



## **U.S. Environmental Protection Agency - October 2007 FY08 – FY10 Compliance and Enforcement National Priority: Indian Country Summary**

Beginning in fiscal year (FY) 2005 and continuing through FY 2010, EPA's Office of Enforcement and Compliance Assurance and EPA regional offices are focusing national attention on three areas in Indian country: (1) improving compliance at public drinking water systems; (2) improving multimedia compliance at schools; and (3) improving solid waste management compliance and assessing and closing open dumps.

### **What is the Environmental Problem?**

Pollution of the air, water, and land in Indian country poses significant threats to the environment and health of members of the 561 federally-recognized Indian tribes (tribes), particularly for tribal members who rely on subsistence and cultural hunting, fishing, and gathering. For the thousands of tribal members dependent on the approximately 800 public drinking water systems in Indian country, including those that supply drinking water to schools, violations of health-based standards can result in serious illness, particularly in infants, the elderly, and those with suppressed immune systems. Illegal dumping of solid waste (such as major appliances, construction and demolition wastes, and household garbage) and hazardous waste (such as chemicals, pesticides, and medical waste) poses significant threats to soil and ground water. Uncontrolled dumps may catch on fire releasing particulate matter and dioxins into the air and ecosystem, discarded pesticides and other chemicals may leach into ground water or run off into surface water and may harbor vectors for disease, including mosquitoes breeding in tire piles. Approximately 460,000 children and staff attend schools and reside in dormitories or campus housing in Indian country where they may potentially be exposed to health risks from asbestos, improper storage of chemicals used in school laboratories, vehicle maintenance operations, fuel storage and on athletic fields.

### **Why Are We Addressing Drinking Water, Schools and Solid Waste in Indian Country?**

EPA monitoring data show that public drinking water systems in Indian country regularly fail to collect required water samples and submitting required reports and have high levels of reported violation of health-based regulatory standards. The lack of monitoring results means both that the systems are out of compliance with the Safe Drinking Water Act (SDWA) and that EPA is unable to confirm that the water is safe to drink. EPA directly implements the SDWA for virtually all of Indian country as only the Navajo

Nation currently maintains primacy. Through providing compliance assistance and pursuing enforcement, EPA plans to increase compliance with monitoring and reporting requirements and return to compliance those systems with significant violations.

EPA directly implements virtually all federal environmental statutes applicable to schools in Indian country owned and operated by the Bureau of Indian Affairs (212 schools) and various tribal, state, or local authorities, and non-governmental entities. Providing compliance assistance, conducting inspections, and pursuing enforcement will help school facilities improve environmental compliance and therefore reduce potential health risks to students and school staff.

Unregulated dumping of wastes is a pervasive problem in Indian country. Individuals and entities from on- and off-reservation illegally dump solid waste, household hazardous waste, and hazardous waste in Indian country. EPA is unable to authorize tribes to implement RCRA and is in many cases the only entity with jurisdiction, enforcement authority, and the resources to adequately address these issues. In addition to providing compliance assistance to tribal environmental programs, EPA plans to identify and investigate instances of illegal dumping for which responsible parties can be identified and pursue enforcement to require cleanup or responsible management.

EPA also plans to conduct an intensive, short-term effort to analyze the range of compliance assurance and enforcement issues associated with water quality in Indian country, and the use and application of pesticides in Indian country. EPA will use the analysis to determine whether there are significant compliance issues that may need to be addressed in the future.

### **Highlights from the FY 2005-2007 Planning Cycle**

In the first 3 years of the Priority, EPA provided annual compliance assistance to 100 percent of public drinking water systems and over 325 schools in Indian country. EPA also provided compliance and technical assistance on solid waste programs to 499 tribes. EPA conducted 151 inspections of school campuses, including residential and maintenance facilities. EPA also addressed over 784 violations and over 300 incidences of significant noncompliance with requirements for public drinking water systems in Indian country.

EPA also increased the capacity of tribal compliance and enforcement programs by ensuring the quality of data on federally-regulated facilities in Indian country, increasing the number of tribal environmental professionals trained in compliance and enforcement matters, and increasing the number of tribal inspectors authorized to conduct inspections on behalf of EPA.

During FY 2005-2007, EPA discussed the Priority with representatives of tribes and EPA's National Tribal Caucus and Regional Tribal Operations Committees.