

Tribal Brownfields and Response Programs



RESPECTING OUR LAND,
REVITALIZING OUR COMMUNITIES



Forward

EPA's Brownfields Program empowers tribes, states, and communities by providing money and technical assistance to prevent, assess, safely clean up, and sustainably reuse brownfields. EPA is proud of its partnership with the more than 60 tribes that are creating and enhancing Tribal Response Programs to address the cleanup and reuse of contaminated property in Indian country. Through these response programs, tribes are taking an active role in combating environmental issues prevalent in Indian country, while creating self-sufficient organizations for environmental protection.

Together, we've made progress in tackling the challenges to restoring lands and, in the process, helped revitalize impacted communities. This report highlights the accomplishments tribes are making in restoring their land and provides examples of tools tribes are developing to meet the needs of their communities. We look forward to continued success from Tribal Response Programs and to building on our growing partnership.

– Susan Parker Bodine, Assistant Administrator for EPA's
Office of Solid Waste and Emergency Response

Prepared by:

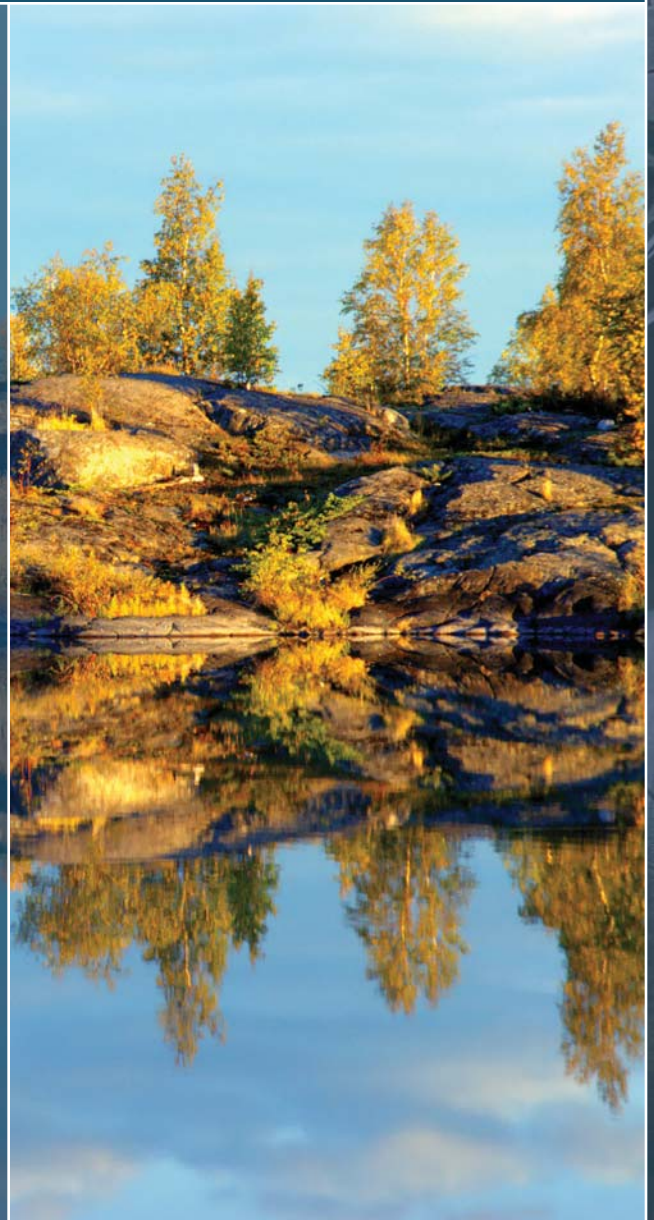
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3434 Washington Boulevard
Arlington, VA 22201

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Purpose

This report highlights how tribes are using U.S. Environmental Protection Agency (EPA) brownfields funding to address contaminated land in Indian country¹ and other tribal lands. It also highlights the challenges they face. It provides an historic overview of EPA's Brownfields Program, as it relates to tribes, and demonstrates EPA's commitment to the development of tribal capacity to deal effectively with contaminated lands in Indian country. The report includes examples of tribal successes to both highlight accomplishments and serve as a resource for ideas, information and reference.

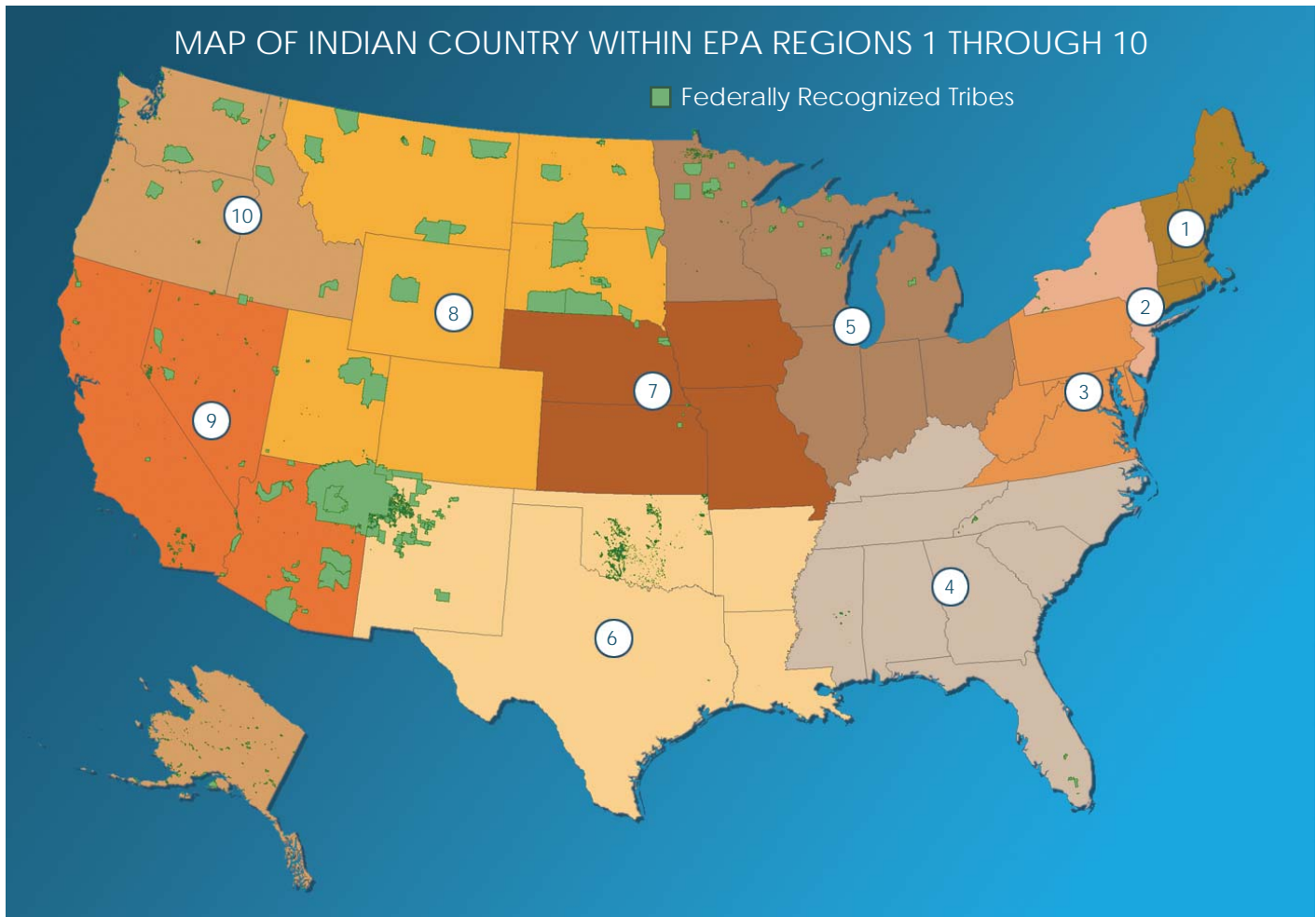


¹ Use of the terms "Indian country," "tribal lands," and "tribal areas" within this document is not intended to provide legal guidance on the scope of any program being described, nor is their use intended to expand or restrict the scope of any such programs, or have any legal effect.

Overview and History of Brownfields Tribal Funding

Overview

There are 561 federally recognized tribes within the United States. Each tribe is an independent, sovereign nation, responsible for setting standards, making environmental policy, and managing environmental programs for its people. While each tribe faces unique challenges, many share similar environmental legacies.



Environmental issues in Indian country run the gamut from developing basic administrative infrastructure to passing sweeping new laws; from controlling illegal open dumping to developing wastewater and drinking water infrastructure; from controlling and removing leaking underground storage tanks to asbestos and lead abatement and removal; and from air pollution to the cleanup and reuse of contaminated land.

Given each tribe's unique history and culture and the complex jurisdictional issues, the ability to deal effectively with environmental issues in Indian country calls for non-traditional approaches and new ways of thinking. The EPA Brownfields Program is providing these approaches with progress and results occurring in many parts of Indian country.

Brownfields and Contaminated Land in Indian Country

Brownfields and other contaminated lands are found throughout the United States. Often legacies of an industrial past or bygone business, they dot the landscape of large and small communities. Brownfields are defined as "real property the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant,"² they come in many forms and sizes. Brownfields can be the abandoned warehouse or corner gas station, the local mill site or abandoned mine. In Indian country they are as diverse as the communities in which they are found.

² Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, § 101(39).

To address the myriad environmental issues in Indian country, many tribes establish their own environmental protection and natural resource management offices. To clean up and reuse contaminated lands, many create brownfields programs or “Tribal Response Programs.” However, despite best efforts, tribal communities often lack funding to sustain environmental program capacity building and continue to need technical assistance and expertise.

Additionally, many tribes seeking to address brownfields in their communities face problems that are found in many small or rural areas in the United States. Rural locations typically do not have the technical resources that many larger communities have, nor the economic drivers associated with more dense populations that might spur cleanup and reuse. While the benefits of reusing existing buildings and infrastructure may be apparent, the funding to make the cleanup and reuse possible are often not present. Tribes may seek to return contaminated land to a non-economic reuse (e.g., returning land to a culturally beneficial reuse), which often must be funded by the public sector or tribal government and which may not attract the interest of those with private cleanup dollars.

Despite the challenges, revitalization of contaminated lands is an environmental issue being addressed successfully in parts of Indian country. With the assistance of grants and other resources available through EPA’s Brownfields Program, tribes are making great strides in cleaning up and returning contaminated land back to productive use. By using the grants and tools available, tribes address their fundamental environmental and revitalization goals and enrich the health and welfare of their communities. This in turn fosters greater environmental awareness, and allows for the sustainable reuse of tribal land in a manner determined by the tribes themselves.

U.S. EPA Brownfields Resources for Revitalization of Contaminated Land in Indian Country

Since the inception of EPA’s Brownfields Program in 1995, the program’s goal has been “to empower states, tribes, communities, and other stakeholders in economic development to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.” The program provides financial and technical assistance for brownfields revitalization, including annual competitive grants for environmental assessment, revolving loan funds (RLF), cleanup, and job training, and non-competitive funding for state and tribal response programs.

In 2002, the passage of the Small Business Liability Relief and Brownfields Revitalization Act—referred to as the Brownfields Amendments—codified many of the policies EPA developed. The Brownfields Amendments authorized, among other things, two main sources of funding that may assist tribes in revitalizing contaminated land in Indian country:

- (1) Section 128(a) State and Tribal Response Program funding**
- (2) Section 104(k) competitive grant program funding**

Tribal Response Program Grants

Tribal Response Program funding—referred to as “Section 128(a)” funding after the section of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) that it falls under—can be used to create new or to enhance existing environmental response programs. Authorized at \$50 million per year and shared among states, tribes and territories, the funding is awarded on an annual basis. The primary goal of the funding is to ensure that response programs include, or are taking reasonable steps to include, the following four elements in their programs:

- 1. Timely survey and inventory of brownfields sites.*
- 2. Oversight and enforcement authorities or other mechanisms and resources to ensure that a response action will protect human health and the environment.*
- 3. Mechanisms and resources to provide meaningful opportunities for public participation.*
- 4. Mechanisms for approval of a cleanup plan and verification and certification that cleanup is complete.*

The funding can also be used for limited site assessments or cleanups at brownfields sites; for other activities that increase the number of response actions conducted or overseen by a state or tribal response program; to capitalize

revolving loan funds for cleanup; to purchase environmental insurance; or to develop other insurance mechanisms for brownfields cleanup activities.

Since the passage of the Brownfields Amendments, EPA has distributed over \$32 million in Section 128(a) funding to tribes nationwide. Examples of activities that tribes are conducting with their Section 128(a) funding include:

- The **Native Village of Port Heiden** used Section 128(a) funding to initiate the development of a tribal response program. They focused their funding on developing an inventory of properties and a public record, obtaining technical training for staff members, and conducting outreach and education to engage the community in environmental and brownfield issues.
- The **Mille Lacs Band of Ojibwe Tribe** assessed contamination on the former St. Croix Girls Camp that had for years been used as dump site. Using its Section 128(a) funds, the tribe cleaned up the property and will return it to reuse as a school.
- The **Absentee Shawnee Tribe's** Executive Committee passed three codes—Brownfields Voluntary Redevelopment, Solid Waste, and Environmental Management—to create the Office of Environmental Health (OEH) and Office of Environmental Protection (OEP).
- The **Seminole Tribe of Florida** utilized its funds to provide oversight of limited soil removal at a property on the Big Cypress Seminole Indian Reservation. The property, once used for illegal dumping and vehicle storage in a rural section of the reservation, has been reopened and the tribe plans to develop a recreational resort.

Assessment, Revolving Loan Fund, and Cleanup Grants (ARC Grants)

The 104(k) competitive grants are awarded through an annual competition. Most federally recognized tribes are eligible to apply for this funding.³ ARC grants may be used to address sites contaminated by petroleum and hazardous substances, pollutants or contaminants (including hazardous substances co-mingled with petroleum). Opportunities for funding are as follows: Brownfields Assessment Grants (each funded up to \$200,000 over three years); Brownfields Revolving Loan Fund (RLF) Grants (each funded up to \$1,000,000 over five years); and Brownfields Cleanup Grants (each funded up to \$200,000 over three years).

Job Training Grants

Job Training grants—competitively awarded on an annual basis—are also available to most federally recognized tribes.³ To help residents located in areas affected by brownfields take advantage of jobs created by the assessment and cleanup of these properties, EPA initiated the Brownfields Job Training grants. Among other things, the grant funds may be used for:

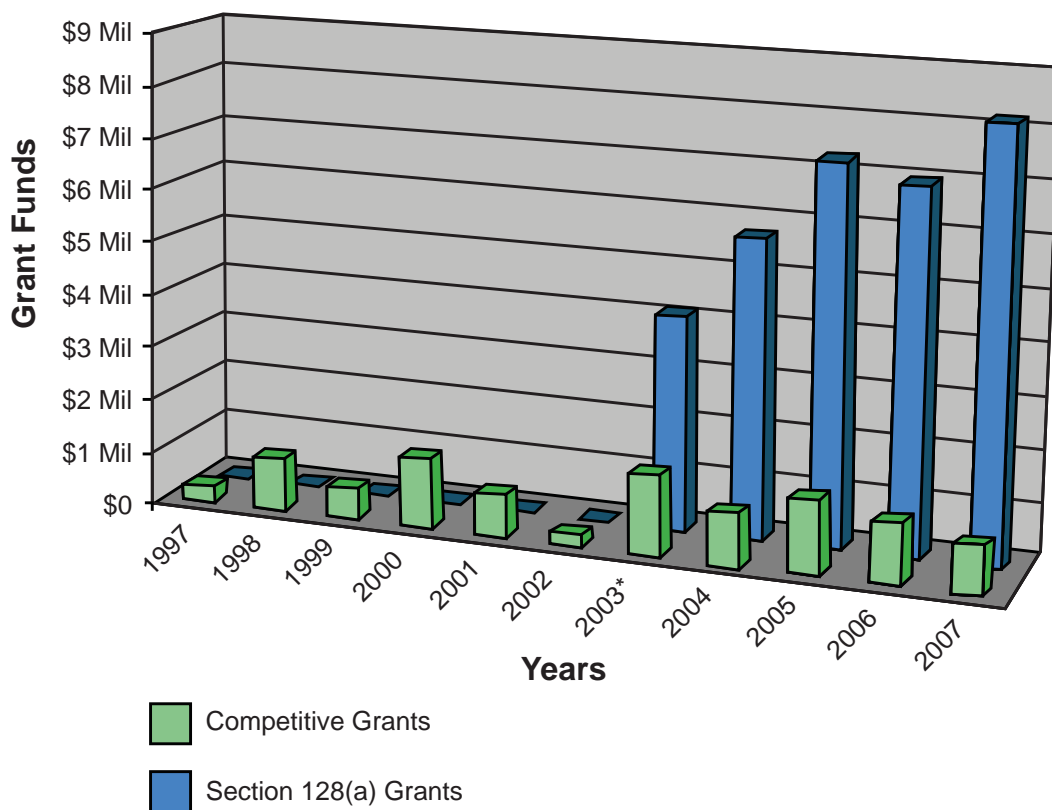
- Training residents in the handling and removal of hazardous substances, including training for jobs in sampling, analysis and site remediation;
- Training in the management of facilities at which hazardous substances, pollutants, contaminants or petroleum contamination are located;
- Training for response activities often associated with cleanups such as landscaping, demolition and ground water extraction;
- Development/refinement of existing curriculum for the training described in this section;
- Training participants in the techniques and methods for cleanup of leaking underground storage tanks and other sites contaminated by petroleum products, asbestos abatement, or lead abatement where these topics are a component of a more comprehensive hazardous waste management training course or environmental technology training course.

³In Alaska, only an Alaska Native Regional Corporation and an Alaska Native Village Corporation, as those terms are defined in the Alaska Native Claims Settlement Act, and the Metlakatla Indian Community are eligible. CERCLA § 104(k)(1).

To leverage success, tribes use combined funding sources to build upon the success of established programs. Below are a few examples:

- The **Gila River Indian Community** used Section 128(a) funding to assess a 160-acre property found to have soil and ground water contamination. With assistance from an EPA Brownfields Cleanup grant, contamination was removed and the property is now home to a Diabetes Education and Research Center.
- The **Spirit Lake Nation** used EPA Brownfields grants to assess and clean up four idle properties, using the environmental expertise of tribal graduates from an EPA funded Brownfields Job Training program.
- The **Rosebud Sioux Tribe** leveraged additional grants to supplement their Section 128(a) funding and complete several brownfields projects. They developed a brownfields inventory of 63 properties with Section 128(a) funding and cleaned up 32 of those properties with an Open Dump grant from the Bureau of Indian Affairs (BIA).

BROWNFIELDS FUNDING AWARDS TO TRIBES



* Passage of Brownfields Amendments to CERCLA

Brownfields Tribal Highlights and Results

Developing and Enhancing Programs for Tribal Needs

Tribes use Section 128(a) Tribal Response Program funding for a variety of activities. Tribal response programs conduct assessments and provide oversight at properties, create codes and ordinances, develop inventories of properties, and educate their communities about the value of protecting and restoring tribal natural resources and community health.

This section highlights how Section 128(a) and other funding has been applied in tribal environments, as well as the obstacles encountered and lessons learned. These highlights serve as a reference for tribes to learn from what other tribes have accomplished with brownfields funding.



MENOMINEE INDIAN TRIBE OF WISCONSIN (EPA Region 5)

Building Capacity: Policy Development for Clandestine Drug Lab Sites (Meth Labs)

Location: Central and Mideastern Wisconsin

Size: Approximately 236,000 acres

Population: Approximately 4,000

Website: <http://www.menominee-nsn.gov>

The Menominee Indian Tribe of Wisconsin is one of the first tribes in the country to develop and adopt their own clandestine drug lab cleanup ordinance and guidance. In July 2007, the Menominee Indian Tribe used Section 128(a) funds to complete and adopt an ordinance entitled “Cleanup of Clandestine Drug Lab Sites.” The ordinance provides regulation on notifications, responsibility to act,

and responsibility for costs and recovery for any structure (including mobile structures) with contamination from a drug lab within the external boundaries of the tribal lands. Drafting the ordinance was a labor intensive effort and the tribe’s Environmental Services Department teamed with many levels within the tribe to finalize the regulation. The Environmental Services Department worked with the tribal legislature and Enforcement Committee to define property owner rights and develop cost recovery options before the ordinance was adopted.

In addition, the tribe developed a “Clandestine Drug Lab General Cleanup Guidance” to accompany the ordinance. The guidance assists property owners, remediation contractors, and tribal authorities with their efforts to reduce exposure to contamination from former clandestine drug labs. The ordinance and guidance focus on innocent landowners’ ability to clean up their properties and recover costs.

For more information regarding the Menominee Tribe’s clandestine drug lab cleanup ordinance and guidance or Environmental Services Department, please contact Gary Schuettpelz at gschuettpelz@mitw.org or (715) 799-6152.

The *mission* of the Menominee Environmental Service Department is to defend the environmental integrity of the land, air, and water which makes up the cultural and earth resources of the Menominee People. The clandestine drug lab cleanup ordinance will assure that the health needs are maintained for future generations of Menominee.



KEWEENAW BAY INDIAN COMMUNITY (EPA Region 5)

Brownfields Reuse: Using Multiple Funding Sources and Partnerships

Location: Upper Peninsula of Michigan

Size: Approximately 56,700 acres

Population: Approximately 3,200

Website: <http://www.kbic-nsn.gov>

The Keweenaw Bay Indian Community (KBIC) is using Section 128(a) funding to actively locate and identify brownfield properties, and build an inventory of properties within the L'Anse Reservation boundaries. They are developing an inventory by talking to tribal elders, using historical society resources, and talking with tribal members about former uses of abandoned or under utilized properties on the reservation. Visual surveys

are also being completed. In addition, KBIC brownfields staff reviews historical property documents and aerial photographs of the reservation. KBIC's Natural Resources Department (NRD) is developing protocols and cleanup standards that will establish a process for moving properties through the assessment and cleanup phases of brownfields reuse.

KBIC completed the assessment and cleanup of the Sand Point brownfield site using EPA Brownfields Assessment and Cleanup funds, funding from the Great Lakes Commission Soil Erosion and Sediment Control program, and tribal funds. KBIC also used a portion of its Section 128(a) funding for cleanup. The property on the west side of Keweenaw Bay on the south shore of Lake Superior was covered with stamp sand impacted by copper ore processing waste containing low concentrations of heavy metals. The stamp sands entered Keweenaw Bay from a copper stamping mill in the early 1900s and were carried southward by lake currents and deposited on Sand Point. KBIC partnered with the United States Department of Agriculture's (USDA) National Resource Conservation Service (NRCS) and the Upper Peninsula Resource Conservation and Development Council (UPRCDC) to conduct environmental assessment activities at the property and examine potential corrective actions for the property. An analysis of brownfields cleanup alternatives led to the selection of constructing a soil cover over the stamp sands to reduce exposure to and erosion of stamp sands from the property into Keweenaw Bay. As part of the cleanup, a soil and vegetation cap was constructed over more than 33 acres of impacted land. KBIC transformed the property into a recreational area for use by tribal members and the general public. KBIC's long-term plan is to incorporate attractive greenspace and landscape architectural design to provide hiking trails, wildlife viewing, and areas for personal reflection.

KBIC will focus on increasing community awareness and developing assessment and cleanup protocols in the coming years. The tribe plans to conduct outreach to develop the vision for the cleanup and reuse of brownfield properties and visit area schools to teach children about the importance of land stewardship. Increasing the community's knowledge of brownfields and defining their tribal environmental program will provide better protection of human and environmental health, making the reservation a healthier and safer place to live.

For more information regarding KBIC's Sand Point project or their Environmental Response Program, please contact Katie Kruse at kkruse@kbic-nsn.gov or (906) 524-5757, ext. 20.

“Brownfields funding enabled us to create and define our program, identify brownfields properties, create an inventory, and start the process of getting properties assessed and cleaned up.”

– Katie Kruse, KBIC Environmental Response Program Specialist



ABSENTEE SHAWNEE TRIBE (EPA Region 6)

Providing Environmental Training by Coordinating EPA Brownfields Resources

Location: Central Oklahoma
Size: More than 12,000 acres in parts of Pottawatomie, Oklahoma and Cleveland Counties
Population: Approximately 3,000
Website: <http://www.astribe.com/OEP.htm>

The Absentee Shawnee Tribe provided environmental job training to 65 students to date, with 91% obtaining employment and an average post-training hourly wage of \$13.50. Before graduating, students are trained in: asbestos remediation, HAZWOPER, emergency confined space training, first aid and CPR, National Incident Management System (NIMS), and an inspector contractor supervisor class. The Absentee Shawnee job training

program, in partnership with the Gordon Cooper Technology Center and East Central University of Oklahoma, is one of three accredited asbestos training programs in Oklahoma and the only one that provides free training.

A \$200,000 EPA Brownfields Job Training grant awarded in 2006 provided the main funding source. Students then developed skills on actual assessment and cleanup projects. This coordinated effort gave students real life experience and supports site specific efforts of the tribes' Section 128(a) funded brownfields program.

The tribe's brownfields office and job training classroom is located on a 21-acre property that was the focus of an EPA Brownfields Assessment grant awarded in 2004. The property is a former pipe supply business with hazardous substances and petroleum contamination on portions of the site. Students use this and other nearby brownfields with illegal dumping, asbestos and mold issues to learn a range of skills, including how to: conduct site screenings; conduct mold assessment and inspections; use a global positioning system (GPS) to mark properties; and use equipment such as underground survey instruments. The students' practice provides information to the brownfields office and supports assessment and cleanup activities.

The tribe's Office of Environmental Protection hired some graduates to work within its brownfields program. For example, one student is now an asbestos trainer and another entry level staff member has been promoted to help with assessment and cleanup activities after going through the program. Other graduates have obtained employment in the asbestos and solid waste field, with some working for the United States Geological Survey (USGS) and the Federal Emergency Management Agency (FEMA).

For more information regarding the Absentee Shawnee's environmental job training and brownfields efforts, please contact Renee Hood at reneeh@astribe.com or (405) 273-9966.

“Many companies have been impressed with our graduates because due to their extensive training beyond just asbestos remediation, they are able to recognize additional issues such as emergency confined space problems.”

– Renee Hood, Absentee Shawnee Environmental Director



CHEROKEE NATION/INTER-TRIBAL ENVIRONMENTAL COUNCIL (ITEC) (EPA Region 6)

Technical Assistance: Providing Services and Training Other Tribes

Location: Northeastern Oklahoma
Size: 14 County Tribal Jurisdictional Service Area
Population: 40 ITEC member Tribes in Oklahoma, New Mexico and Texas
Website: <http://www.itecmembers.org>



A creek located on one of the brownfields properties on the Cherokee Nation brownfields inventory.

The Cherokee Nation Environmental Programs/Inter-Tribal Environmental Council (ITEC) provides environmental compliance and capacity building services for the Cherokee Nation, as well as to 40 additional member tribes in Oklahoma, Texas and New Mexico for EPA-related programs, including brownfields. The Cherokee Nation received Section 128(a) Tribal Response Program funding in 2003 to build upon its strong environmental program. Since 2003, the Cherokee Nation has made great strides in enhancing its program, as well as providing technical assistance and training to ITEC member tribes. With a staff of 30 full time employees in their Environmental Program, the Cherokee Nation conducts site visits, Phase I and II assessments, and is in the process of redeveloping several key properties in the Tahlequah area, the capital of the Cherokee Nation.

The tribe is focusing on cleanup and redevelopment efforts in the Cherokee Nation to increase tourism to the area. There are approximately 15-20 properties on the Cherokee Nation Brownfields inventory with more expected to be added as communication occurs with additional property owners and group leaders. The largest brownfield property is the Old Markoma Bible Academy—a 19 acre tract with five buildings that have lead and asbestos contamination. The property is slated to be redeveloped for office space, a school and an elder care facility. A Phase I assessment was performed in August 2005 and a Phase II is planned for 2008.

Another significant accomplishment is the Cherokee Nation's leadership role in providing Meth Lab Hazard Assessment training. The tribe presented its Meth Lab Hazard Assessment course to staff from over 20 different tribes within EPA Region 6 and participated in several national and regional meetings, including the National Forum on Tribal Environmental Science and the National Brownfields Conference. The training covers three parts: 1) how to identify illegal manufacturing processes; 2) how to assess former meth lab sites; 3) and how to remediate these properties. The Cherokee Nation is currently working on a "Train the Trainer" course funded by an EPA Brownfields Technical Assistance Grant.

For more information regarding the ITEC technical assistance program or the Cherokee Nation's Environmental Department or Meth Lab Assessment Training, please contact Bobby Short at bshort@cherokee.org or (918) 453-5089.

The Meth Lab Assessment Training has empowered tribal participants with the information and tools necessary to safely and effectively address the residual contamination generated by illegal production of meth.



CONFEDERATED SALISH AND KOOTENAI TRIBES (EPA Region 8)

Increasing Capacity to Work on a Variety of Brownfields Types

Location: Northwestern Montana
Size: Approximately 1.3 million acres
Population: Approximately 7,000
Website: <http://www.cskt.org>

Housing is a significant problem on the Confederated Salish and Kootenai Tribes (CSKT) Reservation with approximately 400 people awaiting homes. Many people could be housed on properties that currently sit idle due to contamination. CSKT's Tribal Brownfields Response Program was created in 2003 and focuses on assessing and cleaning up a portion of its 127 inventoried brownfields and reusing them for housing. CKST completed several assessments with its Section 128(a) Tribal Response Program funding and recently received its first EPA Brownfields Cleanup grant.



CKST staff removing refuse from an illegal dump site.

CSKT staff addressed a wide range of the reservation's contaminated land issues, from dump sites, to lead issues, to gas stations. In the future, they plan on taking on the unique challenges associated with meth labs, asbestos and contamination near waterways. CSKT staff developed their broad expertise through numerous trainings, including courses on Phase I and Phase II assessments and asbestos, meth labs, lead, underground storage tanks (USTs) and Resource Conservation and Recovery Act (RCRA) issues. While CSKT does utilize consultants, this training enables staff to analyze assessment results and provide project oversight.

For more information regarding the CSKT Tribal Brownfields Response Program, please contact Marlene McDanal at mmcdanal@cskt.org or (406) 883-2888 ext 7215.

“Brownfields funding has had an impact on the CSKT Tribe by cleaning up land for much needed housing for tribal members.”

– Marlene McDanal, CSKT Tribal Brownfields Response Program Coordinator



FORT BELKNAP RESERVATION, GROS VENTRE AND THE ASSINIBOINE TRIBES (EPA Region 8)

Community Involvement: Restoring Valuable Tribal Resources

Location: Montana
Size: 675,147 Acres
Population: Approximately 5,000
Website: <http://www.fortbelknapnations-nsn.gov>

Home to the Gros Ventre and Assiniboine tribes, the Fort Belknap Indian Community (FBIC) uses EPA Brownfields grants to assist community groups' efforts to restore a valuable, community landmark. In 2004, the Fort Belknap community received a Brownfields Section 128(a) Tribal Response grant to further their capabilities to address contaminated properties within

the reservation. Using the grant funds, the community identified numerous properties as potential brownfields. Once identified, the properties are inventoried and scored according to recently developed ranking criteria to establish priority for cleanup.

One of the properties identified, the Lodge Pole Hall, has been of interest to the community due to its historical significance. Built in 1930, the Lodge Pole Hall originally functioned as a community building and has been closed and abandoned since 1970. Through a community led effort, the Fort Belknap Planning Department put the site on the National Registry of Historic Places. Their goal is to renovate the hall as a community cultural center and museum and revitalize it for community functions, such as dances and meetings. To move forward with renovation, the property first needed an environmental assessment. In cooperation with Fort Belknap Brownfields Program, the community used Section 128(a) funds to complete Phase I and Phase II assessments on the property and a Phase III is now in progress. The community hopes to have cleanup completed by next year and have the property revitalized as a valuable community meeting place.

For more information regarding the Fort Belknap Brownfields Program, please contact Sherry Bishop at (406) 353-8465 or visit <http://www.ftbelknap-nsn.gov/brownfields>.

“It has always been said, that a community driven brownfields project is essential for a successful brownfields program. The Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, recognize the importance of “communities” working together to promote a healthier and safer environment, while at the same time maintaining honor for the traditional and cultural values of its people.”

– Sherry Bishop, Brownfields Coordinator



GILA RIVER INDIAN COMMUNITY (EPA Region 9)

Leveraging Resources: Building on Successful Program Development

Location: Central Arizona
Size: Approximately 372,000 acres
Population: Approximately 16,000
Website: <http://www.gric.nsn.us>

Since 1995, the Gila River Indian Community (GRIC) utilized a range of EPA funding sources to develop a successful brownfields program. These EPA funding sources include: Superfund Preliminary Assessment/Site Inspection (PA/SI) funding; Targeted Brownfields Assessment (TBA) funding; a Brownfields Showcase Community grant; two Brownfields Assessment grants; a Brownfields Cleanup grant; and Section 128(a) Tribal Response Program funding. Each

resource enabled GRIC to leverage additional funding. For example, an inventory conducted with PA/SI funding helped GRIC leverage TBA funds by identifying specific environmental assessment needs. Through their TBA experience, GRIC exhibited that they had built the capacity to manage a brownfields grant, thereby increasing their competitiveness for the Brownfields Showcase Community grant.

These resources enabled GRIC to develop a comprehensive inventory of approximately 60 to 70 brownfield properties, assess approximately 20 properties, clean up several priority properties, and develop key partnerships. All of these activities directly impact tribal members. The Section 128(a) Tribal Response Program grant and Brownfields Cleanup grant allowed GRIC to assess and clean up petroleum contamination from leaking underground storage tanks on the St. John Mission property. The property was redeveloped into a Diabetes Education and Resource Center, which is widely used by the GRIC community members for treatment and research.

By working with a range of partners through the Brownfields Showcase Community grant, GRIC leveraged resources to support other tribal programs, including an environmental health grant from the Agency for Toxic Substances and Disease Registry (ATSDR) to investigate the human health risks of workers and residents who are in close proximity to contaminated properties and a grant to the tribe's Fire Department to address hazardous waste.

GRIC uses its Section 128(a) Tribal Response Program funding to complement other grants, build on the success of its established program, and continue its commitment to sustainable development that preserves the environment for future generations.

For more information regarding the Gila River's brownfields efforts or their Department of Environmental Quality, please contact Dan Marsin at dan.marsin@gric.nsn.us or (520) 562-2234.

The cleanup and redevelopment of the St. John Mission property into a Diabetes and Education Resource Center significantly impact the community. The Center provides treatment and research for more than 50 percent of tribal adults.



YUKON RIVER INTER-TRIBAL WATERSHED COUNCIL (EPA Region 10)

Community Outreach: Educating the Community Spurs Environmental Stewardship

Location: Central Alaska and Northwestern Canada

Size: Approximately 1.1 million acres

Population: Consists of 66 First Nations and Tribes

Website: <http://www.yritwc.com>

The Yukon River Inter-Tribal Watershed Council (YRITWC) is a coalition of 66 tribes and First Nations that was established in 1997 by a group of tribal leaders and elders. They were concerned about the increase in cancer among communities and other health issues caused by the possible contamination of the Fortymile watershed, a tributary of the Yukon

River. Since receiving Section 128(a) Tribal Response Program funding in 2005, the YRITWC Brownfields Program has partnered with 36 tribes, working with them to identify, prioritize and assess potential brownfields.

In the early stages of the program, YRITWC provided general brownfields overview trainings for communities that supported the goal of addressing brownfields throughout the watershed. During these sessions, partners such as the Alaska Department of Conservation (DEC) and other brownfields grantees were often involved to share their experiences and success stories. As the program developed, tribal members and elders played a key role in developing a watershed-wide inventory, which includes 229 sites, by identifying potential brownfields and sharing historical property information. After YRITWC staff conducts site visits and adds properties to the inventory, each tribe selects their priority brownfields site. Community input and partnerships have been critical in identifying brownfields and enabling YRITWC to more easily prioritize assessment activities across the watershed. Educating the community and involving them in the inventory process has also improved environmental awareness and spurred environmental stewardship.

YRITWC training and outreach efforts have evolved over time. The Brownfields Program now provides an annual workshop to inform tribal environmental workers about the program so they can lead local brownfields efforts. Interactive youth training has also been incorporated in classrooms, camps and at YRITWC bi-annual summits to teach children about the importance of long-term land preservation, pollution prevention and environmental stewardship. In early 2008, the Brownfields Program partnered with other tribal programs to provide a ten-day Hazardous Waste Response Training to 30 participants. The training provided a series of environmental certifications such as HAZWOPER, Emergency Response Training and Hazardous Materials Transportation.

For more information regarding the YRITWC Brownfields Program, please contact Sonta Hamilton at shamilton@yritwc.com or (907) 451-2549.

“For tribes in Alaska, brownfields is a new buzz word, but it is not a new area of concern. Contaminated site issues have always been a priority for rural communities because of impacts of mining, military and other industries. Although these remote communities are not accessible by road and have other limitations, many tribes have already received brownfields funding to begin addressing sites through assessment, cleanup, and reuse.”

– Sonta Hamilton, YRITWC Brownfields Program

Building for the Future

As described in this report, tribes use many different approaches to protect and restore natural resources and community health. A number of tribes developed ordinances or passed codes to increase their authority and better define their tribal environmental programs. Many tribes developed outreach programs to educate the community about brownfields issues. This led to increased awareness that engages the community, enriches its health, and preserves its cultural history. Additionally, other tribes use multiple grants and funding sources to build on their tribal brownfields and response programs.

As tribes develop their programs to meet the environmental needs of their community, several challenges remain. For example, tribes may:

- Lack dedicated funding for tribal environmental program capacity building, making it difficult to develop expertise and technical skills.
- Be challenged by the environmental damage from illegal activity (random dumping or meth labs) by non-tribal persons or entities.
- Face jurisdictional issues that can make managing and resolving environmental issues difficult.
- Experience a lack of development opportunity because of complex property ownership issues in Indian country.



Sand Point, a formerly contaminated property, is now a recreational area on the Keweenaw Bay Indian Community reservation.

The approaches highlighted in this report demonstrate how tribal response programs continue to evolve and address these challenges. Tribes are using Section 128(a) Tribal Response Program funds to build their programs and develop expertise and technical skills. Tribes are dealing directly with the effect of meth labs in Indian country and reaching out to their state environmental counterparts to work collaboratively on environmental issues.

Tribes indicate that they will focus resources on the following activities in the coming years:

- *Leveraging additional funding and resources to meet gaps in funding and technical assistance* – Many tribes are considering applying for additional EPA Brownfields grants and leveraging other resources to build on their existing programs.
- *Developing the capacity to conduct Phase I and oversee Phase II assessments* – More tribes are attending training with the long-term plans of enabling staff to become “Qualified Environmental Professionals” to conduct Phase I assessments and to gain the expertise to better oversee consultants as they conduct Phase II site assessments. The goal is to streamline the assessment process and reduce the costs associated with characterizing a property.
- *Increasing community education and ensuring cultural sensitivity in outreach efforts* – Tribes will continue to work closely with their tribal and surrounding communities to increase awareness of brownfields issues, environmental stewardship and cultural history.
- *Increasing Meth Lab Assessment and Cleanup ordinance development and training* – With the growing number of illegal meth lab production sites and meth use sites across the country, tribes are creating ordinances to clean up meth lab sites and attending trainings to determine how to identify illegal manufacturing processes, assess former meth lab sites and remediate these properties.

EPA Regional Tribal Response Program Coordinators

EPA Region 1

Diane Kelley
(617) 918-1424
kelley.diane@epa.gov

EPA Region 2

Alison Devine
(212) 637-4158
devine.alison@epa.gov

EPA Region 4

Brian Holtzclaw
(404) 562-8684
holtzclaw.brian@epa.gov

EPA Region 5

Kelley Moore
(312) 886-3598
moore.kelley@epa.gov

EPA Region 6

Diana Hinds
(214) 665-7561
hinds.diana@epa.gov

EPA Region 7

Susan Klein
(913) 551-7786
klein.susan@epa.gov

EPA Region 8

Bernadette Gonzalez
(303) 312-6072
gonzalez.bernadette@epa.gov

Stephanie Wallace

(406) 457-5018
wallace.stephanie@epa.gov

EPA Region 9

Nuria Muniz
(415) 972-3811
muniz.nuria@epa.gov

EPA Region 10

Susan Morales
(360) 753-9079
morales.susan@epa.gov

For more information on EPA's
State and Tribal Response Program, please visit:
http://www.epa.gov/brownfields/state_tribal.htm



For additional information regarding EPA's
American Indian Environmental Office (AIEO) efforts to
strengthen public health and environmental protection
in Indian country, please visit:
<http://www.epa.gov/indian>



For more information on the Indian
Environmental General Assistance Program (GAP)
grants, please visit:
<http://www.epa.gov/indian/gap.htm>



For additional information on
the Bureau of Indian Affairs (BIA)
programs, services and grants, please visit:
<http://www.doi.gov/bureau-indian-affairs.html>

EPA Brownfields Tribal Grantees (Through FY2007)

EPA Region 1

Passamaquoddy Tribe - Sibayik Environmental Dept. – *Section 128(a) Tribal Response Grant*

EPA Region 2

Seneca Nation of Indians – *Assessment Pilot, Cleanup Grant, and Section 128(a) Tribal Response Grant*

EPA Region 4

Seminole Tribe of Florida – *Section 128(a) Tribal Response Grant*

EPA Region 5

Fond du Lac Band of Lake Superior Chippewa – *Section 128(a) Tribal Response Grant*

Forest County Potawatomi – *Section 128(a) Tribal Response Grant*

Keweenaw Bay Indian Community – *Assessment Pilot, Assessment Grant, Cleanup Grant, and Section 128(a) Tribal Response Grant*

Lac du Flambeau Band of Lake Superior Chippewa – *Section 128(a) Tribal Response Grant*

Leech Lake Band of Ojibwe – *Section 128(a) Tribal Response Grant*

Lower Sioux Indian Community – *Section 128(a) Tribal Response Grant*

Little River Band of Ottawa Indians – *Assessment Pilot, Cleanup Grant, and Section 128(a) Tribal Response Grant*

Menominee Indian Tribe of Wisconsin – *Section 128(a) Tribal Response Grant*

Mille Lacs Band of Ojibwe – *Section 128(a) Tribal Response Grant*

Nottawaseppi Huron Band of Potawatomi – *Section 128(a) Tribal Response Grant*

Oneida Nation of Wisconsin – *Section 128(a) Tribal Response Grant*

Red Lake Band of Chippewa – *Assessment Pilot*

St. Croix Chippewa Indians – *Assessment Grant, Cleanup Grant, and Section 128(a) Tribal Response Grant*

EPA Region 6

Absentee Shawnee Tribe of Oklahoma – *Assessment Grant, Job Training Grant, and Section 128(a) Tribal Response Grant*

Cherokee Nation/ Inter-Tribal Environmental Council (ITEC) – *Assessment Pilot and Section 128(a) Tribal Response Grant*

Cheyenne and Arapaho Tribes of Oklahoma – *Assessment Pilot*

Comanche Nation – *Assessment Pilot*

Picuris Pueblo Indian Reservation – *Cleanup Grant*

Pueblo of Acoma – *Assessment Pilot*

Ysleta del Sur Pueblo – *Assessment Grant*

EPA Region 7

Omaha Tribe of Nebraska and Iowa – *Section 128(a) Tribal Response Grant*

Sac and Fox Nation of Missouri – *Section 128(a) Tribal Response Grant*

Winnebago Tribe of Nebraska – *Section 128(a) Tribal Response Grant*

EPA Region 8

Blackfeet Nation – *Assessment Grant, Job Training Grant, and Section 128(a) Tribal Response Grant*

Cheyenne River Sioux Tribe – *Section 128(a) Tribal Response Grant*

Chippewa Cree Tribe – *Section 128(a) Tribal Response Grant*

Confederated Salish and Kootenai Tribes – *Cleanup Grant and Section 128(a) Tribal Response Grant*

Crow Creek Sioux Tribe – *Section 128(a) Tribal Response Grant*

Crow Nation – *Assessment Pilot*

Flandreau Santee Sioux Tribe – *Section 128(a) Tribal Response Grant*

Fort Peck Tribes – *Section 128(a) Tribal Response Grant*

Fort Belknap Gros Ventre and Assiniboine Tribes – *Assessment Pilot, Job Training Grant, and Section 128(a) Tribal Response Grant*

Lower Brule Sioux Tribe – *Assessment Grant and Section 128(a) Tribal Response Grant*
Ogalala Sioux – *Section 128(a) Tribal Response Grant*
Rosebud Sioux Tribe – *Section 128(a) Tribal Response Grant*
Shoshone & Arapahoe Tribes – *Section 128(a) Tribal Response Grant*
Sisseton-Wahpeton Sioux Tribe – *Section 128(a) Tribal Response Grant*
Southern Ute Indian Tribe – *Section 128(a) Tribal Response Grant*
Spirit Lake Nation – *Assessment Pilot, Cleanup Grant, Job Training Pilot, and Section 128(a) Tribal Response Grant*
Standing Rock Sioux Tribe – *Cleanup Grant and Section 128(a) Tribal Response Grant*
Three Affiliated Tribes (MHA Nation) – *Section 128(a) Tribal Response Grant*
Turtle Mountain Band of Chippewa Indians – *Assessment Pilot and Grant, Job Training Pilot, and Section 128(a) Tribal Response Grant*
Ute Indian Tribe – *Section 128(a) Tribal Response Grant*
Ute Mountain Ute Tribe – *Section 128(a) Tribal Response Grant*
Yankton Sioux Tribe – *Assessment Pilot and Section 128(a) Tribal Response Grant*

EPA Region 9

Ely Shoshone Tribe – *Assessment Pilot*
Gila River Indian Community – *Assessment Pilot and Grant, Cleanup Grant, and Section 128(a) Tribal Response Grant*
Hoopa Valley Tribe – *Assessment Pilot*
Hoplend Band of Pomo Indians – *Assessment Grant and Cleanup Grant*
Navajo Nation – *Assessment Pilot and Section 128(a) Tribal Response Grant*
Salt River Pima-Maricopa Indian Community – *Assessment Pilot, Assessment Grant, and Cleanup Grant*
Tohono O’odham Nation – *Assessment Pilot and Section 128(a) Tribal Response Grant*
White Mountain Apache Tribe – *Assessment Pilot*
Wiyot Tribe – *Cleanup Grant*
Yurok Tribe – *Section 128(a) Tribal Response Grant*

Region 10

Anvik Tribal Council – *Section 128(a) Tribal Response Grant*
Confederated Tribes of the Colville Reservation – *Assessment Pilot and Grant, Job Training Grant and Section 128(a) Tribal Response Grant*
Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians – *Section 128(a) Tribal Response Grant*
Jamestown S’Klallam Tribe – *Cleanup Grant and Section 128(a) Tribal Response Grant*
Lesnoi Village (Woody Island) Indian Tribe – *Section 128(a) Tribal Response Grant*
Lower Elwha Klallam Tribe – *Section 128(a) Tribal Response Grant*
Makah Tribe – *Section 128(a) Tribal Response Grant*
Metlakatla Indian Community – *Section 128(a) Tribal Response Grant*
Native Village of Port Heiden – *Section 128(a) Tribal Response Grant*
Native Village of Selawik – *Section 128(a) Tribal Response Grant*
Native Village of Tunanak – *Section 128(a) Tribal Response Grant*
Nez Perce Tribe – *Section 128(a) Tribal Response Grant*
Puyallup Tribe of Tacoma – *Assessment Pilot and Section 128(a) Tribal Response Grant*
Skokomish Indian Tribe – *Assessment Grant*
Swinomish Indian Tribal Community – *Assessment Grant and Section 128(a) Tribal Response Grant*
Shoshone-Bannock Tribes – *Section 128(a) Tribal Response Grant*
Yukon River Inter-Tribal Watershed Council – *Section 128(a) Tribal Response Grant*



**United States
Environmental Protection
Agency**

Office of Solid Waste
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