collaboration with Tribal colleagues, which focus on strategies to increase recycling, waste diversion and developing metrics.

- By the end FY24, create a list and map layer that shows the locations of universal waste recycling facilities and use that list to target regional funding opportunities to expand universal waste recycling in underserved areas for FY25.

## Brownfields

- Tribal Environmental Response Programs developed under the 128(a) program and environmental cleanups completed under Section 104(k) allocations, are an exercise in environmental self-determination for the recipients of these grants. This expression of self-determination is unique and specific to each recipient. As Tribal Nations reacquire their lands or lose commercial leases, they inherit legacy sites that may be contaminated. These sites, especially in the case of fueling stations, are a part of critical infrastructure that are not currently eligible for Brownfield funding. Indigenous Environmental Justice is the culmination of historical land loss and must be addressed by ensuring that legacy sites, even if operational and critical to a community, are eligible for Brownfield funding.
- Require that EPA staff and contractors, overseeing Targeted Brownfield Assessments (TBA) or supporting Tribal Brownfield programs, ensure that mechanisms and resources to provide meaningful opportunities for public participation include Tribal Councils or governing bodies and other Tribal Departments, to ensure the direction and technical assistance provided aligns with Tribal priorities and redevelopment needs.
- By the end of Q3 FY24, provide a statement that affirms that Tribal Nations enjoy the same liability protections provided to local or state governments in Section 101(20)(D) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in the 2018 Brownfields Utilization, Investment, and Local Development Act (BUILD Act) amendment when reacquiring their Reservations or treaty reserved lands.
- At the beginning of Q4 FY24, affirm in a memo to the Secretary of the Interior, that the liability protections described in Section 101(20)(D) extend to the federal government for mandatory trust acquisitions as defined in Chapter 25 of the Code of Federal Regulations (CFR) Part 151. Real or perceived threats of environmental contamination and subsequent liabilities, prevent land from being taken into Trust.
- By the end of Q3 FY24, create a policy that allows operational sites with real or perceived environmental contamination, be eligible to be considered for Brownfield funding.
- By the end Q4 FY24, provide guidance that encourages the use of videos/visuals in Tribal success stories that can be used by Tribal professionals.
- Create a roadmap to develop multi-year workplans that focuses on national consistency for reporting requirements across all the Regions.
- Utilize EPA’s authority under CERCLA to enhance Tribal Environmental Self-Determination by assisting Tribes in establishing MOAs.



*Sediment removal (Coeur d'Alene Tribe)*

- For FY25 Brownfield Funding announcements, highlight and emphasize the EJ 40 principles for communities who receive Brownfield funding to address contaminated sites affecting Tribal and Native lands or resources.

### 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.

- Deploy the new Facility Specific Compliance Plan tool and on-line operator training by the end of Q2 FY24 and present training and updates on involvement at the 2024 and 2025 TLEFs.
- By the end of FY24, develop easy to understand tools that focus on emerging fuels, and UST closure and removal plans by working with industry and Tribal UST professionals.
- Provide biannual reports to the TWAR SC about discussions and networking conducted at Tribal business conferences by OUST staff during the time frame of this Priority Document.
- By Q3 FY24, provide outreach materials and training to the service industry highlighting the difference between State and Tribal regulations for UST operations.
- Beginning in Q3 FY24, form a national workgroup to craft mechanisms facilitating memoranda of understandings with states so Tribes may participate in state funded programs that meet financial responsibility requirements without becoming subject to state regulatory authorities.

### Superfund and Federal Facilities

- Continue to provide updates on EPA's work with other federal agencies on critical minerals and recovery pilot sites, and how they are involving Tribal Nations and Alaska Native Villages.
- 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, and pilot site specific projects, to explore new technologies, tools, and research that impacts contaminated sites. For example, the use of artificial intelligence (AI) and unmanned apparatus.
- Ensure climate resiliency when designing and implementing remedies. EPA should consider providing presentations on the work OSRTI is doing with Native Nations and communities.
- Fund and implement the revised Residential Lead Policy and 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



*Ongoing remediation and restoration  
(Quapaw Nation)*

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 EPA Office of Research and Development (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 National Priority List (NPL) sites. Ensure comensurate funding for Support Agency Cooperative Agreements and increase awareness of their availability.
- Maintain annual reporting from the Office of Mountains, Deserts and Plains (OMDP) on their operation, including coordination with Tribes, TPG’s, RTOCs, and other Tribal organizations. Provide updates on the office’s goal for the near future as well, such as the outcomes of the report “Recommendations to Improve Mining on Public Lands” (September 2023).
- Ensure that Tribal Consultation is conducted when future mining on public lands is proposed.
- 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.

- We thank OEM staff for conducting several in-depth trainings at the 2023 TLEF. These were very well attended – both by in-person and virtual attendees. We encourage them to continue providing Spill Prevention Control and Countermeasure (SPCC) and other trainings specifically targeted to Tribal professionals.
- The increase in EVs and renewable energy systems means we all will be dealing with an increase in the production and demand of batteries, diverse distributed energy systems, and potentially dangerous materials. In the next two years we ask OEM to develop trainings to assist Tribal professionals to better prepare for emergencies and recovery.
- Over the course of the next year begin to incorporate hydrogen and other alternative fuels concerns in planning for emergency response activities and resources. Provide the TWAR SC an update on this work by the end of 2024.
- When considering future rule-making, potential increases in hydrogen and other alternative fuels must be considered. The acquisition, production, storage, and/or transport of these materials will affect Native lands and communities, and resources are needed for Tribes to develop their own capacity to address potential emergencies.
- During the 2023 meeting between the TWAR SC and OEM staff it was stated that “lessons learned” from both the East Palestine and Maui emergencies are currently being discussed in the Agency. During 2024 we ask that these lessons learned be shared and discussed with the TWAR SC.
- We appreciate OEM staff’s work in expanding training opportunities for Tribal professionals. We want to see more table-top exercise trainings, where Tribal staff can work through real world scenarios to better prepare in protecting their own Nations and communities. Given the similarities between what happened in East Palestine and the danger many Native Nations face with railroad transportation, this may serve as a good template for table-top exercises once the lessons learned are finalized.
- Prioritize inspecting SPCC facilities in Indian Country and Alaska.
- By the summer of 2024 we ask that OEM share with the TWAR SC the resource spreadsheet they have been working on to assist Tribal emergency response professionals.
- 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) and/or in forming their own Tribal Emergency Response Committees (TERCs).
- 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 is achieved, we ask OEM to provide the TWAR SC with the results of evaluations by participants.



*Transport of hazardous waste (Ja Jolla Band)*

# 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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