



# Tier 1 Module 7

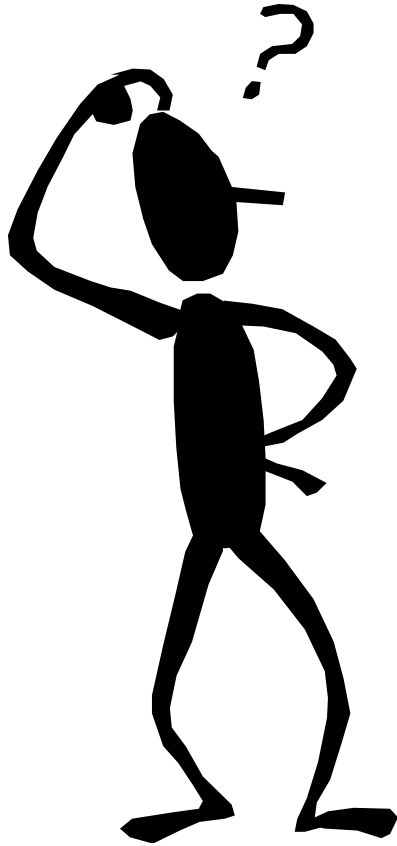
**CERCLA 128(a)**

**Tribal Response Program**

**Establishing a TRP**

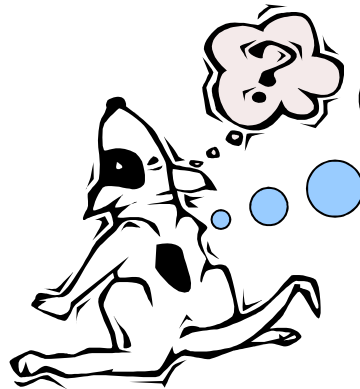


# How Do We Start a TRP?



Where do we start?

Can I cleanup a  
“Brownfield” right  
away?



Can you clean  
out my dog  
house?



# EPA Goals:

- The primary goal of this funding is to ensure that state and tribal response programs include, or are taking reasonable steps to include, certain elements and a “public record.”
- The secondary goal is to provide funding for other activities that increase the number of response actions conducted or overseen by a state or tribal response program.



# What does “establish” mean?

- **"establish"** includes activities necessary to build the foundation for the four elements of a tribal response program and the public record requirement.



# Who is the Grantee?

A CERCLA Section 128(a) grant is a cooperative agreement with a Tribe/Village (or a consortium of Tribes/Villages). The cooperative agreement recipient is the Tribal government to which a grant is awarded and which is accountable for the use of the funds provided.

EPA will accept only one application from each eligible Tribe (or consortium).



# Who gets the Funding?

- When EPA funds the Section 128(a) grant, the Tribe may distribute these funds among the appropriate tribal programs and/or staff that are part of the Section 128(a) response program.



Don't let the  
situation  
confuse you...

Go thru the  
steps





# Step 1: Talk to EPA

Determine if the 128(a) Tribal Response Program grant is the appropriate program to address specific tribal environmental problems or issues.



## How?

- Read the Annual U.S. EPA State and Tribal Response Program Guidance (HQ & Region 10)
- Attend training and workshops
- Talk to Tribes with the TRP
- Ask questions!





## Step 2: Assess your Tribe's needs and how it can utilize the TRP





# Tribal Self Review Topics

- A) What issues or problems is the tribe seeking to address through this grant program?
- B) Are the problems or issues to be addressed a singular or short term problem or will they be long term or on-going problems?
- C) What existing tribal resolutions, rules or policies are in place or are needed to address the problems?
- D) What existing tribal programs are in place or needed to address the problems?
- E) What are the tribe's priorities and goals?



## A) Problems to Address

- Existing known “brownfield” sites/properties?
- Are there sites/buildings the tribe wishes to acquire and/or reuse or redevelop that may have potential contamination issues from past uses?
- Existing problems related to controlled substances (i.e. meth labs)?
- Existing problems from “mine scarred lands”?
- Other known or potential sources of releases of hazardous substances, pollutants or contaminants, including petroleum releases?



# A) Problems to Address

(cont.)

- Potential future brownfields (aging or obsolete buildings, industry or businesses) ?
- Current or future commercial, industrial or energy development that may result in the release of contaminants?
- Incidents from transportation related releases?
- Past or current illegal dumping problems or old landfill sites?
- Other local state or federal agency remediation activities (i.e. EPA, ADEC, DOD or DOE)?



## B) Short or Long-Term?

- Are there only a few existing brownfields that could be:
  - assessed via the EPA and/or ADEC Targeted Brownfield Assessment (DBAs) programs?
  - assessed and cleaned up via the EPA 104(k) Brownfield Grants program?
  - Addressed by the ADEC or EPA removal program?



## B) Short or Long-Term?

- Are Brownfields anticipated to be an ongoing problem due to aging or obsolete buildings?
- Are there existing and on-going problems with releases from other sources:
  - Mine scarred lands?
  - Drug labs?
  - Commercial sources?
  - Industrial sources?
  - Transportation sources?
  - Oil & Gas development/production?
  - Other?



## C) Review of Tribal Requirements

- Is the Tribal jurisdiction clear and what does it cover?
- What Tribal environmental authorities exist or are needed?
- Existing Tribal civil compliance procedures and authorities in place?
- Existing MOAs or MOUs in place that address any of the issues?



## C) Review of Tribal Requirements

- Have Tribal resolutions, rules or other requirements been properly adopted or formally entered into the tribal records?
- Who enforces what criminal codes?
- What state and federal laws or regulations are implemented by the Tribe?

{NOTE: “do not know” is OK}





## D) Review of Tribal Programs

- Existing tribal programs that may be relevant? (i.e. UST, solid waste, emergency response, homeland security, water/wetlands and others)
- Current staff positions to be utilized or new staff needed?
- Staff training, skills and knowledge?
- Existing administrative support and/or facilities?
- Other coordination agreements or arrangements that may be relevant?



Identify  
your most  
obvious  
problems



## E) Tribal Priorities

- Immediate threats to public health;
- Immediate threats to the environment;
- Long term threats to public health or the environment;
- Impacts on cultural resources;
- Impacts on the local economy;
- Impacts on long term economic development;
- Impacts on the local quality of life;



## E) Tribal Priorities

- Tribal capacity to deal with environmental problems, current or future;
- Tribal capacity to deal with emergency responses to releases, current or future; or
- Tribal capacity to coordinate or interact with response actions by other programs or agencies (EPA or ADEC).

*Note: Is there an existing Tribal process to review and establish program priorities?*



## Step 3: Discuss results with EPA

First time 128(a) TRP grant requestors are strongly encouraged to contact their Regional Brownfields Coordinator prior to submitting their funding request.

*{Mary Goolie, Anchorage, AK EPA Office}*

Be prepared to provide information from your review (step Two).



# Why a 128(a) Grant?

- Is this the right grant program to address specific tribal issues or problems?
- Are you establishing a new tribal program or enhancing an existing program?
- What program(s) or component(s) of the tribe will receive the grant funds?
- Who will be the primary point of contact for negotiations on the proposed grant work plan?



## 6) Why a 128(a) Grant?

- What program or component of the tribe will have the primary responsibility for grant reporting and budget management?
- Will this be a component of a Performance Partnership Grant (PPG)?
- Would it be more practical to be part of a TRP consortium?



## Moving Ahead:

- Know “where you are at”
- Know where you want to go
- Establish & review priorities
- Use program review to generate Grant Work Plans
- Do periodic reviews to keep on track
- Update plans and priorities as needed





# Tribal Accomplishments

- 79 Tribes have received 128(a) TRP Grants (FY2011) (20 Tribes, Villages & Consortiums in AK)
- Many Brownfield Sites inventoried
- Many sites assessed
- Emergency Response capabilities improved
- Tribal staff knowledge increased
- Community knowledge increased
- Input into other agency actions improved
- Several Consortiums formed (AK)



# Tribal Issues:

- Jurisdiction uncertainties
- Lack of available or good records on properties;
- Management of grant funds and budgets for new types of activities and equipment;
- Contracting for new types of services;
- Staffing (recruiting, turnover, support staff, etc.);
- Qualification and training of staff;
- Overlap and/or coordination with other programs;
- Lack of necessary tribal rules, resolutions, procedures and policies.



# Lessons Learned

- Understanding what the program is about and being sure this is an appropriate program for the tribe.
- Determining if another program or grant, or other resource would solve the problem the tribe is seeking to address.
- Understanding the program staffing and resource needs and developing position description(s) that fit the program and have the appropriate qualifications.
- Implementing new types of tribal rules or policies can be difficult.
- Keeping elected officials informed

**Be determined in achieving your goals...**



# Aim High



# Try to See Eye-to-Eye



# Be a Good Team Mate

<http://karaul.ru>





**The End**