



**Tribal Waste and Response
Assistance Steering Committee
2018 Priorities**

March 2018

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*** All photos are courtesy of TWRAP Steering Committee members and reflect activities occurring on their Tribe’s lands**

The Tribal Waste and Response Assistance Program Steering Committee (TWRAP SC) is a Federal U.S. 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 TWRAP SC are those of the SC members and not of individual Tribes and/or Alaskan Native Villages. Furthermore, interaction with the TWRAP 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 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



Riley Smith, Rebecca Stevens, John Wheaton, Rob Roy, Erika Wilson, Todd Barnell, Barry Breen, Cynthia Naha, Arvind Patel, Victoria Flowers, Brigid Lowery, Mark Junker, Virginia LeClere, Kent Benjamin, and Tylo Kennedy

Member	Tribe	Current Term
Victoria Flowers	Oneida Nation	2016-2018
Mark Junker	Sac and Fox Nation of Missouri in KS and NE	2017-2019
Virginia LeClere, Vice Chair	Prairie Band Potawatomi Nation	2017-2019
Cynthia Naha	Santo Domingo Tribe	2016-2018
Arvind Patel, Chair	Pueblo of Acoma	2017-2019
Rob Roy	La Jolla Band of Luiseño Indians	2017-2019
Rebecca Stevens	Coeur d'Alene Tribe	2016-2018
John Wheaton	Nez Perce Tribe	2016-2018
Ann Wyatt	Klawock, 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 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 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:

- Schedule annual meetings of EPA OLEM offices with the TWRAP Steering Committee in order to share information about how EPA's priorities align with those expressed in this Priority Document.
- Streamline EPA's grant approval and awarding process, in conjunction with current work to improve the overall efficiency of the Agency and expand opportunities for Tribes to participate in Cooperative Agreements.
- Share the results of EPA's efforts to increase efficiency and streamline processes under lean six sigma activities with the TWRAP SC.
- Encourage the attendance of the maximum number of appropriate OLEM and Regional staff at the Tribal Lands and Environment Forum.
- Prioritize resources that support increasing Tribal capacity to interact in leadership roles in prevention planning, mitigation, response, and recovery among their federal and local partners, through training, certification, and mentoring.
- Recognize, respect, and protect Tribal Treaty Rights as well as Customary and Traditional Use areas and Traditional Cultural Properties, which can affect transboundary jurisdiction.
- Assist Tribes as they develop plans, strategies and actions of resilience for their communities, including Traditional and Customary Use areas.
- Expand efforts in utilizing Tribal Environmental Knowledge (TEK) and Tribal Lifeway models to assist with cleanup standards and provide guidance on ecological baseline monitoring techniques.
- Fully support, and where appropriate, implement the strategies and actions specified in Chapter 9 (Tribes and Indigenous Peoples) 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.



- Institutionalize the consideration of Treaty Rights, Traditional Use areas, and Cultural Resources in all USEPA decisions, as the Agency applies Traditional Ecological Knowledge (TEK) and Tribal lifeway models in decisions and activities.
- Ensure that cooperative agreements and Memorandums of Understanding (MOUs) with states always include a language requirement to “consult and coordinate with Tribes”.

Top Media-Specific Priorities

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:

- Continue collaboration between OLEM, OECA, and Office of Water at both the national and regional level during remedial design and implementation phases. Specifically, Treatment as a State (TAS) and Tribal Water Quality Standards (WQS) are critically important in protecting downstream waters.
- Prioritize prevention of releases by increasing the number of Aboveground Storage Tanks (AST) inspections, either by EPA or federally-credentialed Tribal inspectors.
- Promote awareness of Regional Response Teams (RRT) to Tribes in order for them to better respond to hazards, spills, enable essential support functions, and to be actively involved with unified commands.
- Fully implement, and provide ongoing updates to, the recommendations and/or tools developed by all three teams involved in the Infrastructure Task Force (ITF) Solid Waste Sub-Workgroup by the end of Fiscal Year 2019.
- Prioritize Tribal and rural communities that are disproportionately impacted by Leaking Underground Storage Tanks (LUST) events.
- Ensure “remedy resilience” approaches are consistent with the best available data, and consider Traditional Ecological Knowledge (TEK).



- Through collaboration with Tribes and between relevant federal agencies implement the MOU between IHS and EPA, correct the inaccuracies in the wSTARS database, and allow flexibility for Tribes to determine their own priorities and ranking of solid waste projects.
- 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).

Program Specific Priorities

Solid/Hazardous Waste



- Through collaboration with Tribes and between relevant federal agencies implement the MOU between IHS and EPA, correct the inaccuracies in the wSTARS database, and allow flexibility for Tribes to determine their own priorities and ranking of solid waste projects.
- Fully implement, and provide ongoing updates to, the recommendations and/or tools developed by all three teams involved in the Infrastructure Task Force (ITF) Solid Waste Sub-Workgroup by the end of Fiscal Year 2019.
- End the prohibition restricting the use of GAP funds for implementation of solid waste activities, so that Tribal government can promote self-determination.
- Continue to support waste minimization, waste diversion, and source reduction strategies that reduce the costs associated with handling solid waste, including promoting industry take-back programs through Sustainable Materials Management mechanisms and programs.
- 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.
- All EPA Regions need to be consistent in working with Tribes to determine their own approval mechanisms for Solid Waste Management Plans.
- Collaborate with the Exchange Network and other entities to collect uniform and reliable data, on the status of Tribal solid waste program development and unmet needs.

Brownfields

- 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).
- Work with Alaska Native Corporations and Villages to implement changes in the liability restrictions in order to make them eligible for CERCLA 104 (k) and CERCLA 128(a) grants.
- Create a set-aside specific for Tribes as part of the CERCLA 104 (k) grants and create flexibility between assessment and cleanup funds.
- 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.



Underground Storage Tanks

- Prioritize Tribal and rural communities that are disproportionately impacted by LUST events.
- Increase the percentage of funding allocated for Tribal activities and make data on LUST sites consistent and reliable.



- 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.
 - Continue collaborating with public-private partnership research groups to study solutions to the critical problems of microbial fouling and corrosion at UST facilities.
- Develop a uniform tank inspection and inventory form, once the UST database is made public.

Superfund

- Continue collaboration between OLEM, OECA, and Office of Water at both the national and regional level during remedial design and implementation phases. Specifically, Treatment as a State (TAS) and Tribal Water Quality Standards (WQS) are critically important in protecting downstream waters.
- Consult with Tribes, and solicit input from appropriate Tribal Partnership Groups, regarding strategic measures of regional implementation of Traditional Ecological Knowledge (TEK) and tribal use scenarios as it relates to Tribes and Alaskan Native Villages.



- Continue investing in and supporting the Tribal Superfund Workgroup through conference calls, in-person meetings, trainings, and onsite mentoring.
 - Collaborate, where appropriate and acceptable to all parties, with Tribes to ensure the accuracy of Tribal database/map layers including 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, including local Tribal cultural resource monitoring with EPA on NPL sites.
 - Improve the implementation of the Regional Superfund Job Training Initiatives with Tribal cooperation. Utilizing tools such as Disadvantaged Business Enterprise would assist in more effective implementation of this initiative.

Federal Facilities

- Ensure “remedy resilience” approaches are consistent with the best available data, and consider Traditional Ecological Knowledge (TEK).
- Collaborate, where appropriate and acceptable to all parties, with Tribes to ensure the accuracy of Tribal GIS layers in FEDFacts.
- 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.

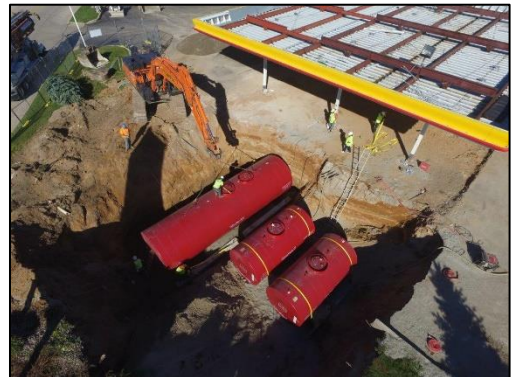


Emergency Preparedness and Response

- Prioritize prevention of releases by increasing the number of AST inspections, either by EPA or federally-credentialed Tribal inspectors.
- Promote awareness of Regional Response Teams (RRT) to Tribes in order for them to better respond to hazards, spills, enable essential support functions, and to be actively involved with unified commands.
- Facilitate Tribal use of National Response Center communications and outreach tools at national and local levels.
- Continue to foster and enhance 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.
- Provide training on the Superfund Amendment Reauthorization Act Subtitle III –Emergency Planning and Community Right to Know Act, in order to assist Tribal staff in their work to effectively plan for, and protect their communities from, hazardous substances and materials.

Office of Enforcement and Compliance Assurance

- Increase opportunities for Tribes to obtain federal inspector credentials.
- Support Tribes and Alaska Native Villages with multi-jurisdictional enforcement and compliance assurance issues.
- Implement a streamlined process consistent across all Regions 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.
- Provide training and other educational resources that enhance Tribal awareness of the cross-programmatic connections between compliance and enforcement issues and OLEM-related media.



Summary

The TWRAP SC priorities are shared regularly with the National Tribal Operations Committee, USEPA OLEM, Tribal Nations, and others. The TWRAP SC meets each year with various offices in USEPA OLEM to discuss these priorities, as well as other issues of concern to Tribes. The TWRAP 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 TWRAP SC website (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.

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