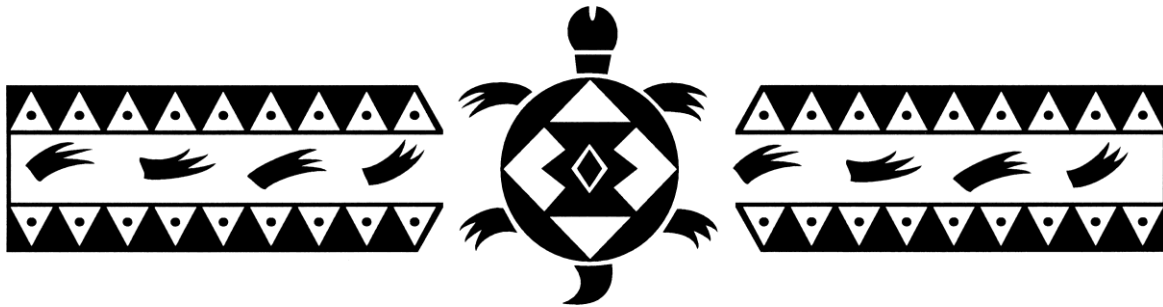


Tribal Environmental Resource Guide

(Working Draft)



EPA Region 10 Tribal Office

PREFACE

The information shared in this guide is an attempt to introduce tribes to the wealth of resources, funding, and technical expertise made available to them by the EPA – and, to some extent, from federal and state agencies beyond the EPA. While this version is incomplete, it nevertheless seemed important to circulate an early draft in order to solicit and receive constructive feedback. Please look through the guide and let us know whether this information is helpful to your tribal environmental programs – and perhaps more importantly, how you think it could be improved. Contact:

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This guide was assembled by Ryan Bodanyi, a summer intern in the Region 10 Tribal Trust and Assistance Unit. However it never would have been possible without the considerable help and support of numerous EPA staff, tribal representatives, and concerned citizens, all of whom were kind enough to share their knowledge, insight, and expertise. Thank you!

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1: TRIBES AND THE EPA

INTRODUCTION

The mission of the United States **Environmental Protection Agency (EPA)** is to protect human health and to safeguard the natural environment – the air, land, and water, occasionally referred to as “media” in this guide – upon which all life depends. This relates to tribes and tribal governments in two important ways:

- a) First, the EPA has oversight responsibility (and occasionally direct responsibility) for the implementation of several key environmental laws on tribal lands, and a trust responsibility to consider and protect tribal interests while doing so. The EPA therefore consults with tribes on a government-to-government basis whenever they might be affected by EPA actions or decisions.
- b) Second, some evidence indicates that Native Americans are disproportionately affected by environmental risks, and the harm they can cause to human health – which further motivates the EPA’s efforts to preserve and restore environmental quality on tribal lands.

This chapter serves as a brief introduction to the ways in which the EPA functions in general – and works with tribes in particular – as it carries out these efforts.

THE OBJECTIVES OF THE EPA’S TRIBAL PROGRAMS

In working with Indian tribes, the EPA’s objectives are simple: to help protect the environment and human health, and to do so on a government-to-government basis, respecting and promoting tribal sovereignty and self-determination. More specifically, the EPA works to:

1. Increase the number of tribes implementing programs under national environmental laws such as the Clean Air Act and the Safe Drinking Water Act, and to increase the capacity of tribal environmental work in general;
2. Establish mechanisms, in partnership with tribal and state governments, to resolve trans-boundary issues;
3. To generally preserve and restore environmental quality and human health in on tribal lands;
4. To do so in accordance with applicable federal and EPA tribal policies, including:
 - a) The 1984 **EPA Policy for the Administration of Environmental Programs on Indian Reservations**, which establishes nine guiding principles. It’s been reaffirmed by every subsequent EPA Administrator, including Lisa Jackson, and is available online at <http://www.epa.gov/indian/pdf/indian-policy-84.pdf>;
 - b) The 2011 **EPA Policy on Consultation and Coordination with Indian Tribes**, available online at <http://www.epa.gov/indian/pdf/cons-and-coord-with-indian-tribes-policy.pdf>. EPA program and regional offices have the primary responsibility for conducting these consultations, and for developing specific consultation plans and practices. EPA Region 10’s formal consultation

- procedures are nearing completion, and will be posted online at <http://yosemite.epa.gov/r10/tribal.NSF> when they are complete;
- c) EPA Region 10's **Strategic Plan for Tribal Programs**, which provides guidance on the implementation of the EPA's tribal policies within Region 10. See: <http://yosemite.epa.gov/R10/TRIBAL.NSF/Programs/EPA's+Tribal+Strategy>.
- d) Other relevant documents include:
- The June 21, 1991 Memorandum of Understanding between the EPA, the Bureau of Indian Affairs, the Department of Housing and Urban Development, and the Indian Health Service, encouraging the coordination of agencies' efforts and resources on Indian lands;
 - The 1994 Presidential **Memorandum on Government-to-Government Relations with Native American Tribal Governments** (see: <http://www.gpo.gov/fdsys/pkg/WCPD-1994-05-02/pdf/WCPD-1994-05-02-Pg936.pdf>);
 - The July 14, 1994 Memorandum from EPA Administrator Carol Browner, **Strengthening EPA's Tribal Operations**; the 1995 **Environmental Justice Strategy** of the EPA (see: http://www.epa.gov/compliance/ej/resources/policy/ej_strategy_1995.pdf);
 - The 1996 Executive Order 13007, **Indian Sacred Sites** (see: <http://www.gpo.gov/fdsys/pkg/FR-1996-05-29/pdf/96-13597.pdf>);
 - The 1998 Executive Order 13084, **Consultation and Coordination with Indian Tribal Governments** (see: <http://www.gpo.gov/fdsys/pkg/FR-1998-05-19/pdf/98-13553.pdf>); and
 - The EPA's 2011 **Plan EJ 2014** (see: <http://www.epa.gov/environmentaljustice/plan-ej/>).

THE ORGANIZATION OF THE EPA'S TRIBAL PROGRAMS

Both national EPA program offices and regional EPA offices work with tribes and tribal issues; the following is a brief overview of some of the most important venues for doing so.

On the National Level

The American Indian Environmental Office

The **American Indian Environmental Office (AIEO)** (<http://www.epa.gov/tp/aieo/index.html>) is an office within the EPA that oversees the EPA's Indian program, as well as its implementation within the Agency. This implementation takes place primarily in the EPA's national program offices and in the EPA regional offices; the AIEO works to ensure that this is done in a manner consistent with:

- a) The EPA's trust responsibility to protect tribal environments and human health;
- b) Tribal sovereignty, and federal mandates to work with tribes on a government-to-government basis, in support of tribal sovereignty and self-determination.

The AIEO is also responsible for:

- a) Developing training curricula for EPA staff on how to work effectively with tribes;
- b) Developing tools to help tribal environmental managers make decisions regarding environmental priorities;
- c) Providing oversight of multimedia program development grants to tribes under the Indian Environmental General Assistance Program Act;

- d) Promoting better communication between the EPA and tribal governments. This includes assisting EPA offices as they consult with tribes on EPA actions that affect tribal interests, and providing support for the meetings of EPA's National Tribal Operations Committee.

The National Tribal Operations Committee and National Tribal Caucus

The **National Tribal Operations Committee (NTOC)** brings together tribal and EPA leaders to enhance and support open communication. More specifically, it's composed of 19 tribal representatives – all of whom are either tribal leaders or tribal environmental officials selected by tribal leaders within EPA's Regions and the EPA's Senior Leadership Team, which includes the Administrator, the Deputy Administrator, and the EPA's Assistant Administrators and Regional Administrators. NTOC is an important and effective vehicle for enhancing communication between tribes and the EPA, but it is *not* a substitute for government-to-government consultation with individual tribes, as specified by administration policies.

As an important venue for open and high-level communication between tribes and the EPA, the NTOC:

- a) Assists the EPA in meeting its trust responsibility to tribes, which includes the commitment to consider tribal interests in any activities, actions, or decisions that affect the health or welfare of tribal members and their territories;
- b) Strengthens tribal environmental and public health programs by providing a high-level forum for evaluation and coordination;
- c) Strengthens the relationship between tribes and the EPA in general, by providing an ongoing venue for open communication.

The **National Tribal Caucus (NTC)** includes the tribal members of the NTOC, and meets regularly to discuss the implementation of environmental protection programs for which the EPA and tribes share responsibilities as co-regulators. All tribes are encouraged to share their concerns and ideas with the members of the NTC, and can find the current members and their contact information here: <http://www.epa.gov/tp/contactinfo/trcaucus.htm>.

Indian Program Policy Council

The **Indian Program Policy Council (IPPC)** is chaired by the EPA's Assistant Administrator for Water, and includes a Senior Manager designated by each Assistant Administrator, Regional Administrator, and the Director of the AIEO. Its purpose is to discuss major policy, program direction, and implementation issues relevant to environmental quality and human health in Indian country, in order to advise and better inform EPA decision-making. It also serves as an important vehicle for exchanging information between regional offices and program offices working on issues related to tribal interests.

National Indian Work Group and National Indian Law Work Group

The **National Indian Workgroup (NIWG)** is chaired by the Director of the AIEO and is composed of representatives from regional and program offices, generally the Indian Coordinator. The NIWG works to:

- a) Facilitate and coordinate efforts to find and alleviate policy and programmatic barriers that hinder EPA work with tribes;
- b) Implement comprehensive tribal environmental programs;
- c) Identify priority tribal projects;
- d) Generally support EPA managers in implementing Indian Policy.

The **National Indian Law Workgroup (NILWG)** is the counterpart to the NIWG, and addresses legal issues that arise in the course of developing and implementing the Agency's Indian program.

Tribal Science Council

The **Tribal Science Council** provides a forum for tribal representatives and the EPA to identify environmental priorities and address them collaboratively. Membership consists of a single tribal representative from each of the nine EPA Regions with federally recognized tribes (including an extra tribal representative in Region 10 to represent Alaska Native communities) and a single Agency representative from each Headquarters program office and region. For more information, see: <http://www.epa.gov/osp/tribes/who.htm>.

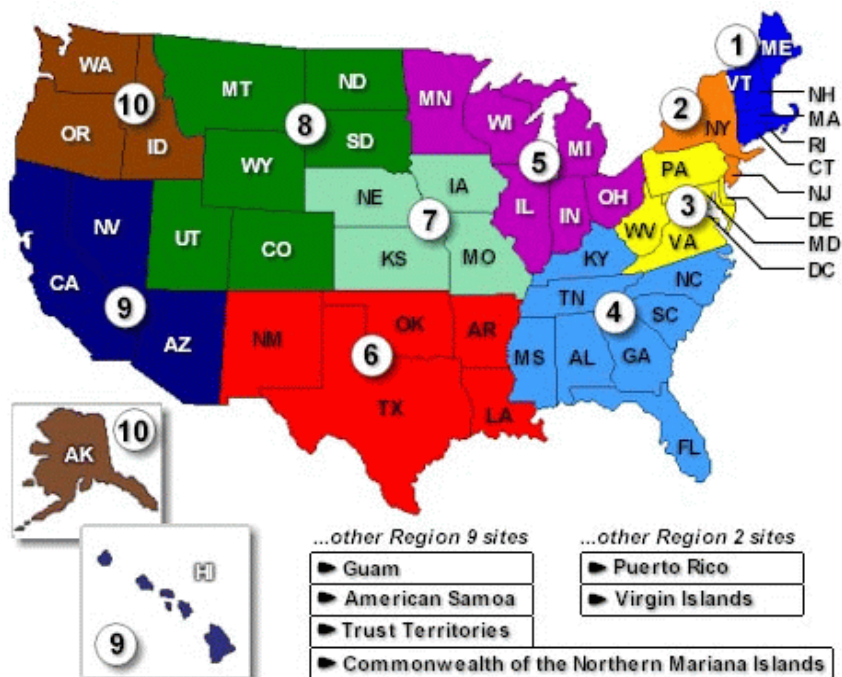
EPA Advisory Committees with Tribal Representation

EPA has numerous federal advisory committees that have been chartered to address various environmental issues, from the **National Environmental Justice Advisory Council (NEJAC)**: <http://www.epa.gov/environmentaljustice/nejac/index.html> to the **Grand Canyon Visibility Transport Commission**. Several of these advisory committees have now appointed one or more tribal representatives, but a few still lack tribal representation. These stakeholder forums offer tribes an additional opportunity to contribute their thoughts and concerns on a variety of EPA issues.

On the Regional Level

Regional Programs and Operations

Many EPA programs are administered regionally, in the 10 EPA Regions. The nine regions where federally-recognized tribes reside (Region 3 is the exception) have established tribal program offices and/or Indian Program Coordinators, and some have field staff to work directly with the tribes in the development and implementation of their environmental programs, often referred to as Tribal Coordinators, Tribal Specialists, or Tribal Liaisons. Most of the regions have a tribal team or Regional Indian Work Group that consists of regional staff working on tribal issues, and acts as a counterpart to the National Indian Work Group. Most have also established a regional counterpart to the Tribal Operations Committee, known as a **Regional Tribal Operations Committee (RTOC)**. Region 10 has a tribal specialist team and an RTOC.



The EPA's Ten Regions

The Regional Tribal Operations Committee in Region 10

The Region 10 RTOC includes elected tribal representatives and management and staff representatives from the EPA in Region 10 – specifically, the Regional Administrator, the Deputy Regional Administrator, and the Senior Tribal Policy Advisor, all of whom may appoint alternates as official members when necessary. Other EPA staff – including Office Directors, Unit Managers, Tribal Specialists and Tribal Coordinators – are welcome to attend RTOC meetings, even if they have not been designated as a formal RTOC member. The non-EPA, tribal members of the RTOC are the Tribal Caucus, which includes three representatives from Alaska, two from Washington, one from Idaho, and one from Oregon. The Region 10 RTOC:

- a) Serves as a liaison between the Region 10 EPA and tribes regarding tribal implementation of federal environmental programs; tribal environmental capacity and infrastructure; and EPA programs, funding, budget priorities, technical assistance, training, and information;
- b) Assists in developing regional strategies for environmental issues important to tribes and EPA Region 10;
- c) Promotes education and communication within all EPA Region 10 offices and programs regarding tribal sovereignty issues, Indian law, and the role of tribes as co-regulators;
- d) Assists and supports the National Tribal Operations Committee (NTOC).

More information about the Region 10 RTOC is available online at

[http://yosemite.epa.gov/R10/TRIBAL.NSF/webpage/region+10+tribal+operations+committee+\(RTOC\)](http://yosemite.epa.gov/R10/TRIBAL.NSF/webpage/region+10+tribal+operations+committee+(RTOC)) and <http://rtocregion10.org/>.

The **Region 10 Tribal Newsletter** (<http://yosemite.epa.gov/r10/tribal.NSF/newsletter/issues>) is a useful way to keep informed of EPA news and funding opportunities relevant to tribes.

ENVIRONMENTAL ASSESSMENT

The collection, analysis, and assessment/interpretation of scientific data is the primary function of the EPA Region 10's **Office of Environmental Assessment (OEA)**, which includes Region 10's laboratory in Manchester, Washington: <http://www.epa.gov/aboutepa/r10lab.html>. This involves a wide range of activities, such as:

- a) Collecting and analyzing environmental samples;
- b) Conducting compliance inspections of pollution sources;
- c) Conducting health and ecological risk assessments;
- d) Performing modeling, engineering and economic analyses.

Within the constraints of limited resources, OEA provides these services to tribes in Region 10 – specifically, by:

- a) Training tribal inspectors in the conduct of compliance inspections;
- b) Helping tribes obtain federal credentials to inspect sources regulated by the tribe or the EPA;
- c) Inspect facilities for or with tribes, in limited situations;
- d) Assisting tribes in conducting human health and ecological risk assessments;
- e) Conducting risk surveys or assessments for tribes, in limited cases;
- f) Helping tribes to define an environmental problem and design a study plan to address it.

See: <http://yosemite.epa.gov/r10/oea.nsf/homepage/Environmental+Assessment> and <http://yosemite.epa.gov/r10/homepage.nsf/Office+Lists/Staff+and+Phone+Listing#Office6> for more information and contact information.

ENFORCEMENT AND COMPLIANCE

EPA policy is to operate under a government-to-government relationship with tribal governments; to promote tribal self-governance; and to recognize tribal governments as the primary parties for managing the environment on reservations. Unless and until a tribe assumes formal authority for the administration of environmental laws,¹ it remains the responsibility of the EPA² to administer those laws on tribal lands.³ In Region 10, the **Office of Compliance and Enforcement (OCE)** coordinates the EPA's compliance and enforcement activities. The EPA's approach is to share information with tribal governments prior to undertaking any such activities on tribal lands, so long as doing so won't jeopardize investigations or enforcement proceedings. Generally the EPA's Tribal Coordinator for the area is also kept informed, and tribes are notified of the results and any planned enforcement actions. If advanced notice is not given – because the inspection is unannounced; because of an emergency; or because of other circumstances beyond the control of EPA staff – tribal governments are usually informed as soon as possible. The EPA generally makes every effort to pursue enforcement and compliance activities in a timely and effective manner, consistent with the EPA's tribal policies, Regional EPA agreements with tribes, and the EPA's enforcement policy.

Resources for Tribes:

1. **Report a violation** of environmental Laws or regulations:
<http://www.epa.gov/compliance/complaints/index.html>.
2. The **Tribal Compliance Assistance Center**, an online tool that serves as the first place to get comprehensive, easy to understand compliance information targeted specifically for environmental issues on tribal lands: <http://www.epa.gov/tribalcompliance/>.
3. Compliance and enforcement **tribal resources**:
<http://www.epa.gov/compliance/tribal/strategy.html>.
4. **Region 10 Compliance Assistance**:
<http://yosemite.epa.gov/R10/ENFORCE.NSF/Compliance+Assistance/Help>.
5. **Contact information for compliance**-related experts in different areas:
<http://www.epa.gov/compliance/contact/>.
6. **Region 10 contacts** for compliance and enforcement:
<http://yosemite.epa.gov/r10/homepage.nsf/webpage/staff+and+phone+listing#Office4>.

¹ Not all laws can be delegated for tribal implementation, however, and not all tribes are eligible to implement those that are. More guidance about specific laws is provided in the sections that follow.

² In some cases, EPA Region 10 has entered into formal understandings with tribes that provide for coordination of enforcement activities when the EPA is the lead agency.

³ The EPA's Office of Enforcement and Compliance Assurance (OECA) issued "Guidance on the Enforcement Principles Outlined in the 1984 Indian Policy" in 2001, prescribing a graduated response when addressing noncompliance by tribal facilities – defined as those facilities owned or managed by tribal governments; facilities in which a tribal government has a substantial proprietary interest; and facilities over which a tribal government has control. (See the Guidance at: www.epa.gov/compliance/resources/policies/state/84indianpolicy.pdf). OECA issued "Questions and Answers on the Tribal Enforcement Process" in 2007 to provide further guidance; see <http://www.epa.gov/compliance/resources/policies/civil/rcra/q&a/tribalenfprocess-041707.pdf>. When facilities are under state jurisdiction, the EPA encourages cooperation between tribal, state, and local governments to resolve issues of concern. In consultation with the affected tribe and in appropriate circumstances, the EPA may coordinate with the state and the tribe to ensure that adequate compliance or enforcement is provided. On occasions when a state asserts jurisdiction on tribal lands, the EPA's regional staff notify the Office of Regional Counsel and the Office of General Counsel – as appropriate – of the situation, consult with the relevant tribe, and confer with the state.

OTHER RELEVANT FEDERAL DEPARTMENTS AND AGENCIES

Department of the Interior

The **Department of the Interior (DOI)** has the primary fiduciary responsibility to manage both tribal trust funds (see <http://www.doi.gov/archive/indiantrust.html>) and Individual Indian Money (IIM) accounts, as well as the resources that generate income for those accounts. It also has multiple offices and bureaus that have significant responsibilities relating to tribes, including:

- a) The **Bureau of Indian Affairs (BIA)**: <http://www.bia.gov/>, which administers and manages 55 million surface acres and 57 million acres of subsurface minerals held in trust by the United States for American Indians, Indian tribes, and Alaska Natives;
- b) The **Office of the Special Trustee for American Indians (OST)**: <http://www.ost.doi.gov/>, which works to improve the accountability and management of Indian funds held in trust by the federal government;
- c) The **Bureau of Reclamation**: <http://www.usbr.gov/native/>;
- d) The **Bureau of Land Management**: http://www.blm.gov/wo/st/en/prog/more/CRM/tribal_consultation.html;
- e) The **Office of Surface Mining**: <http://www.osmre.gov/>;
- f) The **Fish and Wildlife Service**: <http://www.fws.gov/nativeamerican/index.html>; and
- g) The **National Park Service**: <http://www.nps.gov/>.

Department of Agriculture

Several programs administered by the **United States Department of Agriculture (USDA)** are relevant to tribal environments, including water and sewer system rural development grants, soil and water conservation districts, and the management of Forest Service resources. The USDA's **Office of Tribal Relations (OTR)** is the primary point of contact for tribes, and more information is available online at <http://www.usda.gov/wps/portal/usda/usdahome?navid=OTR>.

Department of Health and Human Service

The **Department of Health and Human Services (HHS)** has two offices that specifically handle tribal issues. First, the **Indian Health Service (IHS)**: <http://www.ihs.gov> is a public health service designed exclusively to address tribal health issues. In exchange for peace, friendship, and land, the federal government guaranteed health care to Native Americans in many Indian treaties, and IHS carries out these treaty obligations. IHS also has special authority to compact with tribes for wastewater and drinking water facilities, and has inventoried landfill problems and designed landfills on many reservations. Secondly, the **Administration for Native Americans (ANA)**: <http://www.acf.hhs.gov/programs/ana/> provides grants, training, and technical assistance to support self-sufficiency for Native Americans.

Department of Justice

If a pollution source is causing harm to tribal environmental resources, the EPA or DOI may request that the **Department of Justice (DOJ)** pursue an enforcement action. This method of environmental enforcement can be used as a powerful alternative to tribal enforcement, especially if the tribal environmental programs are in the early stages of their development. The **Office of Tribal Justice** is the primary point of contact within the DOJ regarding tribal issues, and advises the DOJ on legal and policy matters relevant to Native Americans. Finally, the **Indian Resources Section** within the **Environment and Natural Resources Division (ENRD)** handles litigation related to tribes.

Department of Defense

Many **Department of Defense (DOD)** facilities – military bases, bombing ranges, over-flight areas, and laboratories – have caused environmental damage on or adjacent to tribal lands. The DOD now manages a tribal grant program to help mitigate these environmental impacts: <http://www.denix.osd.mil/na/Programs/DoDProgramsUnderSeniorTribalLiaison/NALEMP.cfm>. Tribes may also be affected by actions taken by the **Army Corps of Engineers (ACE)**: <http://www.usace.army.mil/>, such as watershed dredge and fill permits for wetlands and dam construction.

White House Council on Environmental Quality

The **Council on Environmental Quality (CEQ)** coordinates environmental policy across the federal government, including the implementation of the National Environmental Policy Act (NEPA). The CEQ therefore plays an important role in coordinating environmental policy relevant to tribes, and has worked to ensure that consultation with affected tribes takes place, and to increase tribal involvement in environmental decision-making. More information is available online at <http://www.whitehouse.gov/administration/eop/ceq>.

2: AIR QUALITY

INTRODUCTION

Air pollution can make you sick. It can make your eyes and nose burn, irritate your lungs and throat, and make it difficult to breathe. Some of the chemicals found in polluted air can cause cancer, birth defects, damage to your brain and nervous systems, and long-term injury to your respiratory system. And some air pollutants are so dangerous that accidental releases can cause death or serious injury.

Air pollution can also damage property. Some common pollutants eat away stone, thereby damaging buildings, monuments, and statues. The haze caused by air pollution can also make buildings dirty, reduce visibility in national parks, and interfere with aviation.

Finally, air pollution can damage the environment. Pollutants can sicken animals and trees and also degrade water bodies and aquatic life. Air pollutants have also thinned the protective ozone layer above the earth, which protects us from UV rays and the skin cancer and cataracts they can cause.

In contrast, clean air is beneficial for the environment, our health, and our quality of life, and this chapter serves as a brief introduction to air quality laws in the United States; the EPA's role; and the resources available to tribes to support tribal air quality efforts.

Air Pollutants

Although there are thousands of air pollutants, three categories of pollutants cause the greatest concern:

- a) The six "**criteria pollutants**" defined by the Clean Air Act as the primary indicators of outdoor (ambient) air quality: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter and lead, all of which can damage human health;
- b) **Volatile Organic Compounds (VOCs)**. VOCs are often found in gasoline, solvents, paints, inks, and consumer products; they can often react to form ozone and may be considered toxic or hazardous to human health;
- c) **Hazardous Air Pollutants (HAPs)** are a group of pollutants that are known or suspected to cause cancer, birth defects, reproductive disorders, and other serious health issues. People can be exposed to HAPs via the consumer products they buy, the places they live and work, and the quality of their indoor air – and the impact this exposure has on their health depends on the quantity, duration, and frequency of these exposures; the toxicity of the specific chemicals they come into contact with; and their own, physiological susceptibility.

For each of the criteria air pollutants, the EPA has established "primary" standards to protect public health, and "secondary" standards to protect crops, vegetation, and buildings from damage, and to ensure sufficient visibility. These standards are called the **National Ambient Air Quality Standards (NAAQS)**, and they're reviewed by the EPA every five years to ensure that they adequately protect human health and the environment. Areas of the country where pollutants often exceed these standards are called "**nonattainment areas**."

Air Pollution Sources

Any place or object from which pollutants are released is a source of air pollution. This may include:

- a) **Stationary sources** (or **point sources**) such as factories, power plants, and oil refineries. These sources are stationary and emit large quantities of air pollutants;
- b) **Area sources** (or **non-point sources**) such as wood stoves, unpaved roads, dry cleaners, gas stations, and small manufacturing companies. Although these sources may not individually release much pollution, collectively they may contribute to significant air pollution problems;
- c) **Mobile sources** such as cars, trucks, buses, and motorcycles. For obvious reasons, mobile sources are often related to transportation;
- d) **Natural sources** such as volcanic eruptions, forest fires, and windstorms. These sources are not often susceptible to human control, and the pollutants they emit don't usually concentrate over population centers.

FEDERAL, STATE, AND TRIBAL ROLES

Although the **Clean Air Act (CAA)** – the law that governs most air quality efforts in the United States – is a federal law, states and designated tribes do much of the work to implement the Act.

State Implementation

States have the primary responsibility for preventing and controlling pollution under the Clean Air Act, and carry out these responsibilities via permitting programs for businesses and industries, inspection and enforcement programs to ensure compliance, and the implementation of other pollution-control efforts. However these state programs generally do not extend onto tribal lands,⁴ and have to be approved by the EPA, which provides consistency across different states and ensures compliance with the Clean Air Act and federal rules.

Tribal Implementation

Tribal governments can be delegated the authority to implement provisions of the Clean Air Act if they receive the "**treatment in the same manner as a state**" (**TAS**) designation from the EPA.⁵ The eligibility criteria include demonstrating that the tribe:

- a) Is **federally recognized**;
- b) Has a **governing body** capable of carrying out substantial governmental duties and powers;
- c) Is (or will be) **technically and administratively capable** of performing the functions in a manner consistent with the Clean Air Act and other applicable regulations;
- d) Can demonstrate **jurisdiction** – a qualification that excludes all but one Alaskan tribe.

Applying for this designation should be done in close collaboration with your EPA Tribal Coordinator. More detailed guidance is also available online at <http://www.epa.gov/tp/laws/tas.htm>.

Aside from TAS designation, the important elements of tribal implementation include:

⁴ They may, but only if explicitly stated by the EPA in its approval.

⁵ This is true for all the provisions of the CAA with the exception of those listed in section 49.4.

- a) **Flexibility:** Tribes can choose the portions of the Clean Air Act they prefer to implement – they're not required to implement the CAA in its entirety;
- b) **Jurisdiction:** Tribes may seek EPA approval for Clean Air Act authority over all the air resources within the exterior boundaries of the reservation – including those on non-Indian owned fee lands – as well as over any other land where the tribe can demonstrate jurisdiction;⁶
- c) **Capacity Building:** The EPA provides financial and technical assistance to tribes interested in implementing air quality programs, including tribes that have not received TAS status or CAA authority.⁷

Although not required to do so, a tribe may apply for TAS and also develop its own air quality control plan, called a **Tribal Implementation Plan (TIP)**. Once approved by the EPA and enacted by the tribe, a TIP is legally binding under tribal and federal law, and may be enforced by the tribe, the EPA, and the public. More information about TIPs is available online at <http://www.epa.gov/oar/tribal/tip2002/index.html>.

Federal Implementation

Whenever tribes have not been granted the authority to implement Clean Air Act programs, implementation remains the EPA's responsibility. That said, the EPA prefers to delegate these responsibilities to tribes, and to work closely with tribes even when the EPA directly implements these programs.

AIR QUALITY IN REGION 10

Tribal Air Quality in Alaska

Tribes in Alaska face several unique air quality and human health challenges in their communities:

- a) **Solid Waste Burning:** Since frozen ground makes burying waste in landfills difficult, many communities burn their trash instead, thereby creating air pollution;
- b) **Diesel Emissions:** The diesel generators that often produce electricity also produce particulate and toxic air pollution;
- c) **Wood Smoke:** Many homes have older wood stoves, which are less efficient and pollute more; and while wood-burning steam baths save scarce water resources, they also contribute to air pollution;
- d) **Indoor Air Quality:** The cold climate means that people spend an unusual amount of time indoors, exposed to indoor air pollution;
- e) **Road Dust:** The dust from unpaved roads may contain toxic pollutants, which can be inhaled or deposited on subsistence food sources.

That said, jurisdictional roles are particularly complicated in Alaska, where municipalities, tribal for-profit entities, regional nonprofits, regional for-profit corporations, consortium, and other state and local agencies may all have roles to play on any given issue. Although there are 229 federally-recognized tribes in Alaska, only one has a reservation over which it can exercise jurisdiction for a regulatory air program. The State of Alaska therefore has the responsibility for implementing the Clean Air Act throughout Alaska, including most Alaska Native Villages.

⁶ Although again, it's worth noting that most Alaskan tribes are unable to demonstrate this jurisdiction.

⁷ In other words, federally-recognized Alaskan tribes are eligible for capacity-building grants, which may also fund air quality assessment and monitoring work.

Tribes in Alaska are nevertheless active in efforts to improve their air quality through outreach, education, and the implementation of best practices. The EPA works to support and build the capacity of tribes interested in improving their air quality by:

- a) Facilitating tribal collaboration with other federal, state, and local partners;
- b) Providing information and technical resources, including an Alaska Tribal Air Toolkit, to help tribes do outreach and build awareness around the causes, health impacts, and means of addressing air pollution in their communities. You can order a free copy of the Toolkit online at <http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribalairalaska>;
- c) Providing technical resources to help address particular pollution sources;
- d) Providing capacity-building grants.

Federal Air Rules for Reservations in Idaho, Oregon, and Washington

The **Federal Air Rules for Reservations (FARR)** were developed to ensure basic rules governing air pollution sources within reservations in Idaho, Oregon, and Washington. Many tribes have been working to assist the EPA as it implements these regulations; more information is available online at <http://yosemite.epa.gov/R10/tribal.nsf/programs/farr>.

Complaints regarding the air quality on reservations are received and investigated by EPA Region 10, preferably in partnership with tribal authorities. Inspections may be conducted to verify technical information, and staff will work with the complainant and tribal authorities to provide advice and track compliance if necessary.

Possible violations of air quality regulations can be reported to the FARR hotline at 1-800-424-4372, or via email at R10_farrhotline@epa.gov.

REGULATIONS AND PROGRAMS

There are a variety of air quality activities that tribes may be eligible to pursue, including the following.

Emissions Inventories

An emissions inventory identifies:

- a) Air pollution sources located within a geographic area; and
- b) The type and amount of air pollution that's being emitted by each source.

This information can be used to determine the sources of known air quality problems as well as the likelihood of additional problems. The EPA maintains databases for collecting this information from state, local and tribal air agencies, and more information is available online at <http://www.epa.gov/air/tribal/pdfs/Elfortribes2008.pdf>

Air Quality Monitoring

Unlike emissions inventories, which measure the air pollution taking place within an area, air quality monitoring measures the pollution that's in the air, regardless of where it came from. Monitoring usually focuses on one or more specific pollutants, and the choice of which pollutants to monitor is usually informed by source and emission inventories, climatological summaries, and the geographic characteristics in that area.

Particulate matter (PM) is the pollutant most often monitored by tribes. This is because, as a common byproduct of combustion, it's one of the most common pollutants found in polluted air, and the EPA has set standards for both PM10 (coarse particulates) and PM2.5 (fine particulates) to protect human health. Real-time data collection can inform agricultural and forestry burn decisions by tribal governments.

Mobile Sources and Emissions

Motor vehicles are a significant source of all the criteria air pollutants. This includes both on-road vehicles – like cars and trucks – and off-road vehicles, like railroads, ATVs, and farm and construction vehicles. Diesel emissions are a particularly hazardous brew of particulate matter and toxic compounds, although most vehicles sold after 2007 are required to include strict pollution-control equipment. The EPA requires motor vehicle inspection and maintenance (I&M) programs in areas that are in nonattainment for carbon monoxide and/or ozone, and approved TAS tribes help implement these programs.

Resources for Tribes:

1. The **West Coast Collaborative** (<http://westcoastcollaborative.org/>), a partnership to reduce diesel emissions that includes state, local and tribal agencies, as well as EPA Regions 9 and 10;
2. The **National Clean Diesel Campaign** (<http://www.epa.gov/cleandiesel/grantfund.htm>).
3. Learn the **diesel exhaust health impacts where you live:**
<http://www.catf.us/diesel/dieselhealth/national.php>.

Indoor Air Quality and Radon

Although the Clean Air Act focuses on outdoor air quality, the quality of indoor air is a major area of concern for many communities, since so much of our time is spent indoors. Sources of indoor air pollution include fuels for cooking and heating such as oil, gas, kerosene, coal, and wood; tobacco products; mold; household cleaning products; lead-based paints; building materials and furnishings; and radon.

Resources for Tribes:

1. More information about **EPA hotlines, publications, on-site trainings, and other initiatives** to improve indoor air quality is available online at www.epa.gov/iaq; information specific to tribal communities is available at <http://www.epa.gov/iaqtribal/index.html>.
2. **Tribal Healthy Homes Northwest** is a coalition of 37 American Indian and Alaska Native Tribes throughout Alaska, Idaho, Oregon, and Washington, which partners with EPA Region 10 to promote indoor air quality. More information is available online, at <http://www.thhnw.org>. Meanwhile, **Tribal Healthy Homes** (<http://www.tribalhealthyhomes.org/>) provides trainings and technical assistance.
3. Tribes can conduct **surveys with radon test kits** to determine whether radon is a concern on their reservation. See: <http://www.epa.gov/radon/index.html>.

Air Toxics and Emission Standards for Hazardous Air Pollutants

Emissions inventories and air quality monitoring can both help establish and substantiate whether air toxics represent a threat to the air quality in your community. More information about air toxics is available online at <http://www.epa.gov/air/toxicair/>.

The **National Emission Standards for Hazardous Air Pollutants (NESHAPs)** are stationary source standards for 188 hazardous air pollutants, and eligible tribes can assume compliance monitoring responsibilities under the Clean Air Act.

Resources for Tribes:

1. The EPA provides technical assistance, capacity-building resources, and financial assistance to tribes interested in undertaking responsibilities under the CAA. See the “**Tribal Implementation**” section above.
2. For fifteen years, communities all over the world have collected valid scientific data regarding the toxics in the air they breathe using the tools and training provided by the **Global Community Monitor’s Bucket Brigade**: <http://www.bucketbrigade.net/>.

Title V Permits

Some sources of air pollution, particularly major stationary sources, are required to obtain an operating permit which includes emission limitations on air pollution. The EPA issues these **Title V operating permits** to facilities in Indian country unless a tribe has received EPA approval for its own Title V operating permit program.

Resources for Tribes:

1. The EPA provides technical assistance, capacity-building resources, and financial assistance to tribes interested in undertaking responsibilities under the CAA. See the “**Tribal Implementation**” section above.
2. More information about **Title V permits**: <http://www.epa.gov/airquality/permits/>.

New Source Review and New Source Performance Standards

The EPA’s **New Source Review (NSR)** is a Clean Air Act program often known as the "preconstruction air permitting program" because it requires industrial facilities to install modern pollution control equipment (a) when they’re built, or (b) when making changes that significantly increase emissions. The severity of the requirement varies depending on the amount of pollution released, and whether or not these releases occur in an existing nonattainment area for NAAQS standards. This program is implemented by the EPA on tribal lands unless the EPA has delegated this authority to a TAS tribe.

The **New Source Performance Standards (NSPS)** specify the level of pollution that a new stationary source can produce, and have been established for a number of industrial and source categories. Eligible tribes can assume compliance monitoring responsibilities under the Clean Air Act.

Resources for Tribes:

1. The EPA provides technical assistance, capacity-building resources, and financial assistance to tribes interested in undertaking responsibilities under the CAA. See the “**Tribal Implementation**” section above.
2. Information regarding **tribal NSR implementation** – including materials from past training webinars, factsheets, and a detailed implementation guide published in 2012 – is available online at <http://www.epa.gov/air/tribal/tribalnsr.html>.

AIR QUALITY GRANTS

In addition to the funding sources profiled in this section, other potential air quality funding sources include:

- **Community Action for a Renewed Environment (CARE)** grants: <http://www.epa.gov/care/>.
- EPA **Environmental Education** grants: <http://www.epa.gov/education/grants/index.html>.
- EPA **Environmental Justice** grants: <http://www.epa.gov/environmentaljustice/grants/index.html>.
- The federal **grants database**, online at www.grants.gov.
- The **Alaska Conservation Foundation**: alaskaconservation.org/grant-opportunities/.
- Region 10 **tribal grant announcements**: <http://yosemite.epa.gov/r10/TRIBAL.NSF/webpage/Tribal+Grants>.

Want to write a successful EPA grant proposal? Useful tips and advice for tribes and Alaska Native Villages is available online at <http://www.epa.gov/ogd/recipient/tips.htm>. The Funding Exchange also provides training, mentoring, and resources to help tribes raise funds: <http://www.funding-exchange.org/>.

Bear in mind that tribes receiving grants from the EPA must have an approved **Quality Management Plan (QMP)**: <http://www.epa.gov/quality/gmps.html>), as well as specific **Quality Assurance Project Plans (QAPP)**: <http://www.epa.gov/quality/gapps.html>) for projects and programs that involve environmental data collection. The EPA's **Office of Environmental Assessment (OEA)** provides training and assistance to tribes in developing these plans, and has model templates to make it easier: see <http://yosemite.epa.gov/r10/oea.nsf/webpage/Environmental+Assessment> and <http://yosemite.epa.gov/r10/homepage.nsf/Office+Lists/Staff+and+Phone+Listing#Office6>.

When working with Region 10 on your grant project, you'll be assigned a Grants Specialist. They'll review your application, work plan, and budget for compliance with administrative regulations and standards, and work with you to ensure that your application is competitive and – hopefully – successful. After your project begins, the Grants Specialist will continue to provide oversight, guidance, and support, and will work with you to process any amendments and, eventually, to close out your grant. For more detailed information about the **Region 10 grants administration process**, see: <http://yosemite.epa.gov/r10/omp.nsf/grants/administration>; **EPA grants 101**: http://www.epa.gov/ogd/training/resources_for_communities/epa_grants_101.htm.

Primary EPA Grants for Air Quality

Indian General Assistance Program

The EPA's **Indian General Assistance Program (GAP)** provides grants to federally-recognized tribes and intertribal consortia to support the development of an integrated environmental protection program – specifically, by:

- a) Providing for tribal capacity building, such that tribes can identify environmental priorities, develop environmental programs and projects to address these priorities, and pursue grants that allow these projects to be undertaken;
- b) Developing tribal environmental programs, ordinances, and services that foster compliance with federal environmental statutes;

- c) Establishing the program capability to work collaboratively with other environmental programs and agencies – federal, state, local, and tribal.

This may include short- and long-range strategic planning; baseline assessments and environmental quality monitoring; and the development of administrative, technical, legal, enforcement, communications, environmental education and outreach infrastructure. So – among other ideas – a tribe might use GAP funds for:

- a) A baseline air quality assessment, which might include an emissions inventory or air quality monitoring;
- b) Air quality outreach and education programs;
- c) Staff to manage and coordinate these efforts.

GAP funds can also be used for “multimedia” assessments (for instance, air and water – e.g. a tribe might suspect that the deposition of air pollution is degrading its water resources, and GAP grants can be used to conduct baseline air and water assessments and develop a combined program to address the problem). GAP generally provides an opportunity for tribes to assess their air quality and the air pollution problems they face before deciding what additional funding and authority, if any, they want to pursue. That said, tribes should be aware that GAP funding is generally not for implementation work, and that air quality grants “for the principal purpose of solving particular problems at particular places” will not be awarded.

Resources for Tribes:

1. More **information about GAP:** <http://yosemite.epa.gov/R10/TRIBAL.NSF/Grants/IGAP/> and <http://www.epa.gov/tp/aieo/gap.htm>.
2. More **information about tribal air grants:** <http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribalairgrants>.
3. **GAP success stories:** http://www.epa.gov/region10/pdf/tribal/igap_success_stories_july2010.pdf.
4. **EPA Region 10 tribal contacts:** <http://yosemite.epa.gov/R10/TRIBAL.NSF/Programs/Tribal+Contacts>.

Clean Air Act §103 Program Grants

CAA §103 **EPA** grants are project grants to accomplish a specific objective for a finite period of no more than five years. Tribes have often used CAA §103 grants to fund the collection of baseline air quality data – via air quality assessments, emissions inventories, and air quality monitoring networks – within the context of specific studies and projects. It’s also possible for tribes to seek multiple CAA §103 project grants, so long as they’re for distinctly different purposes, and no single grant activity extends beyond five years in that grant’s cycle. Tribes do not have to have TAS status or provide matching funding to be eligible for grants under §103. For more information, see: <http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribalairgrants>.

Clean Air Act §105 Program Grants

Tribes can use CAA §105 funding to develop and implement federally-enforceable Clean Air Act programs, but the eligibility requirements exclude most Alaskan tribes. Grant proposals should be considered feasible and consistent with applicable federal statutes and funding requirements, and the best way to apply for funding is to work closely with the **EPA** regional office. Although eligibility doesn’t guarantee any particular level of funding, it does provide a greater assurance than CAA §103 grants of at least some ongoing support; tribal governments are also eligible for a reduced matching requirement if they have TAS status (5% to 10%,

instead of the 40% required of most states). For more information, see: <http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribalairgrants>.

Direct Implementation Tribal Cooperative Agreements

Federally-recognized tribes may be awarded funding via Direct Implementation Tribal Cooperative Agreements (DITCAs) to assist the **EPA** with the implementation of federal environmental programs. Although the EPA retains final decision-making authority – and ultimate program and regulatory responsibility – DITCAs allow tribes to:

- a) Choose aspects of a program that address their tribal environmental needs and priorities;
- b) Implement these programs under federal authority,⁸ via a workplan with the EPA;
- c) Thereby develop their environmental staff and program capacity, at a scope and pace of their own choosing.

Tribes with limited size, resources, and experience – or other concerns – may not want to pursue TAS status and formal implementation authority, and DITCAs therefore provide these tribes with another, more flexible way to participate in the management of their environmental resources. See: <http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribalairgrants>.

Specific Air Quality Issue Grants

State Indoor Radon Grant (SIRG) Program

Tribes may be eligible for the **EPA's State Indoor Radon Grant (SIRG)** Program, which funds radon surveys of homes and tribally-owned buildings during its first year. If elevated levels are found, these are addressed through a demonstration project during the second year. For more information, see <http://www.epa.gov/radon/sirgprogram.html>.

Diesel Emissions Reduction Act

The **Diesel Emissions Reduction Act (DERA)** provides funding – distributed by the **EPA** – for emission control and idle reduction technologies; cleaner fuels; engine upgrades/replacements; and vehicle/equipment replacements. Examples of grants received by tribes in Region 10 include:

- a) A \$750,000 grant to the Makah Tribe in 2011, to repower engines in the tribal commercial fishing fleet (see: http://westcoastcollaborative.org/files/grants/DERA%2011_Makah%20Tribe%20%20Fac%20sheet_R10%20Marine%20Project.pdf).
- b) A \$576,525 grant to the Tulalip Tribe in 2011 to repower fisheries and enforcement/rescue vessels (see: http://westcoastcollaborative.org/files/grants/DERA11_Tulalip%20Tribe%20Factsheet_R10%20Marine%20Engine%20Repower%20Project.pdf).

For more information, see: <http://www.epa.gov/cleandiesel/grantfund.htm>.

General Funding

⁸ Tribes that have already been delegated authority to implement environmental programs and regulations cannot, therefore, receive DITCA funding to implement those same programs. Most Alaskan tribes are also ineligible, as the state of Alaska has already been delegated implementation authority throughout the state.

State Environmental Enforcement Training (SEET) Grants

In order to strengthen and build tribal capacity to monitor compliance and enforce against violations of environmental laws, the **EPA** provides non-competitive grant funds for tribes and intertribal consortia. For more, see: <http://www.epa.gov/compliance/state/grants/seet.html>.

Environmental Regulatory Enhancement Grants

These capacity-building grants, administered by the **Administration for Native Americans**, support the development of legal, technical, and organizational capacity for environmental issue identification and program planning, development, and implementation. Tribes are required to describe land or resources over which they have jurisdiction as a part of their application; see: <http://transition.acf.hhs.gov/programs/ana/programs/environmental-regulatory-enhancement>.

National Environmental Information Exchange Network Grants

Federally-recognized tribes, Native Villages, and intertribal consortia can apply for **EPA** funding to develop and implement the information technology and information management capabilities they need in order to actively participate in the Exchange Network. The Network supports collaboration and the exchange of environmental data, and 50 states and more than 50 tribes currently participate. Grantees may also use grant funds for the standardization, exchange, and integration of geospatial information; see: <http://www.epa.gov/Networkg/grants/index.html>.

Alaska Native Fund

The **Alaska Conservation Foundation's** Alaska Native Fund provides an Indigenous framework for addressing critical environmental issues and promotes innovative strategies to strengthen capacity of Alaska Native organizations and communities. The five funding priorities include climate change; toxic exposure and environmental health; renewable energy and energy conservation; the stewardship of marine mammals and fish; and the promotion of sustainable alternatives to extractive industries. Alaska Native tribes, organizations, and individuals are eligible to apply; see: <http://alaskaconservation.org/grant-opportunities/alaska-native-fund/>.

Community Environmental Demonstration Projects/Alaska Multi-Media Program

Demonstration grants – ranging from \$5,000 to \$30,000 – are available for local environmental projects in rural Alaskan communities that improve the environment or public health. These grants are administered by the **Zender Group** and the **Alaska Native Tribal Health Consortium (ANTHC)** on behalf of the **EPA**. See <http://www.zendergroup.org/cedp.html> and <http://www.anthc.org/chs/ces/hve/community-environmental-demonstration-grants.cfm>.

Tribal Eco-Ambassadors Program

The **EPA's** Tribal Eco-Ambassadors Program provides funding for professors from tribal colleges and universities to work with a group of students to address environmental and public health issues important in their communities. For more information, see: <http://www.epa.gov/ecoambassadors/tribal/index.html>.

AmeriCorps Indian Tribes Grants

The **Corporation for National and Community Service** offers three-year grants for organizations that have developed an AmeriCorps program that involves American Indians in AmeriCorps service, or serves an American Indian community. AmeriCorps sets aside one percent (1%) of its grant funds annually to support programs operated by American Indian tribes and tribal entities, and tribes are also eligible to apply for AmeriCorps Indian Tribes Planning

Grants, which may be used to support the development or improvement of a program so that it may be better prepared to successfully compete for operating assistance in the following grant cycle. Matching funds (of 24%) are required, but in-kind contributions are accepted and tribes may also apply for an expedited waiver. For more information, see:

http://www.americorps.gov/for_organizations/funding/nofa_detail.asp?tbl_nofa_id=67#AmeriCorps_Indian_Tribes_Grants.

Social and Economic Development Strategies (SEDS) Grants

The **Administration for Native Americans** offers competitive grants to support locally-determined projects that reduce or eliminate community problems and achieve community goals. SEDS grants fund social and economic development projects in on- and off-reservation native communities, and promote self-determination and self-governance among Native American people. For more information, see:

<http://transition.acf.hhs.gov/programs/ana/programs/seds>.

AIR QUALITY RESOURCES

Contacts & Information Resources

1. **Tribal air quality contacts** in EPA Region 10:
<http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribalaircontacts>.
2. **Tribal air quality website** for EPA Region 10:
<http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribalair>
3. **Tribal air quality in Alaska**:
<http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribalairalaska>
4. **National tribal air quality website**: www.epa.gov/oar/tribal/.
 - a) Sign up for automatic email notification when new information is added to the national tribal air website's announcement page:
<http://www.epa.gov/oar/tribal/tribalmail.html>.
5. Back issues of the **Tribal Air Newsletter**, designed to make tribal air professionals aware of the EPA's air quality activities: <http://www.epa.gov/oar/tribal/tribalnws.html>.
6. The EPA's **Office of Air Quality Standards and Planning (OAQPS) 2008-2013 Tribal Program Plan**:
http://www.epa.gov/oar/tribal/pdfs/OAQPS_Tribal_Program_Plan_May_2008.pdf
7. The **Western Regional Air Partnership (WRAP)** is a voluntary partnership of states, tribes, federal land managers, local air agencies and the EPA that works to better understand and address regional air quality issues: <http://www.wrapair2.org/>. The
8. **National Tribal Air Association** works to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian Tribes and Alaska Natives: <http://www.ntaatribalair.org/>.
9. **Asthma information and resources**: <http://www.epa.gov/asthma/>.

Technical Training, Guidance, and Resources

1. "**Technical Guidance for the Development of Tribal Air Monitoring Programs**" is a 177-page document, published in 2007, and a comprehensive resource. See <http://www.epa.gov/ttn/oarpg/t1/memoranda/techguidancetribalattch.pdf>.
2. The EPA-funded **Institute for Tribal Environmental Professionals** at Northern Arizona University and **Tribal Air Monitoring Support Center** offer regular workshops on effective air monitoring and data collection; see <http://www4.nau.edu/itep/> and

- <http://www4.nau.edu/tams/>. This includes online trainings; see http://www4.nau.edu/itep/air/aq_wbt.asp.
3. **Emissions inventory guidance:** <http://www.epa.gov/air/tribal/pdfs/Elfortribes2008.pdf>.
 4. The **Technology Transfer Network:** a collection of technical websites containing detailed information about air pollution science, technology, regulation, measurement, and prevention: <http://www.epa.gov/ttn/direct.html>.
 5. **Western States Air Resources Council** trainings: <http://www.westar.org/training.html>.
 6. **Ambient Monitoring Technology Information Center:** information on ambient air quality monitoring programs, monitoring methods, quality assurance and control procedures, and federal regulations. See: <http://www.epa.gov/ttn/amtic/>.
 7. **Emission Inventory Training:** <http://www.epa.gov/ttn/chief/eidocs/training.html>.
 8. **Emission Inventory Improvement Program:** <http://www.epa.gov/ttn/chief/eiip/techreport/>.
 9. EPA Region 10's **Office of Environmental Assessment (OEA)** may be able to provide tribes with scientific assessment, research, and technical guidance: <http://yosemite.epa.gov/r10/oea.nsf/homepage/Environmental+Assessment>.
 10. **EPA trainings** on a variety of subjects: <http://www.epa.gov/epahome/training.htm>.
 11. A **searchable database of environmental trainings:** <http://www.trainex.org>.

Regulations & Policies

1. The **Clean Air Act:** <http://www.epa.gov/air/caa/>.
2. The Clean Air Act **Tribal Authority Rule**
 - a) The rule itself, in the Federal Register: www.epa.gov/fedrgstr/EPA-AIR/1998/February/Day-12/a3451.pdf
 - b) Factsheet: www.epa.gov/oar/tribal/tas_indian_tribes.html
3. **"Treatment in the same manner as a state":** <http://www.epa.gov/tp/laws/tas.htm>.
4. **Tribal Implementation Plans:** <http://www.epa.gov/oar/tribal/tip2002/index.html>
5. **Federal Air Rules for Reservations** in Washington, Oregon, and Idaho: <http://yosemite.epa.gov/R10/tribal.nsf/programs/farr>.
6. **New Source Review:** <http://www.epa.gov/air/tribal/tribalnsr.html>.
7. **EPA Tribal Consultation Policy:** <http://www.epa.gov/tp/consultation/consult-policy.htm>.

Air Quality Data

1. **Ozone alerts and air quality forecasts:** <http://www.epa.gov/airnow>.
2. Data from **outdoor air quality monitors** throughout the United States: <http://www.epa.gov/airdata/>.
3. **National Emissions Inventories:** <http://www.epa.gov/ttn/chief/eiinformation.html>.
4. **Toxics Release Inventory (TRI)** data: <http://www.epa.gov/tri/>.
5. The **Air Quality System**, where ambient air monitoring data is stored: <http://www.epa.gov/ttn/airs/aqsdatamart/>.

3: WATER QUALITY

INTRODUCTION

More than 218 million people in the United States live within 10 miles of a polluted body of water. Pollution from point sources (such as factory outflow pipes and sewage treatment plants) and non-point sources (such as agricultural and urban run-off) can degrade natural habitat, recreational fishing areas, and important drinking water sources. However both the Clean Water Act and the Safe Drinking Water Act provide important statutory protections, and provide tribes with the opportunity to manage and enforce important water quality programs. This chapter serves as an introduction to those programs, and the important responsibilities available to tribes under these laws.

FEDERAL, STATE, AND TRIBAL ROLES

Although the **Clean Water Act (CWA)** and **Safe Drinking Water Act (SDWA)** – the laws that govern most water quality efforts in the United States – are federal laws, states and designated tribes do much of the work to implement the Act.

State Implementation

States have the primary responsibility for implementing the Clean Water Act and Safe Drinking Water Act, and do so via permitting programs for businesses and industries, inspection and enforcement programs to ensure compliance, and the implementation of other pollution-control efforts. However these state programs generally do not extend onto tribal lands,⁹ and have to be approved by the EPA, which provides consistency across different states and ensures compliance with the statutes and federal rules.

Tribal Implementation

Tribal governments can be delegated the authority to implement provisions of the CWA and SDWA if they receive the "**treatment in the same manner as a state**" (**TAS**) designation from the EPA. The eligibility criteria include demonstrating that the tribe:

- e) Is **federally recognized**;
- f) Has a **governing body** capable of carrying out substantial governmental duties and powers;
- g) Is (or will be) **technically and administratively capable** of performing the functions in a manner consistent with the Act and other applicable regulations;
- h) Can demonstrate **jurisdiction** – a qualification that excludes all but one Alaskan tribe.

Applying for this designation should be done in close collaboration with your EPA Tribal Coordinator. More detailed guidance is available online, at <http://www.epa.gov/tp/laws/tas.htm>.

Aside from TAS designation, the important elements of tribal implementation include:

- d) **Flexibility**: Tribes can choose the portions of the CWA and SDWA they prefer to implement – they're not required to implement either Act in its entirety;

⁹ They may, but only if explicitly stated by the EPA in its approval.

- e) **Jurisdiction:** Tribal water quality standards must include a demonstration of why the tribe has jurisdiction over activities of non-Indians within the reservation;¹⁰
- f) **Capacity Building:** The EPA provides financial and technical assistance to tribes interested in implementing water quality programs, including tribes that have not received TAS status or delegated CWA/SDWA authority.¹¹

Tribal water quality standards that are approved by the EPA are legally binding, and will directly influence decisions that are made about tribal upstream waters. However the approval process can be somewhat lengthy, so it is best to work with EPA staff early and often to ensure a smooth process without unnecessary delays.

Alternately, any tribe, regardless of jurisdiction – including Alaska Native Villages – can develop and adopt its own water quality standards under tribal law, without obtaining TAS status or submitting the standards for EPA review. Although these tribally-adopted water quality standards will not be EPA approved, nor legally binding under the Clean Water Act, they may:

- a) Be used on-reservation for control of regulated nonpoint sources;
- b) Sometimes help influence state decisions regarding adjacent bodies of water;
- c) Make it easier for the tribe to have the water quality standards approved under the Clean Water Act, if the tribe later decides to seek that authority.

The EPA is available to work with tribes and informally review draft standards, and in so doing can help ensure that tribal standards are consistent with the Clean Water Act.

Reconciliation Between Differing State and Tribal Standards

Since waterbodies occasionally cross jurisdictional boundaries, they may sometimes be subject to different water quality standards. The mechanism for resolving these conflicts is called a “**dispute resolution mechanism**,” and may involve parties aside from the state and tribe, such as NPDES permittees, citizens, citizen groups, and other affected entities. Mediation, arbitration, and default procedure – or any combination of those three – are all possible means of dispute resolution, and may be carried out by the EPA itself if requested by a state or tribe. For more, see: <http://water.epa.gov/scitech/swguidance/standards/handbook/chapter01.cfm#section7>.

Federal Implementation

Whenever tribes have not been granted the authority to implement CWA or SDWA programs, implementation remains the EPA’s responsibility. That said, the EPA prefers to formally promulgate federal water quality standards as a last resort, and when tribal standards are lacking will often apply adjacent state standards (e.g. when issuing NPDES permits) if at all possible. The EPA’s strong preference remains to delegate these responsibilities to tribes, and to work closely with tribes even when they have not received full implementation authority.

SURFACE WATERS

Water Quality Standards

The Clean Water Act mandates that all waters in the United States – defined expansively to include lakes, intermittent streams, marine waters, ponds, natural wetlands, rivers, irrigation

¹⁰ Although again, it’s worth noting that most Alaskan tribes are unable to demonstrate jurisdiction.

¹¹ In other words, federally-recognized Alaskan tribes are eligible for capacity-building grants, which may also fund water quality assessment and monitoring work.

canals, tundra, and other water bodies – have **water quality standards (WQS)**. These standards are adopted for specific waterbodies, in order to protect the “designated uses” for each body, and must contain an antidegradation policy and implementation method. WQS are at the core of any water quality program because they are used as the basis for subsequent determinations under the Clean Water Act:

- a) If a water body *does* meet the WQS, the WQS standards are then used to set permit limits under the **National Pollutant Discharge Elimination System (NPDES)**, described in more detail below;
- b) If a water body *does not* meet the WQS, then it is added to a list of “impaired” water bodies under §303(d) of the Clean Water Act, and the WQS are used to set **Total Maximum Daily Load (TMDL)** endpoints – a more stringent set of pollution limitations, also described below.

The standards are set by states and tribes, but must be approved by the EPA.

Resources for Tribes:

1. The **Region 10 WQS website for tribes:**
<http://yosemite.epa.gov/r10/water.nsf/Water+Quality+Standards/Tribal+WQS+Inv>.
2. The **tribal water page for Region 10:**
<http://yosemite.epa.gov/R10/WATER.NSF/webpage/Tribal+Water+Programs>.
3. The **national EPA WQS page:**
<http://water.epa.gov/scitech/swguidance/standards/index.cfm>.
4. The **Water Quality Standards Handbook** is a truly comprehensive resource:
<http://water.epa.gov/scitech/swguidance/standards/handbook/>.
5. A **list of Region 10 tribes that have the authority to set WQS** is available online at <http://water.epa.gov/scitech/swguidance/standards/wqslibrary/tribes.cfm#r10>. More information about obtaining EPA approval for tribal implementation of Clean Water Act programs is in the “**Tribal Implementation**” section above. The EPA provides technical assistance, capacity-building resources, and financial assistance to tribes interested in undertaking responsibilities under the CWA.
6. The EPA offers an online and classroom-based “**Water Quality Standards Academy;**” see <http://water.epa.gov/learn/training/standardsacademy/index.cfm>.
7. Trainings to help tribes **develop and implement water quality programs consistent with the Clean Water Act:** <http://water.epa.gov/learn/training/tribaltraining/index.cfm>.
8. **Public comment notices for water quality standards** in Region 10 can be found at:
 1. **Alaska:** <http://dec.alaska.gov/>;
 2. **Idaho:** <http://www.deq.idaho.gov/>;
 3. **Oregon:** <http://www.oregon.gov/DEQ/>;
 4. **Washington:** <http://www.ecy.wa.gov/>;
 5. **Region 10 EPA:**
<http://yosemite.epa.gov/R10/homepage.nsf/Information/R10PN/>;
 6. The websites of **tribes with WQS authority:**
<http://water.epa.gov/scitech/swguidance/standards/wqslibrary/tribes.cfm#r10>.

NPDES Permits Program

Wastewater – that is, water that’s been degraded or contaminated through human usage – can degrade or contaminate other water resources if it’s not properly treated. Therefore National Pollutant Discharge Elimination System (NPDES) permits are required for any point source that discharges pollutants to the waters of the United States. This includes:

- a) Many **industrial operators;**

- b) The operators of **construction sites** that are one acre or larger;
- c) Most **stormwater systems, sewer systems, and combined storm/sewer systems**, since storms and flooding can cause these systems to overflow and release untreated contaminants into the environment.

NPDES permits contain pollution limits which conform to one of two possible standards, whichever is stronger:

- a) Technology-based limits;
- b) Limits necessary to meet water quality standards.

They also include requirements for monitoring, reporting and specialized planning, and on all tribal lands in Region 10, the EPA is currently responsible for direct NPDES program administration. Therefore the EPA Region 10's **NPDES Permits Unit (NPU)** is responsible for processing, public notice, public hearings, data management, NEPA compliance, and other tasks related to permit administration on tribal lands – but if a tribe is authorized to administer Water Quality Standards, any NPDES permit issued or reissued by the EPA must first be certified by the tribe as consistent with the tribe's water quality standards.

Tribes are themselves eligible to operate the NPDES program directly, if they obtain TAS status and delegated authority from the EPA.

Resources for Tribes:

1. The **Region 10 NPDES website for tribes:**
<http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/Permits+Homepage>.
2. The **tribal water page for Region 10:**
<http://yosemite.epa.gov/R10/WATER.NSF/webpage/Tribal+Water+Programs>.
3. The **national EPA NPDES page:** <http://cfpub1.epa.gov/npdes/>.
4. **Public comment notices for NPDES permits in Region 10** can be found online at <http://yosemite.epa.gov/R10/homepage.nsf/Information/R10PN/>.
5. More information about obtaining EPA approval for tribal implementation of Clean Water Act programs is in the "**Tribal Implementation**" section above. The EPA provides technical assistance, capacity-building resources, and financial assistance to tribes interested in undertaking responsibilities under the CWA.
6. More information about the **EPA's tribal consultation policy** is available online at <http://www.epa.gov/tp/consultation/consult-policy.htm>.

Total Maximum Daily Load (TMDL) and Watershed Restoration

Nationally, over 40,000 water bodies are formally considered "impaired" because they do not meet existing water quality standards for sediments, excess nutrients, or harmful microorganisms; this includes more than 300,000 miles of rivers and shorelines and more than five million acres of lakes. An overwhelming majority of the population – 218 million people – live within 10 miles of an impaired body of water.

The Clean Water Act requires that each impaired body of water have a Total Maximum Daily Load (TMDL) – that is, a "pollution budget" which:

- a) Provides a **written assessment** of the water quality problems;
- b) Clearly **identifies the pollutant sources** that contribute to these problems; and
- c) Sets the **pollutant allocations** for these sources that are needed for the water body to meet WQS.

All the significant stressors which cause – or threaten to cause – the continued impairment of a water body are included in a TMDL, which represents the sum of:

- a) The individual wasteload allocations for point sources (e.g., sewage treatment plant discharges);
- b) Load allocations for nonpoint sources (e.g., runoff from fields, streets, range, or forest land);
- c) Load allocations for naturally-occurring sources (e.g., runoff from undisturbed lands); and
- d) An appropriate margin of safety.

TMDLs also allow for seasonal variations, and are often based on readily-available information and studies, although occasionally complex studies and models are necessary to better understand how stressors are causing water body impairment. Tribes with TAS status and the authority to set WQS are authorized to prepare TMDLs; otherwise TMDLs for waters within tribal jurisdictions are set by the EPA, usually with major assistance from the tribes.¹² TMDLs for waters that lie in both tribal and state jurisdictions are usually developed collaboratively between the tribe, the state, and the EPA. The **Watershed Restoration Unit (WRU)** for EPA Region 10 can provide technical assistance to states and tribes developing TMDL documents, which have to be approved by the EPA.¹³

The Watershed Restoration Unit also coordinates and, when appropriate, consults with federally-recognized tribes as part of the TMDL development and review process, particularly when TMDLs impact tribal reservations and/or tribal resources that are outside of reservation boundaries (including treaty-protected “usual and accustomed” hunting and fishing areas, and subsistence areas under state and federal jurisdiction). However tribes can participate in any TMDL process by providing their own knowledge, data and information, and perspective. The WRU can provide tribes with a state-specific list of TMDLs scheduled for development during the next year, so that tribes can identify – early in the process – the TMDLs in which they’d like to be involved. Tribes are also welcome to participate in the public comment periods for any TMDLs and draft water quality assessments.

While development of the TMDL is a regulatory requirement, the TMDL itself is not a regulatory or enforcement tool; it does not – in and of itself – require pollution sources to take cleanup actions. Rather, the TMDL provides an analytical basis for planning and implementing pollution controls, land management practices, and restoration projects needed to protect water quality. Implementation may occur through voluntary efforts, or through regulatory programs such as NPDES permits or Superfund. States and tribes with delegated authority under the Clean Water Act have to include approved TMDLs and their implementation measures in state and tribal water quality management plans.

Resources for Tribes:

1. The **Region 10 TMDL website for tribes:**
<http://yosemite.epa.gov/R10/water.nsf/TMDLs/TMDL+Program>
2. The **tribal water page for Region 10:**
<http://yosemite.epa.gov/R10/WATER.NSF/webpage/Tribal+Water+Programs>.
3. The **national EPA TMDL page:**
<http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/index.cfm>.
4. **Public comment notices for TMDLs in Region 10** can be found online at:

¹² Which may include data, input on the technical approach, and help preparing portions of the TMDL documents.

¹³ If the EPA disapproves a TMDL, it then has 30 days to establish the TMDL itself, which is then shared for public comment.

- **Alaska:** <http://dec.alaska.gov/>
 - **Idaho:** <http://www.deq.idaho.gov/>
 - **Oregon:** <http://www.oregon.gov/DEQ/>
 - **Washington:** <http://www.ecy.wa.gov/>
5. More information about obtaining EPA approval for tribal implementation of Clean Water Act programs is in the “**Tribal Implementation**” section above. The EPA provides technical assistance, capacity-building resources, and financial assistance to tribes interested in undertaking responsibilities under the CWA.
 6. More information about the **EPA’s tribal consultation policy** is available online at <http://www.epa.gov/tp/consultation/consult-policy.htm>.

GROUNDWATER

Leaking Underground Storage Tank (LUST) & Underground Storage Tank (UST) Programs

The 587,000 underground tanks that store petroleum and other hazardous substances represent one of the most common threats to underground water sources, but the UST and LUST programs are designed to prevent leaks (via inspections, enforcement actions, and the provision of information and technical assistance) and to quickly find and remediate the leaks that do occur. EPA Region 10 is directly responsible for implementing federal UST regulations – and for ensuring that UST systems are installed, operated, maintained and closed safely and in compliance with those regulations – on tribal lands in Region 10. The LUST Program works with states and tribes to clean up known releases from USTs using a federal trust fund, as well as state insurance and clean up funds.

If you suspect or discover that an UST system is leaking – or if a known spill of more than 25 gallons has occurred – you must notify the authorities immediately; if you wait longer than 24 hours you may be subject to fines and additional penalties.

Resources for Tribes:

1. To find the right person to contact to **report a known or suspected UST leak**, see the Indian Lands section at <http://yosemite.epa.gov/R10/WATER.NSF/UST/UST+Contacts/>
2. EPA inspectors are available to conduct **free technical assistance inspections** of facilities on Indian lands (including those owned by non-Indians), and to provide guidance when facilities are out of compliance with UST regulations: see <http://yosemite.epa.gov/R10/WATER.NSF/UST/UST+Contacts/>.
3. The **Region 10 UST/LUST website:** www.epa.gov/r10earth/ust.htm.
4. The **national Office of Underground Storage Tanks website** (<http://www.epa.gov/oust/>) has still more information, including training resources and funding programs available to tribal governments.

Sole Source Aquifer Program

The Sole Source Aquifer Program allows the EPA to designate an aquifer as the "sole or principal" source of drinking water for an area when it supplies drinking water to at least 50% of the people living over it, and no feasible alternative exists. Projects that are to receive "federal financial assistance" and which have the potential to contaminate the aquifer "so as to create a significant hazard to public health" are then subject to EPA review and approval, providing a

limited degree of federal protection. Anyone can petition the EPA to make this designation; for more information, see: <http://yosemite.epa.gov/r10/water.nsf/Sole+Source+Aquifers/SSA>.

Underground Injection Control

Injection wells – broadly defined to include boreholes, sumps, dry wells, drainfields, and other subsurface disposal devices used to put fluids into the ground – are required to obtain an **Underground Injection Control (UIC)** permit in order to protect groundwater supplies. The UIC program is directly administered by the EPA on all tribal lands in Region 10; for more information and guidance, see: <http://yosemite.epa.gov/R10/WATER.NSF/UIC/UIC+Program>.

DRINKING WATER

Public Water System Supervision

One of the most basic needs of any community is safe and clean drinking water. Over 500,000 people rely on community drinking water systems owned by tribes, but in 2007, 10% of the public water systems serving tribal populations violated federal drinking water standards for health-based contaminants. Meanwhile contamination threats continue to increase, as old septic tanks, underground gas tanks, and wastewater facilities deteriorate.

The Safe Drinking Water Act (SDWA) is the national law safeguarding tap water in America, and the EPA oversees its implementation, and directly implements the law on most tribal lands. That said, federally-recognized tribes are eligible for “**primacy**” – direct implementation of the **Public Water System Supervision (PWSS)** program – if they have obtained TAS status (that is, “treatment in the same manner as a state;” see <http://www.epa.gov/tp/laws/tas.htm>). The unique jurisdictional challenges faced by Alaska Native Villages mean they are generally ineligible for TAS status, and instead the State of Alaska is responsible for the implementation of the PWSS program throughout the state. In Washington, Oregon, and Idaho, the Region 10 **Drinking Water Unit (DWU)** is currently responsible for direct implementation on all tribal lands.

In doing so, the DWU works collaboratively with the Indian Health Service (IHS), contractors, and the Native American Water Association to provide technical assistance and data tracking support to water operators and utility managers on tribal lands. This includes sanitary surveys and water quality monitoring programs; water system/utility evaluations and development support; workshops and hands-on training; and special training to assist tribes in developing their own utility organizations – all brought to the reservations or nearby locations and at no cost to the participants.

Monitoring results from the (approximately) 120 public water systems that serve federally-recognized tribes in Washington, Idaho, and Oregon are tracked to facilitate compliance and, when necessary, to undertake enforcement actions. More information about drinking water standards and the requirements for small water systems can be found online, at <http://water.epa.gov/drink/index.cfm>.

Resources for Tribes:

1. A wealth of information for **tribal drinking water programs** is available online at <http://water.epa.gov/aboutow/ogwdw/tribal.cfm>.
2. A rich source of useful information for **small public water systems** is available online, at <http://water.epa.gov/type/drink/pws/smallsystems/index.cfm>.
3. **Source water protection** (including wellhead protection) is one of the most cost-

effective means of protecting drinking water sources from contamination. More information – and guidance on conducting a source water assessment – is available online at <http://yosemite.epa.gov/r10/water.nsf/Drinking+Water/Source+W879> and http://www.epa.gov/safewater/sourcewater/pubs/fs_swp_tribalsourcewater.pdf.

4. The “**Small Systems Guide to Safe Drinking Water Act Regulations**” is available online at http://www.epa.gov/oqwdw/smallsystems/pdfs/guide_smallsystems_sdwa.pdf.
5. The **Safe Drinking Water Hotline** has staff that can answer your questions about drinking water quality, standards, and systems, as well as source water protection, septic systems, and injection and drainage wells. Available at **1-800-426-4791**; by email at <http://safewater.supportportal.com/ics/support/ticketnewwizard.asp?style=classic>; and online at <http://water.epa.gov/drink/hotline/index.cfm>.
6. Free and low-cost **trainings for utilities and staff that serve tribal populations** are available from:
 - a. **Evergreen Rural Water of Washington**: <http://www.erwow.org>;
 - b. **Oregon Association of Water Utilities**: <http://www.oawu.net/>;
 - c. **Idaho Rural Water Association**: <http://irwa.sharepoint.com/Pages/default.aspx>;
 - d. **Alaska Rural Water Association**: <http://www.arwa.org/1/index.php>.
7. The Rural Community Assistance Program provides customized, in-person technical assistance and training services, financial assistance, and information and publications to help communities **operate efficient and compliant water and wastewater systems**: <http://www.rcap.org>.

WATER QUALITY GRANTS

In addition to the funding sources profiled in this section, other potential water quality funding sources include:

- **Puget Sound** grants and funding: <http://www.epa.gov/pugetsound/funding/index.html>.
- **Community Action for a Renewed Environment (CARE)** grants: www.epa.gov/care/.
- **EPA Environmental Education** grants: <http://www.epa.gov/education/grants/index.html>.
- **EPA Environmental Justice** grants: <http://www.epa.gov/environmentaljustice/grants/index.html>.
- The federal **grants database**, online at www.grants.gov.
- Catalog of **federal funding sources for watershed protection**: <http://cfpub.epa.gov/fedfund>.
- The **Alaska Conservation Foundation**: alaskaconservation.org/grant-opportunities/.
- Region 10 **tribal grant announcements**: <http://yosemite.epa.gov/r10/TRIBAL.NSF/webpage/Tribal+Grants>.

Want to write a successful EPA grant proposal? Useful tips and advice for tribes and Alaska Native Villages is available online at <http://www.epa.gov/ogd/recipient/tips.htm>. The Funding Exchange also provides training, mentoring, and resources to help tribes raise funds: <http://www.funding-exchange.org/>.

Bear in mind that tribes receiving grants from the EPA must have an approved **Quality Management Plan (QMP)**: <http://www.epa.gov/quality/gmps.html>), as well as specific **Quality Assurance Project Plans (QAPP)**: <http://www.epa.gov/quality/qapps.html>) for projects and programs that involve environmental data collection. The EPA’s **Office of Environmental Assessment (OEA)** provides training and assistance to tribes in developing these plans, and has model templates to make it easier: see

<http://yosemite.epa.gov/r10/oea.nsf/webpage/Environmental+Assessment> and <http://yosemite.epa.gov/r10/homepage.nsf/Office+Lists/Staff+and+Phone+Listing#Office6>.

When working with Region 10 on your grant project, you'll be assigned a Grants Specialist. They'll review your application, work plan, and budget for compliance with administrative regulations and standards, and work with you to ensure that your application is competitive and – hopefully – successful. After your project begins, the Grants Specialist will continue to provide oversight, guidance, and support, and will work with you to process any amendments and, eventually, to close out your grant. For more detailed information about the **Region 10 grants administration process**, see: <http://yosemite.epa.gov/r10/omp.nsf/grants/administration>; **EPA grants 101**: http://www.epa.gov/oqd/training/resources_for_communities/epa_grants_101.htm.

General Funding

Indian General Assistance Program

The EPA's **Indian General Assistance Program (GAP)** provides grants to federally-recognized tribes and intertribal consortia to support the development of an integrated environmental protection program – specifically, by:

- a) Providing for tribal capacity building, such that tribes can identify environmental priorities, develop environmental programs and projects to address these priorities, and pursue grants that allow these projects to be undertaken;
- b) Developing tribal environmental programs, ordinances, and services that foster compliance with federal environmental statutes;
- c) Establishing the program capability to work collaboratively with other environmental programs and agencies – federal, state, local, and tribal.

This may include short- and long-range strategic planning; baseline assessments and environmental quality monitoring; and the development of administrative, technical, legal, enforcement, communications, environmental education and outreach infrastructure. So – among other ideas – a tribe might use GAP funds for:

- a) A water quality assessment and/or an ongoing program of water quality monitoring;
- b) Water quality outreach and education programs;
- c) Staff to manage and coordinate these efforts.

GAP funds can also be used for “multimedia” assessments (for instance, air *and* water – e.g. a tribe might suspect that the deposition of air pollution is degrading its water resources, and GAP grants can be used to conduct baseline air and water assessments and develop a combined program to address the problem). GAP generally provides an opportunity for tribes to assess their water quality and the water pollution problems they face before deciding what additional funding and authority, if any, they want to pursue. That said, tribes should be aware that GAP funding is generally not for implementation work, and that air quality grants “for the principal purpose of solving particular problems at particular places” will not be awarded.

Resources for Tribes:

1. More **information about GAP**: <http://yosemite.epa.gov/R10/TRIBAL.NSF/Grants/IGAP/> and <http://www.epa.gov/tp/aieo/gap.htm>.
2. **GAP success stories**: http://www.epa.gov/region10/pdf/tribal/igap_success_stories_july2010.pdf.
3. **EPA Region 10 tribal contacts**: <http://yosemite.epa.gov/R10/TRIBAL.NSF/Programs/Tribal+Contacts>.

State Environmental Enforcement Training (SEET) Grants

In order to strengthen and build tribal capacity to monitor compliance and enforce against violations of environmental laws, the **EPA** provides non-competitive grant funds for tribes and intertribal consortia. For more, see: <http://www.epa.gov/compliance/state/grants/seet.html>.

Environmental Regulatory Enhancement Grants

These capacity-building grants, administered by the **Administration for Native Americans**, support the development of legal, technical, and organizational capacity for environmental issue identification and program planning, development, and implementation. Tribes are required to describe land or resources over which they have jurisdiction as a part of their application; see: <http://transition.acf.hhs.gov/programs/ana/programs/environmental-regulatory-enhancement>.

National Environmental Information Exchange Network Grants

Federally-recognized tribes, Native Villages, and intertribal consortia can apply for **EPA** funding to develop and implement the information technology and information management capabilities they need in order to actively participate in the Exchange Network. The Network supports collaboration and the exchange of environmental data, and 50 states and more than 50 tribes currently participate. Grantees may also use grant funds for the standardization, exchange, and integration of geospatial information; see: <http://www.epa.gov/Network/grants/index.html>.

Alaska Native Fund

The **Alaska Conservation Foundation's** Alaska Native Fund provides an Indigenous framework for addressing critical environmental issues and promotes innovative strategies to strengthen capacity of Alaska Native organizations and communities. The five funding priorities include climate change; toxic exposure and environmental health; renewable energy and energy conservation; the stewardship of marine mammals and fish; and the promotion of sustainable alternatives to extractive industries. Alaska Native tribes, organizations, and individuals are eligible to apply; see: <http://alaskaconservation.org/grant-opportunities/alaska-native-fund/>.

Community Environmental Demonstration Projects/Alaska Multi-Media Program

Demonstration grants – ranging from \$5,000 to \$30,000 – are available for local environmental projects in rural Alaskan communities that improve the environment or public health. These grants are administered by the **Zender Group** and the **Alaska Native Tribal Health Consortium (ANTHC)** on behalf of the **EPA**. See <http://www.zendergroup.org/cedp.html> and <http://www.anthc.org/chs/ces/hve/community-environmental-demonstration-grants.cfm>.

Tribal Eco-Ambassadors Program

The **EPA's** Tribal Eco-Ambassadors Program provides funding for professors from tribal colleges and universities to work with a group of students to address environmental and public health issues important in their communities. For more information, see: <http://www.epa.gov/ecoambassadors/tribal/index.html>.

AmeriCorps Indian Tribes Grants

The **Corporation for National and Community Service** offers three-year grants for organizations that have developed an AmeriCorps program that involves American Indians in AmeriCorps service, or serves an American Indian community. AmeriCorps sets aside one

percent (1%) of its grant funds annually to support programs operated by American Indian tribes and tribal entities, and tribes are also eligible to apply for AmeriCorps Indian Tribes Planning Grants, which may be used to support the development or improvement of a program so that it may be better prepared to successfully compete for operating assistance in the following grant cycle. Matching funds (of 24%) are required, but in-kind contributions are accepted and tribes may also apply for an expedited waiver. For more information, see:

http://www.americorps.gov/for_organizations/funding/nofa_detail.asp?tbl_nofa_id=67#AmeriCorps_Indian_Tribes_Grants.

Social and Economic Development Strategies (SEDS) Grants

The **Administration for Native Americans** offers competitive grants to support locally-determined projects that reduce or eliminate community problems and achieve community goals. SEDS grants fund social and economic development projects in on- and off-reservation native communities, and promote self-determination and self-governance among Native American people. For more information, see:

<http://transition.acf.hhs.gov/programs/ana/programs/seds>.

Water Quality Programs

Clean Water Act §106: Water Pollution Control Grants

Grants issued by the **EPA** under Section 106 of the Clean Water Act provide financial assistance for the prevention, reduction, and elimination of water pollution, and allow federally-recognized tribes to develop the institutional capacity to administer water quality programs. Up to 3% of the national allocation of funds under Section 106 is set aside for tribes – distributed by the EPA's regional offices – and the eligibility criteria include:

- a) TAS status and authorization under Section 106;
- b) The ability to address pollution emergencies;
- c) An EPA-approved work plan.

A 5% tribal match is also required, although this can be fulfilled through in-kind contributions.

Section 106 grants can be used to fund a wide variety of efforts, which are too numerous to list; nevertheless the following possibilities may provide a few ideas:

- Performing water quality monitoring and assessments;
- Developing TMDLs and issuing permits;
- Hiring qualified staff to identify and prioritize water quality issues;
- Leasing/renting office space and purchasing water quality monitoring equipment;
- Nonpoint source control activities, including nonpoint source assessment and management plans;
- Conducting studies related to water pollution control;
- Implementing and enforcing water pollution control measures;
- Developing and implementing ground water quality monitoring programs;
- Developing tribal-approved Water Quality Standards (WQS);
- Training and travel;
- Carrying out activities to meet the Section 106 reporting requirements, which include:
 - The development of a monitoring strategy;
 - The submission of data in a STORET-compatible format;
 - Issuing an annual Water Quality Assessment Report.

Resources for Tribes:

1. More information about the **eligibility criteria** – and a wealth of information about the program in general – is available online, at http://water.epa.gov/grants_funding/cwf/pollutioncontrol.cfm and http://water.epa.gov/grants_funding/cwsrf/upload/2006_10_20_cwfinance_final-tribal-guidance.pdf.
2. Still more information is available on the **Region 10 tribal website**, at <http://yosemite.epa.gov/R10/TRIBAL.NSF/Programs/Section+106+Tribes>.

Clean Water Act §104(b)(3): Water Quality Cooperative Agreements

These **EPA** grants provide support for watershed plans and projects that address point sources of pollution, such as stormwater systems and confined animal feeding operations (CAFOs). TAS status and delegated authority under the Clean Water Act are *not* required in order to receive grants under Section 104(b)(3), but the grants themselves are typically smaller in size. See: http://water.epa.gov/grants_funding/cwf/waterquality.cfm.

Clean Water Act §104(b)(3): Wetland Program Development Grants

These **EPA** grants provide support for programs that protect, manage, or restore wetlands. TAS status and delegated authority under the Clean Water Act are *not* required in order to receive grants under Section 104(b)(3), but the grants themselves are typically smaller in size. See: http://water.epa.gov/grants_funding/wetlands/grantguidelines/index.cfm.

Clean Water Act §319(h): Nonpoint Source Pollution Control

Section 319(h) of the Clean Water Act provides grants to abate water pollution from nonpoint sources, such as agricultural and urban runoff. Up to 4% of the national allocation of funds under Section 319(h) is set aside for tribes – distributed by the **EPA's** regional offices – and the eligibility criteria include:

- a) TAS status;
- b) An EPA-approved nonpoint source assessment and nonpoint source management plan (which can themselves be funded through a Section 106 program grant);
- c) An EPA-approved project implementation plan and work plan.

A 40% match with non-federal funds is also generally required, although this can be fulfilled through in-kind contributions.

Tribal communities can use Section 319 base funds for activities that implement the tribe's nonpoint source management program, such as hiring a program coordinator; conducting education programs; providing training (including authorized travel); developing watershed-based plans; and implementing watershed-based plans and on-the-ground watershed projects.

For more information, see: http://www.epa.gov/owow_keep/NPS/tribal/index.html.

Targeted Watershed Grants

These capacity-building **EPA** grants support community-based approaches to protect and restore specific watersheds; previously-funded projects include water quality trading, agricultural best management practices, wetland and riparian restoration, nutrient management, fish habitat restoration and public outreach and education. For more information, see: http://water.epa.gov/grants_funding/twg/initiative_index.cfm.

Five-Star Restoration Program

This **EPA** program brings together students, conservation corps, other youth groups, citizen groups, corporations, landowners and government agencies to provide environmental education and training through projects that restore wetlands and streams. The program provides challenge grants, technical support and opportunities for information exchange to enable community-based restoration projects; for more information, see:

http://water.epa.gov/grants_funding/wetlands/restore/index.cfm.

Aquatic Habitat

Coastal and Marine Habitat Restoration Partnerships

Administered by the **National Oceanographic and Atmospheric Administration (NOAA)**, these grants provide financial and technical assistance to organizations – including tribal governments – that have the capacity and expertise to identify, evaluate, fund, and administer coastal and marine habitat restoration projects. See:

<http://www.habitat.noaa.gov/funding/partnerships.html>.

Community-based Marine Debris Removal Grants

These grants provide funding to catalyze the implementation of locally-driven, community-based marine debris prevention, assessment, and removal projects that will benefit coastal habitat, waterways, and **National Oceanographic and Atmospheric Administration** trust resources. All tribal governments are eligible; see:

<http://www.habitat.noaa.gov/funding/marinedebris.html>.

Pacific Coastal Salmon Recovery Fund

The **Pacific Coast Salmon Recovery Fund (PCSRF)** was established to address the need to protect, restore and conserve Pacific chinook, chum, coho, pink and sockeye salmon and steelhead, and their habitat. Federally-recognized tribes of the Columbia River and Pacific Coast can apply for these match-free awards; for more information, see:

<http://www.nwr.noaa.gov/salmon-recovery-planning/pcsrff/>.

Bring Back the Natives: A Public-Private Partnership for Restoring Populations of Native Aquatic Species

The **National Fish and Wildlife Foundation** funds on-the-ground efforts to restore, protect, and enhance native aquatic species to their historic range. Projects should involve partnerships between communities, agencies, private landowners, and organizations, and tribes are eligible to apply. For more information, see:

http://www.nfwf.org/AM/Template.cfm?Section=Charter_Programs_List&CONTENTID=24293&TEMPLATE=/CM/ContentDisplay.cfm.

Alaska Native Organization Co-Management Funding

Alaska Native Organizations that have received formal authority for the co-management of marine mammals may receive funding from the **National Oceanographic and Atmospheric Administration** for the development and implementation of species management, subsistence harvest monitoring, subsistence harvest sampling, scientific research, and public education and outreach. See: <http://www.fakr.noaa.gov/protectedresources/comanagement.htm>.

Wildlife Habitat Incentive Program (WHIP)

The **US Department of Agriculture's** WHIP program provides technical assistance and up to 75% cost-share assistance to landowners who want to develop and improve fish and wildlife habitat on:

- a) Agricultural land;
- b) Non-industrial private forest land; or
- c) Tribal lands.

For more information, see:

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/whip>.

Water & Wastewater Systems

Clean Water Act Indian Set Aside (ISA) Grants

The CWA ISA Grant Program provides financial assistance for wastewater infrastructure tribes and Alaska Native Villages. The **EPA** and **Indian Health Service (IHS)** cooperatively administer the grant program, and the IHS Sanitation Deficiency System priority list is used to identify and select projects for funding. Tribes should identify their wastewater needs to the IHS Sanitation Deficiency System to be considered for funding; more information is available online, at <http://water.epa.gov/type/watersheds/wastewater/Clean-Water-Indian-Set-Aside-Grant-Program.cfm>.

Drinking Water Infrastructure Grants (DWIG) Tribal Set-Asides (TSA)

Although the TSA program is a set-aside from a larger loan program – the **State Revolving Fund (SRF)** – the TSA program provides grants (*not* loans) to federally-recognized Indian tribes, which includes all the Alaska Native Villages. Public or nonprofit water systems that serve tribal populations can use DWIG TSA grants to fund, in whole or in part, projects that address threats to public health. This includes, for example, projects that rehabilitate or develop drinking water sources, or install or upgrade treatment, storage, or transmission facilities. Funds can also be used for project feasibility studies, engineering design work, and project administration; see: http://water.epa.gov/grants_funding/dwsrf/allotments/tribes.cfm.

Sanitation Facilities Construction Program

The SFC Program provides American Indian and Alaska Native homes and communities with essential water supply, sewage disposal, and solid waste disposal facilities. **IHS** environmental engineers plan, design, and manage most SFC projects; more information is available online, at <http://www.ihs.gov/dsfc/>.

Indian Community Development Block Grants

The ICDBG Program from the **US Department of Housing and Urban Development** provides funding for water and sewer facilities, and can be used to develop new water sources and to upgrade treatment and distribution systems for tribal and Alaska Native communities. See: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/grants/icdbg.

Rural Development Water & Environmental Programs

The Water and Environmental Programs division of the **US Department of Agriculture's** Rural Utilities Service provides loans, grants and loan guarantees for drinking water, sanitary sewer, solid waste and storm drainage facilities in rural areas and cities and towns of 10,000 or less. Federally-recognized tribes may qualify for assistance; more information is available online at

http://www.rurdev.usda.gov/UWEP_HomePage.html. Predevelopment planning grants may be available to help fund the development of a complete application for a proposed project: <http://www.rurdev.usda.gov/UWP-predevelopment.htm>.

Rural Development §306C Water & Waste Disposal Loans & Grants

The **US Department of Agriculture** provides loans and grants to fund water and waste disposal facilities for rural tribal communities whose residents face significant health risks from the condition or lack of existing facilities. More information is available online at <http://www.rurdev.usda.gov/UWP-Colonias.html>. Predevelopment planning grants may be available to help fund the development of a complete application for a proposed project: <http://www.rurdev.usda.gov/UWP-predevelopment.htm>.

Rural Development §306E Household Water Well System (HWWS) Grant Program

The Household Water Well System (HWWS) Grant Program from the **US Department of Agriculture** provides grants to non-profit organizations to establish lending programs for household water wells in rural areas. More information is available online at <http://www.rurdev.usda.gov/UWP-individualwellsystems.htm>. Predevelopment planning grants may be available to help fund the development of a complete application for a proposed project: <http://www.rurdev.usda.gov/UWP-predevelopment.htm>.

Technical Assistance and Training Grants for Rural Waste Systems

The **US Department of Agriculture** offers grants to nonprofits that provide training and technical assistance for water and waste-disposal services in rural areas. More information is available online at <http://www.rurdev.usda.gov/UWP-wwtat.htm>. Predevelopment planning grants may be available to help fund the development of a complete application for a proposed project: <http://www.rurdev.usda.gov/UWP-predevelopment.htm>.

Economic Development Administration Grants

The U.S. **Department of Commerce's Economic Development Administration (EDA)** offers public works grants that can fund water system work needed to generate or retain private-sector jobs and investments, attract new business, and support regional economies – and federally-recognized tribes are eligible to compete. For more information, see: <http://www.eda.gov/>.

Emergency Community Water Assistance Grants

The **US Department of Agriculture** offers grants to rural communities that have experienced a significant decline in the quality or the quantity of their drinking water; this grant funds the restoration of existing – or the development of new – water systems. See: <http://www.rurdev.usda.gov/UWP-ecwag.htm>. Predevelopment planning grants may be available to help fund the development of a complete application for a proposed project: <http://www.rurdev.usda.gov/UWP-predevelopment.htm>.

Village Safe Water Program

Small Alaskan villages – including Alaska Native Villages – are can apply for this grant program, administered by the **Alaska Department of Environmental Conservation**, which provides technical and financial support for the development of water and wastewater systems. For more information, see: <http://dec.alaska.gov/water/vsw/>.

WaterSMART Water and Energy Efficiency Grants

Federally-recognized tribes with water or power delivery authority may receive 50/50 cost share funding for projects that use water more efficiently or increase renewable energy; these **Bureau of Reclamation** grants are awarded competitively and intended for projects that can be completed within 24 months. See: <http://www.usbr.gov/WaterSMART/weeg/index.html>.

WATER QUALITY RESOURCES

Contacts & Information Resources

1. **Tribal water contacts** in EPA Region 10: <http://yosemite.epa.gov/R10/WATER.NSF/webpage/Tribal+Water+Programs>.
2. To find the right contact person to **report a known or suspected UST leak**, see the Indian Lands section at <http://yosemite.epa.gov/R10/WATER.NSF/UST/UST+Contacts/>.
3. **Tribal water quality website** for EPA Region 10: <http://yosemite.epa.gov/R10/WATER.NSF/office+of+water/tribal+water+prgm>.
4. The **Office of Water and Watersheds** for EPA Region 10: <http://yosemite.epa.gov/R10/WATER.NSF/homepage/water>.
5. Back issues of **WaterTalk**, a quarterly EPA newsletter that provides practical resources and news: <http://yosemite.epa.gov/R10/WATER.NSF/watertalk/issues>.
6. National **tribal drinking water website**: <http://water.epa.gov/aboutow/ogwdw/tribal.cfm>.
7. National **tribal wastewater website**: <http://www.epa.gov/owm/mab/indian/>.
8. **National Tribal Water Council**: <http://nationaltribalwatercouncil.org/>.
9. The national **Office of Water**: <http://water.epa.gov/>.
10. The **Northwest Indian Fisheries Commission**: <http://nwifc.org/>.
11. Research and technology for **restoring aquatic species and aquatic habitats**: <http://www.usgs.gov/ecosystems/fisheries/index.html>.
12. **Aquatic Nuisance Species Task Force**: <http://anstaskforce.gov/default.php>.
13. The **Native American Fish and Wildlife Society** works to assist Native American and Alaska Native Tribes with the conservation, protection, and enhancement of their fish and wildlife resources: <http://www.nafws.org/>.
14. Scientific data on different forms of **water contamination**: <http://toxics.usgs.gov/>.
15. “**How to Plan a Water Resources Project with USACE**. A Guide for Tribal Governments,” (2010): http://cw-environment.usace.army.mil/pdfs/water_res_book.pdf.
16. WaterSense **water conservation resources**: <http://www.epa.gov/watersense/>.
17. Water-related **public comment notices** in Region 10 are often posted on one of the following websites:
 - a. **Alaska**: <http://dec.alaska.gov/>
 - b. **Idaho**: <http://www.deq.idaho.gov/>
 - c. **Oregon**: <http://www.oregon.gov/DEQ/>
 - d. **Washington**: <http://www.ecy.wa.gov/>
 - e. **Region 10 EPA**: <http://yosemite.epa.gov/R10/homepage.nsf/Information/R10PN/>.
 - f. The websites of **tribes with WQS authority**: <http://water.epa.gov/scitech/swguidance/standards/wqslibrary/tribes.cfm#r10>

Technical Training, Guidance, and Resources

1. The EPA offers an online and classroom-based “**Water Quality Standards Academy**” training program: <http://water.epa.gov/learn/training/standardsacademy/index.cfm>.

2. Trainings to help tribes develop and implement **CWA-consistent water quality programs**: <http://water.epa.gov/learn/training/tribaltraining/index.cfm>.
3. The **Safe Drinking Water Hotline** has staff that can answer your questions about drinking water quality, standards, and systems, as well as source water protection, septic systems, and injection and drainage wells: 1-800-426-4791; <http://water.epa.gov/drink/hotline/index.cfm>.
4. Guidance on conducting **source water assessments**: <http://yosemite.epa.gov/r10/water.nsf/Drinking+Water/Source+W879> and http://www.epa.gov/safewater/sourcewater/pubs/fs_swp_tribalsourcewater.pdf.
5. Free and low-cost **trainings for utilities and staff that serve tribal populations**:
 - a. Evergreen Rural Water of Washington: <http://www.erwow.org>;
 - b. Oregon Association of Water Utilities: <http://www.oawu.net/>;
 - c. Idaho Rural Water Association: <http://irwa.sharepoint.com/Pages/default.aspx>;
 - d. Alaska Rural Water Association: <http://www.arwa.org/1/index.php>.
6. Customized, in-person technical assistance and training services to help communities **operate efficient and compliant water and wastewater systems**: <http://www.rcap.org>.
7. EPA inspectors are available to conduct **free UST technical assistance inspections**: <http://yosemite.epa.gov/R10/WATER.NSF/UST/UST+Contacts/>.
8. Information regarding **UST training resources** available to tribal governments: <http://www.epa.gov/oust/>.
9. The Bureau of Reclamation's tribal Technical Assistance Program is designed to assist federally-recognized tribes **develop, manage and protect their water-related resources**: <http://www.usbr.gov/native/naao/techasst/index.html>.
10. **Technical trainings on water quality monitoring, hydrology, geospatial information**, wildlife health, and other topics are available from the US Geological Survey, depending on funding and available resources: <http://www.usgs.gov/indian/training/index.html>.
11. EPA Region 10's **Office of Environmental Assessment (OEA)** may be able to provide tribes with scientific assessment, research, and technical guidance: <http://yosemite.epa.gov/r10/oea.nsf/homepage/Environmental+Assessment>.
12. **EPA trainings** on a variety of subjects: <http://www.epa.gov/epahome/training.htm>.
13. A **searchable database of environmental trainings**: <http://www.trainex.org>.

Regulations & Policies

1. The **Clean Water Act**: <http://www.epa.gov/lawsregs/laws/cwa.html>
2. The **Safe Drinking Water Act**: <http://www.epa.gov/lawsregs/laws/sdwa.html>
3. "**Treatment in the same manner as a state**": <http://www.epa.gov/tp/laws/tas.htm>.
4. EPA's **Tribal Consultation Policy**: <http://www.epa.gov/tp/consultation/consult-policy.htm>.

Water Quality Data

1. **Local drinking water quality** information from the Safe Drinking Water Information System (SDWIS) Database: <http://www.epa.gov/safewater/databases/sdwis/howtoaccessdata.html>.
2. **Water quality, biological, and physical data** from the STORET/WQX database: <http://www.epa.gov/storet/>.
3. **Water discharge permits database**: <http://www.epa.gov/enviro/html/pes/index.html>.
4. **Groundwater, streamflow, and other monitoring and projection data**: <http://www.usgs.gov/water/>.
5. Pacific Northwest **Water Quality Data Exchange**: <http://deq12.deq.state.or.us/pnwwqx/>.

4: WASTE AND TOXIC HAZARDS

INTRODUCTION

The EPA has multiple programs to address both solid and hazardous waste, as well as the toxic hazards that can endanger the environment, public health, and the health of those you love. These programs operate under the authority of several environmental statutes passed by Congress, including:

- The **Resource Conservation and Recovery Act (RCRA)**, which establishes a “cradle-to-grave” system for managing hazardous wastes, and authorizes national standards for the disposal of non-hazardous waste;
- The **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; commonly known as “Superfund”)**, which authorizes the EPA to identify and clean up sites with hazardous substances that threaten the environment and public health;
- The **Emergency Planning and Community Right to Know Act (EPCRA)**, which requires certain facilities to report their releases of specified toxic chemicals, and also requires the preparation of comprehensive emergency plans to deal with chemical accidents;
- The **Oil Pollution Act (OPA)**, which also includes requirements for contingency planning;
- The **Toxic Substances Control Act (TSCA)**, which grants the EPA the authority to regulate or ban the import, manufacture, use and disposal of chemical substances;
- The **Pollution Prevention Act**, which established the national policy that pollution should be prevented or reduced at the source whenever feasible.

This chapter serves as an introduction to those programs, and the important responsibilities available to tribes under these laws.

EMERGENCIES

Hazardous Materials Emergencies

The EPA has staff available 24 hours a day to respond to emergencies.

National Response Center: 1-800-424-8802

Seattle 24-hour number: (206) 553-1263

EPA Criminal Investigation Office: (206) 553-8306

If possible, callers should provide the following information:

- ✓ **What it is:** the material name (if known) or a generic description (oil, hazardous substance, etc.).
- ✓ **Where it is:** the geographic location.
- ✓ **Estimated quantity** released.

- ✓ **Known hazards:** include the health effects from exposure and the proper precautions, such as evacuation or sheltering in place.
- ✓ **Where it's going:** released into the air? Water? Land?
- ✓ **Time and duration** of the release.
- ✓ **The source:** pipeline, drums, storage tank, etc.
- ✓ **The cause:** dumping, transportation accident, etc.
- ✓ **Notification:** who else has been contacted, if anyone?
- ✓ **Contact Information:** for the contact person

The **National Response Center (NRC)** must be contacted immediately when an oil release to navigable waters occurs; any release that creates a sheen must be reported. When in doubt, the release of any hazardous substance should also be reported, although more specific guidance on the reportable quantities of hazards is available at http://www.epa.gov/oem/content/epcra/epcra_report.htm#covered.

Emergencies that pose a severe threat to the environment or public health – such as explosions, severe contamination, and direct human contact with hazards (e.g. a chemical gas cloud) – can justify an EPA emergency response, and action to eliminate the initial threat and stabilize the problem, even on tribal lands.¹⁴ The EPA's initial response to calls and initial site assessments are paid for by the EPA, but the EPA will seek to recover the costs of any cleanup it conducts from the parties responsible. The EPA relies on civil and criminal investigators to identify these parties – and while the EPA doesn't consider tribes liable under Superfund, individuals and tribal corporations may be.

To report illegal dumping, call the **EPA Criminal Investigation Office** at **(206) 553-8306**. Although the office can pursue illegal dumpers, it doesn't have the capability to clean up the materials they've dumped. If these materials pose an emergency, call the **National Response Center** at **(800) 424-8802**.

Resources for Tribes:

1. **Report spills and environmental violations:**
<http://www.epa.gov/epahome/violations.htm>.
2. **Hazards and reportable quantities:**
http://www.epa.gov/oem/content/epcra/epcra_report.htm#covered.
3. **More information:**
<http://yosemite.epa.gov/R10/OWCM.NSF/webpage/emergency+planning+and+community+right+to+know>

Contingency Planning: Oil Spills

Oil spills can contaminate drinking water sources, devastate natural resources, disrupt the economy, and endanger public health. Therefore farms and other facilities that handle significant quantities of oil are legally required to develop, maintain and implement an oil spill prevention plan – called a **Spill Prevention, Control, and Countermeasure (SPCC) Plan** – which will:

- a) Help prevent an oil spill;
- b) Help control an oil spill should one occur, and prevent it from reaching surface waters and shorelines.

¹⁴ If the release occurs on non-tribal lands owned by the federal government (such as the Forest Service or Department of Defense), the first response is the responsibility of that agency – although the EPA may become involved if the response is inadequate or the release spreads beyond federal boundaries.

Although these plans are unique to the facilities they cover, they must include certain elements, and must be submitted to the EPA for review if a facility experiences two or more oil spills within a 12-month period. The EPA also conducts periodic facility inspections to ensure compliance, and a copy of the plan must be maintained at the facility¹⁵ or otherwise available to the EPA for on-site review and inspection during working hours.

The **Oil Pollution Act (OPA)** of 1990 also requires oil spill contingency planning by government and industry. Specifically:

- a) The federal government is required to direct all public and private response efforts for certain kinds of spills;
- b) Area Committees – composed of federal, tribal, state, and local government officials – must develop detailed, location-specific Area Contingency Plans;
- c) The owners or operators of certain facilities and vessels must prepare their own facility response plans.

The OPA also:

- a) Increased the penalties for regulatory noncompliance;
- b) Grants the EPA emergency response authority to respond to certain oil spills;
- c) Created the national Oil Spill Liability Trust Fund, which is available to provide EPA or the U.S. Coast Guard up to one billion dollars per spill incident

Resources for Tribes:

1. **SPCC plans and requirements:** <http://www.epa.gov/oem/content/spcc/>.
2. **Oil Pollution Act:** <http://www.epa.gov/oem/content/lawsregs/opaover.htm>.
3. **Report spills and environmental violations:** 800-424-8802; <http://www.epa.gov/epahome/violations.htm>.

Contingency Planning: Hazardous Materials Emergencies

The **Emergency Planning and Community Right to Know Act (EPCRA)** – also known as Title III of the **Superfund Amendments and Reauthorization Act (SARA)** – requires the preparation of comprehensive emergency plans to deal with chemical accidents; companies that fail to comply risk stiff penalties under the law. Citizens are also empowered to sue companies (as well as local and tribal governments) in order to enforce compliance, and all tribes – and their chief executive officers – are responsible for implementing the law on tribal lands.¹⁶

Section 112(r) of the Clean Air Act also addresses emergency preparedness by requiring facilities that use more than threshold amounts of certain types of chemicals to implement a risk management program, and to file their **Risk Management Plan (RMP)** with the EPA. In its RMP, a facility analyzes hazards; documents a five-year accident history; coordinates with local first responders; and puts a program in place to prevent chemical accidents.

Resources for Tribes:

1. **Emergency preparedness guidance** for tribes: <http://www.epa.gov/tribalcompliance/pubsafety/pspublicdrill.html>.

¹⁵ That is, if it's normally attended for at least eight hours per day; otherwise it must be kept at the nearest field office.

¹⁶ The EPA regards federally-recognized tribal reservations as a **Tribal Emergency Response Commission (TERC)** – with the same responsibilities as State Emergency Response Commissions for carrying out the law – unless tribal leaders choose another of the possible methods of compliance.

2. **“Guidance for Preparing Tribal Emergency Response Plans”**:
[http://yosemite.epa.gov/r10/OMP.NSF/webpage/Guidance+for+Preparing+Tribal+Emergency+Response+Plans/\\$FILE/910-R-04-003.pdf](http://yosemite.epa.gov/r10/OMP.NSF/webpage/Guidance+for+Preparing+Tribal+Emergency+Response+Plans/$FILE/910-R-04-003.pdf)
3. **Compliance guidance and resources for CAA Section 112(r) and Risk Management Plans** from EPA Region 10:
<http://yosemite.epa.gov/r10/cleanup.nsf/9f3c21896330b4898825687b007a0f33/9867730c593ec31b8825742400803612!OpenDocument>. And the national EPA:
<http://www.epa.gov/oem/content/rmp/>.
4. The **Region 10 Regional Response Team** for oil spill and hazardous release planning and emergency response: <http://www.rtt10nwac.com/>
5. EPA Region 10’s Office of Environmental Cleanup offers **emergency response trainings**, subject to some limitations such as funding and minimum enrollment. Specific contacts can be found here:
<http://yosemite.epa.gov/r10/cleanup.nsf/7780249be8f251538825650f0070bd8b/9f55ac660bf5e007882566040054350e!OpenDocument>.
6. EPA Region 10’s **Office of Environmental Cleanup**:
<http://yosemite.epa.gov/r10/cleanup.nsf/0/458300a623101929882564f7007eab1b?OpenDocument>.

TOXIC AND HAZARDOUS WASTE

Toxic Chemical Releases

The **Toxics Release Inventory (TRI)** Program collects and publishes information regarding the release of toxics and chemicals, thereby informing the public, facilitating their involvement, and stimulating voluntary reductions in emissions. Created as a part of the Emergency Planning and Community Right-to-Know Act (EPCRA), the TRI lists the releases of more than 650 different toxics and chemicals from certain businesses and federal facilities, whether routinely or by accident. This information is then made available online, and can be accessed by year, chemical, facility, county, city and zip code in a format tailored to meet your needs. More specifically, the TRI can tell you:

- a) Which chemicals and toxics were released into the environment from specific facilities in a specific community;
- b) How much of each chemical was released into the air, water and land;
- c) How chemical wastes were treated on site, and the efficiency of that treatment;
- d) How much of each chemical was transported away from the facility for recycling, treatment or disposal.

Resources for Tribes:

1. **TRI data**: by zip code at <http://www.epa.gov/tri/>, or via other online tools at <http://www.epa.gov/tri/tridata/index.htm#tools>. The EPA can also assist tribes, individuals, and others in understanding and utilizing TRI data.
2. **TRI reporting**: Guidance (including paperwork):
<http://www.epa.gov/tri/report/index.htm#forms>
3. **Compliance and enforcement**: Enforcement statistics, penalty policies, policy on supplemental environmental projects, self disclosure policy, enforcement cases, compliance assistance programs and documents, and other information:
<http://www.epa.gov/tri/stakeholders/enforcement/enforce.html>.
4. **The EPA’s TRI website**: <http://www.epa.gov/tri/>. **EPA Region 10**:
<http://yosemite.epa.gov/r10/OWCM.NSF/TRI/tri>.

Hazardous Waste Management

Hazardous wastes pose special dangers to the environment and human health: explosions, fires, corrosion, chemical reactions, and/or toxicity.¹⁷ This may include:

- **Vehicle maintenance shop waste**, such as solvents, corrosives and materials with heavy metals like chromium, cadmium and lead;
- **Health clinic waste**, which may itself include materials with heavy metals and toxic chemicals;
- **Household waste** such as leftover pesticides and old paint thinner.

In order to ensure that hazardous waste is safely managed from its generation to its final disposal or destruction – from its cradle to its grave – the **Resource Conservation and Recovery Act (RCRA)** established a complex and comprehensive set of requirements for anyone who generates,¹⁸ transports,¹⁹ stores, treats, disposes,²⁰ or otherwise manages²¹ hazardous waste. Waste generated by individual households is *not* subject to RCRA requirements,²² but all facilities on tribal lands that treat, store or dispose of hazardous waste – or plan to – are subject to the RCRA²³ permitting process.²⁴

Although tribes are ineligible for a formal delegation of hazardous waste program authority²⁵ – and are therefore unable to issue permits, for example – the EPA recognizes tribal governments as the primary parties for managing hazardous waste programs on tribal lands, and supports these efforts with funding and technical assistance.

Resources for Tribes:

1. For more information about **hazardous waste, laws and regulations, and regulatory compliance**, visit <http://yosemite.epa.gov/r10/owcm.nsf/.recycle/waste>.
2. A list of **useful publications** is available online, at <http://yosemite.epa.gov/R10/EXTAFF.NSF/Publications/Hazwaste>.
3. Specific **guidance for tribes** is available online at <http://www.epa.gov/tribalmw/>.
4. A **tipsheet for solid waste management grants** – including resources for identifying grantors, a checklist for grant proposal writing, and a case study describing the Sitka Tribe of Alaska's successful Jobs Through Recycling grant proposal – is available at <http://www.epa.gov/epawaste/wyl/tribal/pdfxt/grant.pdf>.

¹⁷ This can be determined via tests such as the Toxicity Characteristic Leaching Procedure (TCLP).

¹⁸ For more information on the regulations that apply to generators (classified as large, small, and conditionally exempt) as well as a suite of useful resources, see <http://www.epa.gov/osw/hazard/generation/index.htm>.

¹⁹ For more information on transporters, including who qualifies and useful resources, see <http://www.epa.gov/osw/hazard/transportation/index.htm>.

²⁰ For more information on treatment, storage, and disposal (TSD), see <http://www.epa.gov/osw/hazard/tsd/index.htm>.

²¹ For example, by recycling (<http://www.epa.gov/osw/hazard/recycling/index.htm>). Special standards apply to those who manage used oil (<http://www.epa.gov/osw/conserva/materials/usedoil/index.htm>).

²² Which means, incidentally, that landfills which ONLY accept household wastes are also exempt. That said, commercial waste is co-mingled with household waste in many waste streams, so most landfills are potentially subject to RCRA requirements.

²³ More specifically, the federal regulations that govern the permitting process include the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984); the Toxic Substances Control Act; and Title 40 of the Code of Federal Regulations (CFR).

²⁴ Once you determine that you handle hazardous waste, you must notify EPA and receive an EPA RCRA identification number. Different timetables and responsibilities apply to different activities (e.g. storage and transport) and scales (e.g. small vs. large), but securing a permit is generally an expensive and lengthy process, and many businesses, governments, and tribes therefore look for ways to change their purchasing, production, and management procedures in order to reduce the hazardous waste they handle. For more information, visit <http://www.epa.gov/osw/hazard/index.htm>.

²⁵ This is because tribes are defined as municipalities under RCRA, and means that the EPA itself has the formal implementation authority for hazardous waste programs on tribal lands, with one notable exception: a settlement agreement ratified by the US Congress allows the state of Washington to implement its federally-authorized hazardous waste program and issue permits for facilities located on non-trust lands within the Puyallup Reservation.

Hazardous Waste Sites

Superfund – formally known as the **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)** – authorizes the EPA to identify and clean up sites with hazardous substances that threaten the environment and public health.²⁶ Any member of the public can formally petition the federal government to investigate whether a particular site is releasing²⁷ hazardous waste into the environment – although before doing so, it may be wise to check to see whether the site is already listed in the EPA’s CERCLA database, “CERCLIS.”²⁸

The EPA’s first step is to conduct a preliminary assessment (PA) to verify the release of hazardous substances and to distinguish between sites that pose little or no threat and those that require further investigation.²⁹ If the PA shows that there is a serious and immediate threat, the EPA can use Superfund money (through the emergency removal program) to address the problem immediately.

If the threat isn’t immediate but the PA recommends further action, the EPA conducts a more thorough Site Inspection (SI) to collect more data and samples for analysis. If the analysis yields a high score on the EPA’s Hazard Ranking System (HRS), the site is considered for listing on the **National Priorities List (NPL)** – otherwise known as the Superfund list. A lower score yields a "no further remedial action planned" (NFRAP) recommendation, which is specific to the Superfund program – that is, although further action isn’t planned under Superfund, NFRAP sites might still be eligible for clean-up under state or tribal programs.

For each NPL site, the EPA assigns a remedial project manager (RPM) to manage the investigation and cleanup of the site. Usually this is an oversight role, because the responsible parties themselves often pay for and conduct the investigation and cleanup, under the strict supervision of the EPA. However occasionally – when it’s impossible to find or determine the responsible parties, for instance – the EPA itself conducts the NPL investigations and cleanup.

Superfund includes several grant mechanisms that are designed to support community involvement – including tribal involvement – in the Superfund process. In particular, Site Assessment Cooperative Agreements and Support Agency Cooperative Agreements are both non-competitive grants that federally-recognized tribes can use to fund their technical participation in the Superfund process – e.g., by hiring an independent expert to help them interpret technical data, assess site hazards, and understand site cleanup technologies. Technical Assistance Grants perform the same role for community groups, which may also include tribal members.

²⁶ With some exceptions. For example, the law says that with the exception of emergencies that pose an imminent threat, Superfund does *not* cover:

- a) Asbestos in buildings;
- b) The normal use of fertilizer or pesticides;
- c) Engine exhaust emissions;
- d) Some releases of nuclear materials;
- e) Certain workplace releases;
- f) Certain petroleum and natural gas releases.

²⁷ That is, any means by which a substance could be exposed to the environment, such as spilling, leaking, discharging, dumping, injecting, and escaping.

²⁸ An acronym for the Comprehensive Environmental Response, Compensation and Liability Information System.

²⁹ The exception here is that on federally-owned, non-Indian lands, the federal agency responsible for the property – rather than the EPA – conducts the PA and any subsequent investigations and clean-ups. That said, the EPA does oversee these efforts, and the EPA determines whether or not the site should be listed on the NPL (the Superfund list).

Resources for Tribes:

1. Filing **Preliminary Assessment petitions**:
<http://yosemite.epa.gov/R10/CLEANUP.NSF/webpage/Preliminary+Assessment+Petitions>.
2. The Agency for Toxic Substances and Disease Registry (ATSDR) is required by law to conduct **public health assessments** at each of the sites on the EPA's National Priorities List, and may also conduct public health assessments when petitioned by concerned individuals. See: <http://www.atsdr.cdc.gov/com/pha.html/>.
3. Tribes that are natural resource trustees may be able to seek **compensation for natural resource damage** caused by the contamination at Superfund sites:
<http://www.epa.gov/superfund/programs/nrd/trustees.htm>.
4. More information about **Superfund**: <http://www.epa.gov/superfund/>.

Brownfields

Properties that are abandoned or underused because of environmental contamination – and the potential liability associated with its cleanup, which can complicate property transactions and business development – are referred to as brownfields. The EPA's brownfields program is designed to return these sites to productive use, by empowering tribes, communities, and other economic redevelopment stakeholders to work together to assess, safely clean up, and sustainably reuse brownfields. More specifically, this includes the clarification of liability issues; technical assistance and site assessment; and funding for research, pilot programs, and job training programs.

Resources for Tribes:

1. Some brownfields – including sites that are not on the NPL – are eligible for a **Targeted Brownfield Assessment**, in which an EPA or state contractor conducts a technical assessment. Learn more:
<http://yosemite.epa.gov/R10/CLEANUP.NSF/brownfields/targeted+brownfields+assessments>.
2. The EPA can provide **technical assistance**, and can help connect tribes with **state and federal grants and loans**.
3. **Region 10 brownfield website**: <http://yosemite.epa.gov/r10/cleanup.nsf/sites/bf>
4. National **EPA brownfield website**: <http://www.epa.gov/swerosps/bf/>

ASBESTOS

Asbestos is a naturally-occurring mineral fiber that doesn't burn and insulates well, and was therefore used widely for shingles, millboard, textured paints, floor tiles, and pipe and furnace insulation. However exposure to asbestos has also been linked to serious and sometimes fatal health problems, including cancer, mesothelioma, and asbestosis. Asbestos is no longer widely used in consumer products, but remains in many older homes, schools, and commercial buildings.

Asbestos in Schools

The **Asbestos Hazard Emergency Response Act (AHERA)** states that all local education agencies – public, private, and tribal – are required to:

1. Designate and train a person to oversee asbestos-related activities in the local education agency;

2. Have properly-accredited professionals perform an original inspection of all school buildings – and re-inspection every three years – for asbestos-containing materials;
 - a. Every six months, survey any locations where asbestos is found to check for damage;
 - b. Post warning labels, and provide awareness trainings to custodial and maintenance staff;
3. Have properly-accredited professionals develop, maintain, and update an asbestos management plan that includes:
 - a. The methods and implementation timeframe for any abatement actions, which must be planned and undertaken by accredited professionals;
 - b. Detailed records of all asbestos-related activities;
 and:
 - c. Provide yearly notification to parents, teachers, and employees regarding the plan's availability, as well as any abatement actions taken or planned;
 - d. Submit this plan to the appropriate state agency

The same procedures should be followed if and when older buildings are converted into schools. More information is available online, at http://www.epa.gov/asbestos/pubs/asbestos_in_schools.html.

Building Renovation and Demolition

The **National Emission Standards for Hazardous Air Pollutants (NESHAP)** – promulgated under the Clean Air Act – requires building owners and contractors to conduct thorough inspections for asbestos prior to all renovations and demolitions.³⁰ A prior notification of 10 working days is also required for all demolitions and some renovations. More specific guidance regarding whom to notify, and the form required, is available online at <http://yosemite.epa.gov/R10/OWCM.NSF/webpage/Asbestos+in+Demolition+and+Renovation>.

If asbestos is present, additional requirements include:

- a) Formal notification to the EPA at least 10 working days prior to the removal of any asbestos;
- b) The presence of at least one NESHAP-trained representative during the removal of any materials that contain asbestos;
- c) Specific work practice procedures, waste disposal requirements, and record keeping provisions.

The Asbestos School Abatement Reauthorization Act also requires the use of accredited inspectors, workers, supervisors, and project designers when conducting asbestos activities at public and commercial buildings, as well as schools. The EPA can provide technical assistance and advice; for more information, see <http://www.epa.gov/asbestos/index.html>.

Resources for Tribes:

1. Region 10 asbestos contacts & info:
<http://yosemite.epa.gov/R10/OWCM.NSF/webpage/Asbestos+in+the+Pacific+Northwest>.
2. **Toxic Substances Control Act Hotline** – 202-554-1404; tsca-hotline@epa.gov:
Provides technical assistance and information about asbestos and lead programs, as well as other programs implemented under TSCA.

³⁰ Private residences of four or less are exempt from NESHAP.

LEAD

Lead poisoning is a serious threat to human health. High levels of lead exposure can lead to seizures, coma, and death, while lower-level exposures are associated with hypertension, nerve disorders, and reproductive problems in adults, and can impair physiological development and learning abilities in children. Homes and buildings built prior to 1978 are a major source of potential lead exposure, because lead was often used in paint sold prior to 1978. In most cases, lead-based paint that's in good condition is not a hazard, and removing lead paint improperly can *increase* the risk of lead exposure. Nevertheless, exposure from lead-based paints that have chipped or degraded into dust is a common health concern, and one that disproportionately impacts low-income and minority populations, making lead exposure an environmental justice issue.

Federal law³¹ requires special procedures for certain pre-1978 buildings:

- **Landlords** must disclose known information on lead-based paint and hazards before leases take effect, and distribute an EPA-approved pamphlet. Leases must also include a disclosure form about lead-based paint.
- **Sellers** must disclose known information on lead-based paint and hazards before selling a house. Sales contracts must also include a disclosure form about lead-based paint, and buyers have up to ten days to check for lead hazards.
- **Contractors** working on projects (more specifically, renovation, repair, and painting: RRP) that disturb more than six square feet of paint in homes, child care facilities, and schools must be certified and trained to follow specific work practices to prevent lead contamination. RRP rules do not apply to homeowners, but since you're ultimately responsible for the health and safety of the people in your care, you may want to learn more using the resources below.

Anyone doing lead abatement work is similarly required to be trained and certified, and to perform the work in a manner that's safe for the environment and human health.

Resources for Tribes:

1. Read about the **health effects of lead**:
<http://www.atsdr.cdc.gov/toxprofiles/tp.asp?id=96&tid=22>.
2. If you intend to **rent or sell housing** built prior to 1978, read the disclosure requirements: <http://www.epa.gov/lead/pubs/leadbase.htm>.
 - a. Download the required **lead hazard information pamphlet**:
<http://www.epa.gov/lead/pubs/leadprot.htm>.
3. **Renovation, Repair, and Painting (RRP)**: read the EPA's pamphlet at: <http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf>. More guidance is available at <http://www.epa.gov/oppt/lead/pubs/renovation.htm>.
 - a. To find **lead-certified contractors and firms**, visit http://cfpub.epa.gov/flpp/searchrrp_firm.htm.
4. You can reach the **National Lead Information Center** at 1-800-424-LEAD (5323) and <http://www.epa.gov/lead/pubs/nlic.htm>.
5. A wealth of useful **information and publications**: <http://www.epa.gov/lead/> and <http://www.epa.gov/lead/pubs/resourcecenter.htm>.

³¹ The federal laws that govern lead-based paint and its hazards are the Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as Title X, and Title IV of the Toxic Substances Control Act.

6. The **Department of Housing and Urban Development (HUD)** has its own regulations, compliance assistance information, educational resources, technical studies, grant information, and news online at <http://www.hud.gov/offices/lead/>; its **Office of Healthy Homes and Lead Hazard Control** is online at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes.
7. **CDC Childhood Lead Poisoning Prevention Program:** <http://www.cdc.gov/nceh/lead/about/program.htm>.
8. **Region 10 lead contacts & info:** <http://yosemite.epa.gov/R10/OWCM.NSF/lead/Lead+home>.
9. **Toxic Substances Control Act Hotline** – 202-554-1404; tsca-hotline@epa.gov: Provides technical assistance and information about asbestos and lead programs, as well as other programs implemented under TSCA.

PCBs

Polychlorinated Biphenyls (PCBs) are a group of chemicals that can cause liver damage, bronchitis, and chloracne in humans, and reproductive disorders and cancerous tumors in laboratory animals. Because PCBs are lipophilic – attracted to fat – they tend to bioaccumulate and bioconcentrate in organisms, and remain in the people exposed to them. PCBs don't easily break down, and therefore also persist in the environment.

The **Toxic Substances Control Act (TSCA)** prohibits the manufacture of PCBs, controls the phase-out of their existing uses, and sees to their safe disposal. However about 12 percent of the electric transformers and capacitors in use prior to 1976 – many of which are still in use today – are contaminated with PCBs. Virtually every municipality and utility in the United States has been in possession of regulated PCB equipment at some time, as have many tribal governments.

Any equipment that contains high levels of PCBs is required to feature a bright yellow, six inch by six inch label which says “WARNING CONTAINS PCB” in large black letters. That said, it may not be so easy to determine whether abandoned equipment – an occasional problem on tribal lands – is contaminated with PCBs. If you discover abandoned transformers or capacitors, note the location and take photographs. The nameplate should tell you the name of the manufacturer, the unit serial number, the voltage rating, the gallons of liquid, and the type of liquid, and may also feature the words “NONFLAMMABLE LIQUID” or “OIL.” Send all this information to one of the EPA regional contacts found on this page:

<http://yosemite.epa.gov/r10/OWCM.NSF/pcb/PCBs+home>.

Resources for Tribes:

1. Read about the **health effects of PCBs:** <http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/effects.htm>.
2. **PCB laws and regulations:** <http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/laws.htm>.
3. **Region 10 PCB webpage:** <http://yosemite.epa.gov/r10/OWCM.NSF/pcb/PCBs+home>.
4. **National EPA PCB webpage:** <http://www.epa.gov/epawaste/hazard/tsd/pcbs/index.htm>.

PESTICIDES

Under the **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**,³² the EPA has the authority to regulate the registration, production, sales, and distribution of pesticides in the United States.³³ Although the EPA is generally the primary enforcement authority for pesticide violations on tribal lands, tribes may enter into cooperative agreements with the EPA to develop tribal pesticide programs. Under these agreements, tribes may obtain federal inspector credentials, conduct inspections, and recommend enforcement actions to the EPA.

Resources for Tribes:

1. **Emergency information:**
 - a. **Call 911** if the person is unconscious, having trouble breathing, or having convulsions;
 - b. **Check the label** for directions on how to give first aid;
 - c. Call the **Poison Control Center at 1-800-222-1222** for help with first aid information;
 - d. The **National Pesticide Information Center – 1-800-858-7378**;
<http://npic.orst.edu/ingred/index.html> – can also provide information about pesticides and their toxicity.
2. **Pesticide guidance and resources** from EPA Region 10:
<http://yosemite.epa.gov/r10/ecocomm.nsf/Pesticides/Pesticides+Homepage>.
3. Guidance on **EPA-funded tribal pesticide programs**:
<http://www.epa.gov/oppfead1/tribes/guidance.htm>.
4. **Tribal Pesticide Program Council**: <http://www.epa.gov/oppfead1/tribes/tppc.htm>.
5. Guidance on **using pesticides safely**: <http://www.epa.gov/pesticides/health/safely.htm>.
6. Information on **controlling pests safely**:
<http://www.epa.gov/pesticides/controlling/index.htm> (in schools:
<http://www.epa.gov/pesticides/ipm/>).

SOLID WASTE

Municipal solid waste generally consists of the garbage we throw out everyday – papers; used food containers; old sofas; broken electronics; bottles of household cleaners and other household hazardous waste. This waste often ends up in a landfill: a disposal site for solid waste that's designed, built, and operated in compliance with the Resource Conservation and Recovery Act (RCRA), and periodically inspected by the state, which may also issue the permit allowing its operation. However it's better for the environment to reduce the volume of waste we throw away – and doing so can also lead to significant reductions in waste disposal costs.

An integrated approach to reducing waste consists of two steps:

- a) Reducing the amount of waste that's generated (e.g. through green purchasing and other changes in consumption patterns);
- b) Recycling, composting, or otherwise recovering materials such as paper, glass, steel, plastic, and food waste.

³² FIFRA – and the EPA's responsibilities under the law – fundamentally changed with the passage of the Food Quality Protection Act of 1996. For more information, see: <http://www.epa.gov/opp00001/regulating/laws/fqpa/>.

³³ The EPA's pesticide program also deals with occupational safety issues for agricultural and pesticide handlers, applicator certification and training, and worker protection standards.

Developing a **Tribal Solid Waste Management Plan** is one method to address and reduce the creation of waste – and the costs of waste disposal. Although tribal solid waste management plans don't require EPA review or approval, the EPA does offer trainings and resources that may prove useful.

Tribes can also develop codes and ordinances against open dumping and enforce them. See: http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tswm_sites#open.

Resources for Tribes:

1. Tribal solid waste management resources and contacts in Region 10, including **plan templates, trainings, tribal success stories, and technical assistance tools**: http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribal_solid_waste.
2. Compendium of **waste management resources, tools, and materials** from EPA Region 10: <http://yosemite.epa.gov/r10/owcm.nsf/recycle/waste>.
3. Compendium of **waste management resources, tools, and materials** from the national EPA: <http://www.epa.gov/epawaste/wyl/tribal/index.htm>. Also: <http://www.epa.gov/osw/>.
4. Resources and guidance for **greening casinos**: <http://www.epa.gov/oswer/tribal/casino/index.html>.
5. Calculate the **climate change impacts of waste management decisions**: <http://epa.gov/climatechange/wycd/waste/tools.html>.
6. The **Tribal Solid Waste Advisory Network (TSWAN)** – a non-profit alliance of Native American Tribes from throughout the Pacific Northwest and Alaska – works to make effective and environmentally-responsible solid waste management a priority on tribal reservations and communities: <http://www.tswan.org/>.
7. **Integrated Solid Waste Management Plan**: template and resources at <http://www.anthc.org/cs/dehe/sustops/swm/>.

POLLUTION PREVENTION

Changing the materials, practices, and processes we use can dramatically reduce the pollution and solid waste we create. This idea is at the heart of pollution prevention programs – otherwise known as P2 – which help people, businesses, and governments conserve and reuse materials; utilize non-toxic or less-toxic alternatives; and modify production processes to use resources efficiently and reduce pollution and solid waste. Many of the EPA's P2 programs promote pollution prevention through research and development, technology transfer, financial assistance, and voluntary initiatives. For example:

1. **Energy Star** programs, which encourage the production and use of energy-efficient equipment: <http://www.energystar.gov/>.
2. **Design for Environment (DFE)** programs, which help industry sectors incorporate environmental considerations into their operations. The Green Chemistry Challenge program – which recognizes public and private sector R&D efforts to find more environmentally-sound alternatives to chemical products or processes – is one example. See: <http://www.epa.gov/dfe/>.
3. **Waste Minimization** programs, which promote a more sustainable society by reducing the amount and toxicity of the waste generated: <http://www.epa.gov/epawaste/hazard/wastemin/index.htm>.

Tribes can engage in pollution prevention efforts by (for example):

- a) Developing tribal ordinances that prevent the use of polluting substances like pesticides, plastic shopping bags, and other packaging;
- b) Participating in national resource conservation efforts like Energy Star (<http://www.energystar.gov/>) and WaterSense (<http://www.epa.gov/owm/water-efficiency/>);
- c) Providing pollution-prevention training for local businesses.

Resources for Tribes:

1. The EPA's **national pollution prevention program** has a wealth of information about Pollution Prevention policy and practices: <http://www.epa.gov/p2/>.
2. The Seattle-based **Pollution Prevention Resource Center** highlights and advances research on pollution prevention in the Pacific Northwest: <http://www.pprc.org/>.
3. **Technical Assistance Programs** (TAPs) provide businesses with onsite audits, planning assistance, training or other cutting-edge environmental management services that can help to reduce and eliminate pollution at its source: <http://www.epa.gov/p2/pubs/assist/index.htm>.

WASTE AND TOXIC HAZARD GRANTS

In addition to the funding sources profiled in this section, other potential funding sources for waste and toxics include:

- EPA **Environmental Education** grants: <http://www.epa.gov/education/grants/index.html>.
- EPA **Environmental Justice** grants: <http://www.epa.gov/environmentaljustice/grants/index.html>.
- The federal **grants database**, online at www.grants.gov.
- The **Alaska Conservation Foundation**: alaskaconservation.org/grant-opportunities/.
- Region 10 **tribal grant announcements**: <http://yosemite.epa.gov/r10/TRIBAL.NSF/webpage/Tribal+Grants>.

Want to write a successful EPA grant proposal? Useful tips and advice for tribes and Alaska Native Villages is available online at <http://www.epa.gov/ogd/recipient/tips.htm>. The Funding Exchange also provides training, mentoring, and resources to help tribes raise funds: <http://www.funding-exchange.org/>.

Bear in mind that tribes receiving grants from the EPA must have an approved **Quality Management Plan (QMP)**: <http://www.epa.gov/quality/qmps.html>), as well as specific **Quality Assurance Project Plans (QAPP)**: <http://www.epa.gov/quality/qapps.html>) for projects and programs that involve environmental data collection. The EPA's **Office of Environmental Assessment (OEA)** provides training and assistance to tribes in developing these plans, and has model templates to make it easier: see <http://yosemite.epa.gov/r10/oea.nsf/webpage/Environmental+Assessment> and <http://yosemite.epa.gov/r10/homepage.nsf/Office+Lists/Staff+and+Phone+Listing#Office6>.

When working with Region 10 on your grant project, you'll be assigned a Grants Specialist. They'll review your application, work plan, and budget for compliance with administrative regulations and standards, and work with you to ensure that your application is competitive and – hopefully – successful. After your project begins, the Grants Specialist will continue to provide oversight, guidance, and support, and will work with you to process any amendments and, eventually, to close out your grant. For more detailed information about the **Region 10 grants**

administration process, see: <http://yosemite.epa.gov/r10/omp.nsf/grants/administration>; EPA grants 101: http://www.epa.gov/ogd/training/resources_for_communities/epa_grants_101.htm.

General Funding

Indian General Assistance Program

The EPA's Indian General Assistance Program (GAP) provides grants to federally-recognized tribes and intertribal consortia to support the development of an integrated environmental protection program – specifically, by:

- a) Providing for tribal capacity building, such that tribes can identify environmental priorities, develop environmental programs and projects to address these priorities, and pursue grants that allow these projects to be undertaken;
- b) Developing tribal environmental programs, ordinances, and services that foster compliance with federal environmental statutes;
- c) Establishing the program capability to work collaboratively with other environmental programs and agencies – federal, state, local, and tribal.

This may include short- and long-range strategic planning; baseline assessments and environmental quality monitoring; and the development of administrative, technical, legal, enforcement, communications, environmental education and outreach infrastructure – all of which may help lay the groundwork for future programmatic work in multiple areas, ranging from air and water quality to pesticides, climate change, and solid and hazardous waste. That said, it's important to note that GAP funding is generally not for implementation work, and that with the exception of solid and hazardous waste programs – which *can* be implemented with GAP funding³⁴ – grants “for the principal purpose of solving particular problems at particular places” will not be awarded.

Resources for Tribes:

1. More information about GAP: <http://yosemite.epa.gov/R10/TRIBAL.NSF/Grants/IGAP/> and <http://www.epa.gov/tp/aieo/gap.htm>.
2. GAP success stories: http://www.epa.gov/region10/pdf/tribal/igap_success_stories_july2010.pdf.
3. EPA Region 10 tribal contacts: <http://yosemite.epa.gov/R10/TRIBAL.NSF/Programs/Tribal+Contacts>.

State Environmental Enforcement Training (SEET) Grants

In order to strengthen and build tribal capacity to monitor compliance and enforce against violations of environmental laws, the EPA provides non-competitive grant funds for tribes and intertribal consortia. For more, see: <http://www.epa.gov/compliance/state/grants/seet.html>.

Environmental Regulatory Enhancement Grants

These capacity-building grants, administered by the Administration for Native Americans, support the development of legal, technical, and organizational capacity for environmental issue

³⁴ Region 10 requires the completion of an integrated solid waste management plan before implementation activities begin, so that the plan can provide guidance and structure. Funded tasks may include – but aren't limited to – the following:

- Developing an integrated waste management plan;
- Activities to clean up, close, or upgrade open dumps;
- Removal of abandoned vehicles, scrap metal, and used tires;
- Planning and conducting household hazardous waste cleanups;
- Establishing recycling collection areas and support facilities.

identification and program planning, development, and implementation. Tribes are required to describe land or resources over which they have jurisdiction as a part of their application; see: <http://transition.acf.hhs.gov/programs/ana/programs/environmental-regulatory-enhancement>.

Community Action for a Renewed Environment (CARE)

Administered by the **EPA**, CARE provides financial and technical assistance to support the development of community partnerships that reduce the release of toxic pollutants and minimize human exposure. For more information, see: <http://www.epa.gov/care/>.

National Environmental Information Exchange Network Grants

Federally-recognized tribes, Native Villages, and intertribal consortia can apply for **EPA** funding to develop and implement the information technology and information management capabilities they need in order to actively participate in the Exchange Network. The Network supports collaboration and the exchange of environmental data, and 50 states and more than 50 tribes currently participate. Grantees may also use grant funds for the standardization, exchange, and integration of geospatial information; see: <http://www.epa.gov/Network/grants/index.html>.

Alaska Native Fund

The **Alaska Conservation Foundation's** Alaska Native Fund provides an Indigenous framework for addressing critical environmental issues and promotes innovative strategies to strengthen capacity of Alaska Native organizations and communities. The five funding priorities include climate change; toxic exposure and environmental health; renewable energy and energy conservation; the stewardship of marine mammals and fish; and the promotion of sustainable alternatives to extractive industries. Alaska Native tribes, organizations, and individuals are eligible to apply; see: <http://alaskaconservation.org/grant-opportunities/alaska-native-fund/>.

Community Environmental Demonstration Projects/Alaska Multi-Media Program

Demonstration grants – ranging from \$5,000 to \$30,000 – are available for local environmental projects in rural Alaskan communities that improve the environment or public health. These grants are administered by the **Zender Group** and the **Alaska Native Tribal Health Consortium (ANTHC)** on behalf of the **EPA**. See <http://www.zendergroup.org/cedp.html> and <http://www.anthc.org/chs/ces/hve/community-environmental-demonstration-grants.cfm>.

Tribal Eco-Ambassadors Program

The **EPA's** Tribal Eco-Ambassadors Program provides funding for professors from tribal colleges and universities to work with a group of students to address environmental and public health issues important in their communities. For more information, see: <http://www.epa.gov/ecoambassadors/tribal/index.html>.

AmeriCorps Indian Tribes Grants

The **Corporation for National and Community Service** offers three-year grants for organizations that have developed an AmeriCorps program that involves American Indians in AmeriCorps service, or serves an American Indian community. AmeriCorps sets aside one percent (1%) of its grant funds annually to support programs operated by American Indian tribes and tribal entities, and tribes are also eligible to apply for AmeriCorps Indian Tribes Planning Grants, which may be used to support the development or improvement of a program so that it may be better prepared to successfully compete for operating assistance in the following grant cycle. Matching funds (of 24%) are required, but in-kind contributions are accepted and tribes

may also apply for an expedited waiver. For more information, see: [http://www.americorps.gov/for_organizations/funding/nofa_detail.asp?tbl_nofa_id=67#AmeriCorps Indian Tribes Grants](http://www.americorps.gov/for_organizations/funding/nofa_detail.asp?tbl_nofa_id=67#AmeriCorps_Indian_Tribes_Grants).

Social and Economic Development Strategies (SEDS) Grants

The **Administration for Native Americans** offers competitive grants to support locally-determined projects that reduce or eliminate community problems and achieve community goals. SEDS grants fund social and economic development projects in on- and off-reservation native communities, and promote self-determination and self-governance among Native American people; see: <http://transition.acf.hhs.gov/programs/ana/programs/seds>.

Emergencies & Preparedness

Local Government Reimbursement (LGR)

Tribal governments may be reimbursed for expenses related to the release (or threatened release) of hazardous substances. The **EPA's** Local Governments Reimbursement (LGR) Program provides a "safety net" of up to \$25,000 per incident to tribal and local governments to pay for emergency response actions³⁵, dependent on federal funding availability and other conditions. More information: <http://www.epa.gov/oem/content/lgr/>.

Hazardous Materials Emergency Preparedness (HMEP) Grant Program

This **Department of Transportation** grant provides financial and technical assistance for hazmat training and planning to state, territorial, tribal, and local authorities. See: <http://www.phmsa.dot.gov/hazmat/grants>.

Hazardous Waste Management

Hazardous Waste Grant Program

Federally-recognized tribes and intertribal consortia are eligible to apply for this **EPA** capacity-building grant, which may help support:

- a) The development and implementation of tribal hazardous waste programs;
- b) The development of tribal organizational infrastructure;
- c) The development of partnerships among tribes, federal agencies, states and local communities.

More information: <http://www.epa.gov/epawaste/wyl/tribal/finance.htm>

Hazardous Waste Sites

Cooperative Agreements

The **EPA** may award Cooperative Agreement grants to tribes on a non-competitive basis. Both "Site Assessment Cooperative Agreements" and "Support Agency Cooperative Agreements" may provide funding to one or more tribes to allow their technical participation at different stages of the site assessment, investigation, and cleanup process – e.g., by hiring an independent expert to help them interpret technical data, assess site hazards, and understand site cleanup technologies.

³⁵ Responses to emergencies unrelated to substances specifically designated as hazardous under CERCLA – including petroleum, natural gas, and crude oil – are NOT eligible for LGR program funds.

Technical Assistance Grants (TAG)

A Technical Assistance Grant (TAG) provides money for activities that increase community participation in the Superfund process – for instance, by contracting with independent technical advisors to help the community interpret and better understand information about the site. Although tribal governments are not eligible for this **EPA** grant, community groups – which may include tribal members – may be eligible for grants of up to \$50,000. More information: <http://www.epa.gov/superfund/community/tag/index.htm>.

Brownfields

Brownfield Assessment Grants

EPA assessment grants provide up to \$200,000 for a grant recipient to inventory, characterize, assess, and conduct planning and community involvement related to brownfields sites. See: http://www.epa.gov/brownfields/assessment_grants.htm.

Brownfield Cleanup Grants

Tribes that own brownfield sites can apply for **EPA** brownfield cleanup grants, which can be used to perform, verify, and document cleanups; enhance public participation, and purchase insurance. See: http://www.epa.gov/brownfields/cleanup_grants.htm.

State & Tribal Response Programs

Provides **EPA** funding to enhance or establish a formal cleanup and redevelopment program; funding priorities include oversight and enforcement mechanisms, brownfield inventories, and meaningful public participation. See: http://www.epa.gov/brownfields/state_tribal/.

Revolving Loan Fund (RLF) Grants

RLF **EPA** grants provide funding for to capitalize a community fund that supports brownfield cleanup activities via revolving loans. See: <http://www.epa.gov/brownfields/rflst.htm>.

Environmental Workforce Development and Job Training Grants

These annual **EPA** grants allow nonprofit and community organizations to recruit, train, and find employment for people who are:

- a) Living in areas affected by solid and hazardous waste;
- b) Predominantly low-income, minority, unemployed, or under-employed.

Enrollees learn the skills needed to secure sustainable employment in the environmental field, including assessment and cleanup; see: <http://www.epa.gov/brownfields/job.htm>.

Asbestos, Lead, and PCBs

State and Tribal Assistance Grants (STAG)

The **EPA's** STAG grants may assist authorized tribes in establishing and operating programs to monitor and enforce compliance with:

- a) PCB regulations
- b) Asbestos-in-schools requirements
- c) Lead-based paint regulations

More information: <http://www.epa.gov/oecaerth/state/grants/tsca.html>.

Tribal Lead Grant Program

The **EPA's** tribal lead grant program supports efforts to assess and reduce childhood lead poisoning in tribal communities, by funding baseline evaluations of existing and potential exposure to lead-based paint, as well as tribal educational outreach. Federally-recognized tribes and tribal consortia are eligible to apply; more information about this and other lead grants is available online at <http://www.epa.gov/lead/pubs/grantmap.htm>.

Healthy Homes Demonstration Grant Program

This program, administered by the **Department of Housing and Urban Development**, can be used to fund lead remediation projects – particularly where children are at risk – and federally-recognized tribes are eligible to apply. For more information, see: http://portal.hud.gov/hudportal/HUD?mode=disppage&id=PAGE_HHD_5084.

Lead-based Paint Hazard Control Grant Program

This program, administered by the **Department of Housing and Urban Development**, can be used to fund lead remediation projects, and federally-recognized tribes are eligible to apply. For more information, see: <http://archives.hud.gov/funding/2012/grplhc.cfm>.

Pesticides

State and Tribal Assistance Grants (STAG)

The **EPA's** STAG grants may assist authorized tribes in developing and maintaining pesticide programmatic activities that address pesticide monitoring and enforcement, including the protection of agricultural workers, water resources, and threatened/endangered species from pesticides. This funding is provided through cooperative agreements which may cover an initial pesticide assessment, and then up to 100% of the approved workplan costs. See: <http://www.epa.gov/oecaerth/state/grants/fifra.html>.

Solid Waste

Tribal Solid Waste Management Assistance Project

Managed jointly by the **EPA, Indian Health Service, Bureau of Indian Affairs, Department of Defense**, and **US Department of Agriculture**, this inter-agency effort provides grants, loans, loan guarantees, and targeted assistance related to solid waste management, specifically activities that:

- a) Characterize and assess open dumps;
- b) Develop and implement cleanup, closure, and post-closure programs for open dumps in Indian country;
- c) Develop integrated solid waste management (ISWM) plans, codes, and regulations;
- d) Develop and implement alternative solid waste management activities or facilities (including equipment acquisition).

All federally-recognized tribes and Alaska Native Villages are eligible to apply. More information: <http://www.epa.gov/osw/wyl/tribal/finance.htm#ap>.

Sanitation Facilities Construction Program

The **Indian Health Service's** SFC Program provides American Indian and Alaska Native homes and communities with essential water supply, sewage disposal, and solid waste disposal

facilities. IHS environmental engineers plan, design, and manage most SFC projects; more information is available online, at <http://www.ihs.gov/dsfc/>.

Indian Community Development Block Grants

The ICDBG Program from the **US Department of Housing and Urban Development** provides funding for solid waste facilities and projects. Tribal and Alaska Native communities are eligible; more information is available online at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/grants/icdbg.

USDA Solid Waste Management Grants

This **US Department of Agriculture** program supports projects that improve the planning and management of solid waste sites in rural areas, and reduce or eliminate the pollution of water resources in rural areas. More specifically, this grant can be used to:

- a) Evaluate current landfill conditions to determine threats to water resources.
- b) Provide technical assistance and/or training to enhance operator skills in the operation and maintenance of active landfills.
- c) Provide technical assistance and/or training to help communities reduce the solid waste stream.
- d) Provide technical assistance and/or training for operators of landfills which are closed or will be closed in the near future with the development and implementation of closure plans, future land use plans, safety and maintenance planning, and closure scheduling within permit requirements.

For more information: <http://www.usda.gov/rus/water/SWVG.htm>

Rural Development Water & Environmental Programs

The Water and Environmental Programs division of the **US Department of Agriculture's** Rural Utilities Service provides loans, grants and loan guarantees for drinking water, sanitary sewer, solid waste and storm drainage facilities in rural areas and cities and towns of 10,000 or less. Federally-recognized tribes may qualify for assistance; more information is available online at http://www.rurdev.usda.gov/UWEP_HomePage.html. Predevelopment planning grants may be available to help fund the development of a complete application for a proposed project: <http://www.rurdev.usda.gov/UWP-predevelopment.htm>.

Rural Development §306C Water and Waste Disposal Loan & Grant Program

The **US Department of Agriculture** provides loans and grants to fund water and waste disposal facilities for rural tribal communities whose residents face significant health risks from the condition or lack of existing facilities. More information is available online at <http://www.rurdev.usda.gov/UWP-Colonias.html>. Predevelopment planning grants may be available to help fund the development of a complete application for a proposed project: <http://www.rurdev.usda.gov/UWP-predevelopment.htm>.

Technical Assistance and Training Grants for Rural Waste Systems

The **US Department of Agriculture** offers grants to non-profit organizations that provide training and technical assistance for water and waste-disposal services in rural areas. More information: <http://www.rurdev.usda.gov/UWP-wwtat.htm>. Predevelopment planning grants may

be available to help fund the development of a complete application for a proposed project: <http://www.rurdev.usda.gov/UWP-predevelopment.htm>.

Alaska Native Tribal Health Consortium Solid Waste Mini-Grant Program

This **Alaska Native Tribal Health Consortium** mini-grant program funds the creation of Alaskan tribal solid waste management plans: <http://www.anthc.org/cs/dehe/sustops/swm/>.

Denali Commission Solid Waste Grants

This **Denali Commission** grant provides funding to address deficiencies in solid waste disposal sites that threaten to contaminate Alaskan rural drinking water supplies. Projects funded in the past include burn boxes, fencing, waste oil burners, and improvements to solid waste facilities: http://denali.gov/index.php?option=com_content&view=category&layout=blog&id=5&Itemid=22.

Pollution Prevention

Pollution Prevention Incentive Grants Program

Tribes and intertribal consortia that meet the “treatment in the same manner as a state” requirements are eligible to compete for P2 grants, which the **EPA** provides annually to help develop and sustain state and tribal P2 programs. Most P2 grants fund technical assistance, training, outreach, education, regulatory integration, data collection, research, demonstration projects, and recognition programs. A 50% funding match is required, although this can be fulfilled with in-kind contributions.

More information: <http://www.epa.gov/p2/pubs/grants/index.htm#p2>.

Source Reduction Assistance Program

Tribes, intertribal consortia, and community and non-profit organizations are all eligible to compete for the **EPA**'s Source Reduction Assistance (SRA) awards. Applicants are encouraged to submit proposals that demonstrate new and innovative techniques, or use research and/or training that promotes P2/source reduction efforts. Proposals that principally support recycling, clean-up, treatment, disposal, or energy recovery activities are not considered for funding. A 5% funding match is required, although this can be fulfilled with in-kind contributions.

More information: <http://www.epa.gov/p2/pubs/grants/index.htm#sra>.

WASTE AND TOXIC HAZARD RESOURCES

Contacts & Information Resources

1. **Report emergencies:** National Response Center: 1-800-424-8802; Seattle 24-hour number: (206) 553-1263
2. **Report environmental violations:** EPA Criminal Investigation Office: (206) 553-8306; <http://www.epa.gov/epahome/violations.htm>.
3. **TRI contacts & info:** <http://yosemite.epa.gov/r10/OWCM.NSF/TRI/tri>.
4. **Solid and hazardous waste contacts & info:** http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribal_solid_waste.

- a. **Waste management resources, tools, and materials:**
<http://www.epa.gov/epawaste/wyl/tribal/index.htm>. Also:
<http://www.epa.gov/osw/>.
5. **Cleanup contacts & info:**
<http://yosemite.epa.gov/r10/cleanup.nsf/7780249be8f251538825650f0070bd8b/9f55ac660bf5e007882566040054350e!OpenDocument>.
6. **Brownfield contacts & info:** <http://yosemite.epa.gov/r10/cleanup.nsf/sites/bf>.
7. **Asbestos contacts & info:**
<http://yosemite.epa.gov/R10/OWCM.NSF/webpage/Asbestos+in+the+Pacific+Northwest>.
8. **Lead contacts & info:** <http://yosemite.epa.gov/R10/OWCM.NSF/lead/Lead+home>.
9. **PCB contacts & info:** <http://yosemite.epa.gov/r10/OWCM.NSF/pcb/PCBs+home>.
10. **Pesticide contacts & info:**
<http://yosemite.epa.gov/r10/ecocomm.nsf/Pesticides/Pesticides+Homepage>.
11. **Pollution prevention info:** <http://www.epa.gov/p2/>. **Tribal P2:** <http://www.tribalp2.org/>.
12. **School Chemical Cleanout Campaign:**
<http://www.epa.gov/wastes/partnerships/sc3/index.htm>.
13. **Mercury in Fish:** <http://www.epa.gov/mercury/advisories.htm>.
14. **CAA Section 112(r) and Risk Management Plan compliance** guidance:
<http://yosemite.epa.gov/r10/cleanup.nsf/9f3c21896330b4898825687b007a0f33/9867730c593ec31b8825742400803612!OpenDocument>. And:
<http://www.epa.gov/oem/content/rmp/>.
15. **Spill Prevention, Control, and Countermeasure compliance:**
<http://www.epa.gov/oem/content/spcc/>.
16. **Emergency preparedness guidance:**
<http://www.epa.gov/tribalcompliance/pubsafety/pspublicdrill.html>.
17. **“Guidance for Preparing Tribal Emergency Response Plans”:**
[http://yosemite.epa.gov/r10/OMP.NSF/webpage/Guidance+for+Preparing+Tribal+Emergency+Response+Plans/\\$FILE/910-R-04-003.pdf](http://yosemite.epa.gov/r10/OMP.NSF/webpage/Guidance+for+Preparing+Tribal+Emergency+Response+Plans/$FILE/910-R-04-003.pdf)
18. **TRI reporting guidance:** <http://www.epa.gov/tri/report/index.htm#forms>. **Compliance:**
<http://www.epa.gov/tri/stakeholders/enforcement/enforce.html>.
19. **Hazardous and solid waste compliance:**
<http://yosemite.epa.gov/r10/owcm.nsf/recycle/waste>.
20. **Tribal pesticide program guidance:** <http://www.epa.gov/oppfead1/tribes/guidance.htm>.
21. **Filing Preliminary Assessment petitions:**
<http://yosemite.epa.gov/R10/CLEANUP.NSF/webpage/Preliminary+Assessment+Petitions>.
22. **Lead disclosure requirements to sell or rent pre-1978 housing:**
<http://www.epa.gov/lead/pubs/leadbase.htm>.
 - a. Download the required **lead hazard information pamphlet:**
<http://www.epa.gov/lead/pubs/leadprot.htm>.
23. **Renovation, Repair, and Painting (RRP):** EPA's pamphlet:
<http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf>. More guidance:
<http://www.epa.gov/oppt/lead/pubs/renovation.htm>.
 - a. Find **lead-certified contractors and firms:**
http://cfpub.epa.gov/flpp/searchrrp_firm.htm.
24. **Report a known or suspected UST leak:** see the Indian Lands section at
<http://yosemite.epa.gov/R10/WATER.NSF/UST/UST+Contacts/>.
25. **Tribal Solid Waste Journal:** <http://www.epa.gov/epawaste/wyl/tribal/resource.htm#twj>.
26. **Tribal Solid Waste Advisory Network Quarterly Newsletter:**
<http://www.tswan.org/news/news.html>

Technical Training, Guidance, and Resources

1. **Emergency response trainings** from EPA Region 10's Office of Environmental Cleanup: <http://yosemite.epa.gov/r10/cleanup.nsf/7780249be8f251538825650f0070bd8b/9f55ac660bf5e007882566040054350e!OpenDocument>.
2. The **Region 10 Regional Response Team** for oil spill and hazardous release planning and emergency response: <http://www.rrt10nwac.com/>
3. **Targeted Brownfield Assessments**, in which an EPA or state contractor conducts a technical assessment: <http://yosemite.epa.gov/R10/CLEANUP.NSF/brownfields/targeted+brownfields+assessments>.
4. **Technical Assistance Programs** provide businesses with pollution prevention services: <http://www.epa.gov/p2/pubs/assist/index.htm>.
5. Tribal **solid waste plan templates, trainings, tribal success stories, and technical assistance tools**: http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tribal_solid_waste.
6. **Toxic Substances Control Act Hotline** – 202-554-1404; tsca-hotline@epa.gov: Provides technical assistance and information about asbestos and lead programs, as well as other programs implemented under TSCA.
7. Calculate the **climate change impacts of waste management decisions**: <http://epa.gov/climatechange/wycd/waste/tools.html>.
8. EPA inspectors are available to conduct **free UST technical assistance inspections**: <http://yosemite.epa.gov/R10/WATER.NSF/UST/UST+Contacts/>.
9. Information regarding **UST training resources** available to tribal governments: <http://www.epa.gov/oust/>
10. EPA Region 10's **Office of Environmental Assessment (OEA)** may be able to provide tribes with scientific assessment, research, and technical guidance: <http://yosemite.epa.gov/r10/oea.nsf/homepage/Environmental+Assessment>.
11. **EPA trainings** on a variety of subjects: <http://www.epa.gov/epahome/training.htm>.
12. A **searchable database of environmental trainings**: <http://www.trainex.org>.

Regulations & Policies

1. **Oil Pollution Act**: <http://www.epa.gov/oem/content/lawsregs/opaover.htm>.
2. **Toxic Release Inventory**: <http://www.epa.gov/triinter/lawsandregs/index.htm>.
3. **Solid & hazardous waste**: <http://www.epa.gov/wastes/laws-regs/index.htm>.
4. **Waste sites**: http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tswm_sites.
5. **Lead**: <http://www.epa.gov/lead/pubs/regulation.htm>.
6. **PCBs**: <http://www.epa.gov/epawaste/hazard/tsd/pCBS/pubs/laws.htm>.
7. **Pollution Prevention**: <http://www.epa.gov/p2/pubs/laws.htm>

Waste and Toxics Data

1. **TRI data**: by zip code at <http://www.epa.gov/tri/>, or via other online tools at <http://www.epa.gov/tri/tridata/index.htm#tools>.
2. **RCRA data**: public access via EPA Envirofacts at <http://www.epa.gov/enviro/>. Environmental agency employees: <https://www.rcrainfo.epa.gov/>
3. **Web Sanitation Tracking and Reporting System (wSTARS)** database from the Indian Health Service: an inventory of the water, sewer and solid waste needs of American Indian and Alaska Native communities, at <https://wstars.ihs.gov/>. Password required.

5: CLIMATE AND ENERGY

INTRODUCTION

Climate change poses a serious challenge to the people of the Pacific Northwest and Alaska and their environment – threatening to undo the environmental progress we’ve made while, at the same time, presenting immense new challenges. Several Native Villages in Alaska are already in the process of relocating to new inland sites because their current homes are being washed away, as storm surges – no longer buffered by the melting sea ice – reach further up the coastal cliffs. And water utility managers in the Pacific Northwest are struggling to find new sources of water for drinking and irrigation, as the decreased snowfall in the wintertime means decreased supplies of melting freshwater in the summertime. EPA Region 10 has been actively working with states and tribes to further greenhouse gas mitigation, clean energy, and climate change adaptation work in the Pacific Northwest; more information about the Region 10 Climate Change Strategy is online at <http://yosemite.epa.gov/R10/ECOCOMM.NSF/Climate+Change/cc>.

CLIMATE AND ENERGY GRANTS

In addition to the funding sources profiled in this section, other potential funding sources for climate and energy include:

- EPA **Environmental Education** grants: <http://www.epa.gov/education/grants/index.html>.
- The federal **grants database**, online at www.grants.gov.
- The **Alaska Conservation Foundation**: alaskaconservation.org/grant-opportunities/.
- Region 10 **tribal grant announcements**: <http://yosemite.epa.gov/r10/TRIBAL.NSF/webpage/Tribal+Grants>.
- **Database of State Incentives for Renewables & Efficiency**, a comprehensive source of information on state, local, utility and federal incentives promoting renewable energy and energy efficiency: <http://www.dsireusa.org/>.

Want to write a successful EPA grant proposal? Useful tips and advice for tribes and Alaska Native Villages is available online at <http://www.epa.gov/ogd/recipient/tips.htm>. The Funding Exchange also provides training, mentoring, and resources to help tribes raise funds: <http://www.funding-exchange.org/>.

Bear in mind that tribes receiving grants from the EPA must have an approved **Quality Management Plan (QMP)**: <http://www.epa.gov/quality/qmps.html>), as well as specific **Quality Assurance Project Plans (QAPP)**: <http://www.epa.gov/quality/qapps.html>) for projects and programs that involve environmental data collection. The EPA’s **Office of Environmental Assessment (OEA)** provides training and assistance to tribes in developing these plans, and has model templates to make it easier: see <http://yosemite.epa.gov/r10/oea.nsf/webpage/Environmental+Assessment> and <http://yosemite.epa.gov/r10/homepage.nsf/Office+Lists/Staff+and+Phone+Listing#Office6>.

When working with Region 10 on your grant project, you’ll be assigned a Grants Specialist. They’ll review your application, work plan, and budget for compliance with administrative regulations and standards, and work with you to ensure that your application is competitive and

– hopefully – successful. After your project begins, the Grants Specialist will continue to provide oversight, guidance, and support, and will work with you to process any amendments and, eventually, to close out your grant. For more detailed information about the **Region 10 grants administration process**, see: <http://yosemite.epa.gov/r10/omp.nsf/grants/administration>; **EPA grants 101**: http://www.epa.gov/ogd/training/resources_for_communities/epa_grants_101.htm.

Indian General Assistance Program

The **EPA's Indian General Assistance Program (GAP)** provides grants to federally-recognized tribes and Alaska Native Villages to plan, develop, and establish an environmental protection program; this may include building multiple forms of infrastructure and capacity:

- a) Administrative;
- b) Technical;
- c) Legal;
- d) Enforcement;
- e) Communications; and
- f) Environmental education and outreach.

This new capacity may help lay the groundwork for future programmatic work in multiple areas, ranging from air and water quality to pesticides, climate change, and solid and hazardous waste. Both the Port Gamble and Jamestown S'Klallam Tribes were awarded GAP grants in 2011 to develop templates for climate change vulnerability assessments, and “building capacity to address the environmental impacts of climate change” is eligible for GAP funding. That said, it's important to note that GAP funding is generally not for implementation work, and that grants “for the principal purpose of solving particular problems at particular places” will not be awarded.

More information is available online at <http://yosemite.epa.gov/R10/TRIBAL.NSF/Grants/IGAP/> and <http://www.epa.gov/tp/aieo/gap.htm>.

National Environmental Information Exchange Network Grants

Federally-recognized tribes, Native Villages, and intertribal consortia can apply for **EPA** funding to develop and implement the information technology and information management capabilities they need in order to actively participate in the Exchange Network. The Network supports collaboration and the exchange of environmental data, and 50 states and more than 50 tribes currently participate. Grantees may also use grant funds for the standardization, exchange, and integration of geospatial information; see: <http://www.epa.gov/Networkg/grants/index.html>.

Alaska Native Fund

The **Alaska Conservation Foundation's** Alaska Native Fund provides an Indigenous framework for addressing critical environmental issues and promotes innovative strategies to strengthen capacity of Alaska Native organizations and communities. The five funding priorities include climate change; toxic exposure and environmental health; renewable energy and energy conservation; the stewardship of marine mammals and fish; and the promotion of sustainable alternatives to extractive industries. Alaska Native tribes, organizations, and individuals are eligible to apply; see: <http://alaskaconservation.org/grant-opportunities/alaska-native-fund/>.

Community Environmental Demonstration Projects/Alaska Multi-Media Program

Demonstration grants – ranging from \$5,000 to \$30,000 – are available for local environmental projects in rural Alaskan communities that improve the environment or public health. These grants are administered by the **Zender Group** and the **Alaska Native Tribal Health**

Consortium (ANTHC) on behalf of the **EPA**. See <http://www.zendergroup.org/cedp.html> and <http://www.anthc.org/chs/ces/hve/community-environmental-demonstration-grants.cfm>.

Tribal Eco-Ambassadors Program

The **EPA's** Tribal Eco-Ambassadors Program provides funding for professors from tribal colleges and universities to work with a group of students to address environmental and public health issues important in their communities. For more information, see: <http://www.epa.gov/ecoambassadors/tribal/index.html>.

AmeriCorps Indian Tribes Grants

The **Corporation for National and Community Service** offers three-year grants for organizations that have developed an AmeriCorps program that involves American Indians in AmeriCorps service, or serves an American Indian community. AmeriCorps sets aside one percent (1%) of its grant funds annually to support programs operated by American Indian tribes and tribal entities, and tribes are also eligible to apply for AmeriCorps Indian Tribes Planning Grants, which may be used to support the development or improvement of a program so that it may be better prepared to successfully compete for operating assistance in the following grant cycle. Matching funds (of 24%) are required, but in-kind contributions are accepted and tribes may also apply for an expedited waiver. For more information, see: http://www.americorps.gov/for_organizations/funding/nofa_detail.asp?tbl_nofa_id=67#AmeriCorps_Indian_Tribes_Grants.

Social and Economic Development Strategies (SEDS) Grants

The **Administration for Native Americans** offers competitive grants to support locally-determined projects that reduce or eliminate community problems and achieve community goals. SEDS grants fund social and economic development projects in on- and off-reservation native communities, and promote self-determination and self-governance among Native American people; see: <http://transition.acf.hhs.gov/programs/ana/programs/seds>.

Climate Showcase Communities Grant Program

Local and federally-recognized tribal governments and Intertribal Consortia can apply for funding to support the development of replicable and sustainable community climate change projects that:

- a) Generate cost-effective and persistent greenhouse gas reductions; and
- b) Improve the environmental, economic, public health, or social conditions in a community.

The **EPA** administers the program, and tribes and consortia are exempt from matching requirements. For more information, see <http://epa.gov/statelocalclimate/local/showcase/>.

Building Resilience Against Climate Effects (BRACE) in State, Territorial, and Tribal Health Departments

BRACE grants are distributed by the **Centers for Disease Control and Prevention (CDC)** Climate and Health Program, and provide funding to health departments to conduct analytic and programmatic activities aimed at

- a) Reducing the health consequences of climate change; and
- b) Developing climate adaptation strategies for public health programs.

For more information, see: <http://www.cdc.gov/climatechange/funding.htm>.

Coastal Resilience Networks

Funded by the **National Oceanic and Atmospheric Administration**, the Coastal Resilience Networks (CRest) program funds projects that help communities become more resilient to the threats posed by coastal hazards, including storms, flooding, sea level rise, and climate change. Tribal governments are eligible, and may use funding for climate change preparedness, planning, and adaptation. For more information, see: <http://csc.noaa.gov/psc/grants/crest.html>.

Weatherization Assistance Program (WAP)

Federally-recognized tribes can apply to manage WAP funding, administered through the **Department of Energy**, which enables families to permanently reduce their energy bills by improving the energy efficiency of their homes. People who are particularly vulnerable – such as the elderly, persons with disabilities, families with children, low-income families, and high residential energy users are considered priority populations for WAP funding. No matching funds are required; for more information see <http://www1.eere.energy.gov/wip/wap.html> and <http://www.waptac.org/>.

Tribal Energy Program

The **Department of Energy's** Tribal Energy Program provides funding for the assessment and deployment of renewable energy and energy efficiency projects on tribal lands, such as energy-efficiency upgrades for tribally-owned buildings. Tribal governments and organizations – including Alaska Native Villages – are eligible to apply for these competitive grants; for more information, see <http://apps1.eere.energy.gov/tribalenergy/>.

Energy Efficiency and Conservation Block Grants

The Energy Efficiency and Conservation Block Grant program, administered by the **Department of Energy**, is designed to help federally-recognized tribes (including Alaska Native Villages), states, and local governments reduce fossil fuel emissions and energy use by increasing energy efficiency in transportation, building, and other sectors. For more information, see: <http://www1.eere.energy.gov/wip/eecbg.html>.

Renewable Energy System and Energy Efficiency Improvement Grants

The **US Department of Agriculture** Rural Energy for America Program (REAP) provides financial assistance to rural small businesses and agricultural producers to purchase, install, and construct renewable energy systems; make energy efficiency improvements to non-residential buildings and facilities; use renewable technologies that reduce energy consumption; and participate in energy audits, renewable energy development assistance, and feasibility studies. For more information, see: http://www.rurdev.usda.gov/bcp_reapreseei.html. Predevelopment planning grants may be available to help fund the development of a complete application for a proposed project: <http://www.rurdev.usda.gov/UWP-predevelopment.htm>.

CLIMATE AND ENERGY RESOURCES

Contacts & Information Resources

1. Step-by-step guideline and resources for the development of **tribal climate change plans and projects**: <http://www.epa.gov/statelocalclimate/tribal/index.html>.
2. Read profiles of **PNW tribal climate change mitigation and adaptation** projects: <http://tribalclimate.uoregon.edu/tribal-profiles/>.

3. Access the comprehensive (and frequently-updated) **Tribal Climate Change Funding Guide**, as well as the **Guide For Tribal Leaders on U.S. Climate Change Programs** and other publications: <http://tribalclimate.uoregon.edu/publications/>.
4. The Adaptation Clearinghouse contains nearly 1,000 resources, including **state and local adaptation plans and adaptation legislation**, which are organized by geography, sector, and impact: www.adaptationclearinghouse.com.
5. The National Renewable Energy Laboratory can help tribes develop and implement **sustainable energy projects on tribal lands** – specifically, by facilitating strategic partnerships and by providing renewable energy technical and financing expertise. See: http://www.nrel.gov/applying_technologies/tribal.html.
6. **Energy efficiency resources:** http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tswm_buildingresources.
7. Learn more about the **Pacific Northwest Tribal Climate Change Network:** <http://tribalclimate.uoregon.edu/network/>.
8. **American Indian and Alaska Native Climate Change Working Group:** <http://www.haskell.edu/climate/about.html>.
9. **Region 10 Climate Change Strategy:** <http://yosemite.epa.gov/R10/ECOCOMM.NSF/Climate+Change/cc>.
10. PNW **stories of tribal adaptation to change:** http://www.epa.gov/region10/pdf/tribal/stories_and_examples_of_tribal_adaptation_to_change.pdf.
11. **Alaska Center for Climate Assessment and Policy:** <http://ine.uaf.edu/accap/>.
12. **National EPA climate change website:** <http://www.epa.gov/climatechange/>.
13. Energy Star-certified, **energy-efficient products:** <http://www.energystar.gov/>.
14. Calculate the **climate change impacts of waste management decisions:** <http://epa.gov/climatechange/wycd/waste/tools.html>.
15. **Agriculture & climate change:** http://www.usda.gov/oce/climate_change/.

6: OTHER ISSUES

ENVIRONMENTAL JUSTICE

Environmental justice is the “fair treatment of people of all races, cultures and incomes with respect to the development, implementation and enforcement of environmental laws, regulations, programs, and policies.” More specifically, “fair treatment” means that no racial, ethnic or socioeconomic group should bear a disproportionate share of the environmental burdens that result from industrial, municipal, and commercial operations – or from the federal, state, local, and tribal programs and policies meant to manage and minimize those environmental burdens. Ideally, environmental justice therefore ensures that all peoples have the same degree of protection from environmental and health hazards, and the same degree of access to the decision-making processes that govern the quality of the environments in which we live, work, and play.³⁶ Individual tribes may or may not have environmental justice concerns – and the concerns that different tribes do have may vary widely, ranging from safe drinking water to the remediation of hazardous waste.

Resources for Tribes:

1. Region 10 **Environmental Justice contacts:**
<http://yosemite.epa.gov/r10/ocrej.nsf/Environmental+Justice/EJ-Contacts>.
2. Region 10 **Environmental Justice trainings:**
<http://yosemite.epa.gov/r10/ocrej.nsf/Environmental+Justice/Training/>
3. **Region 10 Environmental Justice website:** <http://yosemite.epa.gov/r10/ocrej.nsf>
4. **National EPA Environmental Justice website:**
<http://www.epa.gov/environmentaljustice/>
5. **1995 EPA Environmental Justice Strategy:**
http://www.epa.gov/compliance/ej/resources/policy/ej_strategy_1995.pdf.
6. **EPA's 2011 Plan EJ 2014:** <http://www.epa.gov/environmentaljustice/plan-ej/>.

RESOURCE EXTRACTION

Resource extraction projects – including oil and gas development, as well as mining projects – may require one or more of the following:

- a) Review under the National Environmental Policy Impact (NEPA):
<http://yosemite.epa.gov/R10/ECOCOMM.NSF/webpage/national+environmental+policy+act>;
- b) NPDES permitting:
<http://yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/General+NPDES+Permits>;
- c) UIC permitting and state oversight:
<http://yosemite.epa.gov/R10/WATER.NSF/UIC/UIC+Program>;
- d) Air source permitting on the Outer Continental Shelf and state oversight:
<http://yosemite.epa.gov/R10/AIRPAGE.NSF/webpage/Air+Permits>;
- e) Wetlands and Ocean Disposal;

³⁶ It's worth noting that these concepts need not conflict with tribal sovereignty, treaty rights, or federal trust responsibilities, which are preeminent.

- f) RCRA site closure:
[http://yosemite.epa.gov/r10/OWCM.NSF/webpage/Managing+Hazardous+Waste+\(RCRA\);](http://yosemite.epa.gov/r10/OWCM.NSF/webpage/Managing+Hazardous+Waste+(RCRA)) and
- g) Government-to-government consultation with tribes.

In fulfilling these responsibilities, the EPA seeks to work with a broad range of stakeholders, including tribal governments and Alaska Native Corporations; federal and state agencies; trade associations; citizen groups and associations; environmental advocacy groups; and others.

Resources for Tribes:

1. **Mining Issues** in Region 10:
<http://yosemite.epa.gov/r10/ECOCOMM.NSF/Programs/mining>
 - a. **Bristol Bay** watershed assessment and contacts:
<http://yosemite.epa.gov/R10/ecocomm.nsf/bristol+bay/bristolbay>.
 - b. **Tribal training course on mining**, developed by EPA Region 10, which explores the environmental impacts, regulations, and permitting process associated with mining operations: email the contacts listed here:
<http://yosemite.epa.gov/r10/ECOCOMM.NSF/Programs/mining>.
 - c. **Alaska Tribal Mining Education Plan** (February 2008):
[http://yosemite.epa.gov/r10/ECOCOMM.NSF/34090d07b77d50bd88256b79006529e8/74d70c3512661df988257402006d039a/\\$FILE/Tribal%20mining%20education%20plan-final.pdf](http://yosemite.epa.gov/r10/ECOCOMM.NSF/34090d07b77d50bd88256b79006529e8/74d70c3512661df988257402006d039a/$FILE/Tribal%20mining%20education%20plan-final.pdf).
2. **Oil and Gas Issues** in Region 10:
<http://yosemite.epa.gov/r10/extaff.nsf/d7b03c22cbc0843588256464006a2ff4/a34d241aa1958b6b88256c1c000507e7!OpenDocument>.
 - a. **North Slope Communications Protocol**:
<http://yosemite.epa.gov/r10/ecocomm.nsf/programs/nscp>.

AGRICULTURE AND LAND USE

Resources for Tribes:

1. **Conservation technical assistance** – scientific, technical advice that can help conserve natural resources and sustain agricultural production – is available from the US Department of Agriculture’s Natural Resources Conservation Service:
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/technical>.
2. **Organic farming guidance**:
<http://www.wsi.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/crops/organic>.
3. **Integrated Pest Management** resources:
<http://www.epa.gov/pesticides/controlling/agriculture.htm>.
4. **Manure and animal waste management** tools:
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/crops/npm>.
5. **Animal Feeding Operations** and **Confined Animal Feeding Operations**:
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/livestock/afo>.
6. **Save energy (and money)** by utilizing these agricultural resources and guidance:
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/energy>.
7. “Smart Growth” **land use and development**: <http://www.epa.gov/smartgrowth/>.
8. **Agriculture and air quality** – a wealth of guidance and information:
<http://www.airquality.nrcs.usda.gov/wps/portal/nrcs/main/national/air/quality>.

WILDERNESS AND SPECIES RESTORATION

Resources for Tribes:

1. **Technical trainings on wildlife health**, water quality monitoring, hydrology, geospatial information, and other topics are available from the US Geological Survey, depending on funding and available resources: <http://www.usgs.gov/indian/training/index.html>.
2. The **Native American Fish and Wildlife Society** works to assist Native American and Alaska Native tribes with the conservation, protection, and enhancement of their fish and wildlife resources: <http://www.nafws.org/>.
3. **Control and management of invasive species:**
http://www.usgs.gov/ecosystems/invasive_species/index.html.

ENVIRONMENTAL HEALTH

Resources for Tribes:

1. The Indian Health Service's Division of Environmental Health Services (DEHS) provides **direct environmental health services and consultation** to American Indian and Alaska Native tribal governments: <http://www.ihs.gov/dehs/index.cfm>.
2. The Indian Health Service's Environmental Health Support Center offers **environmental health training courses:** <http://www.ihs.gov/EHSCT/index.cfm?module=home>.
3. The Northwest Pediatric Environmental Health Specialty Unit (**for assistance call 877-KID-CHEM**) seeks to reduce environmental health risks to children by providing **training for health professionals, communities and families** through consultation, educational activities, and referrals: <http://depts.washington.edu/pehsu/>.
4. **Assessment, training, and technical assistance** from National Tribal Healthy Homes: http://tribalhealthyhomes.org/training_schedule.htm.
5. The EPA's **Tribal Environmental Health Research Program:**
<http://epa.gov/ncer/tribalresearch/>.
6. **Sun exposure:** <http://www.epa.gov/sunwise/>.

SUSTAINABILITY

Resources for Tribes:

1. The **Partnership for Sustainable Communities** – a collaboration between the EPA, Department of Housing and Urban Development, and Department of Transportation – contains a wealth of information (including occasional grant opportunities) regarding community development – and more specifically, how to make your community a healthier, more sustainable place to live.
2. **Green and sustainable building resources:**
http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tswm_buildingresources.

EDUCATION

Resources for Tribes:

1. **Environmental compliance resources** for tribal schools:
<http://yosemite.epa.gov/R10/TRIBAL.NSF/Programs/Tribal+Schools>

TRIBAL ADVOCACY AND REPRESENTATION

Resources for Tribes:

1. The **National Tribal Environmental Council** assists tribes in the protection and preservation of tribal environments: <http://www.ntec.org/>.
2. The **Indigenous Environmental Network** works to address environmental and economic justice issues through tribal capacity-building, education, and advocacy: <http://www.ienearth.org>.
3. The **National Congress of American Indians (NCAI)** monitors federal policy and coordinates efforts to inform federal decisions that affect tribal government interests: <http://www.ncai.org>.
4. The **Native American Rights Fund** is a nonprofit law firm dedicated to asserting and defending the rights of tribal governments, organizations, and individuals nationwide: <http://www.narf.org/>.
5. The **National Native American Bar Association**: <http://www.nativeamericanbar.org>.
6. The **International Institute for Indigenous Resource Management (IIIRM)** is a law and policy research institute that has represented tribes on environmental and resource management litigation, and whose natural resource and environmental experts can provide technical support to:
 - a. Manage resource development and conservation projects;
 - b. Establish legal, regulatory, scientific, and technical systems for environmental protection and restoration programs; and
 - c. Develop and implement education and training programs to build or enhance technical and management skills.

OTHER ISSUE GRANTS

In addition to the funding sources profiled in this section, other potential funding sources include:

- **Community Action for a Renewed Environment (CARE)** grants:
<http://www.epa.gov/care/>.
- The federal **grants database**, online at www.grants.gov.
- The **Alaska Conservation Foundation**: alaskaconservation.org/grant-opportunities/.
- Region 10 **tribal grant announcements**:
<http://yosemite.epa.gov/r10/TRIBAL.NSF/webpage/Tribal+Grants>.

Want to write a successful EPA grant proposal? Useful tips and advice for tribes and Alaska Native Villages is available online at <http://www.epa.gov/ogd/recipient/tips.htm>. The Funding Exchange also provides training, mentoring, and resources to help tribes raise funds: <http://www.funding-exchange.org/>.

Bear in mind that tribes receiving grants from the EPA must have an approved **Quality Management Plan (QMP)**: <http://www.epa.gov/quality/qmps.html>), as well as specific **Quality Assurance Project Plans (QAPP)**: <http://www.epa.gov/quality/qapps.html>) for projects and programs that involve environmental data collection. The EPA's **Office of Environmental Assessment (OEA)** provides training and assistance to tribes in developing these plans, and has model templates to make it easier: see <http://yosemite.epa.gov/r10/oea.nsf/webpage/Environmental+Assessment> and <http://yosemite.epa.gov/r10/homepage.nsf/Office+Lists/Staff+and+Phone+Listing#Office6>.

When working with Region 10 on your grant project, you'll be assigned a Grants Specialist. They'll review your application, work plan, and budget for compliance with administrative regulations and standards, and work with you to ensure that your application is competitive and – hopefully – successful. After your project begins, the Grants Specialist will continue to provide oversight, guidance, and support, and will work with you to process any amendments and, eventually, to close out your grant. For more detailed information about the **Region 10 grants administration process**, see: <http://yosemite.epa.gov/r10/omp.nsf/grants/administration>; **EPA grants 101**: http://www.epa.gov/ogd/training/resources_for_communities/epa_grants_101.htm.

General Funding

National Environmental Information Exchange Network Grants

Federally-recognized tribes, Native Villages, and intertribal consortia can apply for **EPA** funding to develop and implement the information technology and information management capabilities they need in order to actively participate in the Exchange Network. The Network supports collaboration and the exchange of environmental data, and 50 states and more than 50 tribes currently participate. Grantees may also use grant funds for the standardization, exchange, and integration of geospatial information; see: <http://www.epa.gov/Networkg/grants/index.html>.

Community Environmental Demonstration Projects/Alaska Multi-Media Program

Demonstration grants – ranging from \$5,000 to \$30,000 – are available for local environmental projects in rural Alaskan communities that improve the environment or public health. These grants are administered by the **Zender Group** and the **Alaska Native Tribal Health Consortium (ANTHC)** on behalf of the **EPA**. See <http://www.zendergroup.org/cedp.html> and <http://www.anthc.org/chs/ces/hve/community-environmental-demonstration-grants.cfm>.

Alaska Native Fund

The **Alaska Conservation Foundation's** Alaska Native Fund provides an Indigenous framework for addressing critical environmental issues and promotes innovative strategies to strengthen capacity of Alaska Native organizations and communities. The five funding priorities include climate change; toxic exposure and environmental health; renewable energy and energy conservation; the stewardship of marine mammals and fish; and the promotion of sustainable alternatives to extractive industries. Alaska Native tribes, organizations, and individuals are eligible to apply; see: <http://alaskaconservation.org/grant-opportunities/alaska-native-fund/>.

Tribal Eco-Ambassadors Program

The **EPA's** Tribal Eco-Ambassadors Program provides funding for professors from tribal colleges and universities to work with a group of students to address environmental and public

health issues important in their communities. For more information, see:
<http://www.epa.gov/ecoambassadors/tribal/index.html>.

AmeriCorps Indian Tribes Grants

The **Corporation for National and Community Service** offers three-year grants for organizations that have developed an AmeriCorps program that involves American Indians in AmeriCorps service, or serves an American Indian community. AmeriCorps sets aside one percent (1%) of its grant funds annually to support programs operated by American Indian tribes and tribal entities, and tribes are also eligible to apply for AmeriCorps Indian Tribes Planning Grants, which may be used to support the development or improvement of a program so that it may be better prepared to successfully compete for operating assistance in the following grant cycle. Matching funds (of 24%) are required, but in-kind contributions are accepted and tribes may also apply for an expedited waiver. For more information, see:
http://www.americorps.gov/for_organizations/funding/nofa_detail.asp?tbl_nofa_id=67#AmeriCorps_Indian_Tribes_Grants.

Social and Economic Development Strategies (SEDS) Grants

The **Administration for Native Americans** offers competitive grants to support locally-determined projects that reduce or eliminate community problems and achieve community goals. SEDS grants fund social and economic development projects in on- and off-reservation native communities, and promote self-determination and self-governance among Native American people. For more information, see:
<http://transition.acf.hhs.gov/programs/ana/programs/seds>.

Environmental Justice

Environmental Justice Small Grants Program

Tribal organizations and federally-recognized tribal governments (including Alaska Native Villages) can apply for the Environmental Justice Small Grants program, administered by the **EPA**. It gives small grants (hence the name) to help communities better understand and address their exposure to environmental harms and risks, while fostering self-sustaining partnerships and community empowerment. Previous grants have been used to address climate change, chemical hazards, air and water quality, and energy efficiency. For more information, see: <http://www.epa.gov/environmentaljustice/grants/ej-smgrants.html>.

Environmental Justice Collaborative Problem-Solving Cooperative Agreements Program

Community-based organizations (including tribal community organizations) may receive **EPA** funding to address their environmental and/or public health concerns via collaborative problem-solving with other stakeholders, such as state and local governments, industry, and nonprofit organizations. See: <http://www.epa.gov/environmentaljustice/grants/ej-cps-grants.html>.

Agriculture and Land Use

Environmental Quality Incentives Program (EQIP)

The **US Department of Agriculture's** Environmental Quality Incentives Program provides financial and technical assistance to agricultural producers to help plan and implement conservation practices on agricultural land and non-industrial private forestland. See: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/eqip>.

EQIP: Conservation Innovation Grants (CIG)

Through CIG, the **US Department of Agriculture's** Natural Resources Conservation Service stimulates the development and adoption of innovative conservation approaches and technologies, in conjunction with agricultural production. For more information, see: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/cig>.

EQIP: Organic Initiative

Agricultural producers that are certified organic, transitioning to organic production, or that sell less than \$5000 of organic products annually may receive financial assistance from the **US Department of Agriculture's** Organic Initiative to further conservation practices or other elements of their Organic System Plan (OSP).

Conservation Stewardship Program (CSP)

Through CSP, the **US Department of Agriculture's** Natural Resources Conservation Service provides financial and technical assistance to agricultural producers to conserve and enhance soil, water, air, and natural resources on their land. For more information, see: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/csp>.

Wildlife Habitat Incentive Program (WHIP)

The **US Department of Agriculture's** WHIP program provides technical assistance and up to 75% cost-share assistance to landowners who want to develop and improve fish and wildlife habitat on:

- d) Agricultural land;
- e) Non-industrial private forest land; or
- f) Tribal lands.

For more information, see:

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/whip>.

People's Garden Grant Program (PGGP)

The **US Department of Agriculture's** People's Garden Grant Program (PPGP) facilitates the creation of produce, recreation, and/or wildlife gardens in urban and rural areas which provide opportunities for science-based informal education. For more information, see: <http://www.nifa.usda.gov/fo/peoplesgardengrantprogram.cfm>.

Wilderness and Species Restoration

Landscape Conservation Stewardship Program

The Landscape Stewardship Program is a new initiative from the **National Fish and Wildlife Foundation**, designed to help create and build successful, community-based partnerships that further the conservation of species and natural resources in distinct landscapes. See: http://www.nfwf.org/AM/Template.cfm?Section=Charter_Programs_List&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=60&ContentID=25300.

Community Forest Program

The **US Forest Service's** Community Forest Program provides financial assistance to establish community forests that provide continuing and accessible community benefits. Federally-

recognized tribes (including Alaska Native villages) are eligible, and a 1:1 match is required. See: <http://www.fs.fed.us/spf/coop/programs/loa/cfp.shtml>.

Species Recovery Grants to Tribes

This **National Oceanic and Atmospheric Administration** grant supports the conservation of threatened and endangered species – as well as species that are candidates or proposed for listing – and the monitoring of species that are recovered and de-listed. Funded activities may include the development and implementation of management plans, scientific research, and public education and outreach. See: <http://www.nmfs.noaa.gov/pr/conservation/tribes.htm>.

Tribal Wildlife Grant Program

Tribal Wildlife Grants from the **Fish and Wildlife Service** are used to provide technical and financial assistance to tribes for the development and implementation of programs that benefit fish and wildlife resources and their habitat. This may include wildlife and habitat conservation planning, research, mapping, monitoring, management, and actions; matches are encouraged but not required. See: <http://www.fws.gov/nativeamerican/grants.html>.

National Forest Foundation Matching Awards Programs

Tribes are eligible to receive funds from the **National Forest Foundation** for on-the-ground and citizen-based monitoring projects benefiting wildlife habitat, recreation, watershed health, and community-based forestry. For more information, see: <http://www.nationalforests.org/consERVE/grantprograms/ontheground/map/application>.

Environmental Health

Research to Action: Assessing and Addressing Community Exposures to Environmental Contaminants

This **National Institutes of Health** grant supports:

- a) The use of community-engaged research methods to investigate community environmental exposures, and the potential health risks therefrom;
- b) The implementation of an environmental public health action plan based on these research findings.

The overall goal is to prevent or reduce harmful environmental exposures and to improve community health; see: <http://grants.nih.gov/grants/guide/pa-files/PA-12-153.html>.

Education

Environmental Education Grants

The **EPA's** environmental education grants provide seed money to support environmental education projects that increase the public's awareness about environmental issues and provide them with the skills to take responsible actions to protect the environment. Tribal schools, community colleges, and nonprofit organizations may apply, and matching funds (25%) are required. For more information, see: <http://www.epa.gov/education/grants/index.html> or <http://yosemite.epa.gov/R10/extaff.nsf/environmental+education/education>.