



Environmental Results  
Through  
Tribal / EPA Partnerships  
*Celebrating 25 Years of Progress*



Dear Readers,

We are pleased to present the eighth annual report of *Environmental Results Through Tribal/EPA Partnerships*. This year marks the 25<sup>th</sup> anniversary of EPA's Indian Policy and we are taking this opportunity to reflect on the significant gains we have made by working in partnership with tribes in the Pacific Southwest Region. Many of the milestones and accomplishments we have achieved in Indian Country can be traced directly to the Agency's Indian Policy. While there are still many environmental issues that exist in Indian Country, the EPA is committed to making a measurable difference in protecting tribal health and the environment.



Recently, Administrator Lisa Jackson formally reaffirmed the EPA's Indian Policy and reiterated the Agency's recognition of the unique legal relationship with tribal governments. Adopted in 1984 by EPA Administrator William D. Ruckelshaus, the policy articulated the Agency's trust responsibility to federally recognized tribes and directed Agency staff to work with tribes on a government-to-government basis to protect the environment and human health. Since then, each succeeding administrator has reaffirmed the Agency's Indian Policy.

More than 80% of the 147 federally-recognized tribes in the region have an environmental protection program, and the number continues to grow. Trained tribal environmental professionals increasingly take the lead in assessing environmental problems, carrying out cleanups, and taking enforcement actions against polluters. Through the work of dedicated staff and an ongoing partnership with EPA, tribes are making a difference in the quality of life in Indian Country.

In this 25<sup>th</sup> anniversary report you will find success stories from several tribes in the Pacific Southwest. It details accomplishments in providing clean drinking water, cleaning up open dumps, reducing air pollution, addressing the legacy of uranium mining, and involving tribal residents in finding solutions. This report is only a sampling of the environmental achievements among tribes in the Pacific Southwest. Each tribe has its own story, and we encourage you to contact tribal environmental departments directly to learn more.

For more information on tribal environmental accomplishments, please visit our Web site at [www.epa.gov/region09/tribal/success/](http://www.epa.gov/region09/tribal/success/).

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Yoshii".

Laura Yoshii

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*EPA's Region 9 office works to protect public health and the environment in the southwestern United States with the 147 federally recognized tribes and the states of Arizona, California, and Nevada.*

*Cover Photos: Left to right – Salt River Pima Maricopa Indian Community materials recycling facility; Navajo Nation community member with her new elevated water system and sink; Big Pine Paiute Tribe new drinking water tank; Former dumpsite on the San Carlos Apache Reservation; Credit: Indian Health Service; Acid mine drainage from the Rio Tinto Mine.*

## Building Tribal Capacity to Achieve Results

Protecting the health and environment of approximately 315,500 tribal members, as well as a tribal land base of over 27 million acres, has improved significantly through the collaborative efforts of tribal environmental programs and EPA Region 9. While we have seen significant progress in addressing environmental issues in Indian Country, we will continue applying our resources to the environmental challenges still facing tribes. Nineteen percent of homes lack complete plumbing, more than 1,800 open dumps can still be found on tribal lands in the Pacific Southwest Region, and over one-third of tribal lands in the region are in areas that do not meet air quality standards.

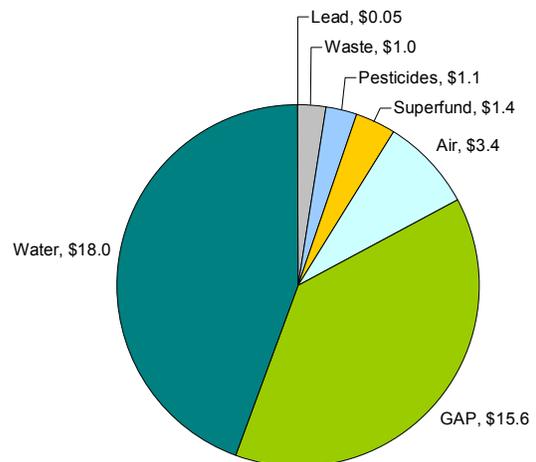
In 1991 EPA began the Multi-Media Program with a total of \$1.7 million available nationally to federally recognized tribes and tribal consortia. The allocation available to tribes in Region 9 was \$205,000. It quickly became clear that a dedicated funding source was necessary for tribes to build and maintain an environmental presence in Indian Country. The passage of the Indian Environmental General Assistance Program (GAP) Act in 1992 helped address this problem. Initially, only \$12 million was made available to tribes nationally. That number has increased to nearly \$58 million nationally, with \$15.6 million available for tribes in Region 9 in 2009.



*Campo Band of Kumeyaay Indian's new water storage tower.*

and wind-powered energy system, and develop an ecotourism and training business. The tribe is now developing an ecotourism center as a renewable energy destination resort. The Eco-Center will also teach people about Cahuilla culture. The training component will provide consulting and ecotourism start-up business services to enable other tribes to replicate or adapt this model for business development. Once the Eco-Center opens in late 2010, the tribe will have the only Native American-owned facility to train other rural/remote tribes to adapt this model for economic development.

**Tribal Funding for FY2009, by Program (millions)**



In addition to the GAP funds, many tribes also receive funding under Clean Water Act Sections 104, 106 and 319, Clean Air Act Section 103, the Toxic Substances Control Act (TSCA), and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Many tribes also leverage funding from the Department of Energy (DOE), Indian Health Services (IHS), Department of Housing and Urban Development (HUD), Bureau of Indian Affairs and the U.S. Department of Agriculture to further their environmental programs. For example, the **Campo Band of Kumeyaay Indians** used tribal, IHS and EPA funds to install a new 112,000 gallon drinking water storage tank. The tank will increase the water supply available to the tribe, decrease the likelihood of water contamination, and allow the tribe to save money through water conservation.

The **Ramona Band of Cahuilla Indians of Southern California** has become the first fully "off grid" reservation with 100 percent renewable electric power for all facilities. Over the past decade, the tribe received funding from DOE, HUD, and other agencies to build a sun



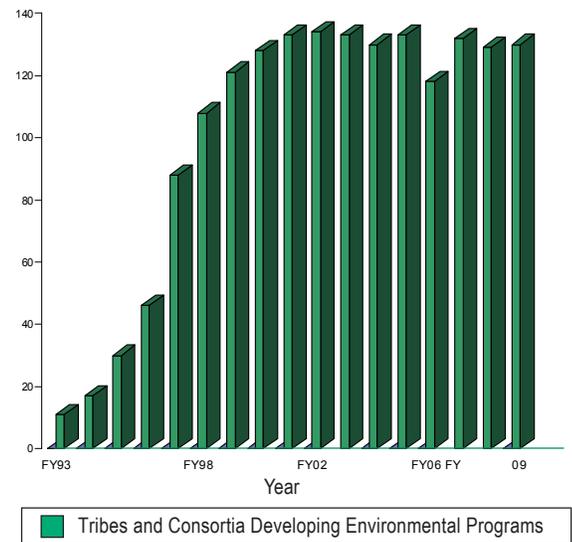
*Ramona Band of Cahuilla Indian's solar array.*

## Healthy Tribal Communities

In 1992, Congress enacted the legislative authority for the Indian Environmental General Assistance Program (GAP). This grant is intended to build tribal environmental protection capacity and allow tribes to develop programs to protect the environment and human health on tribal lands. Many tribes have used their GAP grants to pilot recycling, clean water and clean air monitoring programs. After piloting a program, tribes often take the next step to apply for Clean Water Act (CWA) and Clean Air Act (CAA) program grants. In the following chapters you can read about how several tribes have implemented CWA, CAA and solid waste programs.

The number of tribes and tribal consortia in the Pacific Southwest Region receiving GAP grants has grown from 11 in 1993 to 130 in 2009.

Number of Tribes and Tribal Consortia Developing Environmental Programs with GAP Grants



### Developing Solid Waste Management Programs

In 2000 the authorizing legislation for the GAP was amended to allow funding for solid and hazardous waste programs. The number of tribes implementing solid and hazardous waste programs has grown from 33 in 2001 to 93 in 2009.



Lone Pine Paiute Shoshone Tribe's multifaceted recycling program.

The **Lone Pine Paiute-Shoshone Tribe of California** has been developing its solid waste management program with GAP funding since 2003. The program now includes collecting electronic waste, Christmas trees to be chipped and used for mulch on the reservation, and white goods (appliances like washers and dryers).

The **Gila River Indian Community** (GRIC) in Arizona began its solid waste management program in 1994. One of GRIC's major solid waste accomplishments was starting a curbside garbage collection program in 1999 to prevent burning of waste. GRIC leveraged funding from the tribal government and several federal agencies to purchase garbage trucks and containers to start the collection program. The community is currently looking into expanding its curbside collection program to include recyclables. The tribe also surveyed more than 100 open dump sites and committed to cleaning up three one-acre sites per year. To date, the tribe has cleaned and closed approximately 50 sites.

The **Washoe Tribe of Nevada and California** adopted its Environmental Protection Department (WEPD) in 1998. The tribe has used GAP and Solid Waste Management funding to develop several plans including an Integrated Waste Management Plan (IWMP), Recycling Plan, Household Hazardous Waste Plan, Waste Stream Analysis Report, Preliminary Engineering Report for a Recycling Transfer Station, and Engineering Evaluation and Schematic Design for a Recycling Transfer Station. These plans have assisted the tribe with applying for additional funding from state and federal agencies to further expand its program. The tribe's planning process established the foundation it needed to expand its recycling services to a curbside collection program and to start a green waste collection program. The WEPD has recycled over 600 vehicles and thousands of white goods and tires through its auto/metal recycling program. The WEPD continues to look for ways to make its waste management program more sustainable through building partnerships with local and tribal entities.

## Environmental Education



*The Kaibab Paiute Tribe's Environmental Youth Outreach Program began in 1999 and continues to the present day!*

Environmental education is a key component of tribal environmental programs in the Pacific Southwest. The **Kaibab Paiute Tribe** in Arizona started its environmental youth outreach program in 1999 to raise awareness among tribal youth of environmental issues both on and off the reservation. The core program activities include camping, hiking and community service, such as helping clean the community park and tribal villages. This outreach program has helped establish good working relationships with local, state, and federal government agencies, nearby community organizations, as well as within the tribe's own departments and programs.

## Earth Day Celebrations

Many tribes hold annual Earth Day Celebrations to bring together community members and celebrate environmental stewardship. The following photos demonstrate the diversity in celebrations among tribes in the Pacific Southwest.



*From left to right: Salt River Pima Maricopa Indian Community, Navajo Nation, Fort Mojave Indian Tribe, Owens Valley Indian Water Commission, Tohono O'odham Nation, Washoe Tribe of Nevada and California.*

## Regional Tribal Operations Committee

The Regional Tribal Operations Committee (RTOC) was formed in 1995 to guide EPA in a variety of efforts such as working effectively with tribal governments, budget and programmatic recommendations, and developing policy. The RTOC has played a significant role in shaping programmatic rules, regulations, focus, as well as focusing limited Agency resources to priority areas.

Since its inception, the RTOC has developed regional approaches for consultation, enforcement, Freedom of Information Act (FOIA), and dispute resolution regarding tribal grants. Each of these documents has been affirmed and signed by the Regional Administrator. To address the lack of enforcement against people who dump waste on tribal lands, the RTOC worked with EPA to amend section 4005(c)(2) of the federal Solid Waste Disposal Act, which authorizes EPA to use the tools in Sections 3007 and 3008 of the Act at those open dumps that have certain types of hazardous waste, including household hazardous waste (which is often found in trash). Under this authority, EPA may inspect for compliance with the federal prohibition on open dumps, as well as compliance with federal hazardous waste rules.



*Left to right: 1997 RTOC Meeting hosted by the San Carlos Apache Tribe; 2008 RTOC Meeting hosted by the Tohono O'odham Nation.*

## Capacity Building

The **Morongo Band of Cahuilla Mission Indians'** Environmental Protection Department used its EPA Performance Partnership Grant to conduct a multi-media reconnaissance evaluation at the Arrowhead water bottling facility in southern California. The purpose was three-fold: 1) identify the processes and materials that are on site, 2) determine applicability of federal statutes, and 3) determine future media-specific evaluations. These objectives were accomplished by reviewing documentation, interviewing and using a comprehensive checklist, and by conducting a site tour.

The Compliance Assistance Component ensures that tribal enterprises are in compliance with federal statutes including: the Clean Air Act (CAA), the Clean Water Act (CWA), and the Resource Conservation and Recovery Act (RCRA).



*The Morongo Compliance Assistance Evaluation Team meets with Nestle Waters North America staff*

## U.S.-MEXICO BORDER 2012 PROGRAM

In 1983, the U.S. and Mexico governments signed the Agreement for the Protection and Improvement of the Environment in the Border Region (the La Paz Agreement). The Border 2012 Program, which carries out the agreement, is led by U.S. EPA, Mexico's Secretariat of Environment and Natural Resources (SEMARNAT), 10 border states, and the 26 federally-recognized tribes in the U.S. The border region is approximately 2000 miles long and spans 62 miles (100 km.) north and south of the U.S.-Mexico border.



### Tribes on the U.S. side of the border:

Barona Band of Mission Indians  
Campo Band of Diegueno Mission Indians  
Capitan Grande Band of Diegueno Mission Indians  
Cocopah Indian Tribe  
Cuyapaipe Community of Diegueno Mission Indians  
Inaja Band of Diegueno Mission Indians  
Jamul Indian Village  
La Jolla Band of Luiseno Mission Indians  
La Posta Band of Diegueno Mission Indians  
Los Coyotes Band of Cahuilla Mission Indians  
Manzanita Band of Diegueno Mission Indians  
Mesa Grande Band of Diegueno Mission Indians  
Pala Band of Luiseno Mission Indians  
Pascua Yaqui Tribe  
Pauma Band of Luiseno Mission Indians  
Quechan Indian Tribe  
Rincon Band of Luiseno Mission Indians  
San Manuel Band of Serrano Mission Indians  
San Pasqual Band of Diegueno Mission Indians  
Santa Ysabel Band of Diegueno Mission Indians  
Sycuan Band of Diegueno Mission Indians  
Tohono O'odham Nation  
Torres-Martinez Band of Cahuilla Indians  
Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians

### Border 2012 Program Goals

1. Reduce water contamination
2. Reduce air pollution
3. Reduce land contamination
4. Improve environmental health
5. Enhance joint readiness for environmental emergency response
6. Improve environmental performance through compliance, enforcement, pollution prevention, and promotion of environmental stewardship

Tribal governments play an integral role in identifying priorities and participating in Border 2012 activities, while also hosting tribal caucus meetings to foster involvement in the program. Active tribal leadership and participation in the program has led to the successful completion of projects that have provided thousands of tribal border residents access to safe drinking water and wastewater infrastructure, and removed tons of solid waste.

To date, EPA's Tribal Border Infrastructure program has provided \$34 million for 47 water infrastructure improvements projects that serve nearly 10,000 homes. With this funding, many tribal homes received access to piped drinking water and basic sanitation for the first time. The first tribal border project was the completion of the **Cocopah Indian Tribe's** East and West Sewers in 1999 and 2000.

Indigenous communities in Baja California and Sonora, Mexico also benefited from the U.S./Mexico Program. In Baja California, the indigenous communities of San Antonio Necua and San Jose de la Zorra received drinking water infrastructure improvements through a unique partnership among the U.S. and Mexico governments, U.S. and Mexico tribes, grassroots organizations, and volunteers on both sides of the border.

The **Tohono O'odham Nation** led efforts to address the need of its indigenous communities in Sonora, Mexico. With EPA border program funds, the O'odham indigenous community of Quitovac received a new drinking water system to serve the community and a boarding school for 100 indigenous children. Another project for the O'odham indigenous community of San Francisquito is currently underway.

The **Tohono O'odham Nation's** Solid Waste Management Program, funded in conjunction with the Border Environment Cooperation Commission (BECC), cleaned up illegal migrant encampments and trails of discarded trash, litter and abandoned vehicles from September 2004 through December 2007. Thirteen tons of material, filling 1,231 heavy duty trash bags were removed. In addition, 109 vehicles abandoned in remote areas were extracted, hauled to a storage yard, inspected by law enforcement officers and once released, were crushed and sent to scrap metal markets for recycling. Finally, 235 bicycles were retrieved from remote desert locations and brought back to a holding yard for future recycling or re-use.

## HISTORY OF EPA'S PESTICIDES PROGRAM

The EPA regulates pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Federal Food, Drug & Cosmetic Act (FFDCA) as amended by the Food Quality Protection Act (FQPA). Congress passed FIFRA in 1947 and amended it in 1972 and 1996 to add provisions including: a prohibition against pesticide misuse; penalties for violations of FIFRA; a requirement that pesticides be registered with EPA prior to sale or distribution; and a single health-based standard for pesticides in all foods to better protect infants and children.

EPA Region 9 first provided pesticide program funding under FIFRA in 1981 to the **Gila River Indian Community**. In 1982, EPA extended funding to the Inter Tribal Council of Arizona and in 1984 to the Navajo Nation. Currently, the Region 9 Pesticides Office funds 10 tribal programs and one tribal consortium. Other tribes, such as the **Pala Band of Mission Indians** and the **Blue Lake Rancheria**, are operating tribally-funded pesticide programs. Some tribes, like the **Tohono O'odham Nation**, are monitoring pesticide use with GAP funding.

Periodically, EPA also supports pesticide projects. Examples of project grants in the Pacific Southwest include:

- Supporting the use of Integrated Pest Management by the **Salt River Pima-Maricopa Indian Community** and the **Hopi Tribe** to successfully reduce the amount and toxicity of pesticides used.
- Funding for a circuit rider (hosted by **Big Valley Rancheria**) for six tribes around Clear Lake, California to help the tribes create infrastructure to minimize pesticide exposure from adjacent lands, and to become better informed about historical and current pesticide use within tribal boundaries. The circuit rider has completed pesticide assessments and action plans, and developed invasive species control and pesticide applicator programs for participating tribes.
- Funding to the United Indian Health Service to provide pesticide safety education to member tribes and visitors to their basketry garden.



*Colorado River Indian Tribes container recycling project.*



*On-site chipping of plastic pesticide containers.*

## Pesticide Container Recycling

The **Colorado River Indian Tribes** (CRIT) Environmental Programs Office (EPO) held another successful pesticide container recycling event for farmers on the reservation, collecting approximately 8,500 pounds of empty plastic pesticide containers. After the containers were inspected and triple-rinsed, they were chipped on-site and then transported to the recycler's facility off the reservation. By setting up these multi-farmer events, recycling set-up costs normally charged by the recycler to individual farmers are eliminated. Since the start of this recycling effort, over 24 tons of plastic containers have been recycled. The EPO regulates pesticide use on approximately 85,000 acres of agricultural land on the CRIT reservation.

## Tribal Pesticide Enforcement Actions

Tribes in the Pacific Southwest Region continue to conduct pesticide inspections under their own authorities. As a result of these inspections, **Navajo Nation** and the **Salt River Pima-Maricopa Indian Community**, respectively, issued 12 and six Notices of Violation (non-monetary actions) based upon their tribal pesticide codes. In addition, the **Gila River Indian Community** and the **Colorado River Indian Tribes** successfully took penalty actions against pesticide violators. Tribes in the region are responsible for 57% of the pesticide enforcement actions taken nationwide in Indian country. Tribal enforcement actions are bringing increased compliance with tribal laws, and better protecting tribal communities and resources from pesticide exposure.



*Salt River Pesticide Inspection: the pesticide inspector noted label violations.*



*Inspection at Colorado River Indian Tribes.*

## Tribal Inspections and EPA Enforcement Action

In 2009, based upon pesticide inspections conducted by Navajo Nation EPA, EPA's Region 9 Pesticides Office took three separate penalty enforcement actions against companies which allegedly misused pesticides. In one case, an applicator applied a pesticide in a child care facility where children were present. The other cases involve failure of hired applicators to use the required personal protective gear.

## Pesticide Inspector Residential Training (PIRT) for Tribes

In partnership with EPA Region 9, the Inter Tribal Council of Arizona coordinated the first PIRT course ever hosted specifically for tribes. The training was held at the Fort McDowell Resort and Casino in Fort McDowell, Arizona from October 20-23, 2008. Twenty-two participants from 14 tribes and two tribal organizations attended the three-and-a-half-day training. The course focused on how to inspect pesticide applications in structural settings, including pre-construction use of pesticides to control termites. In addition to formal presentations, the training included practical exercises and a mock inspection of a local exterminator. Feedback from tribal participants was very positive and tribal attendees recommended continuing tribal-specific PIRT trainings in the future.



*NNEPA investigated pesticide application at this child care facility on Navajo Nation.*

## Navajo Nation EPA Inspects Non-BIA Schools

In support of EPA's National Indian Country Compliance Priority, the NNEPA pesticide program conducted four inspections of non-BIA schools on the **Navajo Nation**. EPA Region 9 Pesticides Office staff worked with NNEPA to select targets that have not previously been inspected by other EPA programs. The inspections included a review of records to ensure that only properly trained and certified applicators are applying pesticides on school grounds, and that all pesticides are stored in properly ventilated and secure locations.

## TRIBAL LEAD HAZARD ACCOMPLISHMENTS

Tribes in the Pacific Southwest have achieved tremendous progress in helping to meet the national strategic goal of substantially eliminating childhood lead poisoning as a major health threat by 2010. EPA grants enable tribes to accomplish three primary goals:

- inform tribal community members on the health hazards of lead;
- screen children between 18 months and six years old to identify elevated blood lead levels; and
- conduct lead hazard evaluations at tribal housing and child-occupied tribal facilities built before 1978

During 2000 through 2008, 15 tribes received tribal lead grants. Tribes' successes in meeting the national strategic goal include:

### Informing Community Members About Lead Hazards

The **Pyramid Lake Paiute Tribe** published, "Lead Poisoning and You," in their September 2004 newspaper *Numuwaetu Nawahana* (Telling Indian People's News) which described how people are exposed to lead hazards and how to prevent lead poisoning.

### Sharing Lead Hazard Information with Other Tribes and Nearby Communities

In 2008, five tribes shared technical expertise and lead hazard accomplishments during the "Eliminating Childhood Lead Poisoning in Indian Country" panel presentation at the Annual Tribal/EPA Conference. The information was valuable in helping tribal representatives understand lead hazards in Indian Country and publicizing practical tools to eliminate childhood lead poisoning.

### Conducting Lead Hazard Evaluations at Pre-1978 Tribal Housing and Facilities

The **Hoopa Valley Tribe** conducted lead hazard evaluations at a tribal housing complex built by the Bureau of Indian Affairs (BIA), and determined that lead in the soil exceeded safe levels. They then applied for and received BIA funding to remediate the soil, removing the potential hazard from the reservation. The **Fort Bidwell Indian Community** used General Assistance Program (GAP) grant funding to assess lead hazards at tribal housing units.

### Screening Young Children to Determine Blood Lead Levels

Building upon a very successful lead outreach program that involved many community residents, the **Colorado River Indian Tribes** screened 169 young children and 14 pregnant women to determine their blood lead levels. Fourteen children were found to have elevated blood lead levels. For children with elevated blood lead levels, appropriate follow-up was done with the children's parents or guardians and tribal health staff to ensure that lead levels were reduced to meet guidelines set by the American Academy of Pediatrics.

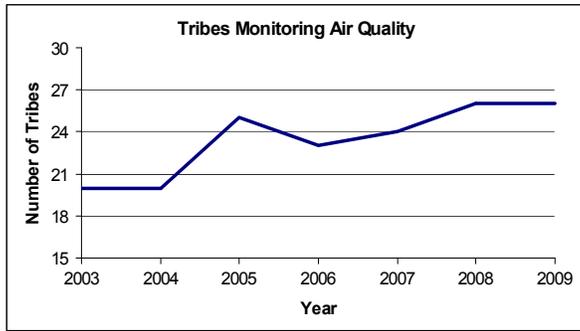


Fallon Paiute-Shoshone tribal staff taking lead dust sample at a building used by children.

To learn more, go to:

<http://www.epa.gov/region09/toxic/lead/lead-child-indiancountry/index.html>

# Clean Air



## History of R9 Tribal Air Program

The **Navajo Nation** received the first Region 9 tribal air grant in 1985 to develop their program’s capacity to work with the many major air pollution sources (including two large coal-fired power plants) on their reservation. In 1994, EPA began to allocate air grant funds targeted exclusively for tribes, and in 1998, EPA finalized the Tribal Authority Rule, which gives tribes authority to develop and implement their own Clean Air Act (CAA) programs. To date, seven tribes

in the Pacific Southwest Region have received EPA approval to implement parts of the CAA.

Since then, EPA Region 9 has worked hard to increase the number of tribes receiving CAA funding. Today there are 30 tribal governments carrying out air grant activities, including monitoring, regulatory development, indoor air, and education tasks under their grants. Two recent successes are the **Navajo Nation** taking delegation of the federal air permit program in 2004, and the **Gila River Indian Community** submitting a full Tribal Implementation Plan (similar to the regulatory plan each state has with EPA) in 2007.

Tribes in Region 9 are currently engaged in regional air planning, and participating in EPA’s process for setting air standards and designations. They are equal partners with EPA in protecting human health and the environment in Indian Country.

## Tribal Air Funding for 2009

To improve air quality in Indian Country, EPA provides funding for tribes to identify air pollution problems. In 2009, EPA awarded 30 tribal air grants for a total of more than \$3 million. In addition, EPA awarded a radon grant to the **Navajo Nation**.

## Tribal Collaboration

EPA continues to encourage collaboration between tribes. Many tribes are sharing air quality information, training resources, and consultant time. An impressive example of this type of cooperation is the group of tribes in southeastern San Diego County. They call themselves “The Air-heads” and meet once a month to discuss the progress of their air programs.



*Tribal air staff in Southern California from Campo, Cuyapaipe, La Posta, Los Coyotes, Manzanita, and two staff from EPA Region 9.*

## Tribal Air Monitoring

With EPA funding, 26 tribes are currently monitoring for either particulate matter (PM), ozone, or air toxics. Tribes are also working to enter their monitoring data into EPA’s national Air Quality System (AQS). Eighteen tribes are now successfully submitting data – two more than the previous year. Because these tribes are submitting data, EPA has a better understanding of air quality in Indian Country. EPA uses this data to set national air standards, and to determine whether states and tribes meet those standards.



*The Pala Band's solar-powered mobile air monitor.*

## New Standards for National Ambient Air Quality Standards

In 2008, EPA set a more stringent national standard for fine particulate matter (PM<sub>2.5</sub>) – particles that are smaller than the width of a human hair. The Agency anticipates that a number of tribes will be in areas that do not meet the new standard. Where this occurs, the state or local agency will be required to develop a plan to meet the standard. Affected tribes can participate in the planning process.

Also in 2008, EPA set a new, more stringent national standard for ozone at 0.075 parts per million (the previous level was 0.08 ppm). The new level is lower to better protect human health. Six tribes (**Bishop Paiute Tribe, Gila River Indian Community, La Jolla Band, Morongo Band, Salt River Pima-Maricopa Indian Community, and Tohono O'odham Nation**) submitted recommendations to EPA stating whether they believe their area meets the standard. In 2010, EPA will publish a final determination on which areas meet the new ozone standard, and which do not.

In June 2009, EPA proposed a new one-hour standard for Nitrogen Dioxide (NO<sub>2</sub>). The public comment period ended in September 2009. EPA is now reviewing the comments received and will make a final decision on the revised standard by the end of 2009.

EPA also finalized a more stringent standard for lead (Pb) in 2008. The Agency is requesting recommendations from states and tribes on attainment and nonattainment areas, and will increase lead monitoring in 2010.

## Tribal Regulatory Development

As tribal air programs mature, some tribes are working on regulatory development. EPA continues to work with the **Gila River Indian Community** on the tribe's eligibility determination for the Tribal Implementation Plan (TIP) under the Clean Air Act (CAA). The TIP will allow the tribe's regulatory program to be federally enforceable and will delegate many of EPA's air programs to the tribe.

## Permitting Issues

In 2009, the court upheld EPA's position in a **Navajo Nation** case about the Federal Implementation Plan (FIP) for the Four Corners power plant, issued in May 2007. The court upheld EPA in all respects, and affirmed that EPA can work with tribes on targeted FIPs to fill regulatory gaps.

## Navajo Best Available Retrofit Technology (BART) Federal Implementation Plan

Also in 2009, EPA issued an Advanced Notice of Proposed Rulemaking (ANPRM) concerning anticipated visibility improvement and cost effectiveness of controls to meet the BART requirement of the Regional Haze Rule (RHR) for two coal-fired power plants, the Four Corners Power Plant and Navajo Generating Station, both located on the **Navajo Nation**. The Navajo Nation EPA requested U.S. EPA to promulgate FIPs specifically for the BART provisions of the RHR to reduce NO<sub>x</sub> and PM to improve visibility.

## Environmental Youth Education

Tribes' environmental outreach in the Pacific Southwest Region takes many forms, from Earth Day community events, to presentations in schools. The **Bishop Paiute Tribe** and the **Lone Pine Paiute-Shoshone Tribe** collaborated with the Las Vegas National Weather Service Office to produce a "Kids Weather Day" event, demonstrating that the dramatic eastern Sierra Nevada Mountains weather captures young imaginations.

## Protecting Tribal Lands

Tribes and EPA share the goals of protecting human health and the environment. As tribal air programs mature, tribes are using their knowledge to monitor air quality on reservations, deploy technology that harnesses wind and solar energy, educate their communities, and participate in regional air quality groups.



*"Kids Weather Day" at the Bishop Paiute and Lone Pine Paiute Tribes.*

# EPA Policy for the Administration of Environmental Programs on Indian Reservations

## Introduction

The President published a Federal Indian Policy on January 24, 1983 supporting the primary role of Tribal Governments in matters affecting American Indian reservations. That policy stressed two related themes: (1) that the Federal Government will pursue the principle of Indian “self-government” and (2) that it will work directly with Tribal Governments on a “government-to-government” basis.

The Environmental Protection Agency (EPA) has previously issued general statements of policy which recognize the importance of Tribal Governments in regulatory activities that impact reservation environments. It is the purpose of this statement to consolidate and expand on existing EPA Indian Policy in a manner consistent with the overall Federal position in support of Tribal “self-government” and “government-to-government” relations between Federal and Tribal Governments. This statement sets forth the principles that will guide the Agency in dealing with Tribal Governments and in responding to the problems of environmental management on American Indian reservations in order to protect human health and the environment. The Policy is intended to provide guidance for EPA Program Managers in the conduct of the Agency’s congressionally mandated responsibilities. As such, it applies to EPA only and does not articulate policy for other Agencies in the conduct of their respective responsibilities.

It is important to emphasize that the implementation of regulatory programs which will realize these principles on Indian Reservations cannot be accomplished immediately. Effective implementation will take careful and conscientious work by EPA, the Tribes and many others. In many cases, it will require changes in applicable statutory authorities and regulations. It will be necessary to proceed in a carefully phased way, to learn from successes and failures, and to gain experience. Nonetheless, by the beginning work on priority problems that exist now and continuing in the direction established under these principles, over time we can significantly enhance environmental quality on reservation lands.

## Policy

In carrying out our responsibilities on Indian reservations, the fundamental objective of the Environmental Protection Agency is to protect human health and the environment. The keynote of this effort will be to give special consideration to Tribal interests in making Agency policy, and to insure the close involvement of Tribal Governments in making decisions and managing environmental programs affecting reservation lands. To meet this objective, the Agency will pursue the following principles:

1. THE AGENCY STANDS READY TO WORK DIRECTLY WITH INDIAN TRIBAL GOVERNMENTS ON A ONE-TO-ONE BASIS (THE “GOVERNMENT-TO-GOVERNMENT” RELATIONSHIP), RATHER THAN AS SUBDIVISIONS OF OTHER GOVERNMENTS.

EPA recognizes Tribal Governments as sovereign entities with primary authority and responsibility for the reservation populace. Accordingly, EPA will work directly with Tribal Governments as the independent authority for reservation affairs, and not as political subdivisions of States or other government units.

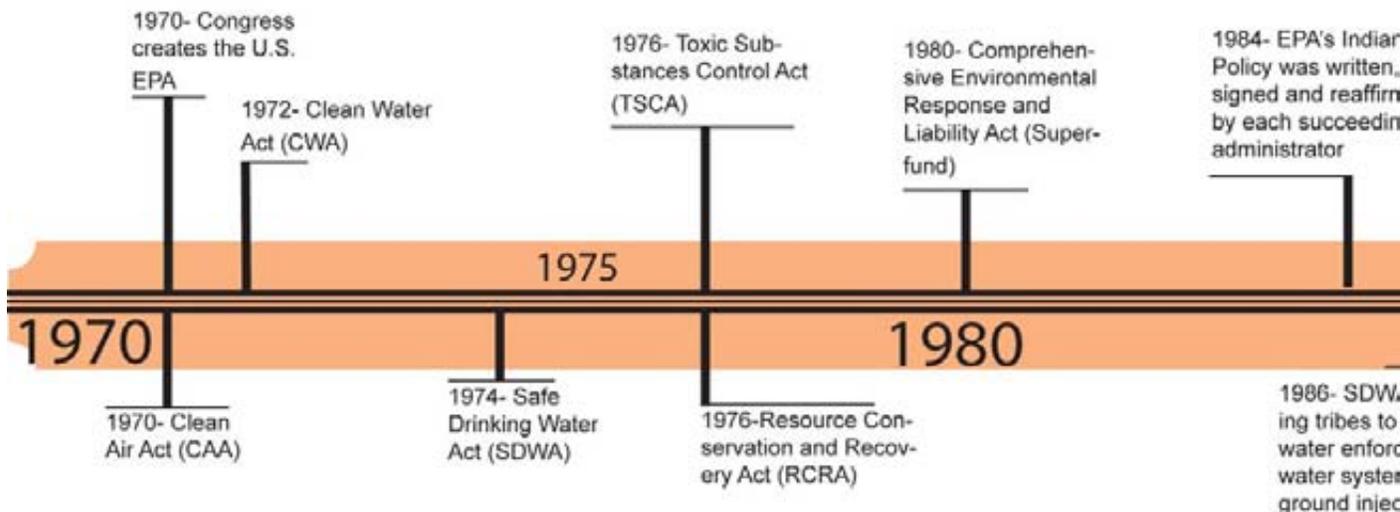
2. THE AGENCY WILL RECOGNIZE TRIBAL GOVERNMENTS AS THE PRIMARY PARTIES FOR SETTING STANDARDS, MAKING ENVIRONMENTAL POLICY DECISIONS AND MANAGING PROGRAMS FOR RESERVATIONS, CONSISTENT WITH AGENCY STANDARDS AND REGULATIONS.

In keeping with the principle of Indian self-government, the Agency will view Tribal Governments as the appropriate non-Federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace. Just as EPA’s deliberations and activities have traditionally involved the interests and/or participation of State Governments. EPA will look directly to Tribal Governments to play this lead role for matters affecting reservation environments.

3. THE AGENCY WILL TAKE AFFIRMATIVE STEPS TO ENCOURAGE AND ASSIST TRIBES IN ASSUMING REGULATORY AND PROGRAM MANAGEMENT RESPONSIBILITIES FOR RESERVATION LANDS.

The Agency will assist interested Tribal Governments in developing programs and in preparing to assume regulatory and program management responsibilities for reservation lands. Within the constraints of EPA’s authority and resources, this aid will include providing grants and assistance to Tribes similar to that we provide State Governments. The Agency will encourage Tribes to assume delegable responsibilities, (i.e. responsibilities which the Agency has traditionally delegated to State Governments for non-reservation lands) under terms similar to those governing delegations to States.

Until Tribal Governments are willing and able to assume full responsibility for delegable programs, the Agency will retain responsibility for managing programs for reservations (unless the State has an express grant of jurisdiction from congress sufficient to support delegation to the State Government). Where EPA retains such



responsibility, the Agency will encourage the Tribe to participate in policy-making and to assume appropriate lesser or partial roles in the management of reservation programs.

**4. THE AGENCY WILL TAKE APPROPRIATE STEPS TO REMOVE EXISTING LEGAL AND PROCEDURAL IMPEDIMENTS TO WORKING DIRECTLY AND EFFECTIVELY WITH TRIBAL GOVERNMENTS ON RESERVATION PROGRAMS.**

A number of serious constraints and uncertainties in the language of our statutes and regulations have limited our ability to work directly and effectively with Tribal Governments on reservation problems. As impediments in our procedures, regulations or statutes are identified which limit our ability to work effectively with Tribes consistent with this Policy, we will seek to remove those impediments.

**5. THE AGENCY IN KEEPING WITH THE FEDERAL TRUST RESPONSIBILITY, WILL ASSURE THAT TRIBAL CONCERNS AND INTERETS ARE CONSIDERED WHENEVER EPA'S ACTIONS AND/OR DECISIONS MAY EFFECT RESERVATION ENVIRONMENTS.**

EPA recognizes that a trust responsibility derives from the historical relationship between the Federal Government and Indian Tribes as expressed in certain treaties and Federal Indian Law. In keeping with that trust responsibility, the Agency will endeavor to protect the environmental interests of Indian Tribes when carrying out its responsibilities that may affect the reservations.

**6. THE AGENCY WILL ENCOURAGE COOPERATION BETWEEN TRIBAL, STATE AND LOCAL GOVERNMENTS TO RESOLVE ENVIRONMENTAL PROBLEMS OF MUTUAL CONCERN.**

Sound environmental planning and management require the cooperation and mutual consideration of neighboring governments, whether those governments be neighboring States, Tribes, or local units of government. Accordingly, EPA will encourage early communication and cooperation among Tribes, State and local governments. This is not intended to lend Federal support to any one party to the jeopardy of the interests of the other. Rather, it recognizes that in the field of environmental regulation, problems are often shared and the principle of comity between equals and neighbors often serves the best interests of both.

**7. THE AGENCY WILL WORK WITH OTHER FEDERAL AGENCIES WHICH HAVE RELATED RESPONSIBILITIES ON INDIAN RESERVATIONS TO ENLIST THEIR INTERESTS AND SUPPORT IN COOPERATIVE EFFORTS TO HELP TRIBES ASSUME ENVIRONMENTAL RESPONSIBILITIES FOR RESERVATIONS.**

EPA will seek and promote cooperation between Federal agencies to protect human health and the environment on reservations. We will work with other agencies to clearly identify and delineate the roles, responsibilities and relationships of our respective organizations and to assist Tribes in developing and managing environmental programs for reservation lands.

**8. THE AGENCY WILL STRIVE TO ASSURE COMPLIANCE WITH ENVIRONMENTAL STATUTES AND REGULATIONS ON INDIAN RESERVATIONS.**

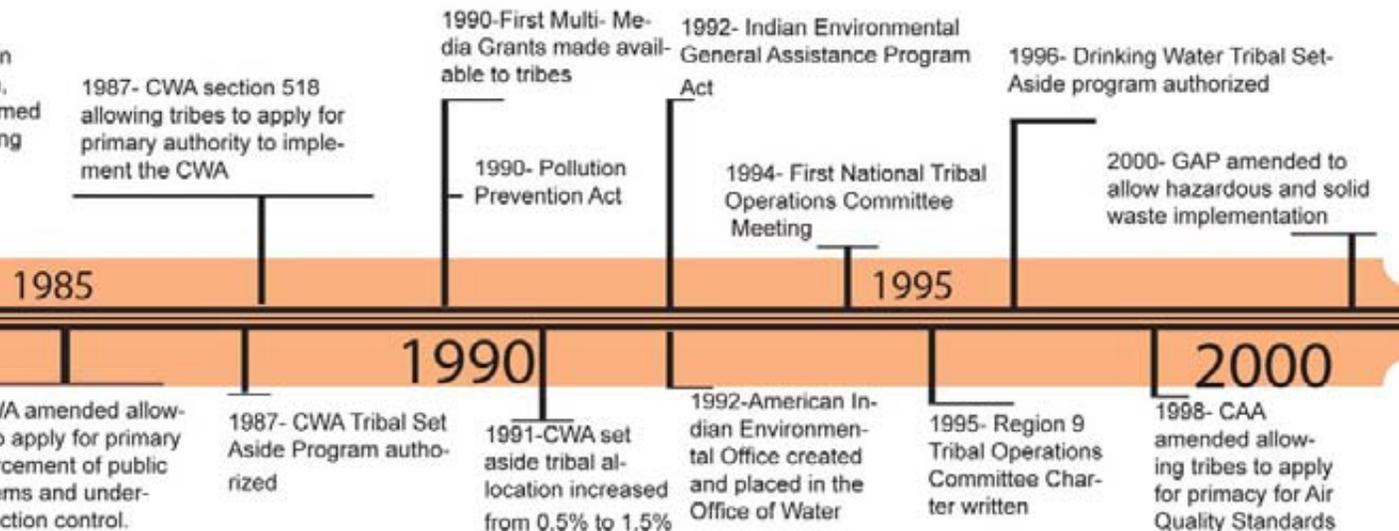
In those cases where facilities owned or managed by Tribal Governments are not in compliance with Federal environmental statutes, EPA will work cooperatively with Tribal leadership to develop means to achieve compliance, providing technical support and consultation as necessary to enable Tribal facilities to comply. Because of the distinct status of Indian Tribes and the complex legal issues involved, direct EPA action through judicial or administrative process will be considered where the Agency determines, in its judgment, that: (1) a significant threat to human health or the environment exists, (2) such action would reasonably be expected to achieve effective results in a timely manner, and (3) the Federal Government cannot utilize other alternatives to correct the problem in a timely fashion.

In those cases where reservation faculties are clearly owned or managed by private parties and there is no substantial Tribal interests or control involved, the Agency will endeavor to act in cooperation with the affected Tribal Government, but will otherwise respond to noncompliance by private parties on Indian reservations as the Agency would to noncompliance by the private sector elsewhere in the country. Where the Tribe has a substantial proprietary interest in, or control over, the privately owned or managed facility, EPA will respond as described in the first paragraph above.

**9. THE AGENCY WILL INCORPORATE THESE INDIAN POLICY GOALS INTO ITS PLANNING AND LEGISLATIVE INITIATIVES, MANAGEMENT ACTIVITIES, INCLUDING ITS BUDGET, OPERATING GUIDANCE, MANAGEMENT ACCOUNTABILITY SYSTEM AND ONGOING POLICY AND REGULATION DEVELOPMENT PROCESSES.**

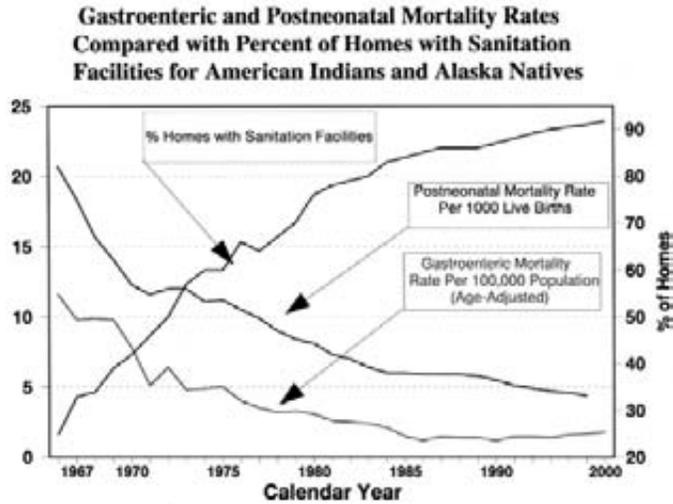
It is a central purpose of this effort to ensure that the principles of this Policy are effectively institutionalized by incorporating them into the Agency's ongoing and long-term planning and management processes. Agency managers will include specific programmatic actions designed to resolve problems on Indian reservations in the Agency's existing fiscal year and long-term planning and management processes.

William D. Ruckelshaus



# Clean and Safe Water

EPA and tribes have worked together to achieve clean and safe water by building water infrastructure projects, protecting underground sources of drinking water, and implementing water quality monitoring and restoration projects.



Results of Clean Water – Courtesy of the Indian Health Service (IHS) based on CDC and IHS data.

## Building Water Infrastructure

In partnership with tribes and the Indian Health Service, EPA’s Clean Water and Drinking Water Tribal Set-Aside programs in the Pacific Southwest have provided \$112 million for 450 projects, funding water infrastructure improvements for 65,000 tribal homes since 1987. The Clean Water Indian Set-Aside allocation tripled from 0.5% when the program was authorized in 1987 to 1.5% in 1991. The Region 9 Drinking Water Tribal Set-Aside program is one of the few EPA water programs developed in consultation with tribes. Together, these programs increase access to safe drinking water and basic sanitation, which improves public health and environmental protection.

The Tucson Indian Health Service (IHS) Office and **Tohono O’odham Nation** have worked together on many projects since the late 1980s to improve wastewater infrastructure for tribal members. One of the more recent successful projects was completed at San Lucy Village where a deteriorating sewage collection system, including 37 sewer manholes, were repaired. By using state of the art cost-saving techniques and manhole rehabilitation methods, including the Cured-In-Place Pipe Technique, manholes were repaired using a cement base coating to fill in damaged areas and then coated with a blue epoxy to protect the repairs. As a result of the project, 116 homes in the village now have improved sewage collection.



Rehabilitated sewer manholes at San Lucy Village, Tohono O’odham Nation.



Helen McKinley of EPA Region 9’s Tribal Drinking Water Team inspecting a water storage tank at the La Jolla Band of Luiseño Indians Reservation.

## Providing Safe Drinking Water

In the 1970s, EPA’s tribal drinking water program began field inventories of all tribal drinking water systems. Region 9’s program became one of the first with first-hand knowledge of tribal systems in Indian Country. Over the past 25 years, many tribal drinking water accomplishments stand out as ‘firsts’ in the Pacific Southwest Region and in the entire U.S.

- The **Navajo Nation** became the first and only tribe to attain program delegation under the Safe Drinking Water Act Section 1413. Since 2000, the Nation has effectively implemented a comprehensive drinking water program to ensure that their 161 public water systems provide water that meets federal drinking water standards.

- In 1993, the first Tribal Operator Certification Program started up in Region 9 through a partnership with tribes, Indian Health Service, EPA and the Inter-Tribal Council of Arizona. The program includes reciprocity with state certification programs and is endorsed by the Association of Boards of Certification. Now, nearly two-thirds of tribal drinking water operators in Region 9 are certified.
- For over a decade, Region 9's Tribal Circuit Rider program, implemented by the Rural Community Assistance Corporation, has extended EPA's field presence in Indian Country by delivering hands-on technical assistance and training to tribal water operators.
- Since 1997, EPA Region 9 has modernized tribal drinking water data collection and management, allowing for sophisticated information exchange and improved data quality. Now automated monitoring schedules are easily produced, which helps tribes improve compliance.
- EPA Region 9 also holds a biennial tribal drinking water training conference which includes topics such as operator certification exam preparation, disinfection procedures, proper management of drinking water facilities, source water protection tools, utility management, current and future regulatory requirements, and emergency preparedness.

### Protecting Underground Sources of Drinking Water

The 1996 amendments to the Safe Drinking Water Act recognized source water protection as an important aspect of providing safe drinking water, ensuring that water quality is protected from source to tap. The 1996 amendments also authorized the Tribal Source Water Assessment and Protection Program (SWAP) to help tribes identify and assess any possible threats or potential contamination to public drinking water supply sources, and to protect water from those threats. More than \$4 million has been awarded to tribes to support source water assessment and protection efforts in over 60% of tribal public water systems in the Pacific Southwest.

Since 2002, Tribal SWAP funding has supported the [Hoopa Valley Tribe's](#) source water assessments, which identified potential contaminant threats to the tribe's drinking water supply. As a result, the tribe did outreach activities to educate the public about the threats and susceptibility of the tribe's drinking water, cleaned up illegal dumps, and coordinated protection efforts with private and public entities.



*Hoopa Valley Tribe's source water protection efforts included creating and posting signs such as this one throughout the reservation to reduce the threat of contamination from illegal dumping.*



*One of the Hoopa Valley Tribe's four-step source water assessments identified this open dump in the source water protection area as a potential contaminant source. The tribe's resulting protection efforts included cleaning up the dump site.*

### Assessing Water Quality

In the late 1980s, tribes began receiving funds to monitor, assess, and analyze water quality trends under the Clean Water Act Section 106–Water Pollution Control Program. The program helps tribes build institutional capacity to administer water quality programs and protect natural resources. Over a 20-year period, the

Water Pollution Control Program has grown from five tribes eligible to receive funding in 1989 to 98 tribes in 2009.

One of the first tribes to initiate a Water Pollution Control Program was the **Pyramid Lake Paiute Tribe** in Nevada. The tribe has monitored and assessed the quality of numerous water bodies throughout their reservation including Pyramid Lake, the Truckee River, and various wetlands and springs. A long history of data collection has enabled tribal staff to observe water quality trends over time and to identify areas of concern. Pyramid Lake recently received authorization from EPA to administer their Water Quality Standards and Certification Programs.



Pyramid Lake water quality sampling in 1994 using CWA 106 and tribal funds. Pictured: Beverly Harry, Mike Shaw, Nancy Vucinich.



Water quality sampling in 2009 at Truckee River. Pictured: Bonita Natonabah, Water Quality Technician of Pyramid Lake's Water Department.

### Improving Water Quality

Using results from water quality monitoring and assessments conducted over the years, tribes have addressed water quality issues of concern under the Clean Water Act (CWA) Section 319 – Nonpoint Source Pollution Control Program. Tribes have used CWA Section 319 funds to develop and carry out polluted runoff control programs that address critical water quality concerns and achieve positive environmental results. The Nonpoint Source Program has grown from 11 tribes eligible to receive funding in 1997 to more than 77 tribes in 2009.

The **San Carlos Apache Tribe** in Arizona has been carrying out on-the-ground projects funded by the Nonpoint Source Program since 2000, addressing critical water quality problems throughout the reservation. The most recent restoration project, completed in 2009, involved revegetating the Six Mile Area of the San Carlos River using black willow branches to reduce sediment levels and improve water quality.



Imogene Casey, Environmental Protection Specialist of San Carlos EPA, pruning black willow branches.



Looking downstream on the San Carlos River at project site.

# Protecting Tribal Lands

## POLLUTION PREVENTION AND SOLID WASTE

EPA's approach to waste management has evolved over the past 25 years to reflect growing tribal interest in the entire waste cycle, recognizing that open dump remediation is only successful with a strong focus on waste collection and minimization.

Tribes have been partnering with EPA's waste management program since 1985. Today approximately 80% of tribal communities have adopted or implemented integrated solid waste management strategies. These strategies include the closing of over 500 open dumps, pollution prevention and resource conservation projects, and the creation of appropriate disposal facilities. Tribes continue to improve their management practices through these measures and by developing comprehensive waste management plans. Seventy-seven tribes in the Pacific Southwest Region have created a tribal solid waste management plan since 1977.

Over the past 25 years, in addition to providing support for solid and hazardous waste management and cleanup, EPA's Tribal Solid Waste Program has evolved to include:

**Circuit Riders** who visit tribes and provide assistance by documenting open dumps with Global Positioning System (GPS) technology and digital photos. This information is used by EPA and the Indian Health Service to make it easier for other federal agencies to provide funding for waste programs.

**Resource Conservation Fund** grants to support tribes in their pursuit of innovative ways to reduce, reuse, recycle and manage materials to reduce waste.

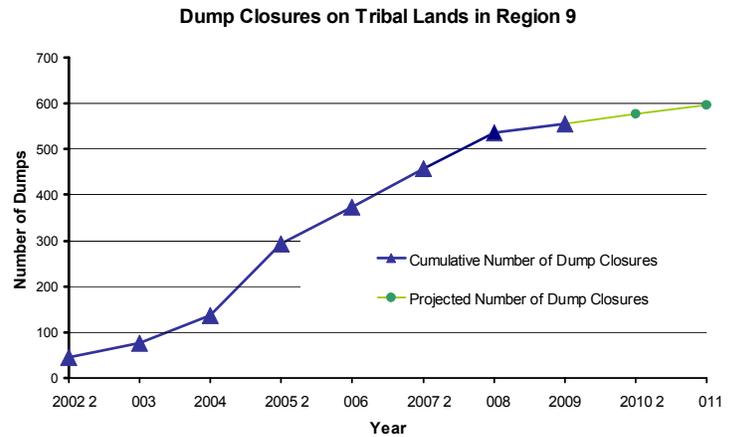
**Federal enforcement and facility inspection** at open dump sites on tribal lands using a new enforcement authority under the Resource Conservation and Recovery Act (RCRA) Section 4005(c)(2). Since 2006 EPA's Tribal Solid Waste Program and RCRA Enforcement Office have collaborated with tribal governments to successfully use RCRA to close open dumps and assist tribes in enforcing their own waste regulations.

**Tribal Green Building** to provide stronger and more diverse technical assistance to tribes pursuing sustainable green building and clean energy projects. Specifically, EPA assists tribes in leveraging available technical and communication resources, and facilitates multi-agency dialogue on tribal housing.

A few notable recent tribal accomplishments include:

### Legacy Dump Site Cleanup on the Santa Ynez Chumash Reservation

In 2009, the **Santa Ynez Chumash** Environmental Office worked with Chumash Tribal residents, the Chumash Fire Department and volunteers from the U.S. Army Reserve to clean up a legacy dump site in one of the most pristine natural areas on the Chumash Reservation. A total of 19 tons of debris, 24 cars and motorcycles, a dozen white goods (large appliances like washers), and 30 car batteries were removed. This dump site ran along the Zanja De Cota Creek, a perennial stream that serves as the sole source of drinking water for the tribe. Contaminants from the dump site could have drained into the creek during rainstorms, adversely affecting water quality and wildlife. By removing all buried and visible debris the tribe eliminated a major source of polluted runoff. Soil testing to determine if there is any additional contamination will be completed later this year.





Volunteers from the U.S. Army Reserve at Santa Ynez during clean-up.

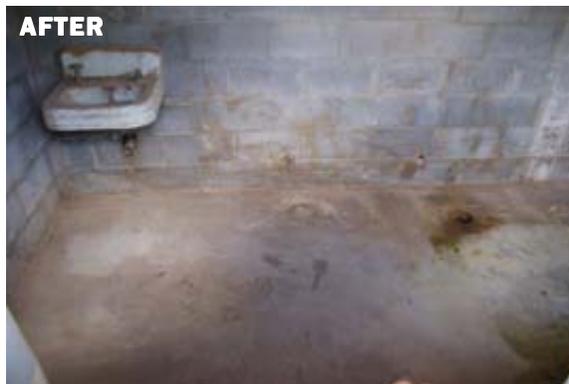


Santa Ynez, post clean-up.

### Moapa Pesticide Clean Up

In June 2009, the **Moapa Band of Paiute Indians** requested EPA assistance in dealing with pesticides that had been abandoned in a storage shed on their reservation. Noxious fumes coming from the shed during hot weather concerned the tribe, since the abandoned pesticides were close to homes, the tribal health clinic, and the preschool. Further, the shed was only 100 yards from an irrigation ditch, and about 500 yards from the Muddy River.

EPA's Emergency Response Team (ERT), in coordination with the Tribal Solid Waste Team and the Moapa Band, conducted an initial assessment, finding about 70 gallons of pesticides, some of which had saturated the shed's cement floor. The ERT safely removed, transported and properly disposed of all the pesticides.



### Salt River Pima-Maricopa Removes Hazardous Waste

Using tribal funding, the **Salt River Pima-Maricopa Indian Community's** (SRPMIC) Environmental Protection and Natural Resources (EPNR) Department removed over 2,000 gallons of hazardous materials collected from the community. EPNR staff ensured all materials were properly identified, characterized, labeled, and manifested for transport on a 53-foot tractor trailer. Everything was then hauled away for proper disposal. The EPNR, Salt River Fire Department, and SRPMIC Administration are involved in ongoing management, infrastructure development, and health and safety training. EPA hazardous waste funds will be used to help develop a hazardous waste inventory and coordinate future collection events.



Working to remove hazardous Waste at SRPMIC.



Hazardous waste removal at SRPMIC.

## Fallon Paiute-Shoshone Tribe Used Oil Recycling Program

In November 2008, the **Fallon Paiute-Shoshone Tribe** Environmental Protection Department (EPD) started a Used Oil and Oil Filter Recycling program with funds from EPA's Hazardous Waste Management grant program. This recycling program was developed to accept used oil and oil filters from tribal "do-it-yourself" oil changers and to dispose of the used oil by burning it in a used oil furnace, which now provides heat for the tribal auto shop. Continued participation in the program is expected to be high due to the enthusiastic response to the Motor Oil Assessments conducted by the EPD, and continued community education on the dangers of improper disposal of used oil.



Used oil furnace.



Used oil recycling decal.

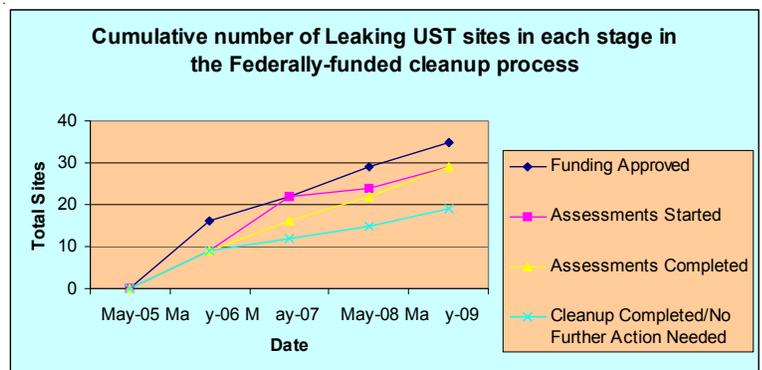
## UNDERGROUND STORAGE TANKS PROGRAM OFFICE (USTPO)

The Underground Storage Tank (UST) regulations were promulgated in 1988. During the initial years of the program, there was little UST activities with tribal partners. The first grant, for \$80,000, was awarded to the **Navajo Nation** in 1997. This was a demonstration grant, and the key project goal was to complete an inventory of all UST sites on the Navajo Nation. As the UST program developed, tribes were often on the fringe. They were not included in national tanks conferences, inspections were sporadically conducted, and tribal staff received minimal training to conduct compliance inspections and oversee tank installations and removals.

Since 1997, EPA has expanded funding to pay for Leaking UST cleanups on tribal lands. More than \$7 million has been spent to clean up and close 20 sites and conduct more than 65 UST site assessments and characterizations. EPA's tribal UST program will receive about \$5 million in 2010.

In addition to supporting UST inspections and training, over the past 25 years EPA's UST Program Office has evolved to include:

- Joint compliance inspections with tribal partners
- Compliance assistance for tribes and tribal coalitions
- Tribal employees leading and presenting on current UST technology at national and regional UST Conferences.
- Extensive training that utilizes UST classrooms and field training



## Assisting the Tohono O'odham Nation in UST Inspections

The **Tohono O'odham Nation** Environmental Protection Office assisted EPA with UST inspections at all facilities on tribal lands. The Tohono O'odham Nation works in collaboration with EPA to ensure that all facilities on the reservation are in compliance to protect groundwater.



## Federal Credentials Issued to Navajo Nation under Pilot Field Citation Program

In March 2009, U.S. EPA issued Federal Inspector Credentials to two inspectors from the **Navajo Nation** EPA. This concluded a two-year process with U.S. EPA's Office of Enforcement and Compliance Assurance (OECA). This pilot program allows Navajo inspectors with federal credentials to write field citations for deficiencies they find at an underground storage tank (UST) site. According to an authorization agreement and work plan, these inspectors are slated to conduct 42 inspections of UST sites on the Navajo Nation by the end of August 2009. The Nation had completed 80% of the inspections as of August 12.

## National Tribal Compliance Assistance Award to Intertribal Council of Arizona

In 2009, U.S. EPA and the Inter-Tribal Council of Arizona (ITCA) launched a new national cooperative agreement that will provide UST compliance assistance and training support in Indian country. ITCA will provide tribal governments and UST facilities in Indian Country with training, compliance assistance, and collaborative opportunities to prevent leaks from USTs. The goals of this agreement are to promote UST compliance in Indian Country and to support tribes in protecting human health and the environment from UST releases.

## Region 9 Tribal Leaking Underground Storage Tank Cleanup Program

In 2005, EPA established the nationwide Indian Country Leaking Underground Storage Tank (LUST) cleanup initiative, which aimed to clean up as many of these sites as possible using federal funding. The Pacific Southwest Region has emerged as a national leader in this project. To date, EPA and tribes in the region have cleaned up 21 leaking sites using federal funding, and initiated investigations at over 120 abandoned and leaking UST sites using combined federal and private funding. Tanks at more than 125 sites have been removed and the sites closed out. EPA worked with 12 tribal governments in the region on this project.

In addition to the federal trust fund, EPA actively works with both tribal and private responsible parties in an effort to complete cleanups using their own funding. When this effort began five years ago, there were close to 275 problem sites on tribal lands in the region. Now, there are just 150 sites. Over the next three years, EPA expects to reduce that number by about 50%.



Lukachukai tank removal.



Lukachukai after tank removal and cleanup.

## SUPERFUND WORKS IN PARTNERSHIP WITH TRIBES TO CLEAN UP AND REDEVELOP CONTAMINATED LANDS

The Superfund Program was designed to address abandoned and contaminated hazardous wastes sites that cannot be addressed by other environmental laws. In the 29 year history of the Superfund program, Region 9 has worked with more than 20 tribes to support tribal programs, clean up contaminated sites, prepare for and respond to emergencies, and return contaminated properties to productive use. As a result, we have cleaned up more than one million cubic yards of contaminated soil, cleaned up or replaced 50 contaminated homes, and restored or protected more than 750 acres of tribal land.

### The Early Days – Celtor Chemical Works

One of the first Superfund sites cleaned up in Region 9 was the Celtor Chemical Works site, located on the **Hoop Valley Indian Reservation**. This former ore concentrating facility was abandoned by the Celtor Chemical Corporation in 1962, leaving behind mine tailings that caused acidic surface water runoff and contaminated the soil with toxic metals. The Trinity River, a valuable fishery for the tribe, flows through the center of the reservation and near the site. Between 1983 and 1987, EPA removed more than 2,600 cubic yards of contaminated soil, diverted springs that threatened to spread contamination to the river, and backfilled, contoured and re-vegetated the land. In 2006, EPA formally certified the entire site for unrestricted reuse.

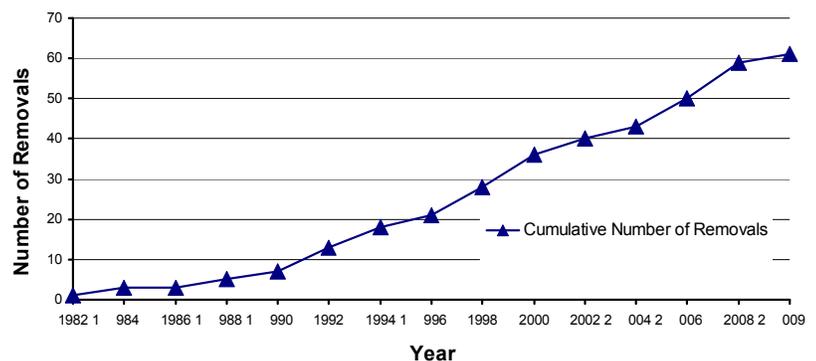
### Working with Tribal Communities to Prepare for Emergencies

The 1986 amendments to the Superfund law established new requirements for emergency planning and community right to know. To help tribes comply with these requirements, EPA awarded emergency planning grants to the **Hopi Tribe** to establish a Hopi Emergency Services Office, and to the **Trinidad Rancheria** to update its Emergency Response Plan and to cooperate with six tribes in northwest California on emergency planning and response. EPA also sponsored training for 10 Arizona tribes to oversee underground fuel tank and hazardous substance cleanups. This program enabled the **Gila River Indian Community**, the **Navajo Nation**, the **Tohono O’odham Nation** and the **Hopi Tribe** to develop their own Tribal Emergency Response Commissions to address human health and environmental threats on reservation land. **Gila River Indian Community** was the first tribe in Region 9 to develop a full Emergency Planning & Community Right-to-Know Ordinance.

### Partners in Emergency Response

EPA’s Emergency Response Program has a long history of working with tribes to respond to emergencies and clean up sites that threaten human health and the environment. Since 1982, EPA has conducted 61 emergency response or removal actions that affected tribal lands. When soil contaminated with the pesticide toxaphene was discovered on **Gila River Indian Community** land in late 1998, EPA removed approximately 3,400 cubic yards of contaminated soils. After consultation with the tribal community and other stakeholders, EPA built four treatment trenches in which microbes were used to treat contaminated soils placed in innovative plastic liners resembling burritos, creating “The Burrito Project.”

Emergency Response and Removal Actions Impacting Tribal Lands in Region 9





*Auclair dump site cleanup on the Torres Martinez Reservation.*

In 2008, EPA's Superfund program removed 1,400 tons of contaminated ash, 400 pounds of cement pipes containing asbestos, 1,600 pounds of waste oil and sludge, and 100 cubic yards of discarded wooden grape stakes treated with toxic chromated copper arsenate (CCA) at the 25-acre Auclair Dump on the **Torres Martinez Reservation**.

### **Superfund Works with Tribes to Clean Up Mines**

From 1944 to 1986, nearly four million tons of uranium ore were extracted from **Navajo Nation** lands in Arizona, New Mexico, and Utah. Much work has been done to close and restore the mines, but a legacy of uranium contamination remains from more

than 500 abandoned uranium mines, homes built with contaminated waste rock from the mines, and contaminated water wells. Since October 2007, EPA has demolished 27 contaminated homes and other structures, cleaned up 10 residential yards, and rebuilt new structures. In 2009, EPA ordered General Electric to clean up nearly 100,000 cubic yards of contaminated soil at the highest-priority mine, the Northeast Churchrock Mine. EPA and the Navajo Nation are working together toward the goal of protecting human health and the environment in this iconic area of the American West.



*Construction of home on the Navajo Nation, replacing a contaminated structure that was demolished.*



*Construction of mining waste repository at Cyprus Tohono Mine on the Tohono O'odham Nation.*

At the Cyprus Tohono Mine, a copper mine on the **Tohono O'odham Nation**, extensive mine waste remained at the site and groundwater was contaminated with uranium. In 2008, EPA oversaw a nearly \$50 million cleanup that involved moving approximately one million cubic yards of mine waste into a new lined repository. The remediation will prevent contamination of the groundwater aquifer.

The Yerington Mine site is a 3,400-acre abandoned open-pit copper mine, located about 2-1/2 miles south of the Yerington Paiute Reservation. The site has acid mine drainage, along with groundwater and soil contaminated with heavy metals and radionuclides, raising concerns in the nearby community of Yerington, the

**Yerington Paiute Tribe**, and the **Walker River Paiute Tribe**. EPA completed emergency removal actions to remove transformers filled with PCBs, cap approximately 100 acres to prevent airborne dust, build a new 4-acre evaporation pond, and reline and remove several fluid collection ponds at a total cost of \$1.6 million.

### **Considering Cultural Issues During Cleanups**

In 1998, EPA Region 9 and the **Washoe Tribe of California and Nevada** hosted the first *Tribal Risk Assessment Conference* in Las Vegas, Nevada. This venue provided the opportunity for approximately 70 different tribal representatives to come together from across the country to discuss how risk assessment should be applied to tribal and cultural resources. EPA has since worked with Washoe tribal members who live adjacent to the Leviathan Mine Superfund site to assess the risks associated with tribal subsistence practices such as harvesting wild plants for medicinal and food purposes, hunting, and fishing. Because traditional ways of living are so closely linked to the ecosystem, EPA and the tribe are working to identify critical plant and animal species that can be used to help determine exposures and ultimately to calculate the risk. EPA's 2001 enforcement action resulted in the mining company paying for a pristine 480-acre conservation area that is now managed by the Washoe Tribe and the Nature Conservancy.

The 150-acre Sulphur Bank Mercury Mine, next to Clear Lake and the **Elem Indian Colony**, is a Superfund site that was once one of California's largest producers of mercury. Removal of contaminated soil found in residential yards and roads at the Elem Indian Colony required careful planning with tribal members and consideration of sensitive cultural resources. EPA consulted with tribal leaders and was assisted during the removal action by tribal cultural monitors and an archaeologist. As part of this removal action, EPA provided temporary housing for 17 families and built new homes, roads, sidewalks, and water systems. Nearly one-third of the construction crew were tribal members. EPA is currently using American Recovery and Reinvestment Act funding to conduct further cleanup actions.



*480-acre conservation area managed by the Washoe Tribe and the Nature Conservancy at the West Fork of the Carson River.*

### **Revitalizing Contaminated Tribal Lands Through The Brownfields Program**

Since 1996, 16 Brownfields grants for assessment and cleanup of contaminated lands have been awarded to tribes in the Pacific Southwest. The **Navajo Nation** was the first tribe in the region to receive an assessment pilot grant in 1996. In 2001, the **Gila River Indian Community** was one of two federally-recognized tribes selected as a Brownfields Showcase Community. This award leveraged resources from other federal agencies to address Brownfields sites and support redevelopment.



*Reno-Sparks Indian Colony Health Center, funded in part with revenue from a Brownfields redevelopment project*

More recently, under a Brownfields Revolving Loan Fund grant from EPA to the Nevada Division of Environmental Protection, the **Reno-Sparks Indian Colony** received a nearly \$1 million loan to clean up a contaminated industrial site in downtown Reno. This is the first Brownfields loan made to a tribe in the Pacific Southwest Region. In 2008, the tribe excavated and disposed of contaminated soil from the site as part of the cleanup. The site will house a major retail store. Revenues will help repay bonds that funded construction of the new Reno-Sparks Indian Colony Health Center, which serves 9,000 Native Americans in the area. Revenues from the retail development at the Brownfields site will also fund other local services.

In 2009, the Cher-Ae Heights Indian Community of the **Trinidad Rancheria** near Trinidad, California was awarded a \$200,000 cleanup grant under the American Reinvestment and Recovery Act to help remove and dispose of pilings and decking from an old pier that had been treated with toxic creosote.

### **Brownfields Tribal Response Program Development Grants**

In 2003, EPA provided grants to the **Navajo Nation**, **Gila River Indian Community (GRIC)**, and **Tohono O'odham Nation** to establish and enhance their Brownfields cleanup and response programs. The Navajo Nation used this funding to develop its own Superfund legislation that gives the tribe authority to conduct and oversee cleanups on Navajo land. GRIC developed its Solid Waste Ordinance and enhanced its Voluntary Cleanup Program. In recent years, EPA has also awarded brownfields tribal response program grants to the **Yurok Tribe**, **Salt River Maricopa Indian Community**, **Hoopa Valley Tribe**, and the **Rincon Band of Luiseno Indians**.

# R9 Tribal Program Office

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<b><u>Location</u></b>	<b><u>Project Officer</u></b>	<b><u>Telephone</u></b>
Northern California:	Tim Wilhite	530-841-4577 <b>Fax Number:</b> 530-841-4571
California (Lake County); Nevada (Western):	Veronica Swann	415-972-3699
California (Mendocino-Sonoma area):	Morena Villanueva	415-947-4239
Central California:	Gilbert Pasqua	415-972-3788
California (Owens Valley and Death Valley):	Erica Yelensky	415-972-3021
Nevada/Northern Arizona:	Laura Mayo	415-947-3561
Southern California:	Willard Chin	415-972-3797
Arizona:	Pam Overman	415-972-3781
Arizona:	Tim Grant	415-972-3783
Manager, Tribal Program Office	Jean Gamache	415-972-3554
Office Manager, Tribal Program Office	Kimberli Smith	415-972-3778
Tribal Liaison, Tribal Program Office	Lilia Dignan	415-972-3779
Tribal Liaison, Tribal Program Office	Maria Castain	415-972-3264
Tribal Program Office Fax Number:		415-947-3562

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## National Tribal Caucus Meeting, July 2009



*EPA Administrator Lisa Jackson (center right, dressed in green and black) reaffirms Agency's Indian Policy.*

# EPA Regional Indian Program Steering Committee

## Office of the Regional Administrator

Laura Yoshii, Acting Regional Administrator  
Jane Diamond, Acting Deputy Regional Administrator  
Bridget Coyle, Civil Rights Office  
William Glenn, Chief of Staff

## Air Division

Colleen McKaughan, Associate Director  
520-498-0118/520-498-1333  
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Laboratory & QA/QC, Facilities  
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Emergency Response & Planning,  
Community Involvement, Site Assessment

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Inspections & Enforcement  
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Linda Reeves  
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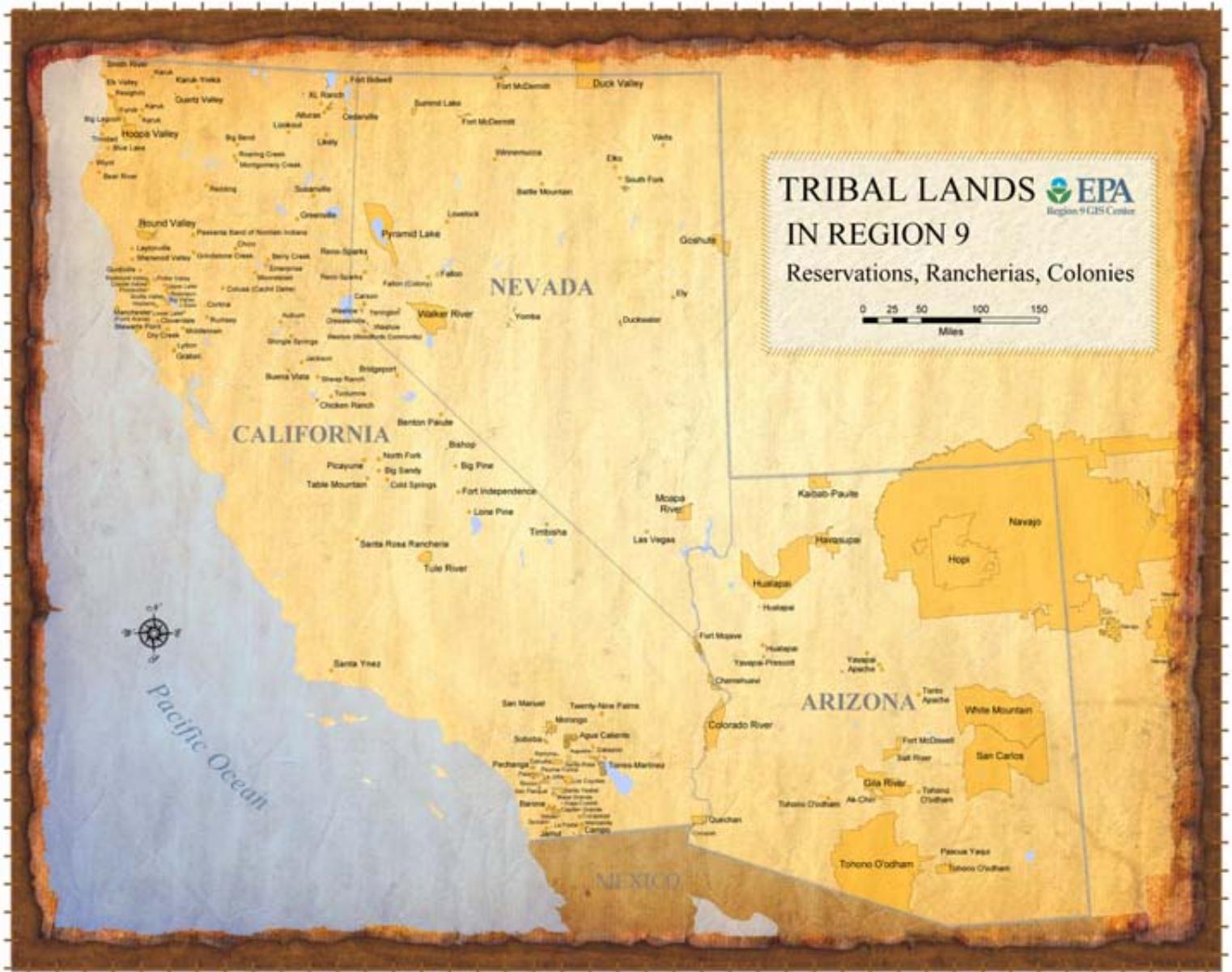
Clean Water Act, Safe Drinking Water Act,  
Marine Sanctuaries Act

## San Diego Border Office (San Diego)

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## Environmental Information Center

Web site: [www.epa.gov/region09](http://www.epa.gov/region09)  
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**U.S. EPA Pacific Southwest/Region 9 Tribal Program Office**  
<http://www.epa.gov/region09/tribal/success/index.html>



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