

**IMPLEMENTATION STRATEGY FOR INDIAN COUNTRY
U.S. EPA REGION 5
Fiscal Year 2006**

Introduction

The U.S. Environmental Protection Agency (EPA) has the responsibility for managing federal environmental programs for Indian Country, unless and until tribes have assumed regulatory and program management authorities. As set forth in EPA's 1984 Indian Policy, the Agency will assist interested tribal governments in assuming regulatory and program management responsibilities for those programs that have delegable responsibilities. EPA recognizes that because it will take time and resources for tribes to assume regulatory responsibilities, there will be a period of time during which EPA is primarily responsible for managing federal environmental programs for Indian Country. For those regulatory and program management responsibilities that cannot be assumed by tribal governments, the Agency will continue to ensure implementation on every reservation.

In carrying out its responsibilities for Indian Country, EPA's fundamental objective is to protect human health and the environment. EPA recognizes tribal governments as sovereign entities with primary authority and responsibility for reservation populations. EPA's Indian Policy recognizes the Agency's commitment to working with tribes on a government-to-government basis in making decisions to carry out program responsibilities in Indian Country. As with other responsibilities carried out by EPA, the Agency's program implementation efforts are constrained by the availability of resources and the limitations of federal statutory and regulatory authorities. Given resource constraints, EPA's program implementation efforts will focus on areas of greatest significance to the protection of human health and the environment.

The Region has some discretion in how it chooses to undertake program implementation. In some cases, the Region may assign Agency personnel to perform direct implementation activities. In other cases, it may be desirable to explore ways (for example, direct implementation tribal agreements) in which tribes can more actively assist the Region in performing these activities. In addition, tribes may assume or be delegated a number of federal regulatory and program authorities.

Implementation of the Clean Air Act (CAA)

- Designations** When the Agency issues a new or revised national ambient air quality standard (NAAQS), EPA has the responsibility to designate geographic areas as nonattainment (area does not meet the standard) or attainment/unclassifiable (area meets the standard or area cannot be classified on the basis of available information).

Region 5 Division:	Air and Radiation
Universe:	35 tribes/reservations
Option(s):	Designation by the Agency in the Federal Register
Preferred Option:	Designation by the Agency in consultation with the tribes
Resource Costs:	1.0 FTE; \$10,000 in travel

Schedule: Currently, all necessary designations have been issued for Region 5 Indian Country.

Tribal Assumption

Possible?: No

2. Federal Implementation Plans (FIPs) **FIPs are a collection of regulations (including emission limits, monitoring requirements, enforcement programs) that will be used to achieve and maintain NAAQS. EPA has developed NAAQS for carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. Region 5 Indian Country is in attainment for all NAAQS with the possible exception of the revised 8-hour ozone standard and the revised 2.5 micron particulate matter standard. For a reservation that is not in attainment for the new standards, has major sources, and the tribe is not interested in developing a tribal implementation plan (TIP), a FIP may need to be developed.**

Region 5 Division: Air and Radiation

Universe: Nonattainment for 8-hour ozone: Grand Traverse Band, Gun Lake, Nottawaseppi Huron Band, Pokagon Band

Nonattainment for PM 2.5: Pokagon Band

Option(s): (1) FIP developed by Agency
(2) In accordance with a DITCA, tribal staff

develops a FIP

Preferred Option: Agency develops FIP

Resource Costs: 1.0 FTE; \$3,000 in travel

Schedule: For those reservations in nonattainment areas, ARD will determine if a FIP is necessary, reasonable, and functional for achieving and maintaining NAAQS within a reservation.

(1) ARD is participating in a national work group that will facilitate tribal participation in State Implementation Plan (SIP) development. To achieve this end, EPA is providing workshops on *Improving Air Quality in Indian Country through the State Implementation Plan Process* for tribal professionals. The course covers how SIPs are developed and how to improve air quality in Indian Country by working with States. Two workshops have been held to date and the next one is scheduled for Boston in Spring 2006. For those tribes in nonattainment areas whose poor air quality is predominately due to transport, participation in SIP development processes is likely a more practical option for ensuring emissions reductions near the reservation.

(2) In FY 2006, ARD will discuss transport effects in Region 5 Indian Country with Illinois and Indiana during development of relevant SIPs.

(3) By September 2007, ARD will jointly evaluate with the effected tribes the need for developing specific FIPs in light of local sources, hotspots, and progress with Illinois and Indiana SIPs.

Tribal Assumption

Possible?: Yes

3. **Permitting Where tribes have not assumed permitting authority, EPA has the responsibility to issue prevention of significant deterioration (PSD) construction permits for new major facilities and major modifications to existing major facilities. After construction is complete, operating permits (also known as Part 71 permits) are required for facilities that are classified as “major” or meet other criteria. Major sources are those that emit, or have the potential to emit on an annual basis at least 250 tons of any air pollutant or 10 tons of a hazardous air pollutant. The permits specify what requirements apply to the facility and what actions the facility must take to comply with those requirements. Currently, the Agency does not have statutory authority to issue construction and operating permits for “minor” sources.**

Region 5 Division: Air and Radiation
 Universe: Fond du Lac – Great Lakes Natural Gas
 Lac du Flambeau – JM Products Inc. (proposed sand/gravel operation)
 Leech Lake – Great Lakes Natural Gas
 Menominee – (MTE sawmill and casino generators)
 Mille Lacs – Grand Casino Hinckley, Grand
 Casino Mille Lacs
 Prairie Island – Treasure Island Casino
 Shakopee – diesel generator sets
 Option(s): (1) Agency develops/issues PSD and Part 71 permits
 (2) In accordance with a DITCA, tribal staff drafts PSD and Part 71 permits for issuance by the Agency
 Preferred Option: Agency develops/issues permits
 Resource Costs: 1.5 FTE; \$8,000 in travel
Schedule: Lac du Flambeau – PSD permit application withdrawn in FY’05 and APS is preparing new permitting applicability determination
 Menominee – ARD is conducting site visit January 2006 regarding sawmill and casino generator permits
 Prairie Island – Treasure Island Casino PSD construction permit issued and Title V-Part 71 operating permit application received
 Shakopee – ARD discussing PSD construction permits and Title V-part 71 operating permits with tribe and examining feasibility of utilizing 1995 PTE exemption policy for emergency generator at the new wastewater treatment plant

Tribal Assumption

Possible?: Yes

4. **Inspections/Compliance Assistance/Enforcement Where tribes have not assumed enforcement authority, inspections will be conducted to determine if specific major facilities/sites are meeting CAA requirements. Based on the inspections, appropriate enforcement action will be taken on sources with applicable requirements.**

Region 5 Division: Air and Radiation

Universe: 35 reservations
 Option(s): (1) Agency conducts inspections/takes appropriate enforcement action
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to EPA for appropriate enforcement action
 (3) Inspections carried out by authorized representative and information is forwarded to EPA for appropriate enforcement action
 Preferred Option: Agency conducts inspections/takes appropriate enforcement action
 Resource Costs: 0.2 FTE; \$3,000 in travel
Schedule: On-going as needed. Based on tips/complaints and observance of the terms and conditions of the facility operating permits.

Tribal Assumption

Possible?: Yes

5. National Emission Standards for Hazardous Air Pollutants, Standard for Demolition and Renovation **Under Section 114 of the CAA, owners and operators of a demolition or renovation activity, as listed in 40 CFR 61.145, must: (1) thoroughly inspect the affected facility for the presence of asbestos prior to the commencement of the demolition or renovation operation; (2) submit to the Agency a Notification of Demolition and Renovation prior to the commencement of the demolition or renovation operation; and (3) comply with all applicable procedures for asbestos emission control. The Agency has the responsibility to verify compliance with the inspection, notification, and removal activities.**

Region 5 Division: ARD
 Universe: 35 reservations
 Option(s): (1) Agency conducts inspections/takes appropriate enforcement action
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to EPA for appropriate enforcement action
 (3) Inspections carried out by authorized representative and information is forwarded to EPA for appropriate enforcement action
 Preferred Option: Agency conducts inspections/takes appropriate enforcement action
 Resource Costs: 0.2 FTE; \$3,000 in travel
Schedule: On-going, as needed

Tribal Assumption

Possible?: Yes

6. Section 112(r) – Risk Management Planning **Under Section 112(r) of the CAA, owners and operators of a stationary source with more than a threshold quantity of a regulated substance, as listed in 40 CFR 68.130, must submit to the Agency risk management plans (RMPs) which outline risks posed to the surrounding community and measures in place to mitigate those risks and/or respond to emergencies at the facility. The Agency has the responsibility to verify that the RMPs contain the necessary components and are adequate.**

Region 5 Division: Superfund
Universe: Facilities in Indian Country that are required to report (presently unknown nationwide)
Option(s): (1) Agency reviews plans and takes appropriate enforcement action
(2) In accordance with a DITCA, tribal staff review plans and forward information to the Agency for appropriate enforcement action
(3) Reviews are carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action
Preferred Option: Agency reviews plans and takes appropriate enforcement action
Resource Costs: No additional costs, addressed as part of normal workload
Schedule: For any facilities identified in Indian Country to be noncompliers under Section 112(r), the Agency will outline to the tribe steps it will take to seek compliance by those facilities.

Tribal Assumption

Possible?: Yes

Implementation of the Clean Water Act (CWA)

7. Water Quality Standards **Water quality standards (WQS) are provisions of law that: (1) specifically designate the uses of surface waters; (2) establish the water quality criteria that are necessary to protect designated uses; and (3) establish an antidegradation policy and implementation procedures for maintaining and protecting existing water quality. After EPA approval of tribal standards, or promulgation of federal tribal standards, they are used in conjunction with monitoring data to assess water quality, and they form a basis for WQS program implementation actions (e.g. 401 certifications, development of water quality-based effluent limitations for NPDES permits, TMDLs, etc.).**

Region 5 Division: Water
Universe: 32 reservations/tribes (where tribes do not have program eligibility for CWA Section 303 and approved WQS)
Option(s): (1) Promulgation of federal WQS for all tribes through EPA's rulemaking process

(2) Region 5 consults with, and provides assistance to tribes on implementation actions

Preferred Option: Until tribal or federal WQS are fully in place, Region 5 will ensure water quality within tribal boundaries is protected. Region 5 will consult with the tribes on implementation actions related to any future promulgated federal WQS.

Resource Costs: 0.2 staff FTE to work with EPA HQ on possible promulgation of federal WQS; 0.5 staff FTE for WQS implementation actions

Schedule: (1) In FY'06, WD will target resources to work with the following tribes to develop federally-approved WQS:

Keweenaw Bay Indian Community, Lac du Flambeau, Red Lake

(2) In FY'06, the WD will explore the feasibility of developing and promulgating federal WQS for Indian Country in Region 5 not currently covered by federally-approved WQS

Tribal Assumption

Possible?: Yes, under CWA Section 518

8. Permitting Under Section 402 of the CWA, facilities which discharge to surface waters must obtain NPDES permit coverage. Permits specify effluent limitations, facility operational requirements, and monitoring and reporting requirements.

Region 5 Division: Water

Universe: 50 NPDES permittees currently identified

Option(s): (1) Agency develops and issues permit
(2) Agency issues general permits for categories of discharges where pollution risks are relatively lower, and discharge characteristics are very similar from site to site

(3) In accordance with a DITCA, tribal staff draft permit language to assist Region 5 with development of NPDES permits.

Preferred Option: Region 5 will continue to refine the inventory of active NPDES dischargers located in Indian Country. Region 5 will public notice and issue permits for new dischargers and re-issue expired/expiring permits in Indian Country, with priority emphasis on new permits, permits for relatively larger facilities, and other facilities that have relatively more significant potential environmental impacts. Region 5 will allocate staff resources to effectively respond to jurisdictional issues/permit appeals related to NPDES permits in Indian Country. Region 5 will assess based on facility inventories if efficiencies could be gained through issuance of general permits for certain categories of discharges where potential environmental impacts are not to be expected to be severe. Region 5 will work with interested tribes to explore feasibility of DITCAs covering work to assist with NPDES permit issuances.

Resource Costs: 0.75 staff FTE

Schedule: On-going

Tribal Assumption

Possible?: Yes, under CWA Section 518. Tribal organization implementing the program would need to be fully independent of organizations operating permitted facilities.

9. **Permitting for Storm-water Discharges** **The CWA requires NPDES permits for storm water discharges associated with industrial activity. The Phase I Rule regulates discharges from municipal separate storm-sewer systems with populations of at least 100,000 and 11 categories of industrial activity, including construction sites that disturb 5 or more acres. The Phase II Rule covers storm water discharges from smaller municipal separate storm-sewer systems and discharges from construction sites between 1-5 acres. The Agency has promulgated a general permit for storm water discharges from construction sites/activities in Indian Country in Michigan, Minnesota, and Wisconsin.**

Region 5 Division: Water
Universe: 35 tribes/reservations
Option(s): (1) Agency develops and issues individual permits
(2) Agency assesses if general permits may be warranted for other categories of industrial activity
Preferred Option: Region 5 will assess if a general permit may be appropriate for other categories of storm water discharges, and will issue individual (site-specific) permits for storm water discharges from industrial sites or activities where it is not suitable to provide coverage under a general permit.
Resource Costs: 0.75 staff FTE
Schedule: On-going

Tribal Assumption

Possible?: Yes, under CWA Section 518. Tribal organization implementing the program would need to be fully independent of tribal organizations operating permitted facilities.

10. **Compliance Assistance/Inspections/Enforcement for NPDES Permits** **Agency reviews discharge monitoring reports (DMRs) from permittees. Inspections can be carried out to verify that NPDES requirements are met. Based on the compliance tracking and inspection findings, enforcement actions will be initiated, as appropriate.**

Region 5 Division: Water
Universe: 50 NPDES permittees currently identified
Option(s): (1) Agency conducts inspections of permitted facilities/discharges
(2) Agency conducts inspections of construction sites to ensure compliance with general permits
(3) Region 5 supports Circuit Rider program, to provide compliance assistance to tribal utilities subject to NPDES permit requirements

(4) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate follow-up action

(5)
Agency receives DMRs for facilities with EPA permits, enters data into the permit compliance system, and checks reports for significant violations.

Preferred Option:

Region 5 will conduct inspections of permitted facilities, including construction sites, and will work with tribes to have tribal staff obtain inspector credentials, where appropriate, and deploy tribal inspectors to assist with inspection activities, as feasible. Region 5 will initiate enforcement actions, as warranted based on noncompliance with permit requirements and inspection findings. Inspections and enforcement actions will be prioritized based on: known water quality impacts; potential significant water quality impacts; recalcitrance of violators; size of dischargers and pollutants in the discharge; failure to monitor and report. Region 5 will continue to support the Circuit Rider program, to provide compliance assistance to tribal utilities subject to NPDES permit requirements.

Resource Costs: 2.0 staff FTE, plus funding for Circuit Rider program

Schedule: On-going. In FY'06, the WD will work with Fond du Lac, Keweenaw Bay Indian Community, and Mille Lacs to issue federal inspector credentials to tribal staff under the NPDES stormwater construction permit program.

Tribal Assumption

Possible?: Yes, under CWA Section 518. Tribal organization implementing the program would need to be fully independent of organizations operating permitted facilities.

11. **Water Quality Certification Under Section 401 of the CWA, an applicant for a federal license/permit to conduct an activity which may result in a discharge into navigable waters must obtain certification that such discharge will not violate “applicable” WQS (“applicable” is referred to in the Alaska Rule as those WQS approved by EPA). Three tribes in Region 5 have EPA-approved WQS, but only one of those tribes has formal Section 401 certification procedures adopted into tribal law. EPA will provide assistance to the tribe that does not yet have formal Section 401 certification procedures adopted into tribal law.**

Region 5 Division: Water

Universe: Fond du Lac

Option(s): EPA provides Section 401 certification assistance to the tribe, or conducts actual Section 401 certifications on behalf of the tribe

Preferred Option: Agency continues to assist the tribe in finalizing their Section 401 certification procedures and adopting them into tribal

law. After procedures are adopted, the tribe can then assume full authority and begin conducting their Section 401 certification program.

Resource Costs: Resource needs covered under WQS implementation and 404 permitting

Schedule: On-going, as projects become known

Tribal Assumption

Possible: Yes, under CWA Section 518. Tribes must have CWA Section 303 program eligibility and approved WQS.

12. Dredge and Fill Permitting **Under Section 404 of the CWA, a permit is required for the discharge of dredged or fill material into navigable waters, including wetlands. For tribes that have not assumed Section 404 of the CWA, the Army Corps of Engineers is the federal permitting authority. EPA is responsible for reviewing and providing comments on the proposed Section 404 permits.**

Region 5 Division: Water

Universe: 35 tribes/reservations

Option(s): Region 5 conducts reviews and provides input to ACOE permit actions, as projects become known

Preferred Option: Region 5 will conduct reviews and provide input to permit actions, as projects become known. Region 5 will communicate with the tribe regarding reviews of proposed Section 404 permits.

Resource Costs: 0.1 staff FTE

Schedule: On-going, as projects are proposed. In FY'06, the WD will communicate with the ACOE Detroit District office to ensure that the ACOE is implementing the federal permitting program on fee lands within Indian Country.

Tribal Assumption

Possible?: Yes, under CWA Section 518. Tribal organization implementing the program would need to be fully independent of organizations seeking or operating under Section 404 permits.

13. Inspections/Compliance Assistance/Enforcement for Wetlands **EPA and the U.S. Army Corps of Engineers are responsible for ensuring that Section 404 permits are obtained, where required, and that permit terms and conditions are complied with. Inspections can be carried out to verify that applicable requirements have been met.**

Region 5 Division: Water

Universe: 35 tribes/reservations

Option(s): (1) Agency and/or ACOE conducts inspections and initiate enforcement (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to the Agency for appropriate follow-up action

Preferred Option: Region 5 will plan inspections in consultation with the ACOE, taking into account potential environmental impacts and tribal or public comments/observations regarding dredging or filling activities. Based on compliance monitoring and inspection findings, enforcement actions will be initiated for significant instances of noncompliance. Region 5 will work with interested tribes to explore the feasibility of using DITCAs to assist with Section 404-related inspection activities.

Resource Costs: 0.1 staff FTE

Schedule: On-going, as needed

Tribal Assumption

Possible?: Yes, under CWA Section 518. Tribal organization implementing the program would need to be fully independent or organizations seeking or operating under Section 404 permits.

14. Oil Spill Response **Under Section 311 of the CWA, the Agency is required to evaluate the need for and oversee any response to releases into navigable waters of petroleum products that pose a threat to human health and the environment. The Agency may also pursue compliance assistance or enforcement actions in follow-up to a report of a release where response has been completed.**

Region 5 Division: Superfund

Universe: Saginaw Chippewa Tribe – Central Asphalt Spill/Chippewa River

Option(s): Agency staff respond

Preferred Option: Agency response

Resource Costs: Resource needs determined as an event occurs

Schedule: Respond as event occurs. In FY'06, SFD will conduct an inspection of the spill site at Central Asphalt.

Tribal Assumption

Possible?: No

15. Inspections/Compliance Assistance/Enforcement – Oil Storage Facilities **Under Section 311 of the Clean Water Act, above ground oil storage facilities must prepare a spill prevention, control and counter-measures (SPCC) plan. The Agency has the responsibility to verify that the plans contain the necessary components and are adequate.**

Region 5 Division: Superfund

Universe: Regulated above ground facilities in Indian Country (presently unknown nationwide). Including: Keweenaw Bay Indian Community – Northern Oil Leech Lake – J&L Oil Bulk Plant

Option(s): (1) Agency conducts inspections/takes appropriate enforcement action
 (2) Inspections carried out by authorized representatives and information is forwarded to the Agency for appropriate enforcement action
 Preferred Option: Agency conducts inspections
 Resource Costs: No additional costs, addressed as part of normal workload
 Schedule: The Agency will include facilities located in Indian Country in any sector-based efforts to identify non-compliers.
 Tribal Assumption
 Possible?: No

Implementation of the Comprehensive Environmental Response, Compensation and Liability Act

16. CERCLIS Database **The Agency maintains the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), an inventory of locations where hazardous wastes are suspected to have been released. With every action taken at a particular site CERCLIS is updated to reflect current site status. CERCLIS is available on-line at www.epa.gov/superfund/sites/siteinfo.htm.**

Region 5 Division: Superfund
 Universe: 35 tribes/reservations
 Option(s): Agency maintains database
 Preferred Option: Agency maintains database
 Resource Costs: No additional costs, addressed as part of normal workload
 Schedule: On-going
 Tribal Assumption
 Possible?: No

17. Emergency Response/Removals **When notified of a release of hazardous substances to the environment, EPA will coordinate an immediate or short-term response to clean-up and/or contain the hazardous substances.**

Region 5 Division: Superfund
 Universe: Keweenaw Bay Indian Community – Quincy Smelter
 Leech Lake – St. Regis Paper Company Site
 Little Traverse Bay Bands – Little Traverse Bay CKD Release Site
 Option(s): Agency response
 Preferred Option: Agency response
 Resource Costs: Resource needs determined as an event occurs
 Schedule: Respond as event occurs
 Tribal Assumption
 Possible?: No

18. **Site Remediation** The most serious hazardous waste sites are placed on the National Priority List (NPL) and cleaned up using a “worst sites first” priority system. The Agency will coordinate the process to clean-up the NPL sites identified within or adjacent to Region 5 Indian Country. After clean-up measures are in place or clean-up is completed, the sites are monitored either on an on-going basis (if long-term clean-up measures are in place) or at statutorily required five-year intervals. This monitoring is done to assure that the remedy in place continues to be protective of human health and the environment. Sites marked below with an (*) are in the monitoring phase.

Region 5 Division: Superfund
 Universe: Bad River, Red Cliff – Ashland/NSP Lakefront Site
 Bay Mills – Cannelton*
 Fond du Lac – St. Louis River/U.S. Steel
 Grand Traverse – Tar Lake, Fox River
 Keweenaw Bay Indian Community – Torch Lake
 Leech Lake – St. Regis Paper Company
 Little River Band – Packaging Corporation of America*
 Match-E-Be-Nash-She-Wish – Allied Paper/Kalamazoo River
 Menominee – Fox River
 Oneida – Fox River
 Saginaw Chippewa – Velsicol
 Sault Ste. Marie – Cannelton*
 St. Croix – Pentawood*

Option(s): Agency assigns remedial program manager to coordinate clean-up
 Preferred Option: Agency response
 Resource Costs: Resource needs determined by nature of the site
 Schedule: On-going

Tribal Assumption
 Possible?: No

19. **Inspections/Compliance Assistance/Enforcement – Emergency Planning and Community Right-to-Know Act (EPCRA)** Under SARA Title III amendments to CERCLA, any facility that produces, uses, or stores particular chemicals in a quantity greater than the threshold planning quantities must meet certain emergency reporting requirements. Reports are to be submitted to the tribal emergency response commission (TERC) or the formal EPCRA organization (including local emergency response commission) selected by the tribe, and the local fire department. If these reports have not been submitted, EPA can take enforcement actions. SARA Title III also sets forth requirements for creation of such response commissions and places obligations on the TERC for emergency planning and exercising those plans. An administrative law judge decision in EPA Region 3 indicates that the latter steps need to be in place in order for enforcement actions to be supported against a challenge in court.

Region 5 Division: Superfund

Universe: Facilities in Indian Country that are required to report (universe of regulated facilities in Region 5 unknown)

Option(s): (1) Agency conducts inspections/takes appropriate enforcement action against facilities on reservations where tribes have established TERCs or other formal EPCRA organizations and prepared plans

(2) Inspections carried out by authorized representative and information forwarded to the Agency for appropriate enforcement action. Agency takes enforcement actions against facilities on reservations where tribes have established TERCs or other formal EPCRA organizations and prepared plans.

Preferred Option: Agency conducts inspections

Resource Costs: No additional costs, addressed as part of normal workload

Schedule: (1) In FY'06, the SFD will contact each federally-recognized tribe to determine if they have joined an LEPC or formed a TERC.

(2) At the request of a tribe or in conjunction with sector-targeted enforcement initiatives, the Agency can conduct inspections of facilities for purposes of compliance assistance or, when an EPCRA organization and emergency plan is in place for the reservation, enforcement can be undertaken by the Agency

Tribal Assumption

Possible?: No

- 20. Inspections/Compliance Assistance/Enforcement Actions for EPCRA Section 313 An owner or operator of a regulated facility must report to EPA and the state, environmental releases, off-site transfers, and particular information required by the Pollution Prevention Act for specific toxic chemicals listed by statute/regulation that were manufactured, processed, or otherwise used in quantities exceeding an established threshold quantity during a calendar year. This information is stored in a database known as the Toxic Release Inventory. Such reports are to be filed by July 1st for the preceding calendar year. The Agency conducts inspections and issues enforcement actions to achieve compliance.**

Region 5 Division: Waste, Pesticides and Toxics

Universe: 35 tribes/reservations

Option(s): (1) Agency conducts inspections/takes appropriate enforcement action

(2) Inspections carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action

Preferred Option: Agency conducts inspections and takes appropriate enforcement action.

Resource Costs: No additional staff costs projected above normal workload

Schedule: As part of annual Region 5 neutral inspection targeting, the Agency will identify facilities as potential sites for inspection.

Tribal Assumption

Possible?: No

Implementation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)

- 21. Operate Certification Program Under FIFRA, applicators must be certified as competent to apply restricted use pesticides in accordance with national standards. Applicator training includes safe pesticide use, label comprehension, pesticide application equipment and techniques, environmental hazards, pesticide product information, and laws/regulations. For tribes that have not assumed federal programs and have not entered into agreements with a state, the Agency has the responsibility to assure that applicators of restricted use pesticides operating in Indian Country have the necessary training on pesticide use and integrated pest management, and are certified to apply restricted use pesticides.**

Region 5 Division: Waste, Pesticides and Toxics

Universe: 35 tribes/reservations

Option(s): (1) Agency operates certification program

(2)
 Agency enters into reciprocity agreements with states who are operating Certification Programs, to certify applicators who are applying restricted use pesticides in Indian Country

Preferred Option: Agency enters into reciprocity agreements with states who are operating Certification Programs, to certify applicators who are applying restricted use pesticides in Indian Country
 Resource Costs: 0.1 staff FTE; \$53,000 for cooperative agreements
 Schedule: (1) WPTD Pesticides Section (PS) will work with states of Michigan, Minnesota and Wisconsin to develop reciprocity agreements for federal certification with interested tribes
 (2) WPTD PS will conduct education and outreach to tribal environmental programs on FIFRA requirements

Tribal Assumption

Possible?: Yes

22. Enforce Establishment Compliance **Under FIFRA, pesticide products must be registered with EPA before they can be sold and distributed. Any establishment that produces a pesticide or pesticide active ingredient must be registered with EPA. FIFRA also imposes reporting and recordkeeping requirements on certain establishments. EPA conducts inspections at producing and retail establishments, and any other establishment that distributes pesticides, to ensure proper registration, labeling, formulation, reporting, and recordkeeping.**

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 33 tribes/reservations
 Option(s): (1) Agency conducts inspections/takes appropriate enforcement action
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to EPA for appropriate enforcement action
 (3) Inspections carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action
 Preferred Option: EPA conducts inspections and takes enforcement action. Agency will work with tribes interested in applying for DITCAs.
 Resource Costs: 0.3 staff FTE; \$53,000 for cooperative agreements
 Schedule: (1) On-going, based on tips and complaints initially. The Agency will develop a neutral inspection scheme based on information collected concerning establishments in Indian Country.
 (2) The WPTD PS will conduct education and outreach to tribal environmental programs on FIFRA requirements.

Tribal Assumption

Possible?: Yes

23. Enforce Pesticide Use Compliance **Under FIFRA, all registered pesticides have labels which include precautions, warnings and use directions. An applicator who does not fully comply with the label requirements is in violation of FIFRA. Product labels for pesticides registered for use on farms, forests, nurseries and greenhouses, will cite the requirement to follow the Worker Protection Standards (WPS). Agricultural establishments and commercial establishments who use such pesticide products must adhere to some or all of the use requirements under the WPS. The Agency is responsible for verifying that pesticides are being used in accordance with their labels, and if not, take appropriate enforcement action.**

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 35 tribes/reservations

Option(s): (1) Agency conducts inspections/takes appropriate enforcement action
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to EPA for appropriate enforcement action
 (3) Inspections carried out by authorized representative and information is forwarded to EPA for appropriate enforcement action
 Preferred Option: EPA will conduct inspections. Agency will work with tribes interested in applying for DITCAs.
 Resource Costs: 0.4 FTE; \$5,000 travel; \$80,000 in grants for cooperative agreements
 Schedule: On-going, based on tips and complaints initially. The Agency will develop a neutral inspection scheme based on information collected concerning agricultural activities in Indian Country.

Tribal Assumption

Possible?: Yes

24. Enforce Endangered Species Protection Program Under FIFRA, pesticide labels instruct users to comply with the limitations set forth in each county endangered species bulletin. EPA has the responsibility to assure that pesticide users comply with the stated label limitations.

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 33 tribes/reservations
 Option(s): Currently a voluntary program
 Resource Costs: Resource needs covered under pesticide use compliance above
 Schedule: The Agency will address this particular use restriction under item number 3 "Enforce Pesticide Use Compliance", at such time as the program is deemed enforceable by EPA Headquarters

Tribal Assumption

Possible?: To be determined

Implementation of the Resource Conservation and Recovery Act (RCRA)
 Subtitle C – Hazardous Waste

25. Reporting/Notification Under Sections 3002-3003 of RCRA, facilities that handle (generate, store, transport, etc.) hazardous wastes must notify EPA and receive a RCRA identification number. A waste is considered hazardous if it possesses at least one of four characteristics (ignitability, corrosivity, reactivity, or toxicity), or EPA has determined it is a "listed hazardous waste." EPA will maintain a database of hazardous waste handlers in Region 5 Indian Country.

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 35 tribes/reservations (150 generators known)
 Option(s): Agency maintains database
 Preferred Option: Agency maintains database
 Resource Costs: No additional resources needed, addressed as part of normal workload
 Schedule: (1) The WPTD RCRA Information Management Section develops and maintains the capability to issue RCRA ID numbers
 (2) The WPTD RCRA Information Management Section updates and verifies its inventory for the Saginaw Chippewa Reservation

Tribal Assumption

Possible?: No

26. Permitting Under Section 3005 of RCRA, facilities that treat, store, and/or dispose of hazardous waste must receive a federal operating permit. The permits specify applicable requirements and what actions the facility must take to comply with those requirements.

Region 5 Division: Waste, Pesticide and Toxics
 Universe: No known facilities in Region 5 Indian Country
 Option(s): Agency issues permits
 Preferred Option: Agency issues permits
 Resource Costs: 0.0 staff FTE
 Schedule: Agency response as facilities are identified

Tribal Assumption

Possible?: No

27. Inspections/Compliance Assistance/Enforcement Under Section 3007 of RCRA, inspections will be performed to verify that facilities are meeting RCRA requirements. Compliance assistance will be offered to help facilities maintain compliance. If required, appropriate enforcement action will be taken to ensure facilities are in compliance.

Region 5 Division: Waste, Pesticide and Toxics
 Universe: 35 tribes/reservations (150 handlers of hazardous waste)
 Option(s): (1) Agency conducts inspections/takes appropriate enforcement action
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to EPA for appropriate enforcement action
 (3) Inspections carried out by authorized representative and information is forwarded to EPA for appropriate enforcement action
 Preferred Option: EPA will conduct inspections. The Agency will work with tribes interested in applying for DITCAs.
 Resource Costs: 0.10 staff FTE; \$3,000 travel
 Schedule: 04 facilities are targeted annually for compliance assistance/inspections

Tribal Assumption

Possible?: No

Subtitle D – Solid Waste

28. Site Visits/Compliance Assistance/Enforcement **Site visits will be conducted to verify that construction/demolition landfills are in compliance with 40 CFR Part 257 and municipal solid waste landfills are in compliance with 40 CFR Part 258. Compliance assistance will be offered to help facilities maintain compliance. If possible, appropriate enforcement action will be explored to ensure facilities are in compliance.**

Region 5 Division: Waste, Pesticide and Toxics
 Universe: Municipal solid waste landfills – currently none
 Construction/demolition landfills – 6 tribally-operated [Bois Forte, Grand Portage, Keweenaw Bay, Lac du Flambeau (2), White Earth]
 Post-Closure Monitoring: Red Lake
 Option(s): (1) Agency conducts site visits/explores possible enforcement action
 (2) In accordance with a DITCA, tribal staff conduct site visits and/or compliance assistance and forward information to EPA
 (3) Site visits are contracted and information is forwarded to the EPA to explore enforcement action
 Preferred Option: EPA will conduct site visits and compliance assistance.
 Resource Costs: 1.0 staff FTE; \$4,000 travel; \$50,000 for Senior Environmental Employment Program
Schedule: (1) WPTD Solid Waste Section (SWS) will conduct site visits to verify C/D landfills are in compliance. On-going, on-site compliance assistance will be provided as necessary.
 (2) In FY'06, SWS will develop C/D debris landfill best management practices (BMP) guide. SWS will provide tribes with C/D landfill BMP guide when completed.
 (3) In FY'07, SWS will provide technical assistance on using C/D landfill BMP guide and develop training.
 (4) In FY'08-09, SWS will provide C/D landfill BMP training.

Tribal Assumption

Possible?: No

Subtitle I – Underground Storage Tanks (USTs)

29. Reporting/Notification **Under Section 9002 of RCRA, there are reporting requirements for the following occasions: at the time of UST installation, when a suspected release occurs, when corrective actions are taken, and when the UST is permanently closed. Section 9002 of RCRA explicitly states all tank notifications must be sent to the implementing state agency, however, Region 5 will maintain a UST database for Indian Country.**

Region 5 Division: Waste, Pesticide and Toxics
 Universe: 35 tribes/reservations
 386 operating tanks, 17 temporarily closed, 984 permanently closed
 Option(s): Agency maintains database
 Preferred Option: Agency maintains database
 Resource Costs: Resource needs included in inspection/compliance assistance work below
Schedule: Information updated and received as needed through tribal contacts, review of state databases, and federal inspections

Tribal Assumption

Possible?: No

30. Inspections/Compliance Assistance/Enforcement **Under Section 9005 of RCRA, facilities will be inspected to verify that USTs are in compliance with the federal requirements for operation and maintenance. EPA will offer compliance assistance to help facilities maintain compliance, and take appropriate enforcement actions to ensure facilities are in compliance.**

Region 5 Division: Waste, Pesticide and Toxics
 Universe: 386 operating tanks, 17 temporarily closed
 Option(s): (1) Agency conducts inspections/takes appropriate enforcement action
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials conduct inspections and/or compliance assistance and forward information to EPA for appropriate enforcement action
 (3) Inspections carried out by authorized representative and information is forwarded to the Agency for appropriate enforcement action
 Preferred Option: EPA will conduct inspections. The Agency will work with tribes interested in applying for DITCAs.
 Resource Costs: 1.1 staff FTE; \$50,000 in contracts (Senior Environmental Employment Program); \$4,200 in travel
Schedule: On-going, 40-60 USTs are targeted annually for inspections

Tribal Assumption

Possible?: No

31. Corrective Action Oversight **The Agency will provide oversight during the remediation of leaking underground storage tanks (LUSTs).**

Universe: 62 LUSTs
 Option(s): (1) Agency provides oversight
 (2) In accordance with a DITCA, tribal staff provide oversight
 Preferred Option: Agency will provide oversight.
 Resource Costs: Resource needs included in inspections/compliance assistance work above
Schedule: (1) In FY'06, WPTD UST/LUST Section will consult with tribal governments to prioritize sites currently in the LUST Database.
 (2) WPTD UST/LUST Section will review all current LUST sites undergoing remediation and evaluate the timeliness and appropriateness of the remediation. Where EPA determines remediation is not occurring in a timely fashion, it will consider assuming the lead for those sites.

Tribal Assumption

Possible?: No

Implementation of the Safe Drinking Water Act (SDWA)

32. Monitor Public Water Supplies **Under the SDWA, public water supplies are required to monitor drinking water in accordance with national standards, and meet maximum contaminant level (MCL) and treatment requirements. Monitoring reports are submitted to the Agency for compliance review, tracking, and input into the national database. The Region 5 goal is at least 90% of the tribal community water systems will be in full compliance with monitoring and reporting requirements.**

Region 5 Division: Water
Universe: 114 tribal public water systems
Number of non-tribally owned public water systems not yet identified
Option(s): (1) Agency tracks and reports compliance
(2) Region 5 supports Circuit Rider program, to provide compliance assistance to tribal utilities subject to PWSS monitoring requirements
Preferred Option: Agency tracks and reports compliance. Circuit Riders provide technical assistance to regulated entities related to monitoring requirements and monitoring activities.
Resource Costs: 6.3 staff FTE; \$400,000 annually for Circuit Rider program; 2.5 FTE in Senior Environmental Employment Program
Schedule: Information received and database updated on an on-going basis
Tribal Assumption
Possible?: Yes. There is a two-phased process: program eligibility pursuant to SDWA Section 1451 and program primacy. Tribal organization implementing the program would need to be fully independent of organization operating the tribal public water supply system(s).

33. Enforce Public Water Supply Requirements **Instances of noncompliance with monitoring, MCL, or reporting requirements will be followed-up on, and enforcement actions will be initiated, as appropriate. The national EPA goal is at least 95% of the population served by tribal community water systems will be provided drinking water that meets all EPA health-based standards.**

Region 5 Division: Water
Universe: 114 tribal public water systems
Number of non-tribally owned public water systems not yet identified
Option(s): (1) Agency conducts follow-up with compliance assistance and, as appropriate, enforcement actions
(2) Region 5 supports Circuit Rider program, to provide compliance assistance to tribal public water systems
Preferred Option: Agency conducts follow-up with compliance assistance and, as appropriate, enforcement actions. Decision-making regarding compliance and/or enforcement actions will be based on compliance tracking data, input from Circuit Riders, input from tribal environmental staff, and potential public health impacts. Region 5 will continue to support the Circuit Rider program, to provide compliance assistance to tribal public water systems.
Resource Costs: Resource needs covered under monitoring public water systems above
Schedule: On-going, as needed
Tribal Assumption
Possible?: Yes. There is a two-phased process: program eligibility pursuant to SDWA Section 1451 and program primacy. Tribal organization implementing the program would need to be fully independent of organization operating the tribal public water supply system(s).

34. Regulation of Underground Injection Wells **Under SDWA, EPA has established national requirements for proper operation and in some cases closure of underground injection control (UIC) wells. UIC wells are either authorized by rule or in some instances, such as for most deep wells, authorized by permit. To date all shallow Class V wells in Region 5 have been authorized by rule (assuming the owner/operators have submitted inventory information to EPA). The Agency is responsible for permit actions for UIC wells in Indian Country for which permits are required.**

Region 5 Division: Water
Universe: Class I wells – none identified in Indian Country
Class II wells – 12 (Saginaw Chippewa reservation)
Class III wells – none identified in Indian Country
Deep Class V (spent-brine return flow)wells – none identified in Indian Country
Shallow Class V wells – 597 (Number of wells identified to date. The inventory for shallow Class V wells is growing as inventory development efforts accelerate.)
Option(s): Agency assesses environmental impacts and compliance with standards, and takes UIC permit action (issuance or denial)
Preferred Option: Agency assesses environmental impacts and compliance with standards, and takes UIC permit action (issuance or denial)
Resource Costs: 1.5 staff FTE; 2 FTE interns (tribal college)
Schedule: On-going
Tribal Assumption
Possible?: Yes. There is a two-phased process: program eligibility pursuant to SDWA Section 1451 and program primacy. Tribal organization implementing the program would need to be fully independent of organizations operating UIC wells.

35. Inspection/Compliance Assistance/Enforcement of UIC Requirements **Under the SDWA, the Agency has established national requirements for proper operation and closure of UIC wells. The Agency has the responsibility to assure that all regulated UIC wells are in compliance.**

Region 5 Division: Water
Universe: Class I wells – none identified in Indian Country
Class II wells – 12 (Saginaw Chippewa reservation)
Class III wells – none identified in Indian Country

Deep Class V (spent-brine return flow) wells – none identified in Indian Country
 Shallow Class V wells – 597 identified to date
 Option(s): (1) Region 5 conducts inspections/takes appropriate enforcement action
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials
 conduct inspections and/or compliance assistance and forward information to EPA for appropriate enforcement action
 Preferred Option: EPA will conduct inspections and initiate enforcement action, as appropriate. Region 5 will work
 with interested tribes to explore the feasibility of DITCAs for facility inspections.
 Resource Costs: Resource needs covered under permitting/regulation of UIC wells above
Schedule: EPA will continue to build the Class V inventory for Region 5 Indian Country, and will undertake
 investigations/follow-up for wells suspected of adversely impacting groundwater
 Tribal Assumption
 Possible?: Yes. There is a two-phased process: program eligibility pursuant to SDWA Section 1451 and
 program primacy. Tribal organization implementing the program would need to be fully independent of organizations
 operating UIC wells.

Implementation of the Toxic Substances Control Act (TSCA)
 Lead-Based Paint Requirements

36. Inspections/Compliance Assistance/Enforcement Actions – Section 1018 **Section 1018 of TSCA requires disclosure of information concerning lead-based paint and lead-based paint hazards before the sale or lease of target housing built before 1978. The Agency has the responsibility to ensure that proper disclosure is occurring on each reservation.**

Region 5 Division: Waste, Pesticide and Toxics
 Universe: 35 tribes/reservations
 Option(s): (1) Agency conducts inspections/takes appropriate enforcement action
 (2) Inspections carried out by authorized representative and information forwarded
 to the Agency for appropriate enforcement action
 Preferred Option: Agency conducts inspections/takes appropriate enforcement action
 Resource Costs: 0.3 staff FTE; \$3,000 travel
Schedule: On-going, inspections based on tips, complaints, other cause for concerns
 Tribal Assumption
 Possible?: No

37. Operate Training/Accreditation/Certification Program – Section 402 **Section 402 of TSCA requires accreditation of lead-based paint training programs, certification of individuals and firms engaged in lead-based paint activities, and work practice standards for performing such activities. The Agency has the responsibility to ensure that individuals and firms performing lead-based paint activities (inspections, risk assessments and abatement) in Indian Country have the necessary training and certification.**

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 33 tribes/reservations
 Option(s): (1) Agency operates a training/accreditation/certification program and conducts inspections/takes
 appropriate enforcement action.
 (2) Agency operates a training/accreditation/certification program. In accordance
 with a DITCA, tribal staff who have obtained inspector credentials conduct inspections/compliance assistance and forward
 information to EPA for appropriate enforcement action.
 (3) Agency operates a training/accreditation/certification program. Inspections
 carried out by authorized representative and information is forwarded to EPA for appropriate enforcement action.
 Preferred Option: Agency operates a training/accreditation/certification program and conducts inspections, as
 needed. Agency will work with tribes interested in applying for DITCAs to conduct inspections.
 Resource Costs: 0.1 staff FTE; \$2,000 travel
Schedule: On-going. Agency will accredit and certify training providers, firms and individuals performing
 lead-based paint activities in Indian Country on demand. Conducts inspections/investigations based on tips and complaints.
 Tribal Assumption
 Possible?: Yes

38. Inspections/Compliance Assistance/Enforcement Action – Section 406(b) **Section 406(b) of TSCA requires that compensated renovators distribute information on lead-based paint and lead-based paint hazards to owners and occupants of most pre-1978 residential housing before beginning renovations. The Agency has the responsibility to ensure that the required information is distributed prior to renovation in Indian Country.**

Region 5 Division: Waste, Pesticide and Toxics
 Universe: 35 tribes/reservations
 Option(s): (1) Agency conducts inspections/takes appropriate enforcement action
 (2) In accordance with a DITCA, tribal staff who have obtained inspector credentials
 conduct inspections and/or compliance assistance and forward information to EPA for appropriate enforcement action
 (3) Inspections carried out by authorized representative and information is forwarded
 to EPA for appropriate enforcement action
 Preferred Option: EPA will conduct outreach/education activities and provide compliance assistance to the regulated
 community. The Agency will conduct inspections/investigations based on tips/complaints. EPA will work with tribes
 interested in applying for DITCAs.
 Resource Costs: \$1,000 travel, no additional staff cost is projected above normal workload
Schedule: On-going, respond to tips and complaints
 Tribal Assumption
 Possible?: Yes

39. Inspections/Compliance Assistance/Enforcement Actions – AHERA **The Asbestos Hazard Emergency Response Act requires schools to be inspected for asbestos-containing building materials, to develop management plans, and implement response actions in K-12 schools. The statute also requires other persons to comply with the requirements of AHERA or any rule or order issued under AHERA. The Agency is responsible for overseeing compliance with AHERA and for providing outreach and technical assistance.**

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 35 tribes/reservations
 Option(s): Agency conducts inspections and takes appropriate enforcement action
 Preferred Option: EPA will conduct inspections and take appropriate enforcement action
 Resource Costs: No additional costs projected above normal workload
Schedule: On-going, based on tips/complaints
 Tribal Assumption
 Possible?: No

40. Inspections/Compliance Assistance/Enforcement Actions – MAP **The Model Accreditation Plan requires mandatory training and accreditation for all persons who inspect for and who design and conduct response actions regarding asbestos-containing building materials in school, public, and commercial buildings. The training includes how to properly identify asbestos, as well as, the proper techniques and procedures to prevent releases of asbestos. Training and accreditation can be obtained through the following sources: EPA-approved tribal accreditation program, EPA-approved state accreditation program, EPA-approved accreditation program administered by private companies.**

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 35 tribes/reservations
 Option(s): EPA conducts inspections and takes appropriate enforcement action
 Preferred Option: EPA will conduct inspections
 Resource Costs: No additional costs projected above normal workload
Schedule: On-going, inspections based on tips/complaints
 Tribal Assumption
 Possible?: No

TSCA Section 6 – Polychlorinated Biphenyls (PCBs)

41. Inspections/Compliance Assistance/ Enforcement Actions **TSCA regulations include a ban on the manufacture, processing, and distribution in commerce of PCBs, as well as, requirements for proper use, storage, disposal, recordkeeping, and marking. The Agency conducts inspections to ensure compliance with these regulations.**

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 35 tribes/reservations
 Option(s): Agency conducts inspections and takes appropriate enforcement action
 Preferred Option: Agency conducts inspections and takes appropriate enforcement action
 Resource Costs: No additional costs projected above normal workload
Schedule: As part of annual Region 5 neutral inspection targeting, the Agency will identify facilities as potential sites for inspection
 Tribal Assumption
 Possible?: No

42. Remediation of Spilled PCBs **PCB regulations require the proper disposal of PCBs and/or PCB contaminated material by a permitted facility (e.g. incinerator or landfill). There are also regulations governing the remediation of PCBs that were improperly disposed or spilled.**

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 35 tribes/reservations
 Option(s): On a case by case basis, the Agency (operating under TSCA, Superfund, RCRA or GLNPO) ensures that applicable statutes/regulations governing the proper remediation of PCB contamination are followed
 Preferred Option: Agency response
 Resource Costs: No additional staff costs projected above normal workload
Schedule: Respond as event occurs
 Tribal Assumption
 Possible?: No

Enforce TSCA Sections 4, 5, 8, 12, and 13 -- Core TSCA

43. Inspections/Compliance Assistance/Enforcement Actions **TSCA provides the Agency with authorities to control, including prohibiting any aspect of commerce, those chemical substances and mixtures which present an unreasonable risk of injury to health or the environment, and to take action with respect to chemical substances and mixtures which are imminent hazards. Such aspects of commerce include the manufacture, processing, labeling, processing, distribution, importation, storage, testing, use, exportation, disposal, and/or recordkeeping of chemical substances and mixtures. The Agency ensures compliance with the statutory and regulatory requirements of core TSCA through inspections and enforcement actions.**

Region 5 Division: Waste, Pesticides and Toxics
 Universe: 35 tribes/reservations
 Option(s): Agency conducts inspections and takes appropriate enforcement action
 Preferred Option: EPA conducts inspections and takes appropriate enforcement action
 Resource Costs: No additional staff costs projected above normal workload
Schedule: As part of annual Region 5 neutral inspection targeting, the Agency will identify facilities as potential sites for inspection
 Tribal Assumption
 Possible?: No