

U.S. Environmental Protection Agency  
Office of Resource Conservation & Recovery  
Tribal Programs

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# OUTLINE

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  - Tribal Waste Grant Programs
  - Communication and Outreach
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- IHS w/STARS
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- Success Stories

# ORCR Tribal Waste Management Program Mission

The mission of the Office Resource Conservation and Recovery Tribal Program is to protect human health and the environment by ensuring responsible national management of EPA hazardous and nonhazardous waste management programs in Indian Country.

Our goals are to assist tribes to:

- conserve resources by reducing waste;
- prevent future waste disposal problems by enforcing regulations; and
- clean up areas where waste may have spilled, leaked, or been improperly disposed.

# ORCR Tribal Waste Management Program Goals

- FY 2010-2015 RCRA Tribal GPRA Measures
  - Open Dumps on Tribal Lands:
    - By 2015, close, clean up, or upgrade **281** open dumps in Indian country and on other tribal lands compared to FY 2009.
    - As of March 2011, **597** open dumps were closed, cleaned up, or upgraded. (As of February 1, 2011, **3,587** open dumps were listed in the Indian Health Service OMDS database, which is dynamic because of the ongoing assessment of open dumps.)
  - Integrated Waste Management Plans
    - By 2015, increase by 78 the number of tribes covered by an integrated waste management plan compared to FY2009. (At the end of FY2009, **94** of 573 federally recognized tribes were covered by an integrated waste management plan.)

# ORCR Tribal Waste Management Program Grants

- Tribal Solid Waste Management Assistance Project

- Ø The Tribal Solid Waste Management Assistance Project (TSWMAP) is an interagency effort. The participating agencies include BIA, IHS, USDA-RD, DoD, and HUD. Funding for the TSWMAP supports both tribal GPRA goals (development of Integrated Waste Management Plans (IWMPs) and open dump closure and clean up). Funding is distributed to tribes through a competitive grant process. EPA's funding is used to support activities such as developing IWMPs, and characterizing/assessing open dumps. Other agencies provide funding for purchase of equipment and cleanup or closure of open dumps.

- Ø In FY 2011, five projects were funded totaling \$808,604.

- Hazardous Waste Management Grant Program, for Tribes

- Ø The competitive grant funds for this program supports specific tribal hazardous waste management projects such as development and implementation of tribal codes, regulations and ordinances; development and implementation of tribal integrated hazardous waste management plans; household hazardous waste collection events and/or programs; and used oil collection programs.

- Ø In FY 2011, four projects were funding totaling \$299,100.

# ORCR Tribal Waste Management Program Communication and Outreach

- Outreach Materials:
  - Tribal Waste Journal which is an annual publication that focuses on important waste management issues in Indian Country,
  - Fact sheets, and
  - IWMP toolkit.
- ORCR Tribal Team meets annually with:
  - National Tribal Operations Committee,
  - Regional Tribal Operation Committees,
  - National Tribal Organizations,
  - EPA Program Offices, and
  - National Tribal Lands Forum.

# Office of Inspector General (OIG)

## Report on EPA Tribal Solid Waste Management Capacity Assistance; an Agency-Wide Plan

- The OIG is an independent office within EPA.
- The OIG performs audits, evaluations, and investigations of EPA.

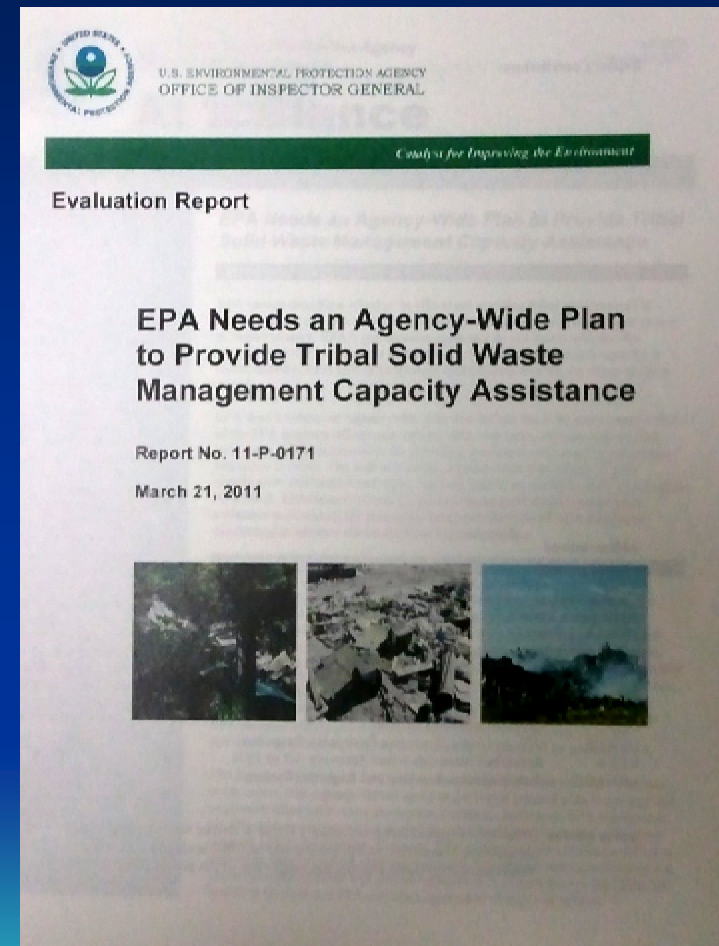
# Agency-Wide Plan

- The OIG interviewed EPA HQ and Regional offices in the evaluation:
  - Office of Solid Waste and Emergency Response
  - American Indian Environmental Office
  - Office of Enforcement and Compliance Assurance
  - Tribal and EPA staff in EPA Regions 5, 8, and 9



# Agency-Wide Plan

- The OIG evaluation focused on EPA's tribal waste management efforts.
- EPA will develop an Agency-Wide Plan for capacity assistance improvements including EPA coordination, data collection & performance measures.
- Plan will include formal tribal consultation.



# The Indian Health Service Database

## web Sanitation Tracking and Reporting System (w/STARS)

w/STARS is the Reporting System for the Indian Health Service's Division of Sanitation Facilities.

Among others, it includes these data systems:

- Operation and Maintenance Data System (OMDS)
- Sanitation Deficiency System (SDS)
- Project Data System (PDS)

# w/STARS Overview

w/STARS consist of three main data systems:

## Operation & Maintenance Data System (OMDS)

- Inventory of all tribally owned and operated water, sewer and solid waste systems. Tracks open dumps and O&M organizations.

## Sanitation Deficiency System (SDS)

- Inventory of existing sanitation needs which serves existing homes.

## Project Data System (PDS)

- Inventory of all Sanitation Construction Facilities' projects.

# Open Dump Report Example

**O&M Data System**

File Record Reports Help

Lookup by Number: 1012300230    Lookup by Name: FT. BERTHOLD LANDFILL    Filter: Solid Waste    Clear

OMDS Systems | SDS PDS Projects | O&M Organization

**General**

System Type: 30 Solid Waste    Certified? ☒

Name: FT. BERTHOLD LANDFILL

Organization: FT BERTHOLD SOLID WASTE    Population: Indian 3940    Non-Indian

District: 00

Local Code:

**Location Information**

Tribe: THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESE

Reservation: FORT BERTHOLD

**Communities**

Service Unit: FORT BERTHOLD

Date Updated:

**Solid Waste**

System Type: Active On-reservation Open Dump

Freq of Cover: Daily

Trust Land: Yes    Fencing: Yes

N Latitude: 47.9353 (Decimal Degrees)

W Longitude: 102.7722

Surface Area: 2500 (Square Meters)

Contents: Municipal Solid Waste - any househ

Health Threat: Low risk site - minimal threat

**Comments**

Record 214 of 261 (62 Filtered Record) Version: 3.0

Printed: 03/04/2009 03:26PM  
(Eastern)

## wSTARS

Printed By: Reddoor, Charles  
(EPA)

### OMDS OPEN DUMPS LINE LISTING - DRAFT

EPA Region	IHS Area	Tribe	Facility Name	System Type	Status	Condition	Health Threat	Health Threat Score	Surface Area Contents (Acres)	N Latitude	W Longitude
NEVADA AND UTAH											
09	CA	SANTA YNEZ BAND OF CHUMASH MISSION INDIANS OF THE SANTA YNEZ RESERVATION, CA	Rosemary Site	Solid Waste Disposal Site	Active	Open Dump - Surface	3-High	704	???	2.00	34.593820 12009286.000000
09	NA	NAVAJO TRIBE OF ARIZONA, NEW MEXICO AND UTAH	TRADING POST - CAMERON	Solid Waste Disposal Site	Active	Open Dump - Surface	3-High	0	A		
09	PH	CO RIVER IND. TRIBES OF THE CO RIVER IND. RES., AZ AND CA	CRIT #10	Solid Waste Disposal Site	Active	Open Dump - Surface	3-High	0	D	0.60	339850.000000 1144003.000000
09	NA	NAVAJO TRIBE OF ARIZONA, NEW MEXICO AND UTAH	LUKACHUKAI SITE #3	Solid Waste Disposal Site	Active	Open Dump - Surface	3-High	0	A		36.413100 109.205000
09	NA	NAVAJO TRIBE OF ARIZONA, NEW MEXICO AND UTAH	0.5 MILES N OF DINOSAUR TRACKS	Solid Waste Disposal Site	Active	Open Dump - Surface	3-High	0	A		
09	CA	SANTA YNEZ BAND OF CHUMASH MISSION INDIANS OF THE SANTA YNEZ RESERVATION, CA	Gonzales Site	Solid Waste Disposal Site	Active	Open Dump - Surface	3-High	800	G	4.50	34.603020 120.091660
09	CA	PINOLEVILLE RANCHERIA OF POMO INDIANS OF CALIFORNIA	Bank Stabilization / Williams Property	Solid Waste Disposal Site	Active	Open Dump - Surface	3-High	768	F	0.57	39.181410 123.215280
09	CA	AUGUSTINE BAND OF CAHUILLA MISSION INDIANS OF THE AUGUSTINE RESERVATION, CA	SWDS-AUGUSTINE	Solid Waste Disposal Site	Active	Open Dump - Surface	3-High	0	F	526.09	
09	PH	CONFEDERATED TRIBES OF THE GOSHUTE	Crows Site	Solid Waste Disposal	Inactive	Open Dump - Surface	3-High	897	F	10.00	39.904990 113.998560

# PDS- SDS Summary Report Example

Area	Solid waste sites	Open dumps	PDS funding (active projects)	SDS estimate
Aberdeen	62	53	\$10,308,520	\$18,017,600
Albuquerque	37	13	\$5,169,838	\$2,827,200
Anchorage	180	152	\$13,415,866	\$87,508,794
Bemidji	32	2	\$1,171,442	\$2,472,304
Billings	57	36	\$2,147,543	\$2,499,600
California	90	89	\$869,113	\$4,671,186
Navajo	230	230	\$891,730	\$10,050,425
Nashville	43	36	\$1,138,700	\$3,702,210
Oklahoma	311	309	\$359,000	\$4,067,600
Phoenix	196	178	\$8,337,850	\$8,744,000
Portland	75	64	\$2,440,000	\$9,680,200
Tucson	112	111	\$2,595,600	\$3,389,300
	1,425	1,273	\$48,845,202	\$157,630,419

# CERCLA 108(b) – Hard Rock Mining Financial Responsibility Regulation



# Financial Responsibility

## What are we doing and why?





# Financial Responsibility For Hard Rock Mines And Mineral Processors

- In 1980 Congress passed the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly called Superfund.
- Section 108(b) authorizes the President to establish financial responsibility requirements for facilities that manage “hazardous substances.”
- EPA announced in July, 2009 that it would first develop requirements for classes of facilities in the hard rock mining industry.
- We plan to do this through federal regulation.

# CERCLA Section 108(b)

- EPA is exploring a partnership with BLM, USFS and the states to create a cohesive, consistent and fully protective financial responsibility structure for hard rock mining and mineral processing.
- “Preemption” CERCLA Section 114(d) issue: *...no owner or operator of a facility who establishes and maintains evidence of financial responsibility in accordance with this subchapter shall be required under any State or local law, rule, or regulation to establish or maintain any other evidence of financial responsibility in connection with liability for the release of a hazardous substance from such facility.*
- We are in the process of investigating how this may affect tribal financial responsibility programs for hard rock mining.
- We know that California’s Hoopa Valley Tribe, the Oglala Sioux and the Hopi have financial responsibility ordinances in place for mining.
- We would like to hear from other tribes that have ordinances or are thinking of developing them.

# CERCLA 108(b) and Tribes

- EPA still has many issues to consider before publishing a proposed regulation for public comment.
- We expect to publish the proposal in the Spring of 2013.
- At that time we will consult with tribes in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes*.
- Until then we will speak about CERCLA Section 108(b) at tribal meetings, and we will work to answer your questions.
- For more information contact Ben Lesser: [lesser.ben@epa.gov](mailto:lesser.ben@epa.gov), 703-308-0314.

# Tribal Hazardous Waste Management Success Story

The Pala Indian Transfer Station located in Pala, California is a model of a clean, efficient working transfer station.

## Solid Waste Disposal and



## Household Hazardous Waste



# Pala Transfer Station Crew



# Tribal Solid Waste Management Success Story

## Integrated Waste Management Plan Training – Anvik, Alaska



# ORCR Tribal Waste Management Program Contact Information

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