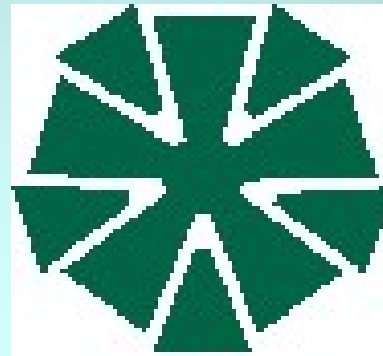




# Enhancing a Tribal Response Program

**CERCLA 128(a) Tribal Response  
Program Training Project**

# Training Developed by:



**Rural  
Community  
Assistance  
Corp.**

**Mickey Hartnett  
Rapid City, SD**

**Anchorage, AK**

This training is dedicated to Roland Shanks  
Formerly of RCAC Alaska Office



# TRP Training Levels

- Tier I: Establishing a Tribal Response Program (for starting a new program)
- Tier II: Enhancing a Tribal Response Program (for increasing the capacity and abilities of an established program)



# TRP Tier I: Core Topics

- Purpose & Scope of the TRP
- The 4 Elements and development and implementation of each;
- The Public Record & Institutional Controls;
- How to Establish a TRP
- Introduction to Site Work



# TRP Tier II: Core Topics

- Enhancing a TRP;
- 128(a) TRP Grants;
- Tribal TRP Consortia;
- Coordination with other programs;
- Contract procurement and mgt. for TRP;
- Emergency Response;
- 128(a) Site Specific Activities.



# TRP: Other Topics

Other relevant TRP training shall be provided by other sources:

- Institute for Tribal Environmental Professionals (ITEP);
- American Society for Testing & Materials (ASTM) (Phase I & II Assessments)
- US EPA Training courses and centers
- Etc.



# References:

- The “Brownfield Law” of 2002
- Congressional Record
- US EPA HQ Annual 128(a) Guidance
- YOU!



# Learn the Language of TRP Acronyms

- EPA
- QAPP
- FSP
- HSP
- RQ
- IC
- PPM
- CERCLA
- RCRA
- TSCA
- CWA
- UST/LUST
- SNAFU
- ASTM
- etc.

*{See Appendix}*





# Tier II: Module 1A

## **Enhancing a CERCLA 128(a): Tribal Response Program**



# How do we “enhance” the TRP?



Where do we go next?  
What can I cleanup  
now?



Can you get me a bigger bone?



## 128(a) Grant awarded:

- to establish or enhance a response program
- to take reasonable steps to include each of the 4 Elements
- to establish & maintain a Public Record
- and to increase the capacity of a Tribe to assess and cleanup contaminated sites and other releases



## Remember 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?

- “For more developed tribal response programs, “**establish**” may also include activities that keep their program at a level that meets the four elements and maintains a public record”\*

\* *Annual EPA HQ STRP Guidance*



# What does “enhance” mean?

“Under CERCLA 128(a), “**enhance**” is related to activities that add to or improve a state or tribal response program or increase the number of sites at which response actions are conducted under a state or tribal response program”\*

*\*Annual EPA HQ STRP Guidance*



# What does “enhance” mean?

“The exact “enhancement” uses that may be allowable depend upon the work plan negotiated between the EPA Regional office and the tribe.”\*

*\*Annual EPA HQ STRP Guidance*



# What “enhancements”?

## EXAMPLES:

- ✓ Outreach & Training to increase awareness of the TRP
- ✓ improving skills of TRP staff
- ✓ developing better coordination and understanding of other response programs (e.g. RCRA or LUST/UST or ADEC)
- ✓ outreach to increase awareness and knowledge of institutional controls and importance of monitoring such controls



**Don't get your  
signals  
crossed...**

**Review the  
status of your  
TRP: go thru  
the steps**





# Step 1: Talk to EPA

Review the current status of your 128(a) Tribal Response Program and what has been accomplished. What does EPA recommend is needed to improve your TRP?

## **ALSO:**

- Review the latest Annual U.S. EPA State and Tribal Response Program Guidance (HQ & Region )
- Talk to other Tribes with the TRP

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





# Tribal TRP Self Assessment

- A) What current issues or priorities does the tribe need to address through this grant program?
- B) Are the issues or priorities to be addressed short term problems or will they be long term or on-going problems?
- C) What existing tribal rule, requirements or policies are now in place and what improvements or additions are needed?
- D) What improvements are needed or gaps exist in the current tribal TRP (4 Elements & P.R.)?
- E) What are the tribe's future priorities and goals?



# A) Problems to Address

- Existing or new brownfield sites/properties to address?
  - ✓ Existing
  - ✓ Newly discovered
  - ✓ Newly abandoned or fires
  - ✓ Potential future brownfields (aging or obsolete buildings, industry or businesses)
- Tribal reuse or redevelopment projects that may have potential contamination issues?
- Institutional Controls to monitor and control?



## A) Problems to Address (cont.)

- Recent or potential future sources of releases of hazardous substances, pollutants or contaminants, including petroleum releases?
  - Controlled substances (drug labs)
  - Mining activity (mine scarred lands)
  - Oil & Gas development or production
  - Commercial or industrial aging or development
  - Transportation related incidents or releases
- Past or current illegal dumping problems or land fill sites (closures)?
- Other local state or federal agency remediation activities (i.e. EPA, DOD or DOE)?



## B) Short Term problems?

- Are there only a few existing brownfields remaining that could be:
  - assessed via the EPA and/or ADEC Targeted Brownfield Assessment (TBAs/DBAs) programs?
  - Addressed via the EPA or ADEC removal programs?



## B) Long-Term Problems?

Are there many more Brownfield sites and/or it is anticipated to be an ongoing problem due to aging or obsolete buildings?

Do you anticipate future and/or continuing problems with releases from various sources:

- Mine scarred lands?
- Drug labs?
- Commercial or industrial sources?
- Transportation sources?
- Oil & Gas development?
- Other?





## C) Review of Tribal Laws & Codes

- What Tribal program authorities exist and/or are needed?
- Existing Tribal rules or policies adequate or gaps? (response, solid waste, hazardous waste, UST/LUST, ASTs, others);
- Existing Tribal compliance procedures agreements & policies in place?
- Existing MOAs or MOUs in place or needed to coordinate with other EPA or ADEC programs?



## C) Review of Tribal Laws & Codes

- Have necessary Tribal rules or requirements been properly adopted or formally recorded and entered into the tribal records?
- Coordination with police in place or needed?
- New US EPA or ADEC regulations need to be considered by the Tribal program?



## D) Review of TRP Status

- Coordinating with other tribal programs that may be relevant? (i.e. water quality, solid waste, emergency response, homeland security, and others)
- Need additional staff training and improvements in skills and knowledge?
- Maintaining program progress on 4 Elements and Public Record?
- Equipment needed?
- Community outreach or training need improvement?



## D) Review of TRP Funding

Are any changes needed in the allocation or distribution of TRP grant funds?

- Any changes needed in the grant work plan on how the Section 128(a) grant funds are applied or allocated within the Tribe?
- Any TRP staffing changes needed? (types and number of positions funded)
- Any changes needed in the allocation of funding between work plan elements or categories?



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.

*NOTE: Is there an existing tribal process to review and establish program priorities?*



## Step 3: Discuss results with EPA

128(a) TRP grantees are strongly encouraged to contact their Regional Brownfields Coordinator at any time to review their program status.

Be prepared to provide information from your review and provide your priorities and needs for the future of your program





## Moving Ahead:

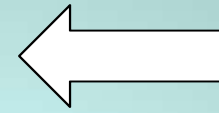
- Know “where you are at”
- Know what your gaps or weaknesses are
- Know where you want to go
- Review & update your priorities
- Use review to generate Grant Work Plan
- Do periodic reviews to keep on track
- Update plans and priorities as needed



# Tribal Accomplishments

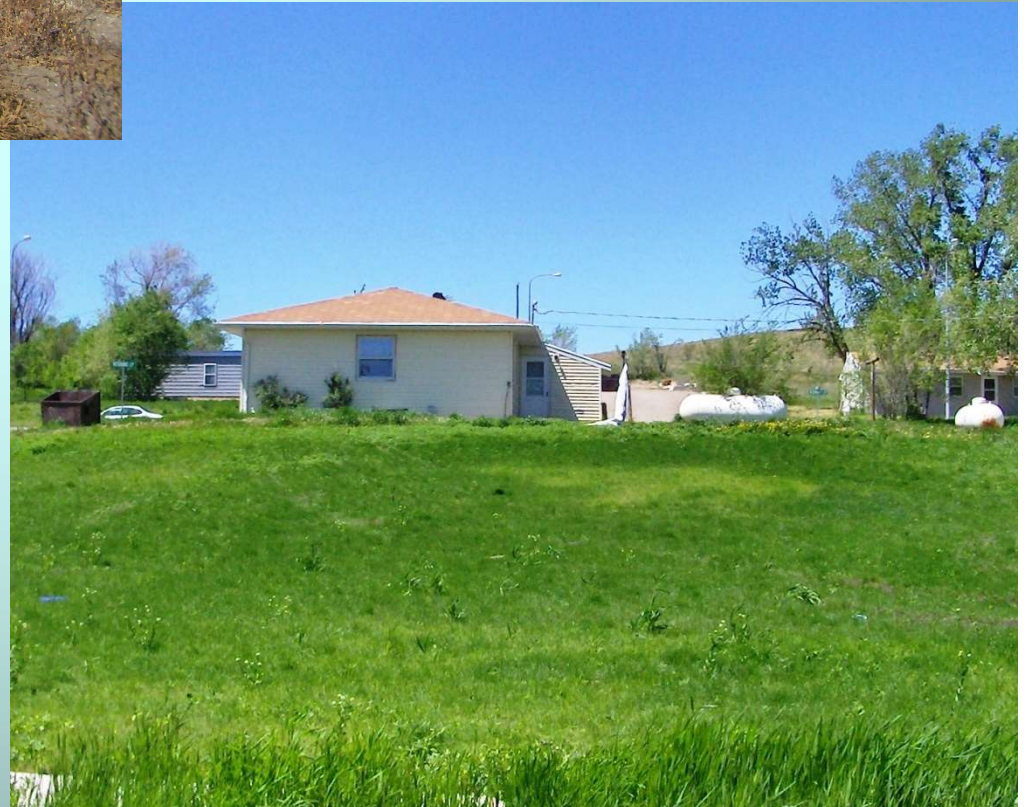
- Many Brownfield Sites inventoried\*
- Many sites assessed and cleaned up\*
- Emergency Response capabilities improved
- Tribal staff knowledge increased
- Tribal Officials knowledge increased
- Community knowledge increased
- Coordination with other agencies improved
- Several Consortiums formed (AK)

*\*Without your efforts they may have never been addressed – celebrate your accomplishments!*



Need more of  
Changing this...

...to this  
&  
eventual reuse





# Lessons Learned

- Understanding what the program is about and how to resolve environmental problems.
- Determining if another program or grant, or other resource could contribute to solving a problem.
- Understanding the program staffing and resource needs and developing position description(s) that fit the program and have the appropriate qualifications.
- Implementing tribal compliance procedures and policies is a necessary tool to fully implement the program.
- Just when you think you know it all- you find out you don't!



# TRP Continuing Issues:

- Understanding Jurisdictions;
- Lack of good records on properties;
- Management of grant funds and budgets;
- Contracting for new types of services;
- Staffing (recruiting, turnover, support staff, etc.);
- Continued training of staff and officials;
- Overlap and/or coordination with other programs;
- Gaps in necessary tribal rules, requirements, procedures and policies.



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



# Aim High



# Try to See Eye-to-Eye





# Be a Good Team Mate

<http://karaul.ru>





# BEAR IN THE WOODS

Yes, yes they do



**The End**