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# Region 10 Tribal Newsletter



## L E T T E R

Vol. XIV No. II  
February 1, 2005

### Work Shops and Conferences

**February 7-11, 2005, ATNI Winter Conference, Embassy Suites, Portland, OR. 503/249-5770**

**February 7-11, 2005, 7<sup>th</sup> Annual Forum on the Environment, Anchorage Egan Convention Center.** For additional information: [www.akforum.com](http://www.akforum.com).

**April 4-8, 2005, Sustainability and Restoration: A Practical Partnership for the 21<sup>st</sup> Century.** Washington State Convention and Trade Center, Seattle, WA.. <http://www.engr.washington.edu/epp/ser>

**April 17-22, 2005, Tribal Leaders Summit 05, Sitka, Alaska.** Info: Nathan Spees 907/271-6334 See \*\*\*

**June 7 - 10, 2005, 7<sup>th</sup> National Tribal Conference on Environmental Management in Traverse City, Michigan.** Info Andy Knott 231/271-7363, [aknott@gtbindians.com](mailto:aknott@gtbindians.com) or Suzanne McSawby 231/271-7104, [smcsawby@gtbindians.com](mailto:smcsawby@gtbindians.com).

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### **\*\*\*Request for Session Proposals Due February 14, 2005.**

EPA Region 10 Tribal Leaders' Summit, Sitka, Alaska, April 17-22, 2005, Hosted by the Sitka Tribe of Alaska "Government-to-Government Consultation: Effective Use of Tribal Sovereignty". The Sitka Tribe of Alaska is proud to be hosting the 2005 EPA Tribal Leaders, Summit in Sitka, Alaska. We are now accepting proposals for presentations for the conference. The conference will follow six

strands, or tracks: Strand 1. Traditional Foods & Resources; Strand 2. Policy (such as EPA's Trust Responsibility, Environmental Justice, and Tribal Capacity Building); Strand 3. Solid & Hazardous Waste; Strand 4. Water Quality; Strand 5. Air Quality & Climate Change; and Strand 6. Grants Management If you have a workshop or presentation to share, please submit a proposal by fax at 907/0747-4915 or by email to [jmorris@sitkatribes.org](mailto:jmorris@sitkatribes.org).

The form is available and can be downloaded at: [www.sitkatribes.org](http://www.sitkatribes.org). If you have any questions, please contact John Morris at 907/747-3207.

### **Compliance Assistance**

The Small Local Governments Compliance Assistance Policy (69 FR 31278, June 2, 2004), guides the actions of the regulator with respect to cooperating local government entities. For this

reason, it applies to the actions of a State, a Tribe that EPA has approved for treatment as a State, and to EPA where EPA directly implements a federal program (69 FR 31278, at 31282; n. 1). Any application of the policy by EPA must be coordinated with the Special Litigation and Projects Division of OECA's Office of Regulatory Enforcement. Associate Director Susan O'Keefe at 202/564-4201 would be your initial contact.

Please note that the policy requires participating small local governments either to identify and correct their violations, or to enter into an enforceable agreement (with a schedule) to do so. Failure to correct violations or to take corrective action in accordance with the enforceable agreement renders the local government ineligible for penalty mitigation under the policy.

Ken Harmon 202/564-7049

### **Hazardous Waste Grants**

The EPA Office of Solid Waste (OSW) is soliciting proposals from Tribal governments and Intertribal Consortia for the development and implementation of hazardous waste programs and for building capacity to address hazardous waste mismanagement in Indian country. In accordance with the EPA Indian Policy of 1984, EPA recognizes Tribal governments as the primary parties for managing programs for reservations. The Federal grant program is published in the Catalog of Federal Domestic Assistance (CFDA) (number 66.812 - Tribal Hazardous Waste Grants).

This request for project proposals outlines the purpose and procedures for application and award of Fiscal Year 2005 Hazardous Waste Management Program Grants for Tribes.

This grant program will support projects designed to develop and implement hazardous waste management programs. These programs must improve the applicant's ability to properly identify, manage, or dispose of hazardous waste. All hazardous waste management activities that address the RCRA Subtitle C "cradle to grave" are considered central to a "cradle to grave" program: 1-Hazardous Waste Identification, 2-Hazardous Waste Generator Siting, Monitoring, & Compliance (Large Quantity, Small Quantity, and conditionally Exempt Small Quantity Generators), 3- Hazardous Waste Recycling, Used Oil, and Universal Wastes, 4-Hazardous Waste Transportation,

5-Treatment, Storage, and Disposal Facility Siting, Permitting, Monitoring, 6-Land Disposal Restrictions, 7-Combustion.

Electronic copies of this guidance are available from the EPA Office of Solid waste (send e-mail to: [roy.denise@epa.gov](mailto:roy.denise@epa.gov) or phone 703/308-8458.

Proposals are due to the National Tribal Waste Management Program Coordinator by close of business on **Thursday, March 31, 2005**.

### **A Tribal Leader's Perspective Consultation**

W. Ron Allen has been a leader within the Jamestown S'Klallam Tribe for several decades, serving as both Chairman and Executive Director for 28 years. In addition, he has served in leadership roles for a variety of Northwest and national inter-Tribal organizations, as well as serving on BIA committees and task-forces at their request. Mr. Allen's work regularly addresses issues of protecting sovereignty, treaty rights and the government-to-government relationship. He agreed to share a few thoughts with us, in response to questions posed regarding consultation.

Question - *What aspect of government to government consultation do Federal agencies seem to have the most trouble 'getting'?*

**Ron Allen:** They have a difficult time understanding how to deal with so many Tribal governments. The number overwhelms them and

they struggle with how to reach out and communicate in an effective manner. They usually don't know how to engage with the Tribal leadership to get the feedback or guidance regarding the policy issue they are addressing. They don't know how to use the state, regional or national Inter-Tribal organizations to assist in consulting on the government-to-government dialogue.

Question - *How do you prioritize consultation needs and opportunities with all the other demands on the Tribe's time?*

**Ron Allen:** It depends on the agency or governmental entity seeking discussion. Some have a higher priority because of the importance of the services provided by the agency. For example, HHS with all its health and social programs are a higher priority than DOD even though Defense contracts can be very advantageous to the Tribe's businesses.

Question - *Are there agencies you work with that you wish the others would learn from?*

**Ron Allen:** I think that the Indian Health Service does the best job of any agency that I have experienced, yet they have a lot of room for improvement. For example, they sometimes forget that Urban organizations are not governments and don't have the same standing as Tribal governments, even though they do have an obligation to consult with them regarding their interests.

Question - *In recent years, have you observed changes in how well EPA conducts consultation (positive, negative, or mixed)?*

**Ron Allen:** I believe that EPA has improved their process and protocols very well over the last 6 years or so. Even though environmental matters are very important to the Tribes, tribal leaders have not focused on working better with EPA because of the demands from other federal and state entities. Many Tribes have become very successful with their businesses and those activities are consuming a great deal of the Tribal leadership time and attention to the disadvantage of agencies such as EPA.

Question - *What types of issues are toughest to consult on; and why?*

**Ron Allen:** Water rights. There are many issues in the environmental arena that are important, but resolving fundamental water rights and jurisdiction control relative to state/local governments or private interests is extremely challenging. It is difficult to get all the stakeholders together to understand the other's perspective and find common ground. Most representatives of these interests have a difficult time accepting the authority or historical senior rights of Tribes. One other difficult challenge is getting consensus from the Tribes because of the differences between the Tribes such as large vs. small tribes differences,

or regional differences for example Alaska Tribes differ from the Southwest Tribes. Even within the Northwest Tribes you will have differences of opinion between the coastal tribes vs. the plateau tribes, etc.

Question - *Are there alternatives to formal consultation that you would like to see used more (or substitutes being used when they shouldn't be) ?*

**Ron Allen:** The agencies need to use the State/Regional/National Inter-Tribal organizations more to reach out to the Tribes. It is the best way to get a larger audience in general. If the agency needs a full day or more of the Tribes' attention to a policy matter, they may need to pay for the travel costs as an incentive. Many Tribes have such a lean or limited budget they can't attend meetings because of travel budget limitations.

Question - *What about your Tribe's participation in consultation might be considered unusual?*

**Ron Allen:** The Jamestown S'Klallam Tribe is unique as a small Tribe being more active in these type of meetings than most, but even with our activism we can't attend all the consultation meetings that are being coordinated throughout the United States. I have engaged at the White House level as well as the various Federal Agencies and at the State levels. We do try to be a bridge between the differing

views, looking for common ground, compromise and consensus. As a leader who has a great deal of experience in these type of discussions, I have earned a certain amount of respect from many of my colleagues helping in steering the discussion towards a common ground. It doesn't always work, but it helps. We are always looking for solutions to problems. *Post-script:* Mr. Allen gave Marybell Austin one last piece of advice. It applies well to all our collaborative work, including consultation: "Remember a good sense of humor, a good listening ear and a lot patience are essential to success."

### MBE/WBE Requirements

Definitions: **MBE** = Minority Business Enterprise - a commercial small business which is 51% owned and operated by a minority person (exception - Tribally owned businesses do not have to be a small business to qualify as an MBE). **WBE** = Women Business Enterprise - a commercial small business which is 51% owned and operated by a woman. **Purchases** = any supplies, equipment, or services you bought under this grant from a commercial business enterprise.

Requirements: In the terms and conditions of your grant agreement, there is one specified for this program. Basically what it says is that if you are going to buy any supplies, equipment or services for this grant, you must

make a good faith effort to give MBE/WBE firms a chance to give you a quote/price for those items. You must try to locate them and you must give them a chance to compete for your business and you need to document what efforts you made in the grant file (give the process you used and rationale for selecting the vendor you did). The condition also states that you must report on EPA Form 5700-52A, TOTAL purchases you made (in block 5C) as well as purchases that were made from MBE/WBE vendors (in block 5D). If you hired a contractor/consultant for this grant, the same MBE/WBE requirements for purchasing apply to him also. These conditions should be placed in his contract. He needs to report purchases that he made with MBE/WBE vendors, so that you can in turn report that to EPA (these figures are put into Block 5E). Reporting is to be done on either a quarterly basis or an annual basis, depending on the grant program. Refer to the terms and conditions of the grant to determine the frequency of reporting. If you need help in locating MBE/WBE vendors, reporting, or have questions on the program, please contact Marie McPeak, Small & Disadvantaged Business Utilization Officer for Region 10 at (206) 553-2894.

#### **PEYA**

Since 1971, EPA has sponsored the **President's Environmental Youth Awards**. The program

recognizes young people across America for projects which demonstrate their commitment to the environment. Young people in all 50 states and the U.S. territories are invited to participate in the program.

Projects submitted in the past have covered a wide range of subject areas including recycling programs in schools and communities; construction of nature preserves; major tree planting programs; videos, skits, and newsletters created by students that focused on environmental issues; and environmental science projects. To be eligible to compete, a student or students, sponsored by an adult, must submit to their local EPA regional office evidence of a completed project as defined in the President's Environmental Youth Award application, as well as a completed application.

Office of Environmental Education Contact for the President's Environmental Youth Awards Program - Michael Baker, Acting Director 202/564-0446 or <http://www.epa.gov/enviroed/awards/html>.

#### **Water Reuse Guidelines**

EPA, in partnership with the U.S. Agency for International Development (U.S. AID), has developed new guidelines for water reuse. The 2004 Guidelines for Water Reuse Manual (EPA625-R-04/018) includes recommendations and supporting

information.

"This updated toolkit will help water managers advance water conservation and sustainability efforts at home and abroad" said Benjamin Grumbles, Acting Assistant Administrator for Water.

The document updates a 1992 Guidelines document published by EPA. The new manual includes expanded coverage of water reuse issues and practices in other countries. It was developed by an EPA Cooperative Research and Development Agreement (CRADA) with Camp Dresser McKee and an Interagency Agreement with U.S. AID, along with extensive contributions by volunteers.

The manual features new and updated case studies, expanded coverage of indirect potable reuse and industrial reuse issues, new information on treatment and disinfection technologies, emerging chemicals, and pathogens of concern, economics, user rates and funding alternative, public involvement and acceptance, research activities and results, and sources of further information.

Manuals can be ordered at: [www.epa.gov/ttnrmrl](http://www.epa.gov/ttnrmrl) and has been posted in pdf format: <http://www.epa.gov/ORD/NRMRL/pubs/625r04108/625r04108.pdf>

#### **Groundwater Guide**

Trying to educate your community about the importance of source water protection? The

Groundwater Foundation's (GF) *Source Water Assessment and Protection Workshop Guide* may be just what you need.

The guide provides local leaders and community members with the necessary tools to educate and motivate their communities to get involved with source water assessment and protection.

According to GF, the second edition of this guide has been reviewed, updated, and revised. The latest version includes an expanded collection of overheads, PowerPoint slides, handouts, and activities intended to engage workshop audiences.

New additions to the guide include: \*more detailed information about source water protection strategies; \*new insight into areas where the Safe Drinking Water Act and the Clean Water Act intersect; and \*a section of techniques to evaluate the workshop activities.

To download a free copy of the *Source Water Assessment and Protection Workshop Guide*: [www.groundwater.org/gi/swap/swap.html](http://www.groundwater.org/gi/swap/swap.html). Hard copies are available on the site for \$49.95 by calling 402/434-2740.

### **EPA Asset Management**

In the publication, *Asset Management: A Handbook for Small Water Systems*, The EPA outlines a simple asset management program. Although asset management programs vary in complexity, EPA suggests the following five steps for implementing asset management in

a small utility: 1. Taking Inventory, 2. Prioritizing Assets, 3. Developing an Asset Management Plan, 4. Implementing the Plan, and 5. Reviewing and Revising the Plan.

This handbook is useful for: Small towns, Rural water districts, and Tribal systems. The guide may be obtained by calling the Safe Drinking Water Hotline 800/426-4791 and requesting document number *EPA 816-R-03-16* or it may be downloaded at: [www.epa.gov/safewater/smallsys/ssinfo.htm](http://www.epa.gov/safewater/smallsys/ssinfo.htm).

### **Five Star Grants**

The Five Star challenge Grants Program develops knowledge and skills in young people through restoration projects that involve multiple and diverse partners. Partners can include local government agencies, elected officials, community groups, businesses, schools, youth organizations and environmental organizations. Consideration for funding is based upon the project's educational and training opportunities for students and at-risk youth, the ecological benefits to be derived, and the project's social and economic benefits to the community. Proposals are due in early March. For details: [www.epa.gov/owow/wetlands/restore/5star](http://www.epa.gov/owow/wetlands/restore/5star).

### **Effluent Guidelines**

#### **Aquatic Animal Production**

The EPA is setting standards for the discharge of wastewater from

concentrated aquatic animal production facilities (known as fish farms). This rule establishes effluent limitation guidelines and new source performance standards for specific type of commercial and non-commercial operations that produce aquatic animals for food, recreation and restoration of wild populations, pet trade, and other commercial products. Rather than setting numeric limits, the EPA is requiring best management practices to control the discharge of pollutants in the wastewater from these facilities. EPA found that it is not necessary to establish pretreatment standards for existing or new facilities.

Electronic copies of the preamble, rule, and major supporting documents are available at [www.epa.gov/edocket](http://www.epa.gov/edocket). Once in the E-Docket system, select "search" then key in the docket identification number (OW-2002-0026). For additional information: Marta Jordan at 202/566-1049 or [jordan.marta@epa.gov](mailto:jordan.marta@epa.gov).

### **Nation's Beaches**

As part of the Clean Beaches Plan, the EPA has issued a proposed regulation to improve standards for water quality monitoring at our nation's beaches. EPA acted to ensure that more protective health-based standards are in place in all states and territories bordering Great Lakes or ocean waters.

The EPA is proposing *E. coli* and *enterococci* criteria for their coastal recreational waters. These

bacteria do not directly cause illness, but are good indicators of harmful pathogens in water-bodies.

Information about the beach criteria proposal, a list of states and their status as of July 1, 2004, and the EPA's Clean Beaches Plan is available at: [www.epa.gov/beaches](http://www.epa.gov/beaches).

### **Fungus Amongus**

Victoria, British Columbia - Four people, dozens of dogs and cats, 11 porpoises and a horse have died from a rare tropical fungus since it was detected on Vancouver Island in 1999, a study has concluded.

The research by an international team that scientists from the University of British Columbia and

British Columbia Center for disease Control also concluded 101 island residents and visitors have been infected by the rare *cryptococcus gatti* fungus.

According to their report in the journal Proceedings of the National Academy of Sciences, the fungus is 37 times more infectious on the island than in Australia, where it has long been prevalent.

The fungus causes a potentially life-threatening infection of the lungs and central nervous system. Invisible airborne spore from the fungus have been detected over more than 125 miles from Victoria to Courtenay on the east side of

the island.

Scientists said there was no cause for panic, nor should outdoor activity be restricted. "It's a rare disease. Its treatable and the majority of the cases are in older people over the age of 65, who have other underlying conditions," said Dr. Perry Kendall, British Columbia's provincial health officer. "Now people with unexplained fevers or lung lesions for which there's no obvious cause, the physicians are thinking *cryptococcus gatti* a little bit sooner than they would have otherwise," he said.