



U.S. Environmental Protection Agency  
Region 6

Summer 1998

# A Guide to EPA Programs in Indian Country

## Preface

This handbook was prepared for use by Tribes and their members as a quick reference guide. It provides only a summary of basic environmental information and is not a definitive statement of the specific ways in which a Tribe may assure environmental compliance. It is a quick guide to the environmental programs that typically apply in Indian Country.

The requirements and guidance presented in this handbook are based on those of the Federal government in place through mid-1998. We expect that some of this information will change in the future.

The handbook is organized according to key program areas and briefly explores each area. Regional contacts, definitions, acronyms, and hotlines are provided as well.

This document is based on a similar handbook prepared by EPA Regions 7 and 9 and the one originally prepared in 1990 by the Midwest Assistance Program under contract to EPA Region 8.

Comments on the handbook should be faxed to Ellen Greeney at 214-665-2118.

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Contact EPA HQ toll free at 1-888-372-8255

Contact Region 6 toll free at 1-800-887-6063

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TRIBAL PROGRAMS

## **AMERICAN INDIAN ENVIRONMENTAL OFFICE**

The American Indian Environmental Office (AIEO) was established in October 1994 and is housed in EPA Headquarters' Office of Water. The AIEO is responsible for coordinating the Agency's tribal operations and encouraging the ongoing development of a strong Agency-wide program to protect human and environmental health in Indian Country. This office works with the Tribal Operations Committee (TOC), Assistant and Regional Administrators, and Headquarters (HQ) and Regional Indian Coordinators (RICs) to strengthen tribal operations in the daily activities of regional and HQ program offices.

The AIEO is committed to continued implementation of the Agency's 1984 Indian Policy. It ensures that EPA maintains the government-to-government relationships with Federally-recognized Tribes, acts in a manner consistent with its trust responsibility, and effectively performs its duties as a co-regulator with Tribes. General functions and responsibilities of the AIEO are to:

- Ensure that tribal operations remain a priority throughout the Agency, with the appropriate management and staff support.
- Promote Agency-wide participation in the development of tribal environmental programs.
- Coordinate with Regions and HQ program offices to meet the Agency's resource needs for tribal operations.
- Coordinate with Regions and HQ program offices to develop and support, in a manner consistent with applicable law and the EPA Indian Policy, regulations, guidance and other policies regarding tribal operations.
- Coordinate the activities and support the participation of the TOC.
- Coordinate the Agency's Indian program and ensure appropriate communication and consistency throughout the programs and regions.
- Serve as cross-program information clearinghouse and coordinate Agency-wide data collection for the Indian program.

### **Additional Information**

Kathy Gorospe serves as the Director of AIEO and she can be reached at:

U.S. EPA  
401 M Street, SW  
Washington, DC 20460  
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## **TRIBAL OPERATIONS COMMITTEE**

In February 1994, the EPA Administrator convened the first Tribal Operations Committee (TOC) to facilitate the government-to-government relationship between EPA and Tribes. The purpose of the TOC is to assist EPA in meeting its trust responsibility through tribal input into EPA decision-making that affects Indian Country. The TOC serves as a forum in which EPA and the tribal representatives discuss the operation of programs for which they share responsibility as co-regulators. The TOC does not replace the direct tribal-EPA relationship.

The TOC is composed of EPA senior management and 19 tribal representatives. There are tribal representatives from each of EPA's Regions except for Region 3, which has no Federally-recognized Tribes. These tribal representatives, together with EPA senior management at both the HQ and regional levels, work through the American Indian Environmental Office to address the environmental and human health issues within Indian Country.

## **REGIONAL TRIBAL OPERATIONS COMMITTEE**

Several of the Regional Offices sponsor Regional Tribal Operations Committees (RTOC). The RTOC is the regional counterpart to the TOC and is composed of both tribal and EPA representatives to provide a forum for tribal-EPA communication, coordination and increased support for strengthening tribal environmental and human health programs. The RTOC will help further the understanding and development of government-to-government relationships between EPA and all Tribes in a particular region.

Region 6, with the help of three tribal representatives, developed a draft options paper. The draft options paper is being circulated through Region 6 Indian Country for comment and review. Once a comprehensive options paper is complete, tribal leaders will be asked to vote on the options that best meets their needs. The tribal leaders will then be asked to select the RTOC members based upon the selection criteria and membership option approved.



## **REGIONAL NATIVE AMERICAN OFFICE**

The Regional Native American Office (RNAO) was created by Regional Administrator Saginaw in late 1996 to reconfirm her commitment to tribal self-governance, uphold the Federal Trust Responsibilities, and firmly establish a government-to-government relationship between the Tribes and the EPA Regional Office. This office is responsible for: (1) providing general technical, financial, and administrative support to the Tribes; (2) coordinating with the Region's other offices to ensure technical assistance and training is provided to tribal governments and its employees; and (3) working with tribal governments to facilitate EPA environmental policy and planning documents for tribal lands. The office reports to the Director of External Affairs and is managed by the Associate Director for Tribal Planning.

The Regional Native American Office is committed to an intra and inter-agency tribal advocacy approach to environmental issues facing tribal lands within Region 6.

### **Additional Information**

Ellen Greeney, Associate Director	214-665-6778	greeney.ellen@epa.gov
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Judith Dandrea, Tribal Coordinator	214-665-7362	dandrea.judith@epa.gov
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Mark Allen, Tribal Specialist	214-665-2719	allen.mark@epa.gov
Dale Roy, Tribal Specialist	214-665-8065	roy.dale@epa.gov
Arturo Martinez, Student Assistant	214-665-8420	martinez.arturo@epa.gov

## **AMERICAN INDIAN ADVISORY COUNCIL**

EPA's American Indian Advisory Council (AI AC) is a Special Emphasis Program Council organized under EPA Headquarters Office of Civil Rights. The central purpose of the AI AC is to serve as an advisory group to the Administrator of EPA to recommend actions that address the concerns of American Indians in the EPA workforce. Membership is open to all employees of EPA who share AI AC's beliefs.

### **Objectives of the AIAC**

- To assist the EPA in promoting a culturally sensitive work environment and achieving an effective and equitable representation of American Indians in the workforce through aggressive recruitment, hiring, development and promotion activities.
- To promote an understanding and awareness of the American Indian culture.
- To promote a better understanding of employment related problems of American Indians in order to remedy specific problems in EPA.
- To facilitate effective communication and goodwill between American Indians and other individuals in EPA, and the community in general.
- To promote the career development and advancement of American Indians in EPA by sponsoring workshops, seminars, and similar educational programs.
- To ensure that EPA's programs and activities are open and available to all American Indians.

### **Additional Information**

Call the American Indian Employment Program Manager at 202-260-4569, or contact the Region 6 AI AC Lead, Diana Sturges at 214-665-7318 or [sturges.diana@epa.gov](mailto:sturges.diana@epa.gov).

## TRIBAL LANDS ENVIRONMENTAL SCHOLARSHIP PROGRAM

EPA created this scholarship program to increase the number of American Indians who are educated in the environmental sciences and available for work with EPA and with tribal governments to improve environmental protection in Indian Country.

In colleges and universities nationwide, juniors, seniors and graduate students compete for these scholarships based on weighted factors as follows:

• Grade point average (2.5 minimum)	35
• Knowledge of Indian culture	20
• Commitment to environmental protection	15
• Character and leadership ability	10
• Level of study	10
• Work experience	10
	Total=100

Each annual scholarship is set at \$4,000 per student. EPA tries to retain scholarship awardees in the program if they maintain their grade point average. Students wishing to apply should do so through the American Indian Science and Engineering Society (AI SES), which has chapters on many college campuses or

### AI SES

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Boulder, CO 80301-2339

E-mail: aishesq@spot.colorado.edu

Phone: 303-939-0023/FAX: 303-939-8150

AI SES works with EPA to select the scholarship winners and make the annual awards because of AI SES's excellent reputation and expertise in assisting students with employment opportunities. Also, the overhead costs of AI SES are below those of universities evaluated to provide similar services. Funds for the scholarships have been collected annually from offices throughout EPA and are issued to students the following fiscal year (due to lag time in selecting the scholarship winners).

FY96 \$300,000 for 68 scholarships

FY97 \$320,000 for 78 scholarships

FY98 \$430,000 for 100 scholarships

### Additional Information

Contact EPA HQ's Diane Berger at 202-260-4965 or Region 6's representative Diana Sturges at 214-665-7318, sturges.diana@epa.gov.

## **AMENDMENT OF REGULATIONS REGARDING TRIBAL APPLICATIONS FOR FINANCIAL ASSISTANCE AND PROGRAM AUTHORITY**

The Final Rules "Indian Tribes: Eligibility of Indian Tribes for Financial Assistance" (March 23, 1994) and "Indian Tribes: Eligibility for Program Authorization" (December 14, 1994) amended regulations implementing the statutory provisions that authorize EPA to treat Indian Tribes in substantially the same manner as it treats States for purposes of various types of financial assistance and program approvals. The purpose of these regulatory amendments was to make it easier for Tribes to obtain EPA approval to assume the role Congress envisioned for them under these statutes.

### **Background**

Three Federal environmental statutes address the role of Tribes specifically by authorizing EPA to treat Tribes in a manner similar to the way it treats States: Clean Water Act (CWA), Safe Drinking Water Act (SDWA), and the Clean Air Act (CAA). In order to receive such treatment, each statute specifies that a Tribe must:

- 1) be Federally recognized;
- 2) have a governing body that carries out substantial duties and powers;
- 3) possess civil regulatory jurisdiction to carry out the functions it seeks to exercise; and
- 4) demonstrate its capability to carry out those functions.

EPA initially chose to implement provisions of the CWA and SDWA regarding Indian Tribes by establishing a formal pre-qualification process whereby Tribes could seek eligibility under those statutes. In the past, this pre-qualification process has been referred to as approval for Treatment as a State (TAS). Tribes that obtained such approval were then eligible to apply for certain grants and program approvals available to States. The former TAS process has been re-designed because it was burdensome, time consuming, and offensive to tribal governments. EPA expects that the new process will reduce the burdens and barriers to Tribes participating in environmental management.

### **Changes to Existing Process**

#### **A. Discontinue to the use of the term "treatment as a State."**

The term "treatment as a State" (TAS) can be misleading and may be offensive to tribal governments. To the extent possible, the final rules amended previous regulations, so as to discontinue use of the term. However, since the term "treat as a State" is included in several statutes, its continued use sometimes may be necessary.

**B. Elimination of “TAS” review as a separate step in processing tribal applications for financial assistance (grants).**

No environmental statute compelled the use of a formal TAS or other pre-qualification process separate from approval of a tribal program or request for a grant. Thus EPA may approve a tribal program or request for a grant without formally designating a Tribe as “eligible for TAS,” as long as a Tribe meets the applicable statutory requirements.

**C. Simplified determination as to “recognition” and “government.”**

As a general rule, the “recognition” and “government” requirements are essentially the same under the CWA, SDWA and the CAA. The new process establishes identical requirements for demonstrating “recognition” and “government” under each statute. A Tribe’s ability to meet the recognition and government functions requirements under the CWA, SDWA, or CAA will establish that it meets those requirements under the other two. To facilitate review of tribal applications, EPA will request a Tribe to inform EPA whether a Tribe has been approved for “TAS” (under the old process) or deemed eligible to receive a grant or program approval (under the revised process) for any other program.

**D. Simplified jurisdictional analysis.**

A Tribe may have jurisdiction over, and capability to carry out, certain activities (e.g. protection of the quality of a particular lake for the Clean Lakes Program under the Clean Water Act), but not others (for example, waste management on a portion of the reservation far removed from any lakes). Therefore, EPA must make a specific determination regarding adequate jurisdictional authority and administrative and program capability before it approves each tribal program.

The portion of the jurisdictional determination whereby other governments comment is substantially changed under the revised process.

1) Comments will no longer be sought from “appropriate governmental entities” with regard to tribal grant applications.

2) For approvals of all SDWA regulatory programs and most CWA programs under existing regulations, EPA does not authorize a State to operate a program without determining that the State has adequate authority to carry out the actions required to run the program. EPA’s retention of authority also applies to a Tribe seeking program approval and ensures that a close analysis of the legal basis of that Tribe’s jurisdiction will occur before program approval. A separate “TAS” jurisdictional review is not needed to verify that a Tribe meets the statutory jurisdictional requirement, and therefore, is eliminated for all programs under the SDWA and for CWA §404 and CWA National Pollutant Discharge Elimination System (NPDES) programs.

3) For the CWA §303 Water Quality Standards program, there is no review of tribal civil regulatory authority as part of the EPA approval process. Accordingly, a comment process has been retained. EPA emphasizes that comments must be offered in a timely manner. Where no timely comments are offered, EPA will conclude that there is no objection to a Tribe's jurisdiction. EPA may seek additional information from the Tribe or the commenting party, and may consult with other Federal agencies prior to making a determination about a Tribe's jurisdiction authority. EPA is no longer required by regulation, to consult with the Department of the Interior.

4) Finally, certain disputes concerning tribal jurisdiction may be relevant to a Tribe's authority to conduct activities and obtain program approval under several environmental statutes. Determinations regarding tribal jurisdiction apply only to activities within the scope of EPA programs. Once EPA makes a jurisdictional determination in response to a Tribe's application regarding any EPA program, EPA will ordinarily make the same determination for other programs that the Tribe requests unless a later application raises different legal issues. However, one determination that a Tribe has inherent jurisdiction to regulate activities in one medium (for example, related to ground water) might not conclusively establish its inherent jurisdiction over activities in another medium (for example, air quality permits).

#### **E. More flexible requirements to establish capability.**

EPA will continue to make a separate determination of tribal capability for each program approval application by a Tribe. However, the SDWA, CWA §303 Water Quality Standards, CWA §404, and the CWA NPDES regulations have been amended to conform to the CWA grant regulations, which do not specifically prescribe the material a Tribe must submit to establish capability. EPA may request that a Tribe provide a narrative statement or other documents showing that the Tribe is capable of administering the program for which it is seeking approval. EPA recognizes that certain Tribes may not have substantial experience administering environmental programs; a lack of such experience does not preclude a Tribe from demonstrating capability, so long as it shows that it has the necessary management and technical and related skills or submits a plan describing how it will acquire those skills.

Ordinarily the inquiry EPA makes into the capability of any applicant, Tribe or State, for a grant or program approval is sufficient to enable EPA to determine whether a Tribe meets the statutory capability requirement.

#### **Additional Information**

Contact Ben Harrison at 214-665-2139 (harrison.ben@epa.gov) or the specific program contact.

Cross Media  
Programs

## GENERAL ASSISTANCE PROGRAM

### Background

The EPA Indian Environmental **General Assistance Program** (commonly called **GAP**) is administered by the American Indian Environmental Office, Office of Water and delegated to the Regional Offices under the Indian Environmental General Assistance Program Act of 1992, Public Law 102-497, § 11, 42 U.S.C. 4368b, as amended, (Public Law 103-155, 11-24-93).

### Objectives

This program financially assures Federally-recognized Tribes and intertribal consortia the capacity to administer environmental regulatory programs in Indian Country, and provide technical assistance from EPA in the development of multimedia programs to address environmental issues in Indian Country.

### Eligible Activities and Recipients

GAP offers Tribes the opportunity to develop an integrated environmental program, develop the capability to manage specific programs and establish a core program for environmental protection. The financial assistance agreements provide the opportunity to define and develop administrative and legal infrastructures, and conduct assessments, monitoring, and planning. Also, Tribes may plan, develop and establish capability to implement programs for environmental protection and solid and hazardous waste.

Eligible recipients include Tribes and intertribal consortia. An **Indian Tribe** is any Tribe, band, nation or other organized group or community, including any Alaska Native Village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 et seq.), which is recognized by the U.S. Department of the Interior as eligible for the special services provided by the United States to Indians because of their status as Indians. A **consortium** is a partnership between two or more Indian tribal governments authorized by the governing bodies of those Tribes to apply for and receive assistance under this program.

### Program Highlights

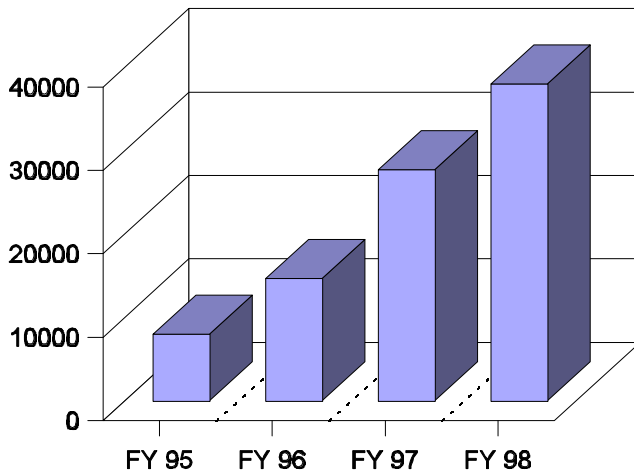
- The Indian Environmental General Assistance Program replaces the Multimedia Assistance Program which was offered by the Agency during Fiscal Years 1991 through 1993.
- The initial grants will be for a minimum of \$75,000. Amendments to grants may be made in amounts as are appropriate.



- The Agency's standard grant application, reporting and audit procedures apply to GAP.
- Capacity-building activities are eligible for funding but not construction or site-specific actions.
- General assistance funding does not preclude a Tribe from also receiving program or project-specific assistance.

\$000s

### National GAP Funding



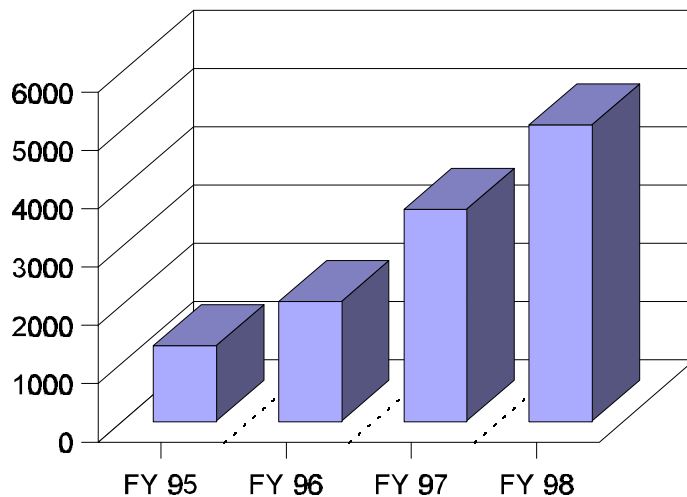
### Funding History

The Agency's overall funding for GAP has grown steadily—from almost \$8 million in FY 95 to almost \$38 million in FY 98. Region 6's portion has grown as well. Fifty-three Tribes and consortia received over \$5 million in FY 98.

For additional information, contact the Regional Native American Office toll-free at 1-800-887-6063.

\$000s

### R6 GAP Funding



## ENVIRONMENTAL JUSTICE FOR NATIVE AMERICANS

EPA works with Tribes, indigenous constituents, the Tribal Operations Committee and the National Environmental Justice Advisory Council (NEJAC) to integrate the Native American provisions of the Order on environmental justice into EPA's regulations, policies, programs and activities.

**Environmental justice** is the fair treatment of people of all races, cultures and incomes with respect to the development, implementation and enforcement of environmental laws, regulations, programs, and policies. **Fair treatment** means that no racial, ethnic or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from the operation of industrial, municipal, and commercial enterprises and from the execution of Federal, State, local, and tribal programs and policies.

### Importance of Native American Programs

Environmental concerns differ throughout Indian Country, ranging from access to safe drinking water to remediation of hazardous waste. Furthermore, tribal environmental priorities are affected by the Tribe's traditional cultural and religious relationship to the ecosystem in which they live, including subsistence on fish, game, and wild vegetation. For these reasons, Native Americans are often exposed to different types, degrees, and causes of environmental risks.

Tribal environmental justice advocates have raised a range of environmental concerns. These include comprehensive tribal environmental program development, environmental effects on urban Native Americans and Native Hawaiians and the participation of Native American grassroots advocates in environmental protection. However, while environmental justice has brought renewed attention to the environmental concerns of Native Americans, it is not meant to replace the more than 200 years of Federal Indian law and policies.

The Federal-tribal relationship, as defined in the United States Constitution, treaties, statutes, and Federal court decisions, sets forth a framework of rights and responsibilities to be carried out by the Federal government and the Tribes. Therefore, while environmental justice includes issues regarding Native American grassroots participation and disproportionate effects on indigenous communities, it is not intended to supersede tribal sovereignty, treaty rights, the Federal trust responsibility or the government-to-government relationship. Rather it should support these tenets of Federal Indian law by encouraging the development of Federal-tribal environmental programs comparable in protection to Federal-State environmental programs.

## **Objectives for the Native American Program**

Tribal Environmental Programs. EPA will work with other Federal agencies and Tribes to develop comprehensive tribal environmental programs which address disproportionately high and adverse human health or environmental effects in Indian Country.

Native American Participation. EPA will ensure the participation of interested or affected tribal members, organizations or the Native American and indigenous constituents in EPA decisions and activities that may affect the public health or environment of their community.

Interagency Coordination. EPA will take the lead to ensure coordination and cooperation between EPA and other Federal agencies to address cross-cutting tribal environmental issues.

## **Indigenous People Subcommittee**

The Indigenous People Subcommittee to the NEJAC has seven members (from Region 6, 8, and 9) representing academia, Tribes, and industry. Member Tribes for Region 6 are the Sac and Fox and the Cherokee Nations. The subcommittee's mission is to provide independent advice to the NEJAC and EPA to promote cooperative and supportive relationships aimed at ensuring environmental justice in activities affecting indigenous peoples and improving coordination and communication among various agencies. The subcommittee meets twice a year along with the full NEJAC Executive Council. Members are appointed by the EPA Administrator for terms ranging from one to three years.

## **Additional Information**

Contact Shirley Augurson at 214-665-7401 or [augurson.shirley@epa.gov](mailto:augurson.shirley@epa.gov).

## **ENVIRONMENTAL JUSTICE SMALL GRANTS PROGRAM**

This grants program provides financial assistance to affected tribal groups and governments. Eligible groups include community-based organizations, churches, schools, education agencies, colleges and universities, and other non-profit organizations. Eligible tribal governments are those working on, or planning to carry out, projects projects to address environmental justice issues.

### **Important Pre-Application Information**

Pre-applications serve as the sole basis for evaluation and recommendation for funding. The pre-application notice contains all information and forms necessary to submit a pre-application. EPA will award grants based on the merits of the pre-application.

### **Eligible Activities**

To be selected for an award, the project must include one or more of the following objectives:

1. I identify the necessary improvements in communication and coordination among existing community-based/grassroots organizations, and local, State, tribal, and Federal environmental programs, and all other stakeholders. Facilitate communication, information exchange, and partnerships among the Tribes to address environmental injustices (for example, workshops, awareness conferences, establishment of community stakeholder committees, and newsletters).
2. Motivate the general public to be more conscious of local environmental justice issues and encourage the community to take action to address these issues (for example, reforestation efforts, monitoring of socioeconomic changes due to environmental abuse and stream monitoring).
3. Develop and demonstrate an environmental justice practice, method or technique which has wide application and addresses a high priority environmental justice issue.
4. Teach about risk reduction and pollution prevention, and seek technical experts to demonstrate how to access, analyze, and interpret public environmental data (for example, Geographic Information Systems (GIS), Toxic Release Inventories (TRI), and other databases).

Priority will be given to Tribes whose projects will help improve the environmental quality of affected communities by (a) developing an environmental justice project, activity, method, or technique which has wide application, (b) enhancing the community's skills in addressing environmental justice issues and problems, and (c) establishing or expanding environmental and public health information systems for local communities.

Environmental justice projects or activities should enhance critical thinking, problem solving, and the active participation of affected communities in decision-making processes. Environmental justice efforts may include, but are not necessarily limited to, enhancing the observing, measuring, classifying, experimenting, and other data gathering techniques. These techniques should assist individuals in discussing, inferring, predicting, and interpreting information about environmental justice concerns. Environmental justice projects should engage and motivate individuals to weigh various issues to make informed and responsible decisions as they work to address environmental injustices.

The items discussed above are relative and can be defined differently among the applicants from various geographic regions. Each pre-application should define these items and terms as they relate to the specific project. Applicants should include a succinct explanation of how the project can serve as a model in other settings and how it addresses a high-priority environmental justice issue. The degree to which a project addresses such an issue must be defined by applicants according to their local environmental justice concerns.

#### **How Much Money May Be Requested?**

In this program, the ceiling for any one grant is \$20,000 in Federal funds. Depending on the funds appropriated by Congress, EPA's nine Regional Offices that have Federally-recognized Tribes will each have approximately \$200,000 to award. EPA anticipates that applicants will not be required to provide matching funds.

In FY 97, 16 of the 149 environmental justice grants were awarded to Tribes, including two in Region 6 (the Caddo and the Pawnee Tribes). EPA is committed to increasing the tribal participation in the Environmental Justice Small Grants program.

#### **Additional Information**

Contact the HQ EJ office at 1-800-962-6215 or Shirley Augurson at 214-665-7401 or [augurson.shirley@epa.gov](mailto:augurson.shirley@epa.gov).

## ENVIRONMENTAL JUSTICE THROUGH POLLUTION PREVENTION

This grant program provides financial assistance to tribal governments for pollution prevention projects that address environmental justice. It is designed to fund projects which have a direct impact on affected communities.

EPA has made significant progress over the last 25 years in improving the quality of the environment through implementation of pollution control programs. However, there is growing recognition that these traditional approaches have not adequately tackled existing environmental problems and do not provide solutions for the prevention of future environmental problems. To address this concern, Congress enacted the Pollution Prevention Act in November 1990, which declared a national policy to prevent or reduce pollution at the source, whenever possible. EPA believes that the problems of environmental injustice are most effectively addressed by avoiding the generation of pollution altogether. The EJP2 grants are meant to support this preventative approach to environmental management.

EPA is particularly interested in innovative approaches that can be applied to other communities. The Agency strongly encourages cooperative efforts between communities, business, industry, and governments to address common pollution prevention goals. Projects funded under this grant program may involve public education, training, demonstrations, research, investigations, experiments, surveys, studies, public-private partnership, or approaches to develop, evaluate, and demonstrate non-regulatory strategies and technologies.

### What is Pollution Prevention?

EPA has defined pollution prevention as **source reduction** which is any practice that reduces or eliminates any pollutant *prior* to recycling, treatment, or disposal. EPA further defines pollution prevention as the use of other practices that reduce or eliminate the creation of pollutants through increased efficiency in the use of raw materials, energy, water, or other resources, or protection of natural resources by conservation. To better understand pollution prevention, EPA has established a hierarchy of environmental management practices. In order of preference, these practices include:

- #Pollution Prevention
- #Recycling
- #Treatment
- #Disposal

### How is Pollution Prevention Different From Other EPA Programs?

EPA programs have traditionally focused on treatment, disposal, and remediation. Although these types of activities are important parts of an overall environmental management program, they are not as effective as pollution prevention activities because they are concerned with the handling and management of waste and pollutants after they have been generated. EPA has other program funds

available for recycling, treatment and disposal initiatives including funds to support lead abatement projects and to clean up hazardous waste sites.

**Eligible Applicants**

Eligible applicants include any Federally-recognized tribal government or tribal consortium. EPA will consider only one proposal for a given project. Applicants may submit more than one application as long as the applications are for separate and distinct projects. However, no organization will receive more than one grant per Region per year under the EJP2 grant program.

**Additional Information**

Contact Joy Campbell at 214-665-8036 or [campbell.joy@epa.gov](mailto:campbell.joy@epa.gov).

## **POLLUTION PREVENTION**

The Pollution Prevention Act of 1990 establishes pollution prevention as national policy--EPA's preferred approach for protecting human health and the environment. The primary goal of **pollution prevention** is preventing or reducing the generation of wastes and pollutants at the source. Potential pollutants or wastes that cannot be prevented should be recycled whenever possible. Those that cannot be prevented or recycled should be treated in an environmentally-safe manner. Disposal or other release into the environment should be used only as a last resort and should be conducted in an environmentally-safe manner. Instead of using traditional pollution treatment and control methods to stop existing pollutants from reaching the environment, pollution prevention aims to anticipate and avoid the generation of pollutants in the first place.

### **Actions For Tribes**

Rulings by courts, pronouncements by EPA, or wishing alone cannot clean up the environment or keep it from becoming more polluted. What we need is a unified effort. Tribal leaders can develop policies that encourage environmental awareness and provide mechanisms to help build and maintain the ethic of preventing pollution.

Here are suggestions on how tribal leaders and others can fight pollution and preserve environmental quality, human health and natural resources:

- Set pollution prevention as a major goal and integrate the concept into governmental activities. Publicly recognize pollution prevention as a priority. Practice what you preach--set an example.
- Educate the community about pollution prevention. Create an awareness of the profitability and benefits of pollution prevention through greater efficiency and stewardship of natural resources.
- Develop programs that provide environmental alternatives.
- Use less energy. Set back thermostats, insulate, buy energy-efficient lighting and appliances and make creative use of daylight.
- Use less water. Be conservative. Use ultra-low flush toilets, install water meters, repair leaks, review maintenance schedules and use water-conserving landscaping.
- Buy energy efficient automobiles and other fleet vehicles and keep them tuned. Car pool, bike, walk or use mass transit when possible.
- Encourage sustainable agriculture. Take advantage of natural methods of protection. Apply pesticides, such as insecticides and herbicides, carefully if they must be used.



- Reduce toxic use; encourage product substitution and environmentally sound operation modifications.
- Buy recycled or recyclable products. Seek out reusable, recyclable or returnable packages.
- Plant trees, shrubs and indoor plants. They replenish the earth's oxygen supply and clean the air by removing pollution.
- Practice preventative maintenance with equipment, including air conditioners, pumps, and power generators. Well maintained equipment produces fewer emissions and uses less energy.
- Conduct P2 assessments at any tribal operations that produces sizable pollutant emissions--air, water, solid or hazardous waste. These operations might have unsuspected potential for reducing waste (and cutting costs).

**Additional Information**

Contact Eli Martinez at 214-665-6568 or [martinez.eli@epa.gov](mailto:martinez.eli@epa.gov).

## **ENVIRONMENTAL EDUCATION GRANTS**

The Environmental Education grant program was authorized by the National Environmental Education Act of 1990. Activities eligible for funding under this program include projects that design, demonstrate or disseminate practices related to environmental education. Funds may not be used for construction activities, technical training of environmental professionals, non-educational research and development, or environmental information projects.

Tribal, State, and local educational or environmental agencies, colleges, universities, non-profit organizations, and non-commercial educational broadcasting entities are eligible for this grant. Partnerships are encouraged. Individuals are not eligible to apply. Proposals for up to \$25,000 are addressed to the Regional Office. Proposals for above \$25,000 to the statutory limit of \$250,000 should be sent to EPA Headquarters in Washington D.C.

This program has attracted considerably more applications than available funding could award. Because there is a direct proportion between the amount of funding requested and the degree of competition, Congress designated that half of each region's allocation be reserved for grants of \$5,000 or less to encourage a community-based small grants approach.

### **Examples of Funded Activities**

Teacher training and curriculum activity kits for fourth grade teachers. The model currently in use in the schools offers a cross-cultural environmental curriculum and presents Native American traditions in a scientific context.

Tribal Environmental Education Program aimed at all community members with a particular emphasis for high school youth. Community activities include recycling workshops, clean-up days, poster contests, and Earth Day Fair. An environmental education summer camp and habitat study will be conducted for tribal youth.

"Reservation Environmental Science Education Training." Staff development training in the environmental science curriculum that allows Native American students to get involved in hands-on projects that address daily environmental problems of waste management and water pollution in Indian Country.

### **Additional Information**

Contact Jo Taylor at 214-665-2204 or [taylor.jo@epa.gov](mailto:taylor.jo@epa.gov).

## **QUALITY ASSURANCE**

The Quality Assurance Team (QAT) implements Region 6's mandatory quality assurance (QA) program. It develops regional QA guidance and procedures and assists in preparation of Quality Management Plans (QMP), QA Project Plans (QAPP), and technical options and requirements for sampling and analysis. The Team reviews and approves QMPs, alternate test procedures, and assists EPA Project officers with review of QAPPs. The QAT provides input on technical documents such as final reports, data validation training and guidance to tribal environmental staff on how to write QMPs and QAPPs, and assists with establishing a quality system for any data generation activities.

The Team conducts Management System Reviews and Technical Systems Audits to assure the data are usable. QAT personnel are also available to help assess and establish QA programs relevant to all environmental areas such as air, water, solid waste, pesticides, and cross-media programs. The QAT also provides national and regional guidance documents.

### **Additional Information**

Contact Charles Ritchey at 214-665-8344 ([ritchey.charles@epa.gov](mailto:ritchey.charles@epa.gov)) regarding quality assurance documents. Contact Don Johnson at 214-665-8343 ([johnson.donald@epa.gov](mailto:johnson.donald@epa.gov)).

## **REGION 6 LABORATORY**

Region 6's Houston Laboratory provides analytical services in support of wastewater sampling inspections, drinking water sampling inspections, Resource Conservation and Recovery Act (RCRA) sampling inspections, hazardous waste site investigations, Superfund investigations, ambient water quality monitoring programs, toxicity testing, and other regional activities. The Lab is responsible for Drinking Water Certification and evaluation of laboratories conducting National Pollutant Discharge Elimination System (NPDES) analyses. The Lab operates the Field Analytical Support Program (FASP) mobile laboratory, provides field audits, and provides training in sampling.

### **Additional Information**

Contact Doug Lipka at 713-983-2200 or [lipka.douglas@epa.gov](mailto:lipka.douglas@epa.gov).

**AIR & TOXICS  
PROGRAM**

## **CLEAN AIR ACT**

With the goal of preventing or controlling discharges of air pollutants into the atmosphere, Congress passed the original Clean Air Act (CAA) in 1980. Under the law, standards must be set to "protect public health with an adequate margin of safety" and be based only upon implementation phase. The EPA recently completed the scientific review for five of the six pollutants and set new, updated standards for two of these--ozone and particulate matter.

Amendments to the Act of 1990 required EPA to issue regulations making Tribes full partners in the air quality planning and management process. In 1998, EPA issued a rule to provide Tribes with the authority to implement and administer CAA programs in essentially the same manner as States.

### **Program Development**

The EPA has consistently stated its determination to protect the environment of Indian Country as vigorously and as effectively as the Agency protects the environment elsewhere. As with air quality programs that serve the entire United States outside of Indian Country, the Agency is committed to finish the task by establishing comparably effective tribal air programs.

The effort to establish the existing air quality programs was an evolving developmental process carried out in partnership with the States. Many States originally lacked institutions and experienced personnel dedicated to air quality management. However, through close cooperation and steady growth, the process of program development successfully evolved into the present level of national statewide coverage and effectiveness. Similarly, the process of establishing air quality programs for Indian Country can be expected to take several years to complete.

The EPA and tribal governments are developing plans to manage a phase-in process into fully comparable program coverage. Under these plans, EPA will begin with "environmental data collection" in the first phase to be accomplished for every Tribe within five years. This project will investigate priority health and environmental needs and provide the institutional base which each reservation program can evolve, according to need and tribal priorities.

In the ensuing phase, EPA will assist Tribes in their assessment of air quality management needs, definitions of priorities, and establishment of air quality programs that respond to the identified needs and priorities. At the end of the second phase, proposed to be completed within 12 years, every Tribe will be protected by an effective air quality management program containing all of the necessary elements. As with States, where tribal governments do not develop EPA approved programs, EPA will develop and implement such programs for Tribes.

In the Agency's experience working with State governments, each State began with different levels of expertise, varying degrees and types of environmental problems, and different social, economic,

and political priorities. As a result, each State program developed at a different rate. The Agency expects to encounter the same variations between tribal programs. Thus, the rate program coverage will place a special emphasis on flexibility to accommodate long-term tribal needs while beginning immediately to establish programs that ensure basic protection of human health and public welfare.

### **“Core/Mining Program” Elements**

#### **Tribal Implementation Program**

When there is no air quality program in place on the reservation, whether it is because the Tribe cannot or does not implement Tribal Implementation Plan (TIP) modules and other CAA provisions, or the Tribe lacks capability, interest, or resources to implement programs, it is the responsibility of EPA to ensure that critical minimum elements are in place. The **“core elements”** are the elements of a provision that are necessary in order to abide by the CAA regulations, preserve the health and welfare of the reservation and community, and guarantee further development of TIP and CAA provisions.

The EPA is liable to implement appropriate TIP provisions for tribal jurisdictional areas in non-attainment for the National Ambient Air Quality Standards (NAAQS). The Agency will proceed with a Federal Implementation Plan (FIP) just as it would if a State were in non-attainment and a State Implementation Plan was not developed and approved. The Agency would be responsible for identifying emission sources and control strategies to be incorporated into the Plan. The implementation and enforcement of strategies would also be under the final responsibility of the Agency. Tribes would be encouraged to play an active role in the plan’s development and would work closely with EPA in all areas of the Plan’s implementation in order to expedite the phase-in of tribal administrative authority.

#### **Monitoring**

The quality of reservation air sheds may also be threatened by neighboring non-attainment areas. If the Agency designates areas or parts of a reservation as non-attainment, air quality sampling equipment will be placed and maintained at appropriate sites. Emissions inventories would also be developed for the threatened airshed and inspections conducted.

#### **Permitting**

Any major source of air toxic being constructed on the reservation must obtain an operating permit from EPA and apply Maximum Achievable Control Technology. A major source is one that emits pollutants subject to emission standards under the National Emissions Standards for Hazardous Air Pollutants (NESHAP). Existing sources must meet compliance dates developed by EPA for the emission standard development under NESHAP.

Any affected source (as provided in Title IV), major source, and any other source, including an area source, subject to standards or regulations under §111 and 112, or any source required to have a permit under parts C or D of Title I, must apply for an operating permit from EPA until that permit is replaced by one from an approved tribal permit program. These sources must also follow conditions of the permit described in Title V.

For Tribes who do not come in with an approved program, EPA may waive sanctions and grant the Tribe an interim approval. After two years without a permit program, the Administrator must promulgate, administer, and enforce a program under this title for that Tribe.

#### **Availability of Federal Financial Assistance**

Two important sources of financial assistance for tribal air quality planning and management activities are:

# Indian Environmental General Assistance Program (GAP) (discussed on page 15)

# Funds awarded under §103 and 105 of the Clean Air Act

! §103 grants for assessment, investigation, and demonstration and studies.

! §105 grants for administration of CAA programs (except Title V activities).

#### **Additional Information**

"The Plain English Guide to the Clean Air Act" April 1993, EPA400-K-93-001.

Contact Richard M. (Dick) Thomas at 214-665-8528 or [thomas.richardm@epa.gov](mailto:thomas.richardm@epa.gov).

## **ASBESTOS**

### **Schools--Public and Private Nonprofit**

On October 22, 1986, President Reagan signed the Asbestos Hazard Emergency Response Act (AHERA) into law. The Act required EPA to develop regulations creating a comprehensive framework for addressing asbestos hazards in schools. The Act required EPA to construct a model accreditation program for individuals who conduct inspections for asbestos, develop management plans, and design and perform abatement work. Asbestos is also regulated under the authority of the National Emissions Standards for Hazardous Air Pollutants in the Clean Air Act.

Other provisions of AHERA require all tribal, public and private elementary and secondary schools to conduct inspections for asbestos-containing building materials, develop management plans and implement response actions in a timely fashion.

Local education agencies (LEAs) were required to begin implementation of their management plans by July 9, 1989. LEAs are required to update and maintain management plans to reflect activities with ongoing operations and maintenance, periodic surveillance inspection, reinspection and response action activities.

### **Public and Commercial Buildings**

In 1990, Congress enacted the Asbestos School Hazard Abatement Reauthorization Act (ASHARA) which amended AHERA to extend some of the training and accreditation requirements to persons performing such work in public and commercial buildings.

ASHARA requires accreditation for any person who inspects for asbestos-containing material (ACM) in a public and commercial building, or who designs or conducts a response action with respect to friable ACM in such a building. In addition, ASHARA mandates that EPA to increase the minimum of hours of training, including hands-on training, required for asbestos abatement workers in both schools and public and commercial buildings. It also provides for a civil penalty for contractors who fail to comply with Toxic Substances Control Act (TSCA) accreditation requirements by inspecting, designing, or conducting a response action in a school or public and commercial building without TSCA accreditation or by employing individuals to conduct response actions in such a building and failing to require or provide TSCA accreditation for the employees.

### **All Buildings**

In 1971, the Administrator of the EPA determined that asbestos presents a significant risk to human health and is therefore a hazardous air pollutant. The National Emission Standards Hazardous Air Pollutants (NESHAP) for asbestos, promulgated under §112 of the Clean Air Act, specifies emission



control requirements for the milling, manufacturing and fabricating of asbestos; for demolition and renovation activities; and for the handling and disposal of asbestos-containing waste materials.

The NESHAP requires that each owner or operator of a demolition or renovation activity thoroughly inspect the affected facility or part of the facility for the presence of asbestos before commencement of the demolition or renovation. Regulated asbestos must be properly removed prior to the demolition of a structure.

Under the NESHAP, all demolitions require notification to the appropriate regulatory agency, including facilities containing no asbestos. Work practice procedures, waste disposal requirements, and record keeping provisions apply to those demolition operations for certain amounts of regulated asbestos-containing material.

Please consult with the EPA Regional Office for specific guidance if a demolition or renovation is to occur in your area.

### **Additional Information**

Call the Region 6 Asbestos Program at 214-665-7545 or the NESHAP Program 214-665-7296.

40 CFR 61 NESHAP; Asbestos NESHAP Revision; Final Rule.

"The Asbestos Informer."

"Asbestos/NESHAP Adequately Wet Guidance."

"Asbestos/NESHAP Regulated Asbestos-Containing Materials Guidance."

"Reporting and Recordkeeping Requirement for Waste Disposal."

"Common Questions on the NESHAP."

"A Guide to the Asbestos/NESHAP" as revised November 1990.

## INDOOR RADON

Radon is a naturally occurring radioactive gas that comes from the natural breakdown (radioactive decay) of uranium in soil, rock and water. Radon moves up through the ground to the air above and into homes and other buildings through cracks or holes in the foundation and other entry points. The home acts to trap radon gas, especially when the home is closed, increasing indoor radon levels. Most soils contain varying amounts of uranium; therefore, elevated radon levels have been found in homes, schools and buildings throughout the U.S.

Exposure to high radon levels is dangerous. The health hazard from radon arises from inhaling its radioactive decay products. The Surgeon General has warned that radon is the second leading cause of lung cancer in the U.S. today, and is estimated to cause about 14,000 deaths per year. For persons who smoke, the health risk of inhaling radon is especially high.

EPA has established procedures for testing homes, schools and buildings. These testing procedures are described in various radon documents that are available from EPA. Nearly one out of every 15 homes in the U.S. is estimated to have radon levels that exceed the action level.

In 1988 Congress enacted the Indoor Radon Abatement Act (IRAA) with the goal of reducing indoor radon levels to radon levels found in outside air. Among other provisions, IRAA provided funds for tribal governments to establish radon programs and to assist tribal governments, and to encourage tribal members to test for radon and mitigate elevated radon levels. IRAA also requires EPA and IHS to develop a national description of radon levels in homes and schools throughout the country. Several Tribes in conjunction with EPA and IHS, have conducted radon residential surveys to characterize radon distributions.

IRAA also required EPA to develop a program to evaluate radon mitigation contractors and radon measurement labs. In response, EPA established four regional radon training centers to train radon professionals. EPA also developed a national proficiency exam to test the knowledge of radon contractors. Contractors who pass the exam are listed on the Radon Contractor Proficiency (RCP) list. EPA also established the Radon Measurement Proficiency (RMP) Program. This program tests and evaluates the accuracy of firms that supply radon test devices. Those that pass the program are included on the RMP list.

It is very likely that there are homes, day care centers, schools and commercial buildings that have elevated indoor air concentrations of radon. Testing is the only way to know.

Currently, most radon-related policies are non-regulatory. EPA, IHS and tribal governments have focused their energies toward educating the tribal members about the health risk of radon and encouraging voluntary testing of homes and buildings. However, some Tribes, IHS and HUD, have developed radon regulations, including certification of radon professionals and mandatory testing of

all schools. Additionally, model building codes for new construction have been developed that may be incorporated into the building codes of local jurisdictions. Finally, Congressional attention has been directed toward required radon disclosure during real estate transactions that involve Federal agencies, such as FHA or HUD.

Tribal governments can act to protect their residents from radon in several ways: first, by developing radon education and outreach programs; second, by adopting radon-resistant building codes for new construction, such as the model codes; third, by encouraging voluntary testing in communities; and fourth, by ensuring working in conjunction with EPA and community organizations, such as the American Lung Association, to elevate tribal attention to this important health risk.

### **Additional Information**

Contact the National Hotline at 800-767-7236, Mike Miller at 214-665-7550 or [miller.michael@epa.gov](mailto:miller.michael@epa.gov).

## PESTICIDES

Few chemicals have had as much impact or been the subject of as much controversy in recent decades as pesticides. EPA has the authority to regulate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Under FIFRA, EPA has the authority and responsibility for regulating pesticide registration, production, sale, distribution, and use. No pesticide may legally be sold or used in the United States unless it has been registered by EPA and bears an EPA registration number. EPA also has the authority to suspend or cancel registration of a pesticide. All pesticides must have a label. The label includes instructions for use, human and environmental precautions to be taken, and storage and disposal of containers. The label, together with any literature to which it refers, has the force of law.

In addition to enforcement for the production, sale, distribution and use of pesticides, issues currently being dealt with in the pesticide program include agriculture workers' and pesticide handlers' safety, applicator certification and training, pesticides in ground water and endangered species. EPA is also targeting funds to promote innovative projects that reduce the risk posed by pesticide use, including Integrated Pest Management projects.

With regard to agricultural workers' and pesticide handlers' safety, EPA published Worker Protection Standards on August 13, 1992. These standards, which were in response to a significant number of pesticide poisonings occurring every year, strengthened earlier protection provisions, reduced risks of exposure and extended additional coverage to handlers and field workers.

Currently there are about 100 active ingredients Federally registered which are classified as restricted use. Pesticides containing these active ingredients can only be applied by, or under the direct supervision of, a certified applicator. Applicants are certified by States and Tribes under plans approved by EPA.

Efforts are under way to strengthen tribal enforcement and pesticide applicator training programs, particularly with respect to ground water protection, worker protection and endangered species protection. EPA prepared a Pesticides in Ground Water Strategy in 1991 to address risks of ground water contamination by pesticide chemicals. EPA is required under the Endangered Species Act to protect listed species and their habitat from the effects of pesticides. EPA may enter into cooperative agreements with Tribes to cooperate in the enforcement of FIFRA and to assist Tribes in developing and administering plans to train and certify pesticide applicators.

### **Additional Information**

*Federal Insecticide, Fungicide, Rodenticide Act (FIFRA)*, 40 CFR, Parts 150 to 189.

*Pesticides in Ground Water Strategy*, U.S. EPA, 54 Federal Register 27984, July 3, 1989.

Contact Dianne Sales at 214-665-7556, sales.dianne@epa.gov.

## **REFRIGERANT RECYCLING AND THE PROHIBITION OF VENTING**

Under §608 of the Clean Air Act, EPA published final regulations in May 1993 that:

- # Require service practices to maximize recycling of ozone-depleting compounds (chloro-fluorocarbons or CFCs and hydrochlorofluorocarbons or HCFCs) during the servicing and disposal of air conditioning and refrigeration equipment.
- # Set certification requirements for technicians and reclaimers and for recovery and recycling equipment.
- # Establish safe disposal requirements to ensure removal of refrigerants from goods that enter the waste stream with the charge intact (for example, motor vehicle and room air conditioners and home refrigerators).

Effective July 1, 1992, §608 of the Act prohibited individuals from knowingly venting ozone-depleting compounds used as refrigerants into the atmosphere. Only three types of releases are permitted under the prohibition:

- # Minute quantities of refrigerant released in the course of making good faith efforts to recapture and recycle or safely dispose of refrigerant.
- # Refrigerant emitted in the course of normal operation of air conditioning and refrigeration equipment, such as from leaks and mechanical purging (although there are leak repair requirements in many circumstances).
- # Mixture of nitrogen and R-22 that are used as holding charges or as leak test gases, because in these cases, the ozone-depleting compound is not used as a refrigerant.

### **Use of Approved Equipment**

Technicians repairing or servicing motor vehicle air conditioners must use either refrigerant recover/recycle or recover-only equipment approved by EPA. Most certified equipment will be labeled as "design-certified to SAE standards." A list of both types of approved equipment is available from EPA by phoning 1-800-296-1996.

### **Technician Training and Certification**

Technicians who repair or service motor vehicle air conditioners must be trained and certified by an EPA-approved organization. Training programs must cover the use of recycling equipment in compliance with the Society of Automotive Engineers (SAE) Standard J-1989, the regulatory

requirements, the importance of refrigerant containment, and the effects of ozone depletion. A list of approved testing programs is available from EPA.

### **Safe Disposal Requirements**

Equipment that is typically dismantled on site before disposal (e.g. retail food refrigeration) must have the refrigerant removed and recovered in accordance with EPA's requirements for servicing. However, equipment that typically enters the waste stream with the charge intact (e.g. motor and room air conditioners) is subject to special safe disposal requirements. Under these requirements, the final person in the disposal chain is responsible for ensuring that refrigerant is recovered from equipment before the final disposal of the equipment.

### **Hazardous Waste Disposal**

If refrigerants are recycled or reclaimed, they are not considered hazardous under Federal law. In addition, used oils contaminated with CFCs are not hazardous on the condition that:

- # They are not mixed with other wastes.
- # They are subjected to CFC recycling or reclamation.
- # They are not mixed with used oils from other sources.

However, used oils that contain CFCs after the CFC reclamation procedure are subject to specification limits for used oil fuels if these oils are destined for burning. Individuals with questions regarding the proper handling of these materials should contact EPA's RCRA Hotline toll-free at 1-800-424-9346.

### **Additional Information**

Call EPA Stratospheric Ozone Hotline: 1-800-296-1996 (10 am-4 pm EST, M-F, except Federal holidays) or contact Phyllis Putter at 214-665-7271, [putter.phyllis@epa.gov](mailto:putter.phyllis@epa.gov).

## **TOXICS--PCBs**

EPA was required by Congress under §6(e) of the Toxic Substances Control Act (TSCA) (Public Law 94-469, October 11, 1976) to promulgate rules for the marking, storage and disposal of Polychlorinated Biphenyls (PBCs). It also specifies requirements for marking, storage and disposal of PCBs.

PCBs were used extensively by the electric power industry for insulating electrical equipment (for example, transformers, capacitors) as well as for fire suppression. Many insulating materials used in heating and ventilating systems also contained PCBs. Manufacturers inadvertently contaminated about 12 percent of the mineral oil-filled electrical equipment in use prior to 1976 by using the same pumps and lines to fill their premium PCB equipment and their mineral oil equipment.

PCB levels at or above 50 parts per million in fluids or non-fluid materials are regulated by the EPA, but EPA allows the use of PCB equipment for the remainder of its useful life, as long as the equipment is properly monitored and maintained.

### **Additional Information**

PCB Regulations, 40 CFR, Part 761.

Call Lou Roberts at 214-665-7579, [roberts-lou@epa.gov](mailto:roberts-lou@epa.gov).

## **TOXICS--LEAD (Pb)**

Lead poisoning is known to cause serious health problems, especially in children. Even at low levels, lead poisoning can result in learning deficiencies, reduced intelligence, and other developmental problems. The main source for exposure is through lead-based paint. Lead-based paint was banned for residential use in 1978. Any house built before then may contain it. It is estimated that around three-fourths of the existing homes in the U.S. contains lead-based paint, and as many as three million may be affected by lead poisoning.

To deal with this problem, the Residential Lead-Based Hazard Reduction Act of 1992--commonly referred to as Title X--added Title IV to the Toxic Substances Control Act (TSCA). Together, these laws mandated EPA to do the following:

- # Write regulations for training and certification of lead abatement workers.
- # Develop a model program for Tribes, States, and territories to adopt
- # Define proper abatement procedures.
- # Develop a lead hazard information pamphlet.
- # Develop renovation and remodeling guidelines.

Title X regulations require that anyone doing lead abatement work be trained, certified, and perform the abatement work in a safe manner to protect both human health and the environment. The regulations also require that a person buying or leasing a pre-1978 residence will be notified of known lead hazards, issued a lead hazard information pamphlet, given an opportunity to inspect the property and include specific language regarding lead hazards in any contract for sale or lease.

Tribal governments can work to prevent lead poisoning by educating their members in the identification and control of lead hazards. For Tribes with sufficient infrastructure and an established lead problem, Title X authorizes grants to establish training and accreditation programs to regulate those involved in lead-based paint activities. Other Tribes may wish to consider other funding alternatives, such as an Environmental Education grant, and Environmental Justice grant, or include lead education and outreach as an element of a General Assistance grant.

### **Additional Information**

Lead-Based Paint Regulations: 40 CFR Part 745.

"Protect Your Family From Lead in Your Home" pamphlet, EPA747-K-94-001, May 1995.

Contact Jeff Robinson at 214-665-7577, [robinson.jeffrey@epa.gov](mailto:robinson.jeffrey@epa.gov).



## **TOXICS RELEASE INVENTORY PROGRAM**

Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA) in 1986 which mandates that certain businesses submit annual reports on the amounts of certain chemicals the facilities released, either routinely or by accident. In 1994, all Federal facilities were also included. The purpose of TRI is to provide community and government officials information about chemical releases to the environment. In many cases this information has stimulated reductions in emissions, both through focusing facility managers' attention on wastes and increasing public involvement.

### **Who Is Subject to the EPCRA §313 Release Reporting Requirements?**

A plant, factory, or other facility is subject to the reporting requirements if it:

- # Conducts manufacturing operations included in Standard Industrial Classification (SIC) codes 20 through 39 (This criterion does not apply to Federal facilities);
- # Employs 10 or more full-time employees; and
- # Manufactures, imports, processes, or otherwise uses any of the listed toxic chemicals in amounts greater than the "threshold" quantities.

### **How to Get Information About the Toxic Chemical Releases**

Annual release reports (Form R) are entered into a national computerized database called the Toxic Release Inventory System, or "TRI S." The data is available through EPA's EPCRA Hotline 800- 535-0202. In addition, non-trade secret data are available through the TOXNET system (National Library of Medicine) and in other forms such as annual national reports, CD-ROM and RTK NET. Many university and public libraries can provide this access.

### **How Can TRI Help Your Tribe?**

The TRI database can provide your Tribe with the following types of information:

- # The chemicals that were released into the environment from a facility in your area.
- # How much of each chemical was released into the air, water, and land.
- # How chemical wastes were treated on-site and what was the efficiency of the treatment.
- # The amount of chemicals that were transported away from the facility for recycling, treatment or disposal.

The TRI data can be printed by year, chemical, facility, county, city, and zip code in a format tailored to meet your needs. Contact Warren Layne at 214-665-8013 or [layne.wayne@epa.gov](mailto:layne.wayne@epa.gov) for additional information.

## WASTE PROGRAMS

## **EMERGENCY RESPONSE**

Region 6 operates an Emergency Response Program to receive reports and provide Region-wide response to hazardous materials incidents, sites, and oil spills which are beyond the capability of local, State, or tribal responders. The 24-hour spill hotline number to call is 214-665-2222 or 1-800-424-8802. The person who answers the call will obtain as much information as possible about the spill and will then arrange to have a tribal, State, or Federal agency respond to the spill, as appropriate.

### **Additional Information**

Contact Jim Mullins 214-665-2273 or [mullins.james@epa.gov](mailto:mullins.james@epa.gov).

## **SUPERFUND PROGRAM**

As the 1970s came to a close, a series of stories gave Americans a look at the dangers of dumping industrial and urban wastes on the land. First there was New York's Love Canal. Hazardous waste buried for 25 years contaminated streams and soil, and endangered the health of nearby residents, who had to be evacuated. The dioxin-tainted land and water in Times Beach, Missouri also attracted attention.

It became increasingly clear that there were large numbers of serious hazardous waste problems that were falling through the cracks of existing environmental laws. The magnitude of these emerging problems moved Congress to enact the Comprehensive Environmental Response, Compensation and Liability Act in 1980. CERCLA--commonly known as Superfund--was established to deal with the dangers posed by the Nation's hazardous waste sites.

Since the program began, hazardous waste has surfaced as a major environmental concern in every part of the United States. It wasn't just the land that was contaminated by past disposal practices. Chemicals in the soil were spreading into the ground water and into streams, lakes and wetlands. Toxic vapors contaminated the air at some sites, while improperly disposed or stored wastes threatened the health or environmental resources of the surrounding community.

Few realized the size of the problem until EPA began the process of site discovery and evaluation. Thousands of potential sites existed. Congress directed EPA to set priorities and establish a list of sites to target. The sites on the National Priority List (NPL) are the most complex and compelling cases of the entire inventory of potential hazardous waste sites.

Superfund responds immediately to sites posing imminent threats to human health and the environment at both NPL sites and sites not on the NPL. The purpose is to stabilize, prevent, or temper the effects of a release of hazardous substances, or the threat of one, into the environment. Imminent threats might include tire fires or transportation accidents involving the spill of hazardous chemicals.

Superfund activities depend upon local participation. EPA analyzes hazards and deploys experts, but the Agency needs community input. EPA encourages and solicits input from tribal governments and tribal members in Superfund clean-up decisions.

### **Additional Information**

Contact LaDonna Walker at 214-665-6666 ([walker.ladonna@epa.gov](mailto:walker.ladonna@epa.gov)) or Robbie Hirt at 214-665-8079 ([hirt.roberta@epa.gov](mailto:hirt.roberta@epa.gov)).

## **BROWNFIELDS**

A **brownfield** is a site, or portion of a site, that was once used for industrial or commercial purposes and has since been abandoned. Some sites have actual or perceived contamination but have potential for reuse or redevelopment. In May 1997, Vice President Al Gore announced the Brownfields National Partnership Action Agenda. This undertaking provides a framework for cooperation among tribal and State governments, local communities, and businesses to assess, clean up, reuse, and prevent brownfields. EPA's Brownfield Initiative identifies and addresses barriers to clean up and redevelopment and recommends measures for change using the existing Superfund Law, (see previous page):

**#Brownfields Assessment Demonstration Pilots--**grants of up to \$200,000 for a two year period to explore innovative approaches to solve brownfields problems and provide a database of information to help in the Brownfields Initiative. EPA expects to award approximately 100 of these grants in 1998.

**#Clarification of Liability Issues--**guidance and instructions on liability concerns of lending institutions, property owners, developers, or prospective purchasers of brownfields. These documents clarify the safeguards that protect them from EPA enforcement actions and outside liability claims, thereby removing the stigma of potential contamination and liability associated with brownfield sites.

**#Partnerships and Outreach--**partnerships with other Federal agencies, Tribes, States, and cities to assure a coordinated approach to addressing brownfields. These partnerships were established to exchange information on activities, ideas, and establish a national coordinated strategy. The Brownfields National Partnership Action Agenda includes more than 100 commitments from more than 25 organizations including 15 Federal agencies. These commitments represent a \$300 million investment in brownfield communities by the Federal government and an additional \$165 million in loan guarantees.

**# Workforce Development--**environmental education and recruitment of students from disadvantaged groups and quality worker training in brownfield areas.

Tax incentives are also available to spur clean up and redevelopment of these sites in distressed urban and rural areas. Under this incentive, environmental clean up costs are fully deductible in the year in which they are incurred, as opposed to having the cost capitalized or absorbed as part of the costs in obtaining the site.

### **Additional Information**

Contact Stan Hitt at 214-665-6739 or Fax 214-665-6660 or [hitt.stan@epa.gov](mailto:hitt.stan@epa.gov).

## **SARA TITLE III --EMERGENCY PLANNING & COMMUNITY RIGHT-TO-KNOW ACT**

The Superfund Amendments and Reauthorization Act (SARA) Title III has two purposes: to encourage and support emergency planning for responding to chemical incidents, and to provide local governments and the public with timely and comprehensive information about possible chemical hazards in communities.

### **Does the Emergency Planning and Community Right-To-Know Act (EPCRA) Apply To My Community?**

**Yes.** The chemicals in your community may pose a threat to citizens and to those individuals being asked to respond to emergencies involving hazardous substances. All facilities in the community storing certain hazardous chemicals (exceeding specified quantities) must provide information to appropriate governmental agencies and to the public. Also, if there is a chemical incident which results in the release of any one of a large number of hazardous substances, immediate notification must be made to governmental agencies.

The law provides stiff penalties for facilities that do not comply, and it allows citizens to sue the owner or operator of a facility and regulatory agencies for failure to provide information that must be made public.

### **What Are The Requirements Under This Law?**

The law, passed in October 1986 and applied to Tribes by regulations in July 1990, has many requirements and deadlines. An example is Tribes are required to establish Tribal Emergency Response Commissions (TERCs) or associate themselves with already established Local Emergency Planning Committees (LEPCs). LEPCs develop a local plan to respond to chemical emergencies in their jurisdiction as well as exercise, review and update the plan annually.

The LEPC has other responsibilities besides developing an emergency response plan. It receives emergency release and hazardous chemical inventory information submitted by local facilities and must make this information available to the community upon request.

Title III requires owners and operators of facilities storing specified hazardous substances to report to the LEPC within 60 days. When facilities provide the information required by the Act, local officials and tribal communities can better prepare themselves for chemical emergencies.

### **If the Emergency Planning and Community Right-to-Know Act applies, what should I do?**

As a tribal official, you should insist on complete planning and adequate preparation for an emergency. There are four options for tribal compliance under EPCRA:

1. The Tribe may form an independent Tribal Emergency Response Commission (TERC) with either a separate Local Emergency Planning Committee (LEPC) or a combination TERC/LEPC which serves both roles.
2. The tribal leader can appoint members to an independent TERC with either a separate LEPC or a combination TERC/LEPC which serves both roles. Most Tribes have chosen the latter.
3. The Tribe may form a cooperative agreement with the State within which its lands are located. In this case, the Tribe will either be a separate LEPC within the State or participate in a nearby LEPC.
4. Until a decision is made and an action is taken, the tribal leader is considered a one person TERC by default. This is another option some Tribes have chosen.

It is important not only to participate in emergency planning, but also to communicate with the members of the LEPC. Become familiar with the law so that you will know what tools are available for assessing and managing risks within the community. Identify what needs to be done to better prepare the community to deal more effectively with, and prevent, chemical emergencies.

#### **Additional Information**

Contact Fendol Chiles at 214-665-2283 ([chiles.fendol@epa.gov](mailto:chiles.fendol@epa.gov)) or Keith Reddick at 214-665-8338 ([reddick.keith@epa.gov](mailto:reddick.keith@epa.gov)).

## RCRA HAZARDOUS WASTE

Hazardous waste is prevalent throughout all levels of commerce and industry. Wastes are identified as hazardous if they pose a potential danger to human health and/or the environment when not properly treated, stored, transported, disposed or otherwise managed. Potential dangers include explosions, fires, corrosive destruction of materials, chemical reactions and health impairing exposure to toxic chemicals. The greater the quantity or concentration of chemicals exhibiting any of these dangers, the greater the need to assure their proper management.

In 1976, Congress enacted the Resource Conservation and Recovery Act (RCRA) as the primary regulatory vehicle to assure that hazardous waste is properly managed from the point of its generation to its ultimate disposal or destruction often called "from cradle to grave." RCRA establishes a very complex and comprehensive set of requirements to define which hazardous waste is subject to regulation as well as the responsibilities of anyone who generates, transports, stores, treats, disposes or otherwise manages hazardous waste. At this time, waste generated by individual households is not subject to Federal RCRA requirements.

There are three categories of hazardous waste generators under the RCRA program requirements:

- # **Generator**--Facilities that generate more than 1,000 kilograms (kg) per month of any hazardous waste or more than one kilogram of any "acute" hazardous waste. A kilogram is approximately 2.2 pounds and 1,000 kg is approximately five, 55 gallon drums of material.
- # **Small Quantity Generator**--Facilities that generate less than 1,000 kg per month of hazardous waste but more than 100 kilograms per month. Small quantity generators are given additional time to comply with new regulations and for on-site storage of their waste.
- # **Conditionally Exempt Generator**--Facilities that generate less than 100 kilograms a month of any hazardous waste are conditionally exempt from the RCRA regulations.

### RCRA Program Applicability

It is very likely that some types of hazardous waste are generated by businesses in your community or by your municipal facility operations themselves. Because hazardous waste includes things like solvents, corrosives and materials containing heavy materials like chromium, cadmium and lead, vehicle maintenance shops often generate hazardous waste that may be subject to RCRA requirements. Any discarded material must be evaluated to determine if it has been listed by EPA as hazardous waste or if the waste exhibits any of the following characteristics: ignitability, corrosivity, reactivity or toxicity as determined by the Toxicity Characteristic Leaching Procedure (TCLP) test.

Care must be taken to manage products that are no longer wanted or needed. For example, leftover



pesticides from grounds-keeping operations and old paint thinner must be fully evaluated before determining how to dispose of them. EPA has identified several hundred chemical products which, if disposed of, would also be considered "listed hazardous waste."

Another area of possible concern for a Tribe is the operation of a trash collection system and/or a landfill. Normally, because household wastes are currently exempt from RCRA hazardous waste regulations, landfills are regulated under a program referred to as the "Subtitle D Municipal Solid Waste Landfill Criteria" which is intended to insure proper management of the landfill. However, the addition of commercial waste materials collected and/or co-disposed with the household materials might subject a facility to regulation under the RCRA hazardous waste program.

### **Timetable**

RCRA regulations were first published in 1980 and are constantly being amended. Handlers of hazardous waste (such as those who generate, store or transport this material) must notify EPA and receive an EPA RCRA identification number.

Different timetables and responsibilities apply to the different activities. Generators may accumulate waste on-site for up to 90 days without triggering a requirement to obtain a storage permit. Small quantity generators have up to 180 days. Securing a permit authorizing the treatment, storage, or disposal of hazardous waste is a very expensive and lengthy process.

Many companies and regulated entities look for ways to reduce the amount of hazardous waste produced in order to reduce expense and regulatory burdens. Waste reduction can be accomplished through better housekeeping, careful purchasing, changes in process and a variety of other ways. Hazardous waste generators should examine their waste streams and consider whether there might be a way to reduce what is being generated.

### **Additional Information**

RCRA Hazardous Waste Regulations, 40 CFR Parts 260-279.

Small Quantity Generator brochure.

Contact Willie Kelley at 214-665-6760 ([kelley.willie@epa.gov](mailto:kelley.willie@epa.gov)) or Teena Hullum at 214-665-7475 ([hullum.chestenna@epa.gov](mailto:hullum.chestenna@epa.gov)) for an ID number.

## **SOLID WASTE DISPOSAL PROGRAM**

In 1976, Congress directed EPA to develop standards for the disposal of solid waste. The two main regulations that were developed are 40 CFR Parts 257 and 258.

**40 CFR Part 257** applies to all solid waste disposal sites and practices except agricultural and mining waste. The minimum criteria include evaluating the location of a site (such as flood plains and endangered species habitats) and limiting disease vectors, ground water contamination and explosive gases. These regulations generally apply to a range of disposal facilities from monofills to construction and demolition debris disposal sites. This regulation has been in effect since 1979.

**40 CFR Part 258** pertains to disposal sites which accept household (or municipal) waste. Household waste is defined as any solid waste from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

The effective date of the criteria was staggered depending on the size of the disposal site. The general effective date of the criteria was April 9, 1995. However, many tribal sites may be able to claim the "small community exemption." A small community landfill is defined as one that:

- # Disposes of less than 20 tons of municipal solid waste daily, based on an annual average;
- # Has no evidence of ground water contamination from the unit, and the unit serves:
  - A community that experiences an annual interruption of at least three consecutive months of surface transportation that prevents access to a regional waste management facility, or
  - A community that has no practicable waste management alternative and is located in an area that annually receives less than or equal to 25 inches of precipitation.

For a disposal site that fulfills the small community exemption (also called the arid, remote landfill exemption), the general effective date of Part 258 was October 9, 1997.

For many rural communities, the development and implementation of these regulations require a radical change in solid waste practices. The changes can be expensive if all options are not adequately addressed.

### **Actions Your Tribe Should Be Taking**

- # Develop a Solid Waste Management Plan
- # Find alternatives to open dumping and open burning
- # Develop community education plans to address solid waste problems and to help find solutions

- # Develop waste reduction programs (recycling and composting) in your solid waste management and community education plans
- # Close all existing open dumps

Tribes can apply to EPA for approval of landfill regulatory programs. The program approval process involves EPA review of all solid waste regulations and codes. If EPA determines that tribal regulations are equivalent to the Federal regulations, landfill owners and operators may have flexibility in landfill operations.

### **Waste Reduction/Recycling**

The solid waste program also works with Tribes, States and non-profit organizations to expand markets for recycled materials, stimulate economic development, and create jobs. Using the Jobs Through Recycling (JTR) Initiative, EPA provides grants to States and Tribes so that the recipients can provide financial, permitting, marketing and technical management assistance to recycling businesses. Using the JTR funds, States and Tribes develop programs that put to productive use recovered materials that would otherwise be land filled or incinerated, employ innovative technologies to use recovered materials collected in recycling programs, and stimulate economic growth and create jobs.

Several Tribes have received funding for their job creation/environmental protection programs. EPA also supports the development and/or enhancement of State and tribal source reduction, recycling, and composting programs through a variety of other grants programs.

### **Additional Information**

Call National RCRA Hotline at 800-424-9346.

Resource Conservation and Recovery Act, Subtitle D.

40 CFR Parts 257 and 258.

Public Law 103-399 (McCain Bill/Open Dump Clean-Up on Indian Lands Act).

Contact Anan Tanbouz at 214-665-8195 or [tanbouz.anan@epa.gov](mailto:tanbouz.anan@epa.gov).

## **UNDERGROUND STORAGE TANKS**

An **underground storage tank (UST)** is any tank, including underground piping connected to the tanks, that has at least 10 percent of its volume underground. The UST regulations (40 CFR Part 280) cover notification (registration), performance standards for new and existing tanks, tank closure, release detection, cleanup activities, financial responsibility, reporting and record keeping. The goals of the UST regulations are to prevent, identify and clean up leaks and spills. These regulations also require that the owners and operators of USTs provide a financial means to pay for correcting the problems created if their USTs leak.

### **Do the regulations apply to all underground storage tanks?**

**No.** The following are some exclusions:

- # Farm and residential tanks holding 1,000 gallons or less of motor fuel used for non-commercial purposes.
- # Tanks used to store heating oil for consumption on the premises where it is stored.
- # Tanks on or above the floor of tunnels or basements.
- # Septic tanks and systems for collecting storm water or waste water
- # Flow-through process tanks.
- # Tanks holding 110 gallons or less
- # Emergency spill and overfill tanks.
- # Other storage areas such as surface impoundments, pits, ponds, or lagoons.
- # Tanks which contain hazardous waste.

### **If the UST regulations apply, what must I do as an owner/operator?**

- # Send completed form 7530-1 to EPA, Region 6 (6PD-U).
- # Use an approved method of leak detection for both tanks and piping.
- # Ensure that tanks installed after December 22, 1988, have spill, overfill, and corrosion protection at the time of installation.
- # Ensure that tanks installed prior to December 22, 1988, are closed, removed, replaced, or upgraded with spill, overfill, and corrosion protection by December 22, 1998.
- # Demonstrate financial responsibility for the cost of cleaning up a leak or compensating other people for injury or property damage caused by a leaking UST. Compliance date for local governments and Tribes is December 31, 1998.

### **If I am not using tanks that come under the regulations, what should I do?**

Follow closure requirements for tanks temporarily or permanently closed (40 CFR 280 Subpart G). (Note: Tanks not used from 3 to 12 months can be temporarily closed by leaving vent lines open and functioning and cap and secure all other lines, pumps, manways and ancillary equipment.) Permanent

closure is required beyond 12 months when the tank(s) must be either filled with an inert material or removed. If a ground water monitoring system or vapor monitoring system was in operation at the time of closure and indicates no release has occurred, a site assessment is not required. EPA will help you decide how best to close the UST so that it meets all Federal requirements.

**If a leak or spill should occur, what must be done?**

- # Contact the closest fire department to ensure that it does not pose a hazard to human health.
- # Contact EPA within 24 hours to report the release or spill. The regulatory authority will decide if you must take further action.

**Additional Information**

Musts for USTs: A Summary of the New Regulations for Underground Storage Tank Systems, U.S. EPA, OUST, July 1990.

Dollars and Sense: A Summary of the Financial Responsibility Regulations for Underground Storage Tanks Systems, U.S. EPA, OUST December 1988.

Don't Wait Until 1998: Spill, Overfill and Corrosion Protection for Underground Storage Tanks, U.S. EPA, OUST, April 1994.

Contact Lynn Dail at 214-665-2234 or [dail.lynn@epa.gov](mailto:dail.lynn@epa.gov).

WATER PROGRAMS

## SAFE DRINKING WATER ACT--PUBLIC WATER SYSTEMS

The **Safe Drinking Water Act** (SDWA) is the Federal law regulating the quality of finished drinking water from a public water system (PWS). The purpose of the Act is to make sure that the drinking water supplied to the public is safe for human consumption. EPA has the responsibility of setting national drinking water standards which must be met by all water supplied to the public. EPA also has the authority and responsibility to implement the SDWA and its associated regulations in Indian Country. All public water systems in Indian Country, regardless of ownership, must comply with these requirements. EPA retains the primary enforcement responsibility for these PWS until a Tribe has applied for, and been approved for, primacy under the SDWA Public Water Supply Supervision program.

A **public water system** (PWS) is defined as "a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year." PWS are divided into three categories:

- **Community systems** serve a year-round residential population such as a village.
- **Non-transient non-community systems** serve at least the same 25 people at least six months of the year, such as schools, clinics and factories. This type of system serves the same people nearly every day but they do not actually live at the facility.
- **Transient non-community systems** serve at least 25 mobile or transient people at least 60 days of the year at locations, such as hotels, restaurants, or seasonal campgrounds.

### General Responsibilities

It is the responsibility of the owner of a public water system to meet the following general requirements:

**Sampling and Reporting:** Each supplier of water must collect samples from the water system, take them to a certified laboratory for analysis, and send the results to EPA. The type of analysis performed, the sampling frequency, and the location of the sampling point vary from system to system depending on the category of system (community, non-transient non-community or transient non-community), the number of people served, the number of service connections, and whether it uses surface water or ground water as its source of supply.

**Recordkeeping:** The water supplier must keep information about the system on file. This information includes laboratory sample results, sanitary surveys, steps taken to correct problems, operation and maintenance records, and correspondence.

**Notification:** If there is a violation of the regulations, the public must be notified. The purpose of the public notification is to inform customers of any potential adverse health effects and to describe what steps consumers can take to minimize the impact. The method, timing and frequency of the public notice varies based upon the severity of the violation. Each public notice must meet certain requirements concerning the information it contains and the way that it is issued.

**Operation and Maintenance (O&M):** The water supplier is responsible for ensuring that the system is properly operated and maintained by qualified persons. This includes correcting problems that cause violations of the requirements. Water systems O&M is key to providing a safe supply of drinking water.

It is important to note that the SDWA does not provide funds for ongoing operation and maintenance or for monitoring of drinking water quality.

### **Drinking Water Standards**

EPA sets drinking water standards which apply to all public water systems. There are two types of national standards: primary and secondary. Primary standards are health-based and enforceable. Secondary standards are based on the aesthetic quality of the water and are non-enforceable guidelines.

Primary standards are established as either Maximum Contaminant Levels (MCLs) or as Treatment Technique Requirements. Maximum Contaminant Levels (MCLs) are the numerical standard used to judge the water quality. The system will be judged for compliance with the MCLs based upon results of required water sampling. Treatment Technique Requirements are set for contaminants which are difficult or costly to measure. In some cases, EPA chooses to require specific water treatment practices (such as filtration or corrosion control) to remove these contaminants and prevent health problems. The treatment technique is required in place of setting an MCL.

Secondary standards consist of Secondary Maximum Contaminant Levels (SMCLs) which are associated with the aesthetic quality of water such as taste, odor or color. Water with contaminants at levels above the SMCLs may not be pleasant to drink but will not cause health problems. These numbers are guidelines, not enforceable standards.

### **Monitoring**

Water suppliers are required to monitor the quality of the drinking water supplied to the public. Monitoring requirements include testing for the following contaminant groups: Coliform bacteria (Total Coliform Rule); Inorganic Chemicals; Volatile Organic Chemicals, Pesticides and Synthetic Organic Chemicals; Radionuclides; and Disinfection By-Products. EPA Region 6 is implementing a "Monitoring Waiver Program" for PWSs in Indian Country. Your water system may be eligible for reduced monitoring frequency based upon previous monitoring results, characteristics of your system



and land use practices in the watershed. **Contact EPA for the monitoring requirements specific to your water system and for information about the Monitoring Waiver Program application process.**

The Total Coliform Rule requires that samples for coliform bacteria be collected on a routine (usually monthly) basis from locations in the distribution system. Coliform bacteria are used as an indication of the possible presence of potentially harmful bacteria in the water. The MCL is based upon the presence or absence of coliform bacteria.

The Surface Water Treatment Rule requires that water systems using surface water sources or ground waters which are directly influenced by surface water must filter and disinfect prior to delivery to the public. Monitoring of treated water turbidity and disinfectant residual is required as part of this treatment technique requirement.

Unregulated Contaminants are contaminants which must be sampled for but no MCL has been set. This means that there is a requirement to monitor for these contaminants and to report any detections to EPA. Samples for unregulated contaminants are usually collected in conjunction with regulated contaminant monitoring.

#### **Additional Information**

Contact Blake Atkins at 214-665-2297 or [atkins.blake@epa.gov](mailto:atkins.blake@epa.gov).

## SAFE DRINKING WATER ACT--UNDERGROUND INJECTION CONTROL

Ground water supplies over half the Nation's drinking water, especially in rural areas. It is vulnerable to contamination from activities occurring in and around it. Most Indian lands in Region 6 are in rural areas and are dependent on ground water for water supply. The Underground Injection Control (UIC) program was established under the Safe Drinking Water Act to protect the potable ground water supplies. The UIC program regulates the subsurface injection of wastewater below, into, and above underground sources of drinking water (USDW). USDW is defined as ground water that contains less than 10,000 mg/l total dissolved solids. In EPA Region 6 injection wells on Indian lands are generally regulated by EPA. The only exception to this is for Class II injection wells located on lands of the Five Civilized Tribes in Oklahoma. The Oklahoma Corporation Commission regulates those injection wells.

Requirements for injection wells depend on the type of injection activity. EPA has defined the wells, as follows:

- Class I** Wells used to inject industrial or municipal wastes (including hazardous) below the USDW.
- Class II** Wells used to inject fluids associated with oil and gas production.
- Class III** Wells used to inject fluids for mineral extraction.
- Class IV** Wells used to inject hazardous or radioactive waste into or above USDW
- Class V** Any wells not included in Classes I-IV. These wells are currently authorized by rule unless EPA (or a primacy State/organization) determines that a permit is needed to ensure protection of USDW. Examples of Class V wells include dry wells collecting surface water runoff, automotive waste disposal wells, and large septic systems or those which accept industrial wastes. "Injection" includes seeping, flowing, leaching, and pumping with or without pressure.

Requirements for each type of well are listed in 40 CFR 144, 146, 147, and 148. Class IV injection wells are prohibited by regulation. EPA is developing specific regulations for Class V injection wells. All other injection wells on Indian lands require a permit or other authorization from EPA. The permit specifies well construction and operating requirements.

EPA injection well permitting and enforcement programs are administered from the Dallas Regional Office. Field activities are conducted from a field office in Pawhuska, Oklahoma. The field office includes two EPA engineers and five administrative and inspection staff employed by the Osage Tribe. The staff is responsible for conducting injection well inspections, on-site technical assistance to

injection well operators and citizens, receiving permit applications for injection wells on the Osage Mineral Reserve, and investigating reports of ground water contamination.

The Safe Drinking Water Act also provides for EPA to take quick action in situations where actual or potential ground water contamination could imminently and substantially endanger human health. This authority is found in §1431 and extends to any activity that could endanger drinking water supplies including unlined pits, ponds, trenches, improper Class V wells, etc. Facilities likely to generate wastes that pose a significant risk to ground water include automotive service stations, dry cleaners, transportation service bays, pesticide applicators, photo-processors, electroplaters, primers, chemical and electronics manufacturers, pharmaceutical companies, food processors, and much more. Please note that septic tanks with the capacity to serve fewer than 20 persons per day and receive only biological waste are exempt from UIC regulations.

### **Additional Information**

Contact Phil Dellinger at 214-665-7165 ([dellinger.phillip@epa.gov](mailto:dellinger.phillip@epa.gov)) concerning permits for injection wells.

Contact Jerry Saunders at 214-665-6470 ([saunders.jerry@epa.gov](mailto:saunders.jerry@epa.gov)) to report possible violations of EPA regulations or to report possible ground water contamination.

The EPA UIC Field Office in Pawhuska can also be contacted at 918-287-4041 for information concerning UIC permitting requirements or to request an investigation of ground water contamination or UIC program violations.

## **SAFE DRINKING WATER ACT--WELLHEAD PROTECTION**

Ground water is used by more than half of all Americans for drinking purposes. Rural areas depend on ground water for 95 percent of their drinking water. The nation's agricultural community uses ground water for about half of its needs; ground water supplies nearly one-third of industry's water requirements. Local communities can protect their ground water resources and prevent contamination by incorporating wellhead protection activities into land use management efforts.

### **What is Wellhead Protection?**

Wellhead protection is delineating boundaries around a public water supply well or wellfield, and then managing activities within those boundaries to prevent pollutants from getting to the ground water that contributes to the well. The delineation area is also called the wellhead protection area (WHPA). Activities which may be managed or limited within a WHPA are any land or subterranean disposal of waste or application of chemicals from industrial, residential, or agricultural sources. This includes dumps, septic systems, and injection wells.

WHPA boundaries are based on hydrogeological factors, like time-of-travel of ground water flowing to the well, aquifer boundaries, the degree to which the aquifer is confined, and pumping rates. All of these hydrogeological characteristics have a direct effect on the likelihood, extent, and movement of contamination.

Some communities find that it is most appropriate to practice whole aquifer protection, or to define the entire aquifer as their wellhead protection area. However it is defined, and whether it is called a protected recharge zone, wellhead protection area, or aquifer protection area, the steps discussed below apply.

### **Steps to Establish a Wellhead Protection Program**

- 1. Specify roles, duties and authorities** of tribal, local, and Federal agencies with an interest in managing the quality of ground water resources in the approximate recharge area. Try to reach consensus on the need for joint management and protection of the resource.
- 2. Delineate the wellhead protection area (WHPA) for each wellhead.** The delineation method you choose depend on available data, staff and funds to contract a hydrogeologist, if one is not locally available.
- 3. Identify potential sources of contaminants within each WHPA.** This inventory should consider historical, current and future land uses. Much success has been achieved from using student and senior volunteers in this step.

**4. Develop management approaches to protect the WHPA from contaminants.** Management may be regulatory, non-regulatory or legislative, and include zoning, health regulations and public education. It is extremely important to educate residents and businesses within the WHPA on the value of ground water and how to prevent or minimize the threat of contamination.

**5. Develop a contingency plan for each public water supply system,** so that if contamination is detected, an alternate water supply is available.

**6. Site new wells carefully** to minimize potential contamination.

**7. Keep the public involved.** By participating in wellhead protection efforts, the public takes practical steps to protect their health and the health of the community.

#### **Additional Information**

Contact Ken Williams at 214-665-7129 or [williams.ken@epa.gov](mailto:williams.ken@epa.gov).

## CLEAN WATER ACT

Although Federal laws dealing with water quality have existed for almost 50 years, the current era of water pollution control began in 1972 with the comprehensive amendments to the Federal Water Pollution Control Act, the formal name of the Clean Water Act (CWA). The goal of the CWA "is to restore and maintain the chemical, physical, and biological integrity of the Nation's water," primarily through a prohibition against discharging pollution into the waters of the United States. While not comprehensive (certain sources of pollution are not directly regulated), the CWA does deal with a complex variety of matters concerning water pollution, including the following: grants for construction projects and research and study, development of water pollution control programs, permitting and regulations of discharges, and establishing water quality standards.

It was not until 1987 that Congress dealt directly with the role of Tribes by enacting §518(e) of the CWA which allows the Administrator to treat Tribes as States for specific purposes under the Act. In essence, §518 expanded the State/Federal relationship to include a tribal/Federal relationship. Most important, eligible Tribes, like States, can obtain grants to develop water quality programs, establish water quality standards, issue National Pollution Discharge Elimination System (NPDES) permits, and provide certifications under §401. To be eligible, a Tribe must:

- be Federally recognized;
- have a governing body that carries out substantial duties and powers;
- possess civil regulatory jurisdiction to carry out those functions it seeks to exercise; and
- demonstrate its capability to carry out those functions.

EPA has promulgated regulations implementing §518(e) and has established procedures for processing applications under the applicable programs.

## **CLEAN WATER ACT--106 WATER QUALITY MANAGEMENT PLAN**

CWA §106 provides financial assistance to eligible Tribes for the assessment, prevention, reduction, and elimination of water pollution. Tribes can use §106 funds to develop a water quality standards program for ground water and wetlands protection and to abate nonpoint source water pollution. However, 106 funds cannot be used to construct water treatment facilities, to monitor the quality of water used solely for drinking, or to work on water rights issues. Up to three percent of funds available under §106 are set aside for Tribes.

To receive a grant, a Tribe must show that it is eligible under the criteria found in §518(e) and must have an EPA-approved work plan. Eligible Tribes may receive up to \$60,000 from the base allocation provided that performance on previous assistance agreements is satisfactory. The variable amount is competitive between Tribes with TAS based on need, capabilities, and performance. Tribes receiving TAS after allocation to the Region may be funded out of the variable amount. Some of the tribal projects that have already been funded under the 106 program include those which have:

- # Developed and refined Best Management Practices
- # Developed and implemented a water quality standards program
- # Reviewed stream classification system, compiled and evaluated existing data and conducted a Rapid Bioassessment of streams
- # Evaluated pesticide contamination of surface water and conducted detailed ammonia study
- # Conducted ground water inventory
- # Assessed the effects of siltation on a river
- # Developed a water quality classification, and assessment management options.

### **Additional Information**

"Clean Water Act Grants for Indian Tribes §106 Guidelines."

"Indian Tribes: Water Quality Planning & Management," *Federal Register*, April 11, 1989.

*Federal Register*, 40 CFR Parts 35 & 130, March 23, 1994.

*Federal Register* 40 CFR Parts 35 & 130, January 11, 1985.

Contact Stephanie Crossland at 214-665-6684 (crossland.stephanie@epa.gov).

## **CLEAN WATER--NONPOINT SOURCE POLLUTION CONTROL**

CWA §319(h) provides financial assistance for the abatement of water pollution caused by nonpoint sources. Nonpoint sources of water pollution are multiple, diffuse sources of pollution. Primary nonpoint sources of pollution include runoff from urban areas, farming, feedlots, mining and forestry. The major pollutant from nonpoint sources by volume is sediment. Runoff may also carry oil and gasoline, agricultural chemicals, nutrients, heavy metals and toxic substances, as well as bacteria, viruses and oxygen-demanding compounds.

Using §319 funds, eligible Tribes can fund activities including information and education, demonstration projects, and implementation of Best Management Practices (BMPs) for controlling nonpoint sources of pollution.

Up to one-third of one percent of the funds available under §319 are set aside for eligible Tribes. To receive a grant, a Tribe must have an EPA-approved nonpoint source assessment and nonpoint source management plan. A §106 grant can fund development of the assessment and management plan. A project work plan is also required. Normally, a non-Federal match of 40 percent is necessary. However, upon demonstration of financial hardship, a minimum 10 percent cost share can be allowed.

### **Additional Information**

"Tribal Nonpoint Source Planning Handbook" U.S. EPA, Office of Water, September 1997, EPA841-B-97-004.

Contact Brad Lamb at 214-665-6683 or [lamb.brad@epa.gov](mailto:lamb.brad@epa.gov).

## **CLEAN WATER ACT--INDIAN SET-ASIDE PROGRAM**

CWA §518(c) establishes an Indian Set-Aside Grant Program. One-half of one percent of the funds available under §207 of the CWA are reserved each for the development of wastewater management plans and the construction of sewage treatment works that serve Tribes. Grants are awarded according to a national priority listing that is based on three categories of criteria: water quality, public health, and existing level of treatment. The Set-Aside Program provides funds to Tribes (as defined by the CWA), Alaska Native Villages (as defined by the Alaska Native Claims Act), and Tribes on former reservations in Oklahoma.

### **Additional Information**

"Guidelines and Requirements For Applying For Grants From The Indian Set-Aside Program," EPA, April 1989.

Call Gene Wossum at 214-665-7173 or [wossum.gene@epa.gov](mailto:wossum.gene@epa.gov).



## CLEAN WATER ACT--WATER QUALITY STANDARDS PROGRAMS

Under CWA §303, Tribes can establish water quality standards. "Designated uses," "criteria" and an "antidegradation policy" comprise water quality standards. **Designated uses** (for example, a "warm water fishery" or "public water supply") are the uses for each water body that are to be maintained and protected by the standards. Tribes must also adopt **criteria** that specify what concentrations of pollutants will ensure that the designated uses are met. Criteria are usually stated in numerical amounts but can also be written in narrative form. EPA publishes numeric criteria recommendations for protection of aquatic life and human health, which may be adopted with or without modification by Tribes and States. An antidegradation policy insures that the Tribe's standards maintain existing uses and quality.

To participate in the water quality standards program, a Tribe must demonstrate that it is eligible under the criteria contained in §518(e) of the CWA and must develop water quality standards pursuant to the requirements of the statute and regulations. EPA must review and approve the standards in the same manner as it approves State standards. Tribes and States must revise water quality standards at least every three years. Public participation is an important part of the water quality standards program. Whenever a Tribe or State proposes changes to its standards or first adopts standards, a public hearing must be held so that interested parties have an opportunity to review the proposed actions and present their support or concerns.

Tribal water quality standards serve as the basis for certifications under §401 of the CWA and are implemented through NPDES discharge permits, §404 dredge and fill permits, and best management practices to control nonpoint sources of pollution. A Tribe that has obtained approval of its water quality standards also becomes the certifying authority under §401 of the CWA. A Tribe may use §106 funds to develop and implement the standards. No funding is available under §303 itself.

### Additional Information

40 CFR, Part 131, Water Quality Standards Regulation.

"Amendments to the Water Quality Standards Regulation that pertain to Standards in Indian Reservations" Final Rule. 56 *Federal Register* 64876, December 12, 1991.

"Introduction to Water Quality Standards" US EPA, September 1994, EPA823-B-95-004.

"Reference Guide to Water Quality Standards for Indian Tribes" US EPA, January 1990.

Contact Diane Evans at 214-665-6677 or [evans.diane@epa.gov](mailto:evans.diane@epa.gov) and Diana Sturges 214-665-7318 or [sturges.diana@epa.gov](mailto:sturges.diana@epa.gov).

## CLEAN WATER ACT--NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

The CWA generally prohibits discharging any pollutants into the waters of the United States, except in compliance with certain sections of the statute. Waters of the United States include intermittent, ephemeral, and perennial streams; playa lakes, lakes, and bays; and estuaries and wetlands. One of the primary exceptions to the prohibition is the National Pollutant Discharge Elimination System (NPDES) program found in CWA §402. Every discharge to waters of the United States, including those from tribal facilities, must be permitted under the NPDES program.

Among the most significant terms found in NPDES permits are the **effluent limitations**. There are two types of effluent limitations -- technology-based and water quality-based--which regulate the content of the discharge based on available pollution control technology, and the effects that the discharge may have on the receiving water's quality. Thus, NPDES permits work in concert with water quality standards established by Tribes, States, or the Federal government. Pursuant to CWA §401, an NPDES permit can only be issued after certification by the tribal or State government in whose jurisdiction the discharge will occur. Such certification is based upon a finding that the permitted discharge will support the Tribe's or State's approved water quality standards.

§518(e) authorizes EPA to approve tribal NPDES programs in substantially the same manner as the Agency approves State programs. The time and resources to assume the NPDES program are considerably greater than required to develop a monitoring project or water quality standards program. A Tribe may obtain approval by demonstrating that it is eligible under the criteria found in §518(e) and submitting the appropriate information as required in 40 CFR Part 123. Also, a Tribe must have EPA-approved water quality standards in place before it assumes the NPDES program. If a Tribe or State does not have an approved NPDES program, EPA continues to implement the Federal NPDES program. Even without assuming the NPDES program, Tribes can increase awareness and education concerning the requirements of the CWA and waste water collection and disposal, and can implement the most appropriate waste water collection and treatment policies.

### Additional Information

"Treatment of Indian Tribes as States for Purposes of §308, 309, 401, 402, and 405 of the Clean Water Act (CWA)" 58 *Federal Register* 67966 (December 22, 1993) ( 40 CFR Parts 122, 123, 124, and 501).

NPDES and Sewage Sludge Program Authority: A Handbook for Federally-recognized Indian Tribes" US EPA, July 1994, EPA 833-B-94-004.

Contact Mike Michaud at 214-665-6491 or [michaud.michael@epa.gov](mailto:michaud.michael@epa.gov).

## **CLEAN WATER ACT--SEWAGE SLUDGE USE AND DISPOSAL**

Municipal wastewater sludge (or biosolids) is a by-product of the domestic wastewater treatment process and includes scum or solids removed in primary, secondary, or advanced wastewater treatment processes. The regulations also apply to the land application and surface disposal of septage that is wasted from on-site septic systems. The regulations provide requirements for sewage sludge that is land-applied for beneficial reuse, surface disposed, and incinerated. When the 40 CFR Part 503 sewage sludge regulations are followed, sewage sludge can be reused as a soil conditioner or fertilizer or disposed of safely.

For land application of sewage sludge for beneficial reuse, Federal regulations require compliance with numerical limits for nine metals, pathogen and vector attraction reduction, and management practices. For surface disposal of sewage sludge (including monofilling and applying sewage sludge at a higher than agronomic rate to the land), Federal regulations require compliance with numerical limits for three metals (when applied to a site without a liner), pathogen reduction and vector attraction reduction, and management practices. For sewage sludge that is incinerated, compliance with emissions standards is required. Sewage sludge that is disposed in a municipal solid waste landfill must meet the quality requirements of 40 CFR Part 258 regulations.

The final sewage sludge regulations became effective March 22, 1993. Full compliance was required by February 19, 1994, or if construction of new facilities was required, by February 19, 1995. Monitoring and record keeping was required starting July 19, 1993.

Tribes and their members should be aware of restrictions covering proper use of the sewage sludge for land application (agricultural and small quantity local use) and proper disposal (incineration, surface disposal, dedicated land disposal, disposal in a municipal solid waste landfill or placement in a sludge monofill). Tribes should be testing their sludge prior to its final reuse or disposal to determine its quality. Sewage sludge in lagoons does not have to be tested until it is land applied or disposed. Communities should evaluate which options are available based on the sludge in accordance with the regulations.

The Part 503 regulations are "self-implementing"--they are in effect and enforceable whether or not they are specified in a permit. Wastewater treatment plants must submit a sludge permit application with the information required by 40 CFR Subpart 122.21(d)(3)(ii) along with an NPDES permit application 180 days prior to the current permit expiration date. Sewage sludge only facilities must submit sewage sludge screening information in 40 CFR Subpart 122.21(c)(2)(iii) to EPA 180 days prior to start-up.

### **Additional Information**

Sewage Sludge Final Rule, 40 CFR Part 503.

Contact Richard Wooster at 214-665-6473 or [wooster.richard@epa.gov](mailto:wooster.richard@epa.gov).

## **CLEAN WATER ACT--PRETREATMENT REQUIREMENTS**

**Pretreatment** is the treatment of a waste before it is discharged into the sanitary sewer. A pretreatment program includes ordinances, education, inspections, monitoring, and enforcement. Pretreatment requirements control pollutants which are incompatible or will interfere with the treatment process or pass through the treatment facility and cause problems in the receiving stream or lake. In addition, pretreatment requirements will improve opportunities to recycle and reclaim domestic and industrial wastewaters and sludges.

Traditionally, the smaller treatment facilities with individual discharges are not required to establish local pretreatment programs. If a Tribe has non-domestic users (such as sawmills, food processing plants and metal finishers) discharging pollutants that could pass through the treatment facility untreated or interfere with operations, the Tribe may have to implement a pretreatment program to satisfy the NPDES permit requirements.

Current NPDES permits contain a section on prohibited discharges and industrial waste. These are pretreated requirements and are designed to insure that treatment facilities are protected. Pretreatment discharge requirements may be imposed on industrial users of the wastewater system based on minimum treatment requirements; the protection of the collection system, treatment facility, or its workers; or to insure that the treatment facility complies with its own NPDES permit limits.

If a Tribe is required to establish a pretreatment program, the Tribe will need to establish ordinances implementing the pretreatment requirements, and identify a person responsible for insuring the program is administered and enforced. If a Tribe wants to establish a local pretreatment program, and is not required to through its NPDES permit, the Tribe should contact EPA for assistance.

### **Additional Information**

Pretreatment Final Rule, 40 CFR 403.

Contact Lee Bohme at 214-665-7532 or [bohme.lee@epa.gov](mailto:bohme.lee@epa.gov).

## **CLEAN WATER ACT--STORM WATER**

The storm water regulations of NPDES, requiring regulation of storm water discharges, was added in the 1987 amendments to the Clean Water Act as §402(p). In response to these changes, EPA issued final regulations in November 1990 which define the initial scope of the NPDES permit program for storm water discharges. The Phase I regulations define the term "storm water discharges associated with industrial activity," and "large and medium municipal separate storm sewer systems" and the permit application requirements for these discharges.

At this time, the municipal side of the program requires applications from cities with a population of 100,000 or more, and counties having large populations in unincorporated, urbanized areas.

On January 9, 1998, EPA proposed regulations covering Phase II of the storm water program (63 *Federal Register* 1536). Major changes proposed include a discussion of the tribal role in storm water pollution control, all municipalities including Tribes in Census Designated Urban Areas with over 50,000 total population would need municipal storm water permits (with some possible exemptions), runoff from construction sites of one to five acres would also be regulated, and addition of a "no exposure" alternative to requiring a permit for industrial activity. The regulations are expected to be finalized in March 1999.

Tribes can develop information and education programs to increase awareness of the relationship between the storm water drain system and local lakes or streams. Storm water collects in streets gutters, storm drains, and arroyos and flows directly to streams with little or no treatment. Members need to be educated so that they are aware of the role they play in the quality of the streams and lakes. Dumping used motor oil, unused paint, pesticides and other household chemicals on the ground or in the street can severely impact nearby surface water.

Tribes should also consider establishing ordinances or regulations controlling the improper disposal or discharges of pollutants to the municipal storm water drain system.

### **Additional Information**

"National Pollutant Discharge Elimination System-Proposed Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges; Proposed Rule" 63 *Federal Register* January 9, 1998.

## **CLEAN WATER ACT--WATER AND WETLANDS PROTECTION**

An integral part of the CWA is the restoration and maintenance of the Nation's wetlands. EPA, in partnership with tribal governments, is responsible for protecting wetland resources. The major Federal regulatory tool for this is §404 of the CWA, which is jointly administered by the U.S. Army Corps of Engineers and EPA. §404 establishes a permit program to regulate the discharge of dredged or fill material into waters of the U.S., including most wetlands. Failure to obtain a permit or to comply with the terms of a permit can result in civil and/or criminal penalties. The U.S. Fish and Wildlife Service has an important advisory role in the permit review process.

Waters of the U.S. include lakes, streams, rivers, wetlands and coastal waters. Wetlands are areas which are saturated or flooded for varying periods of time during the growing season. Because of the presence of water, there is a prevalence of aquatic or hydrophytic vegetation, such as that found in swamps, marshes, bogs and similar areas. Besides providing fish and wildlife habitat, wetlands also improve water quality by acting as filters, offering flood protection, buffering shorelines against erosion, and providing areas for recreation.

§518(e) authorizes EPA to approve tribal wetlands programs in substantially the same manner as the Agency approves State programs. A Tribe may obtain approval by demonstrating that it is eligible under the criteria found in §518(e) and submitting the appropriate information as required in 40 CFR Part 233. Also, the Tribe must have EPA-approved water quality standards in place before it assumes the §404 permit program. If a Tribe or State does not have an approved §404 permit program, the Corps of Engineers and EPA will continue to implement the Federal wetlands permit program.

### **Additional Information**

Clean Water Act; §404 Tribal Regulations" 58 *Federal Register* 8171 (February 11, 1993) (40 CFR Parts 232 and 233).

Contact Carmen Assunto at 214-665-8185 (assunto.carmen@epa.gov) or Pam Mintz at 214-665-8334 (minz.pamela@epa.gov).

## GENERAL INFORMATION

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1445 Ross Avenue  
Dallas, TX 75202-2733

**OFFICE OF THE REGIONAL ADMINISTRATOR (6RA)**

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Jerry Clifford, Deputy Regional Administrator

**Office of External Affairs (6XA)**

David Gray, Director 214-665-2200  
Brenda Black, Deputy Director

**Regional Native American Office (6XA)**

Ellen Greeney, Associate Director 214-665-6778

**Multimedia Planning and Permitting Division (6PD)**

Bob Hanneschlager, Acting Director 214-665-7200  
Gerald Fontenot, Acting Deputy

**Water Quality Protection Division (6WQ)**

Bill Hathaway, Director 214-665-7101  
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Myron O. Knudson, Director 214-665-6701  
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Sam Coleman, Director 214-665-2210  
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**Office of Regional Counsel (6RC)**

Larry Starfield, Director 214-665-2110  
Larry Andrews, Deputy Director

**Management Division (6MD)**

Lynda Carroll, Acting Director 214-665-6500  
Sam Becker, Acting Deputy Director



## NATIONAL NUMBERS

EMERGENCY (Spills) .....	800-424-8802
Acid Rain .....	202-233-9620
Air Risk .....	919-541-0888
Asbestos .....	800-368-5888
Auto Imports .....	202-233-9660
Control Technology .....	919-541-0800
Drinking Water .....	800-426-4791
Electromagnetic Fields .....	800-EMF-2383
Environmental Justice .....	800-962-6215
Hazardous Waste .....	800-262-7937
Indoor Air Quality .....	800-438-4318
Inspector General .....	202-260-4977
Internet Address .....	<a href="http://www.epa.gov">http://www.epa.gov</a>
Lead (Pb) .....	800-424-LEAD
Pesticides (general public) .....	800-858-7378
Pesticides (medical) .....	800-858-7377
Pollution Prevention .....	202-260-1023
Power Lines .....	800-EMF-2383
Publications .....	513-489-8190
Publications (general consumer) .....	202-260-5922
Publications (technical) .....	513-569-7562
Public Information Center .....	202-260-5922
Radon .....	800-SOS-RADON
RCRA .....	800-424-9346
Recycling .....	800-372-9473
Small Business .....	800-368-5888
Stratospheric Ozone .....	800-296-1996
Superfund .....	800-424-9346/703-603-8917
Toxics Substances .....	202-554-1404
Water .....	202-260-7786
Wastewater Treatment .....	800-624-8301
WasteWi\$e (recycling) .....	800-EPA-WI SE
Wetlands .....	800-832-7828

## ACRONYMS AND DEFINITIONS

<b>AHERA</b> -Asbestos Hazard Emergency Response Act	Agency
<b>AIAC</b> -American Indian Advisory Council	<b>FIFRA</b> -Federal Insecticide, Fungicide, and Rodenticide Act
<b>AIEO</b> -American Indian Environmental Office	<b>FY</b> -Fiscal Year (October 1-September 30)
<b>AIO</b> -Americans for Indian Opportunity	<b>GIS</b> -Geographic Information System
<b>AISES</b> -American Indian Science & Engineering Society	<b>GWP</b> -Ground Water Protection
<b>ANV</b> -Alaskan Native Village	<b>HMTUSA</b> -Hazard Materials Transportation Uniform Safety Act
<b>AO</b> -Administrative Order	<b>HWM</b> -Hazardous Waste Management
<b>AQM</b> -Air Quality Monitoring	<b>IAG</b> -Inter-agency Agreement
<b>ASHAA</b> -Asbestos School Hazard Abatement Act	<b>IGA</b> -Inter-governmental Agreement
<b>BIA</b> -Bureau of Indian Affairs	<b>IHS</b> -Indian Health Service
<b>BOD5</b> -Measurement of oxygen required for bio-chemical degradation of organic matter and oxygen used in oxidizing inorganic material in water (usually wastewater or receiving water sample).	<b>ILAWG</b> -Indian Law Attorney Work Group
<b>C&amp;T</b> -Certification and Training	<b>IOC</b> -Inorganic Chemical
<b>CAA</b> -Clean Air Act	<b>IPA</b> -Inter-governmental Personnel Agreement
<b>CEPPO</b> -Chemical Emergency Preparedness and Prevention Office	<b>IRAA</b> -Indoor Radon Abatement Act
<b>CERCLA</b> -Comprehensive Environmental Response, Compensation and Liability Act; also known as Superfund.	<b>ISA</b> -Indian Set-Aside
<b>CERT</b> -Council of Energy Resource Tribes	<b>IWG</b> -Indian Work Group
<b>CFR</b> -Code of Federal Regulations	<b>LCCA</b> -Lead Contamination Control Act
<b>CR</b> -Circuit Rider	<b>LEA</b> -Local Education Agency
<b>CWA</b> -Clean Water Act	<b>LEPC</b> -Local Emergency Planning Committee, established under SARA
<b>DBP</b> -Disinfection By-Product	<b>LUST</b> -Leaking Underground Storage Tank
<b>D/I</b> -Direct Implementation	<b>MOA</b> -Memorandum of Agreement
<b>DOI</b> -Department of Interior	<b>MOU</b> -Memorandum of Understanding
<b>DMR</b> -Discharge Monitoring Report	<b>MCL</b> -Maximum Contaminant Level
<b>EE</b> -Environmental Education	<b>NCAI</b> -National Congress of American Indians
<b>EIS</b> -Environmental Impact Statement	<b>NEPA</b> -National Environmental Policy Act
<b>EPA</b> -Environmental Protection Agency	<b>NESHAP</b> -National Emissions Standards Hazardous Air Pollutants
<b>EPCRA</b> -Emergency Planning Community Right To Know Act	<b>NPDES</b> -National Pollution Discharge Elimination System
<b>FEMA</b> -Federal Emergency Management	<b>NPDWR</b> -National Primary Drinking Water Regulation

**O&M**-Operation and Maintenance  
**OSHA**-Occupational Safety and Health Administration  
**pH**-A measurement of hydrogen ion in a compound; determines whether a compound is "acidic" or "basic".  
**PHS**-Public Health Service  
**PPI S**-Pollution Prevention Incentives to States  
**PRP**-Potentially Responsible Party  
**PWS**-Public Water System  
**RA**-Regional Administrator  
**RCRA**-Resource Conservation and Recovery Act  
**RNAO**-Regional Native American Office  
**RRT**-Regional Response Team  
**RTOC**-Regional Tribal Operations Committee  
**SARA**-Superfund Amendments and Reauthorization Act  
**SDWA**-Safe Drinking Water Act  
**SEE**-Senior Environmental Employee  
**SERC**-State Emergency Response Commission  
**SIC**-Standard Industrial Classification  
**SLR**-State/Local Relations  
**SMCRA**-Surface Mining Control and Reclamation Act  
**SMF**-Standardized Monitoring Framework  
**SOC**-Synthetic Organic Chemical (non-volatile)  
**SSA**-Sole Source Aquifer  
**SWM**-Solid Waste Management  
**T/A**-Technical Assistance  
**TAS**-Treatment in a manner similar to a State  
**TCLP**-Toxicity Characteristic Leaching Procedure  
**TCTF**-Tribal Capacity Task Force  
**TERC**-Tribal Emergency Response Commission  
**TIP**-Tribal Implementation Plan  
**TOC**-Tribal Operations Committee  
**TRI** -Toxic Release Inventory

**TSCA**-Toxic Substances Control Act  
**TWQS**-Tribal Water Quality Standards  
**UIC**-Underground Injection Control  
**USDA**-US Department of Agriculture  
**USDW**-Underground Sources of Drinking Water  
**VOC**-Volatile Organic Chemical  
**WHP**-Wellhead Protection  
**WQM**-Water Quality Management  
**WQS**-Water Quality Standards  
**WWTF**-Wastewater Treatment Facility



**Tribal Grant Opportunities - Synopsis**  
**United States Environmental Protection Agency Region 6 - 1445 Ross Avenue, Dallas, TX**  
**75202-2733, 1-800-887-6063**

<b>Grant Program</b>	<b>Environmental Justice (EJ)</b>	<b>Environmental Justice through Pollution Prevention (EJP2)</b>	<b>Pollution Prevention Incentives for States and Tribes</b>	<b>Brownfields Assessment Demonstration Pilots</b>	<b>Air Pollution Control Program</b>
<b>Purpose</b>	To assist eligible groups that are working on or plan to carry out projects to address environmental justice issues.	To empower low income, minority communities through education on environmental issues and provide pollution prevention resources for addressing these issues.	To build and support pollution prevention (P2) capabilities and to test innovative pollution prevention approaches and methodologies.	To empower States, communities, and other stakeholders in economic redevelopment to work together to prevent, assess, safely cleanup, and sustainably reuse brownfields.	To support and promote air quality protection programs. Priority is given to areas with existing violations of the national ambient Air Quality Standards.
<b>Eligible Applicants</b>	Any affected community group, church, school, non-profit organization, university, or Federally-recognized Tribe. Organizations must be incorporated.	Any nonprofit organization incorporated under IRS tax code 501(c)(3), Federally-recognized Tribe, state, or local government organization.	State agencies, Federally-recognized Tribes, territories & possessions.	States, cities, towns, counties, territories, & Tribes are eligible to apply.	States, Federally-recognized Tribes, and tribal non-profit organizations as described in §103 and 105 of the Clean Air Act
<b>Award Amount</b>	Up to \$20,000 per grant	Up to \$100,000 per grant	Up to \$490,000 per grant over 3 years	Up to \$200,000 over 2 years	Varies
<b>Awarded in FY 98</b>	about \$200,000 regionally		\$5,000,000 nationally		\$2,000,000 regionally
<b>Matching Share</b>	No matching share required.	None for not-for-profits or Tribes; 25% for state or local government.	50% matching required.	No matching share required.	5% for §103 grants 40% for §105 grants
<b>Key Dates:</b>	Call for dates	Call for dates Due in April Selected in August	Call for dates Due in January Selected in February	Call for dates	Call for dates Awarded by September 30

<p><b>Priorities</b></p>	<p>Projects must include one or more::</p> <p>1) Facilitate communication &amp; info exchange and create partnerships among stakeholders to address disproportionate, high &amp; adverse environmental exposure.</p> <p>2) Build community capacity to identify local environmental justice problems &amp; involve the community in the design and implementation of activities to address these concerns.</p> <p>3) Enhance community understanding of and access to environmental and public health information systems (e.g. Toxic Release Inventory and Geographic Information Systems).</p> <p>4) Develop and demonstrate a practice or method that addresses an EJ issue.</p>	<p>! Projects by community based organizations &amp; local governments that improve the environmental quality of affected communities using pollution prevention as a primary solution.</p> <p>! Proposals that encourage institutionalization &amp; innovative use of pollution prevention as the preferred approach for addressing environmental justice issues, &amp; whose activities and products can be supplied to other communities.</p>	<p>! Funds must be used for programs that prevent the transfer of pollutants across all environmental media.</p> <p>! Funded activities might include: direct technical help to businesses, collecting and analyzing data, conducting outreach activities and identifying regulatory and non-regulatory barriers &amp; incentives to pollution prevention.</p> <p>! Partnerships between State agencies and other P2 assistance providers are encouraged.</p>	<p>! Pilots test cleanup and redevelopment planning models, direct efforts toward removing regulatory barriers without sacrificing protectiveness, and facilitate cleanup and development efforts at the federal, state and local level.</p> <p>! Encourages community groups, investors, lenders, developers, &amp; other parties to jointly develop solutions to assess &amp; clean up contaminated sites for re-use.</p>	<p>Projects could include air quality monitoring efforts, enforcement of air pollution control regulations, development of air quality plans (including pollution prevention plans) and regulations to address violations of the ambient air quality health standards, administrative costs for operating an air quality program, and implementation of air quality control measures and programs. Also, monies may be granted to initiate tribal air pollution enforcement programs, to determine contribution and control options for major stationary sources, and to develop air quality ordinances and Tribal Implementation Plans.</p>
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<b>EPA R6 Contact Person</b>	Shirley Augurson Compliance Assurance & Enforcement Division	Joy Campbell Compliance Assurance & Enforcement Division	Eli Martinez Compliance Assurance & Enforcement Division	Stan Hitt Superfund Division	Dick Thomas Multimedia Planning and Permitting Division
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**Summer 1998**

**Tribal Grant Opportunities - Synopsis**

**United States Environmental Protection Agency Region 6 - 1445 Ross Avenue, Dallas, TX 75202-2733,  
1-800-887-6063**

<b>Grant Program</b>	<b>Climate Change Action Plan</b>	<b>Superfund Technical Assistance Grants (TAGs)</b>	<b>Sustainable Development Challenge Grants (SDCG)</b>	<b>Environmental Education (EE)</b>	<b>General Assistance Program (GAP)</b>
<b>Purpose</b>	To focus on source reduction, recycling and composting that furthers goals contained in State/local Government Climate Change Mitigation Plans.	To enable communities affected by a site on the Superfund National Priorities List (NPL) to obtain technical assistance in interpreting information regarding the site.	To encourage sustainable development efforts that protect the local environment & conserve natural resources while supporting a healthy economy and an improved quality of life.	To provide financial support for projects which design, demonstrate or disseminate environmental education practices, methods or techniques.	To support Tribe's ability to build capacity to administer environmental regulator programs in Indian Country and provide technical assistance in the development of multi-media programs
<b>Eligible Applicants</b>	States, Tribes, local governments, and incorporated non-profits	Groups must be located near or affected by a site that is either proposed for or on the National Priorities List. All groups must be incorporated as nonprofit organizations.	- Incorporated non-profits - Local governments (cities and counties) - Tribes - Educational Institutions - States, Territories, and Possessions	Local, tribal, or state education agencies, colleges & universities, non-profit organizations, state environmental agencies, & non-commercial educational broadcasting agencies.	Federally-recognized Tribes and inter-tribal consortia

<b>Award Amount</b>	\$10,000 - \$200,000	Up to \$50,000 per site annually	No minimum	Up to \$25,000 EPA R6 \$25,001-\$250,000 HQ	Minimum of \$75,000 for the initial grant year.
<b>Awarded in FY 98</b>	Formal program began in FY96		\$5,000,000 nationally		\$5,088,763 regionally
<b>Matching Share</b>	20% match required	20% match required	20% match required	25% match required.	No match required
<b>Key Dates:</b>	Call for dates	Applications may be submitted after a site is proposed for listing on the NPL.	Call for dates	Call for dates	Call for dates Due March Selection May Award September



<p><b>Priorities</b></p>	<p>Emphasis placed on measurability of projects, in terms of volumes of waste reduced to be translated into greenhouse gas reductions.</p>	<p>! Because only one grant is available for each NPL site, EPA encourages groups to consolidate in order to provide technical assistance to the most widely representative group of individuals possible.</p> <p>! To this end, EPA notifies the community via a public notice in the local newspaper if an application is received from an eligible group.</p>	<p>EPA is looking for projects that:</p> <p>! use proactive, innovative approaches to project the environment while providing economic benefits.</p> <p>! are supported by and involve diverse interests in the community.</p> <p>! have measurable environmental and economic results.</p> <p>! foster long-term investments in local sustainability efforts.</p>	<p>Demonstrate how the proposed project is new or improved, has the potential for wide application and addresses a high priority environmental issue. Focus on ONE of the following:</p> <p>! improve environmental education teaching skills;</p> <p>! educate teachers, students or the public about human health problems;</p> <p>! build capacity to develop environmental education programs;</p> <p>! promote environmental careers among students;</p> <p>! educate the public through a community-based organization; or through print and other media;</p> <p>! educate low income or culturally-diverse audiences about environmental issues.</p>	<p>GAP offers Tribes the opportunity to develop an integrated environmental program, develop the capability to manage specific programs and establish a core program for environmental protection.</p> <p>! Environmental Assessment</p> <p>! Strategic Plan</p> <p>! Administrative and legal infrastructure</p> <p>! Tribal Environmental Agreement</p> <p>! Internet access</p>
<p><b>EPA R6 Contact Person</b></p>	<p>Patrick Kelly Multimedia Planning and Permitting Division</p>	<p>Beverly Negri Superfund Division</p>	<p>Karen Alvarez Multimedia Planning and Permitting Division</p>	<p>Jo Taylor Office of External Affairs</p>	<p>J. Paul Whitley Office of External Affairs</p>

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<b>E-mail</b>	kelly.patrick@epa.gov	negri.beverly@epa.gov	alvarez.karen@epa.gov	taylor.jo@epa.gov	whitley.paul@epa.gov
<b>Address</b>					

**Tribal Grant Opportunities - Synopsis**

**United States Environmental Protection Agency Region 6 - 1445 Ross Avenue, Dallas, TX 75202-2733,  
1-800-887-6063**

<b>Grant Program</b>	<b>Solid Waste Management Assistance (SWMA)</b>	<b>Water Quality (Watershed)</b>	<b>Wetlands Development Grants</b>	<b>Nonpoint Source Water Pollution Control</b>	<b>Water Pollution Control</b>
<b>Purpose</b>	To promote the coordination of research, investigations, experiments, training, demonstrations, surveys, public education programs, and studies relating to effective integrated solid waste management.	To create and enhance watershed protection, monitor and assess, and create a Nonpoint Source Assessment and Management Plan. CWA §104(b)(3)	To protect, enhance and restore wetlands and associated aquatic ecosystems. Grant funds must be directed toward activities that result in new wetland protection programs or progress in exiting programs.	To control and prevent water quality impacts due to nonpoint source pollution. Treatment in a manner similar to state approval is required.	To administer programs for the prevention, reduction, and elimination of water pollution. Treatment in a manner similar to state approval is required. CWA §106
<b>Eligible Applicants</b>	State agencies and Federally-recognized Tribes		Generally, state and tribal agencies, but this has been expanded for local projects to include local governments, conservation districts, non-profits and others.	Non-profits, local governments, Tribes, special districts, educational institutions, and State agencies.	State agencies and Federally-recognized Tribes.
<b>Award Amount</b>	Typically \$10,000 - 40,000	Variable	Variable	Variable	Variable
<b>Awarded in FY 98</b>		\$14,000,000 nationally \$180,500 regionally	\$15,000,000 nationally \$1,400,000 regionally	\$350,000 nationally	\$14,790,000 nationally \$1,140,000 regionally
<b>Matching Share</b>		5% match required	25% match required.	40% match required.	5% match required

Key Dates	Call for dates	Call for dates Awarded on July 1	Call for dates Awarded by September 30	Varies	Call for dates Awarded by July 1
<b>Priorities</b>	<p>Encourages the development of innovative processes for realizing integrated waste management.</p> <p>Funded activities might include source reduction, reuse, recycling, or composting demonstration or educational projects. Partnerships are encouraged. Measurable results related to waste reduction and resource conservation are required.</p>		<ul style="list-style-type: none"> <li>! Wetland/Watershed protection demonstration projects</li> <li>! River corridor and wetland restoration projects</li> <li>! Wetland conservation plans</li> <li>! Regulatory programs</li> <li>! Assessment and monitoring</li> <li>! Wetland assessment models</li> <li>! American Wetlands Month activities</li> </ul>	<ul style="list-style-type: none"> <li>! Solving priority water quality problems and/or protecting high quality waters.</li> <li>! Comprehensive local watershed management</li> <li>! Enhancing aquatic and riparian ecosystems</li> <li>! Public education and outreach</li> <li>! Collaboration and coordination among multiple interests</li> <li>! Volunteer monitoring</li> </ul> <p>A tribe must have an EPA approved nonpoint source assessment report and management program identified in CWA §319.</p>	<ul style="list-style-type: none"> <li>! Monitoring</li> <li>! Developing and revising water quality standards</li> <li>! Supporting water quality planning and program development</li> <li>! planning for nonpoint source programs</li> </ul>
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Grant Program	Safe Drinking Water State Revolving Fund	Water Quality Assessment & Planning			
<p><b>Purpose</b></p>	<p>A new low interest-loan program established by the Safe Drinking Water State Act of 1996 to provide loans to ensure that drinking water remains safe and affordable. States will administer the program and may provide loan subsidies and loan forgiveness to disadvantaged communities. In addition, States may use a portion of these funds for prevention programs and projects that address source water protection, wellhead protection, and capacity development.</p>	<p>Established by the federal Clean Water Act §205/§604, these funds will support water quality assessment and planning projects which will lead to implementable actions that promote healthy aquatic ecosystems.</p>			

<b>Eligible Applicants</b>	Community water systems and non-profit non-community water systems are eligible.	State Water Quality Program Agencies with pass through to regional public comprehensive planning organizations.			
<b>Award Amount</b>	\$25,000,000 to \$60,000,000	\$115,000 to \$350,000			
<b>Awarded in FY 98</b>	\$38,000,000 in FY97	\$1,361,000 in FY97			
<b>Matching Share</b>	20% match required	Varies			
<b>Key Dates:</b>	Varies	Varies			
<b>Priorities</b>	<ul style="list-style-type: none"> <li>! Increase use of loans for innovative projects that address nonpoint source pollution.</li> <li>! States will annually prepare intended use plans identifying eligible projects.</li> </ul>	<ul style="list-style-type: none"> <li>! An important goal of this funding program is to support projects which foster local watershed management efforts that protect and enhance environmental conditions.</li> </ul>			

<b>EPA R6 Contact</b>	Walter Biggins Water Quality Protection Division	? Water Division			
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**MAJOR LAWS ADMINISTERED BY EPA**

<b>Statute</b>	<b>Provisions</b>
Asbestos School Hazard Abatement Hazard Emergency Response	Authorizes EPA to establish a comprehensive regulatory Act and Asbestos framework for controlling asbestos hazards in schools.
Clean Air Act	Authorizes EPA to set emissions standards to limit the release of criteria pollutants and hazardous air pollutants.
Clean Water Act	Requires EPA to establish a list of water pollutants and set standards.
Comprehensive Environmental Response, Compensation, and Liability Act	Requires EPA to designate hazardous substances that can present substantial danger and authorizes the cleanup of contaminated sites.
Emergency Planning and Community Right-to-Know Act	Requires States to develop programs for responding to hazardous chemical releases and requires industries to report on the presence and release of certain hazardous substances.
Environmental Research, Development, and Demonstration Act	Authorizes all EPA research and development programs.
Federal Food, Drug, and Cosmetic Act	Authorizes EPA, in cooperation with FDA, to establish tolerance levels for pesticide residues on food.
Federal Insecticide, Fungicide, and Rodenticide Act	Authorizes EPA to register all pesticides, specify the terms and conditions of their use, and remove unreasonable hazardous pesticides from the market place.
Marine Protection, Research, and Sanctuaries Act	Regulates ocean dumping of toxic contaminants.
National Environmental Education Act	Provides for a program of education on the environment through activities in schools and related educational activities, and to encourage students to pursue careers related to the environment.
National Environmental Policy Act	Provides a national policy requiring environmental impact statements

describing potentially adverse effects of, and alternatives to, any major Federal action. Established the Council on Environmental Quality.

Oil Pollution Act of 1990

Makes EPA responsible for oil spill prevention, preparedness, response, and enforcement activities associated with non-transportation related onshore oil facilities.

Pollution Prevention Act

Provides that pollution should be prevented or reduced at the source, recycled safely when not preventable, treated safely when not preventable or recyclable, or disposed of in a safe manner.

Resource Conservation and Recovery Act and Solid Waste Disposal Act

Authorizes EPA to identify hazardous wastes and regulate their generation, transportation, treatment, storage, and disposal.

Safe Drinking Water Act

Requires EPA to set drinking water standards to protect public health from hazardous substances.

Toxic Substances Control Act

Requires EPA notification of any new chemical prior to its manufacture and authorizes EPA to regulate its production, use, or disposal.