



OSWER TRIBAL PROGRAM REPORT

ACCOMPLISHMENTS AND ACTIVITIES 2013



December 2014
EPA-500-F-14-004

OSWER NATIONAL TRIBAL PROGRAM
OSWER TRIBAL STRATEGY



Above: *Mathy Stanislaus, Assistant Administrator for OSWER, during an emergency response site and Superfund site visit to the Pueblo Santa Clara in New Mexico.*

Cover: *Trinity River at Tish Tang Village in Hoopa, California. Photo courtesy of Louisa McCovey.*

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*The National Park Service and Navajo Nation are actively working together to manage park resources in Canyon de Chelly, Arizona.
Photograph courtesy of Greg Pashia, EPA Region 6*



The U.S. Environmental Protection Agency's (EPA) Office of Solid Waste and Emergency Response (OSWER) Tribal Strategy seeks to communicate a nationwide approach to protecting public health and land resources in Indian country. OSWER is committed to protecting human health and the environment while supporting tribes' self-government, acting consistent with the federal trust responsibility, and strengthening the government-to-government relationships between tribes and EPA. The OSWER Tribal Strategy identifies key OSWER program strategies and activities and provides a basic framework for continuing to fulfill these commitments.

This Accomplishments Report is a compilation of OSWER tribal accomplishments that details efforts and activities conducted in support of the OSWER Tribal Strategy during fiscal year (FY) 2013. In addition to highlighting program-specific accomplishments, the report provides information and successes related to special OSWER initiatives. This annual report may be used to identify needed changes or updates to the Tribal Strategy, as a tool to foster communication between EPA and tribal governments, and to provide outreach and technical assistance to tribal governments.

The OSWER Tribal Strategy is intended to support:

- EPA's mission to protect human health and the environment, while recognizing the unique needs of Indian Tribes, including Alaskan Native Villages (ANV).
- OSWER's work with regional offices and tribes on the importance of environmental cleanup and how these results can be used to support tribal priorities.
- Tribal self-governance.
- Strengthening government-to-government relationships between EPA and tribes.

2013—A Year In Summary

In FY2013, OSWER continued to successfully address many of the major initiatives outlined in the OSWER Tribal Strategy. OSWER provided financial and technical assistance to tribal governments to build capacity in OSWER programs. OSWER funding supported over 140 cooperative agreements with tribes to build program capacity in OSWER programs, and a strong array of tribal-specific training on solid and hazardous waste, emergency preparedness, tribal response programs, and underground storage tank (UST) prevention and cleanup. This past year, OSWER continued its partnership with the Institute for Tribal Environmental Professionals (ITEP) to promote information exchange and stronger partnerships with tribes and EPA. The highlight of this partnership was the *Tribal Lands and Environment Forum* held in Santa Ana Pueblo, New Mexico. The Forum allowed EPA and tribal environmental practitioners to meet and focus on environmental issues in Indian country. These efforts have increased tribal participation in key EPA programs and initiatives, which has contributed significantly to a greater understanding of environmental conditions nationwide.

EPA's Indian Policy

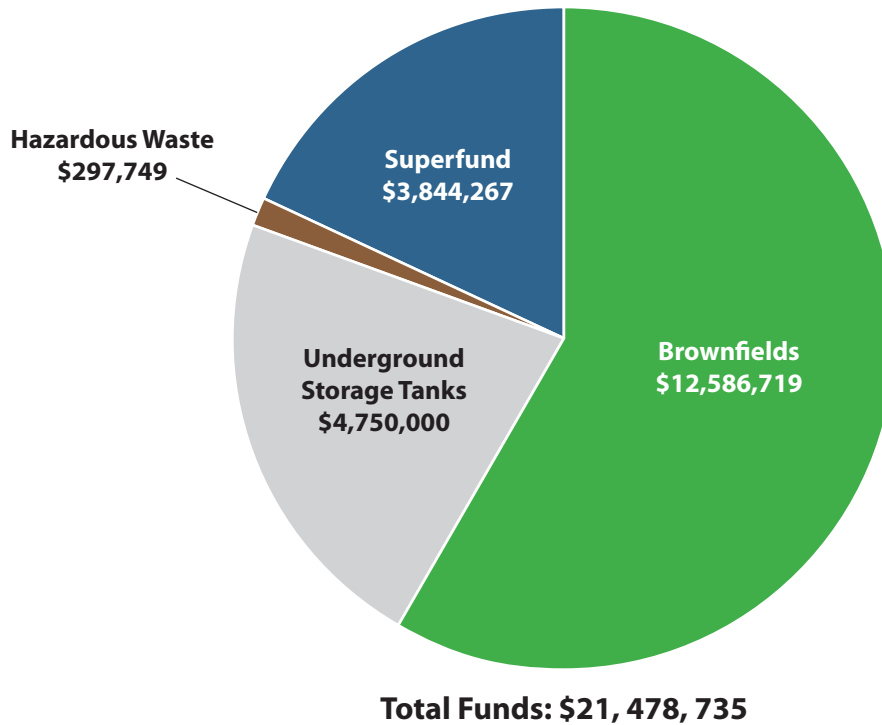
2014 marks 30 years of EPA's 1984 Indian Policy. EPA was the first to formally adopt such a Policy, articulating the importance of EPA's tribal programs and our unique government-to-government relationship with tribes. In January 2013, EPA Administrator Gina McCarthy reaffirmed the 1984 Indian Policy and acknowledged that EPA's "work in Indian country is crosscutting and affects all aspects of the EPA's day to day functions." To recognize this milestone and how it remains a top Agency priority, please visit the [EPA Tribal Portal](#).

FUNDING OF THE TRIBAL PROGRAM IN OSWER



Office of Solid Waste and Emergency Response (OSWER) provides on average, between \$18 and \$22 million dollars annually in grant funding to support tribal program development and site cleanup work in Indian country. OSWER funds cooperative agreements with tribes in the Hazardous Waste, Solid Waste, Superfund, Underground Storage Tank, and Brownfields programs.

OSWER FY13 Funding by Program



*The Pueblo of Santa Ana's Bosque Restoration Project.
Photograph courtesy of Greg Pashia, EPA Region 6*



OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE (OSWER)

OSWER Cooperative Agreement with the Institute for Tribal Environmental Professionals (ITEP)

OSWER awarded a five-year cooperative agreement to ITEP at Northern Arizona University, to support Native American tribes and Alaska Native Villages through training, technical assistance, hazardous substances research and studies in the areas of solid waste and hazardous waste, resource conservation, brownfields, Superfund, underground storage tanks, and emergency response. The cooperative agreement with ITEP is unique because the scope of the grant supports all six OSWER program offices and their related missions and authorities.

Through its cooperative agreement, ITEP has developed programs and committees focused on a broad range of waste management activities. The Tribal Solid Waste Education and Assistance Program (TSWEAP) focuses on providing tribes with training and technical assistance in creating and implementing tribal solid waste codes. The ITEP National Tribal Steering Committee ensures that tribal needs and priorities are addressed. OSWER looks forward to continued successes with ITEP that will benefit tribes nationally.

TRIBAL WASTE AND RESPONSE ASSISTANCE PROGRAM (TWRAP)

TWRAP provides training and assistance, but covers additional areas of concern conducted by Native American communities and Alaskan Native Villages. As part of TWRAP activities, ITEP also helps coordinate a national steering committee of tribal professionals and conducts the annual Tribal Lands and Environment Forum.

The OSWER-funded TWRAP activities through fiscal year 2013 include:

- The development of a national steering committee of tribal professionals working in solid waste, hazardous waste, brownfields, emergency response, and related fields;
- The creation of an annual tribal conference focused on solid waste, hazardous waste, brownfields, emergency response, and related fields;
- The design and delivery of four specialized training courses - two in the lower 48 states and two in Alaska - focused on solid waste, hazardous waste, brownfields, emergency response, and related fields;
- The completion of three specialized research projects focused on solid waste, hazardous waste, brownfields, emergency response, and related fields in partnership with faculty and researchers at Northern Arizona University and tribal and federal partners.

ITEP NATIONAL TWRAP TRIBAL STEERING COMMITTEE

The ITEP Tribal Steering Committee continued their outstanding work guiding ITEP's efforts. ITEP has established a national tribal steering committee in order to assist with the work of TWRAP and ensure that the program's activities address tribal needs and priorities. Applicants for the steering committee go through a competitive selection process and nine candidates are chosen based upon their experience and their geographical representation. Steering committee members meet four times a year to discuss program activities, and guides ITEP's activities pursuant to the cooperative agreement with OSWER and is responsible for promoting information exchange among tribes and EPA, assisting tribes with training, compliance and technical assistance, and analyzing policy to find improved approaches and solutions to issues within the scope of OSWER programs.



The current members of this steering committee are Victoria Flowers (Oneida Tribe of Indians of Wisconsin), Alexander James (Yakutat Tlingit Tribe), Tim Kent (Quapaw Tribe of Oklahoma), Katie Kruse (Keweenaw Bay Indian Community), Victoria Kotongan (Native Village of Unalakleet), Virginia LeClere (Prairie Band of Potawatomi), Peter Reuben (Tonawanda Seneca Nation), Rob Roy (La Jolla Band of Luiseno Indians), Elliot Talgo (San Carlos Apache Tribe), and John Wheaton (Nez Perce Tribe).

For more information about the ITEP National Steering Committee, please visit the website at www4.nau.edu/itep/waste/ntsc.asp.

TRIBAL LANDS AND ENVIRONMENT FORUM

In 2013, OSWER sponsored and ITEP hosted its fourth annual Tribal Lands and Environment Forum held from August 19-22, 2013 at the Pueblo of Santa Ana in New Mexico. The Forum was a success with nearly 350 participants from around the country, including over 220 Tribal participants, as well as staff and management from EPA and several other federal agencies. The Forum featured presentations and breakout sessions on a wide range of OSWER topics and provided the opportunity for discussion of budget and policy issues as well as technical updates. The Forum also featured training sessions, tribe-to-tribe sharing, educational outreach projects, and other sessions to enhance both learning and networking among attendees.



Attendees at the 2013 Tribal Lands and Environmental Forum participated in a climate change breakout session, including a tour of the Pueblo of Santa Ana's Bosque Restoration Project. Photograph courtesy of Greg Pashia, EPA Region 6

For additional information regarding the Tribal Lands and Environment Forum, please visit the website at www4.nau.edu/itep/waste/twrap_tlf.asp.

Climate Change

OSWER recognizes that climate change will pose unique challenges to tribes and other indigenous populations, which are particularly vulnerable to the impacts of climate change due to the integral nature of the environment within their traditional lifestyles and culture. While tribes and indigenous populations will likely be disproportionately vulnerable to climate change, they are also uniquely positioned to provide valuable community level, culturally relevant data, information on climate change impacts, and relevant solutions. OSWER will work together with our tribal partners to tackle the many challenges of climate change. In FY13, OSWER developed a Climate Change Adaptation Implementation Plan. During development of the Plan, OSWER reached out to tribes through informational webinars and calls to collect their feedback. OSWER also incorporated into the Plan concerns raised by tribes about climate change adaptation issues during previous Agency-wide consultations.

OSWER Cross-Program Coordination

OSWER recognizes that there are opportunities to leverage and integrate tribal activities across related OSWER programs to increase effectiveness and efficiencies in the program. In 2013, several OSWER programs continued actively coordinating on tribal response activities. The Office of Superfund Remediation and Technology Innovation, Office of Brownfields and Land Revitalization, Office of Emergency Management and Office of Underground Storage Tanks, are working together to more effectively coordinate programmatic capacity on oversight and enforcement of response actions to protect human health and the environment, mechanisms for meaningful public participation, and guidance for assessing and cleaning up petroleum contamination on tribal lands.



OFFICE OF EMERGENCY MANAGEMENT (OEM)

EPA’s mission in emergency management is to prevent, prepare for and respond to releases of oil and hazardous substances by working with federal, tribal, state and local partners. EPA regional offices coordinate with all tribes and Alaskan Native Villages regardless of federal recognition, regarding emergency management activities that affect Indian country. OEM’s goal in working with tribes is to increase compliance at regulated facilities, improve local emergency response plans and increase chemical and oil spill prevention awareness and preparedness for response.

OSWER Tribal Strategy Goals—OEM Indicators

The goals outlined in the OSWER Tribal Strategy for the OEM Program are:

OSWER Tribal Strategy Indicators for OEM	
Number of Spill Prevention, Control, and Countermeasure (SPCC) regulated facilities inspected in Indian country <i>FY 2013: 37</i> <i>FY 2012: 41</i> <i>FY 2011: 99</i>	Number of oil spills and releases of hazardous substances occurring in Indian country, where EPA is the lead <i>FY 2013: 5</i> <i>FY 2012: 3</i> <i>FY 2011: 36</i>
Number of EPA-lead removal actions <i>FY 2013: 2</i> <i>FY 2012: 16</i> <i>FY 2011: 33</i>	Number of Risk Management Program (RMP) inspections <i>FY 2013: 2</i> <i>FY 2012: 5</i> <i>FY 2011: 2</i>
Number of EPA-led trainings offered and the number of tribal staff trained for emergency management-related purposes <i>FY 2013 (EPA-led Trainings): 15</i> <i>FY 2013 (Tribal Staff Trained): 539</i> <i>FY 2012 (EPA-led Trainings): 14</i> <i>FY 2012 (Tribal Staff Trained): 336</i> <i>FY 2011 (EPA-led Trainings): 13</i> <i>FY 2011 (Tribal Staff Trained): 500</i>	

OEM Activities

OEM continues to fund the Indian country Environmental Hazard Assessment Program (ICEHAP) online class. In 2013, OSWER provided a seventh year of funding to the United Tribes Technical College (UTTC) in North Dakota to sponsor the semester-long ICEHAP course. The course teaches participants to recognize environmental conditions that may cause harm to tribal community health; develop work plans which can be used in writing grant proposals; survey their communities to identify environmental issues of concern; and identify available and potential resources for environmental problem resolution. UTTC offers the course tuition-free to tribes for college credit, and benefits from the opportunity to offer a unique class that enriches their environmental curriculum and attracts more students. Tribal students have benefited from the opportunity to learn valuable environmental problem-solving techniques and apply these techniques in their communities to improve the environment and health of the tribe. As a result of this project, almost 30 tribes are implementing or beginning to implement environmental work plans to address identified hazards in their communities.



Environmental Response Team

The Environmental Response Team (ERT) is a group of EPA technical experts who provide around-the-clock assistance at the scene of hazardous substance releases. ERT sponsored a 40-hour HAZWOPER training course for the Native American Environmental Protection Coalition (NAEPC). This course was hosted by the Pechanga Band of Luiseno Indians at their tribal center in Temecula, California. ERT presented the training to 24 Native Americans from eight tribes and the NAEPC, representing a variety of stakeholders from environmental specialists to tribal law enforcement, and hazardous waste engineers.

ERT also sponsored the Hazardous Waste and Emergency Response course that was delivered to the Institute for Tribal Environmental Professionals (ITEP) in Tempe, Arizona. The 40-hour course, which met OSHA requirements for hazardous waste site workers, was presented to 29 students representing 14 tribes throughout the United States. Five 40-hour health and safety courses were delivered to the tribes in 2012 and 2013.

Snapshot of Regional Activities in FY2013

REGION 5

Drills and Exercises:

About 110 members of the Saginaw Chippewa Indian Tribe participated in a full-scale hazardous materials exercise. Approximately 100 tribe members participated in the support courses leading up to the exercise and 25 members attended the table-top and full-scale exercise meetings.

EPA Region 5 conducted quarterly Tribal Emergency Preparedness and Homeland Security conference calls. The calls provide EPA with opportunities to update the tribes on new developing issues in emergency response and give the tribes a chance to discuss their emergency response and emergency management concerns.

Responses/Removals:

Located on the Mole Lake Reservation in Crandon, Wisconsin, the Mole Lake School site was used as the Sokaogon Chippewa Community tribal offices until 2005. In 2010, the building caught on fire and burned to the ground, which released lead paint and asbestos containing building material. EPA funded and oversaw a removal on the property.

First Responder/Awareness Level Training Course (FRALC):

Two on-scene coordinators provided five FRALC classes as part of an oil spill training to the tribes at the 2013 Tribal Environmental Program Management Conference.

REGION 8

Oil Pollution Act Responses:

In Box Elder, Montana, EPA Region 8 responded to a major discharge (70,000+ gallons) of 88-octane gasoline from gas station into adjacent Sundance Creek which flows into Box Elder Creek and eventually the Missouri River.



REGION 9

Meetings:

Seventeen tribes attended the Tribal Emergency Planning Workgroup where they discussed tsunami debris cleanups along the west coast. The tribes also discussed the Sandy Recovery Improvement Act of 2013, which allows the tribes to apply for disaster assistance directly through the President rather than the state for a disaster declaration.

SPCC Outreach:

The Region reviewed two (2) Bureau of Indian Affairs (BIA) Compliance Plans last year which included SPCC requirements, and provided comments on the particulars of the SPCC compliance actions and schedule. Additionally in FY2015, the region plans to conduct Navajo Nation SPCC inspections at subject facilities.

REGION 10

Spill Responses (Oil and Hazardous Substances):

EPA Region 10 conducted a spill response at the Tulalip Tribes. The Tulalip Tribes reported that several abandoned drums were discovered in a wooded area filled with unknown material. The material was determined to be non-hazardous.

Training:

EPA Region 10 conducted a three-day, 24-hour oil spill response training for the Native Village of Glennallen, Alaska.

Conferences:

EPA's homeland security planner attended the Yakama Nation Homeland Security - Emergency Management Preparedness Conference in Toppenish, Washington. EPA provided an overview of response authorities and capabilities and provided information on the implementation of the new Stafford Act amendments which now allow tribes to request mission assignments directly from the Federal Emergency Management Agency (FEMA).

Consultations:

EPA Region 10 conducted 12 different tribal consultation and stakeholder input workshops in Alaska to conduct government-to-government consultation and seek input on the 2014 revision of the Alaska Dispersant Policy.



EPA Helps Restore Historic Tribal Site near Eureka, California

Indian Island is located in Humboldt Bay near Eureka, California. Only accessible by boat, the island was the historic home of the Tuluwat Village of the Wiyot Tribe and the location of the tribe's Annual World Renewal Ceremony. The tribe was decimated by a massacre over 150 years ago and the island was developed into a ship dry dock and repair facility that operated sporadically from 1870 to 1970. The Wiyot Tribe reacquired the site and has been working to revitalize the island through the removal of debris and some cleanup of contamination.

In 2013, EPA was granted unprecedented access to the site to grade and install a cap to prevent contaminated debris and sediment from endangering human health. Now that the contamination threat has been mitigated, the tribe plans to hold the World Renewal Ceremony in February 2014 for the first time in 150 years.



Cleanup activities at the historic tribal site near Eureka, CA.

OEM—Moving Forward

OEM is developing a tribal consultation plan for its proposed revisions to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Subpart J Product Schedule. New issues emerged as increasingly important to tribes, such as the desire for more technical assistance related to oil spill preparedness and prevention, removals and new opportunities for integrating “green” approaches into environmental management programs and revitalization efforts. EPA has been working directly with Native Villages in Alaska to address concerns about dispersant planning and authorization in the Beaufort and Chukchi seas.



OFFICE OF SUPERFUND REMEDIATION AND TECHNOLOGY INNOVATION (OSRTI)

EPA implements the Superfund Remedial Program to clean up the nation’s uncontrolled hazardous waste sites working closely with a state, tribe or another federal agency. A number of tribes are involved at Superfund sites that represent significant human health and environmental risks impacting tribal communities. For example, the Navajo Nation and Cherokee Nation Superfund programs, supported by EPA, conduct site assessments at sites on their lands for EPA. The Quapaw Tribe also is the first tribe to perform a remedial action at the Catholic 40, a portion of the Tar Creek site within its reservation. In addition, two sites within tribal reservations were added to the National Priorities List (NPL) in 2013: the Jackpile-Paguate Uranium Mine (Laguna Pueblo) and the Makah Reservation Warmhouse Beach Dump (Makah Reservation).

Superfund is also expanding the membership and responsibilities of the Tribal Superfund Working Group, composed of EPA HQ and regional personnel and tribal environmental staff. There are now over 100 tribal members, calls several times a year, and usually one meeting per year. Tribes volunteer to present activities that they believe may be of interest and benefit to other tribes. In FY13, EPA also provided training for Superfund staff on working more effectively with Tribes at the National Association of Remedial Project Managers annual meeting.

OSWER Tribal Strategy Goals—OSRTI Indicators

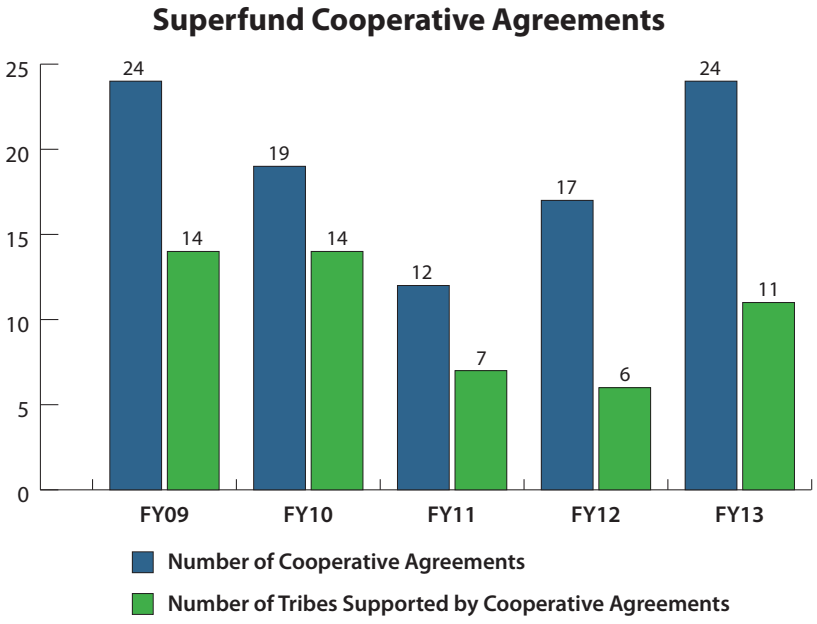
The goal outlined in the OSWER Tribal Strategy for the Superfund Program is:

Superfund Indicator in the OSWER Tribal Strategy

Track the number of tribes supported by a Superfund cooperative agreement and type of cooperative agreements used.

Superfund Grants Awarded to Tribes

In FY2013, a total of \$3,844,267 was awarded for 24 cooperative agreements with 11 tribes. More than 20 percent of the funding came from special accounts provided by responsible parties at the various tribal NPL sites. Approximately 57 percent of all funding, a total of \$2,188,000, went to the Quapaw Tribe to clean up the Catholic 40 portion of the Tar Creek site. This funding was in the form of a Remedial Action cooperative agreement. Five of the cooperative agreements and approximately \$646,000 in funding were awarded to the Navajo Nation to address the uranium mining legacy that is having a major environmental impact on the Navajo. The third largest share of funding, approximately \$384,000 went to two cooperative agreements awarded to the St. Regis Mohawk Tribe.





FY2013 Accomplishments

Types of Superfund Tribal Cooperative Agreements in FY 2013

- Over 75 percent of all FY2013 funding went to two Remedial Action cooperative agreements used for site cleanups, and 16 Support Agency cooperative agreements used to assist tribal involvement in the Remedial Investigation/Feasibility Study process.
- The remaining cooperative agreements were awarded for core program development (2), bulk funding (2), Preliminary Assessment (PA) and Site Inspection (PA/SI) (1) and other (1).

Program Highlights

The tribal Superfund program predominantly addresses site specific cleanups, and in FY2013, there were two major ongoing tribal cleanup successes.

Quapaw Cleanup of the Catholic 40 Portion of Tar Creek

For the first time in Superfund history, a tribe is leading and managing the cleanup at a Superfund site. The area is of cultural and historic importance to the tribe. The tribe has worked with EPA Region 6 to utilize existing site plans to ensure consistency among various site-wide projects is maintained, and has developed work plans approved by EPA to perform the work. The Quapaw Tribe is proud of its efforts and believes this will demonstrate to EPA, the local community and the State of Oklahoma that the tribe has the capability to participate in other remediation efforts at the Tar Creek site. The contaminants being addressed are lead, zinc and cadmium.



Cleanup activities at the Catholic 40 site.

Uranium Contamination Cleanup on Navajo and Pueblo Lands

This year, EPA and five other federal agencies (Centers for Disease Control and Prevention, Indian Health Service, Department of Energy, Nuclear Regulatory Commission, Bureau of Indian Affairs) worked with the Navajo Nation to complete work under the first coordinated 5-year plan to assess and clean up Cold War-era abandoned uranium mines on the Navajo Reservation. During the 5-year period, EPA, other government agencies and the Navajo Nation assessed more than 520 mines, 800 homes, and 240 drinking water wells. Additionally, the federal government provided \$100 million for the cleanup of mines and replacement of homes and water supplies, using funding from Superfund, the Safe Drinking Water Act, and other sources. EPA provided \$50 million and potentially responsible parties contributed an additional \$17 million (beyond the \$100 million) for cleanup. All six federal agencies have agreed to work together to develop a plan for continuing this work until 2018, which will be developed in consultation with the Navajo Nation.

Additional uranium mining cleanup is being addressed under the EPA Region 6 five-year plan for an area-wide investigation of legacy contamination from uranium mining and milling operations within the Grants Mineral Belt area of New Mexico. In coordination with the Laguna Pueblo, EPA Region 6 has finalized the Jackpile Uranium Mine to the NPL, assessed over 500 properties for elevated radiation levels, excavated soils at 21 properties and installed 21 abatement systems. Pueblo assistance proved invaluable in organizing sampling events



and encouraging residents to sign up for property surveys. Also under the Region 6 plan, the removal team has started radiation surveys at properties on the Acoma Pueblo.

A third success this past year was the expansion of the Tribal Superfund Working Group membership and role. The group has expanded to approximately 130 members, including more than 100 tribal representatives. A large portion of each call is dedicated to tribal presentations on issues that are of interest to other tribes, and questions tribes are directing to other tribes. This information exchange is fulfilling the original goal of the workgroup to enable tribes to learn from each other.

FEDERAL FACILITIES RESTORATION AND REUSE OFFICE (FFRRO)

OSWER Tribal Strategy Goals—FFRRO Indicators

Tribal governments have distinct roles in cleanups of federal facilities under treaties with the U.S. government. Accordingly, EPA works in partnership with tribal governments, both at the facility level and at the national policy-making level. The framework for EPA tribal involvement is a tribal strategy that is designed to address the needs of—and mitigate impacts to—American Indian tribes, including Alaskan Native villages, living on or near federal facilities. It includes:

- Working with tribes on a government-to-government basis consistent with EPA's trust responsibility to protect tribal health and environments.
- Involving tribes in the cleanup process through meaningful dialogue that respects the unique needs of each community.
- Developing partnerships that will enhance capacity and participation in the environmental decision-making process at federal facilities.

FFRRO—Moving Forward

An important focus of the tribal strategy is improved communication with American Indians living on or near federal facilities regarding progress made throughout the environmental-restoration process. To strengthen this communication, EPA is working to involve tribes in the cleanup process through various forums. The Federal Facilities Restoration and Reuse Office Tribal Program offers a general brochure about EPA's involvement at federal facilities around Indian country.

Additional information can be found in the [FFRRO Tribal Program fact sheet](#).



OFFICE OF RESOURCE CONSERVATION AND RECOVERY (ORCR)

OSWER’s Office of Resource Conservation and Recovery (ORCR) administers EPA’s waste management programs under the authority of the Resource Conservation and Recovery Act (RCRA). RCRA promotes energy and resource conservation through recycling, recovery, reduction, cleanup and the elimination of waste. ORCR provides national program direction and partners with the EPA regions and other federal agencies to assist tribes with the management of their waste by providing technical assistance and grant funding. Technical assistance includes developing informational and educational materials and supporting training programs. ORCR also provides national policy direction for EPA’s tribal waste management programs. These activities directly support ORCR’s program priority of promoting sustainable tribal waste management programs through the development and implementation of Integrated Waste Management Plans.

EPA’s Office of Inspector General issued an evaluation report, *EPA Needs an Agency-Wide Plan to Provide Tribal Solid Waste Management Capacity Assistance*, on March 21, 2011. In response, ORCR developed *The Environmental Protection Agency-Wide Plan to Provide Solid Waste Management Capacity Assistance to Tribes* (The Plan). The purpose of the Plan is to establish an Agency-wide approach to implement effective tribal solid waste management capacity assistance that is within the scope of EPA’s authority and responsibility. The Plan was released on November 15, 2013.

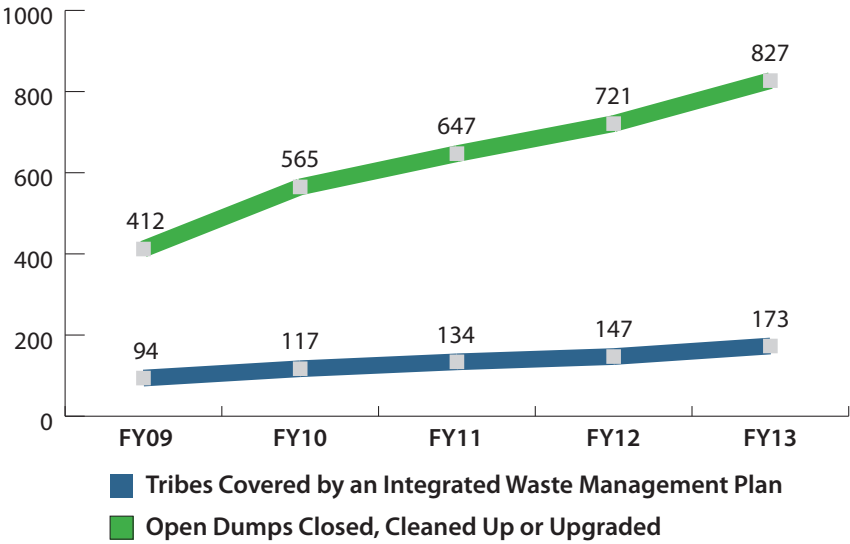
In addition, ORCR provides a variety of outreach materials for tribes, such as the Tribal Waste Journal and other publications pertaining to solid and hazardous waste. Outreach materials can be found on the [Waste Management in Indian country Web site](#).

OSWER Tribal Strategy Goals—ORCR Indicators

The goal outlined in the OSWER Tribal Strategy for the ORCR Program is:

ORCR Indicator in the OSWER Tribal Strategy
<p>Number of Tribes covered by an integrated waste management plan</p> <p><i>FY 2013: 26</i></p> <p><i>FY 2012: 13</i></p> <p><i>FY 2011: 17</i></p>
<p>Number of closed, cleaned up, or upgraded open dump sites in Indian country and other tribal lands</p> <p><i>FY 2013: 106</i></p> <p><i>FY 2012: 74</i></p> <p><i>FY 2011: 82</i></p>

Cumulative Progress of ORCR Tribal Program





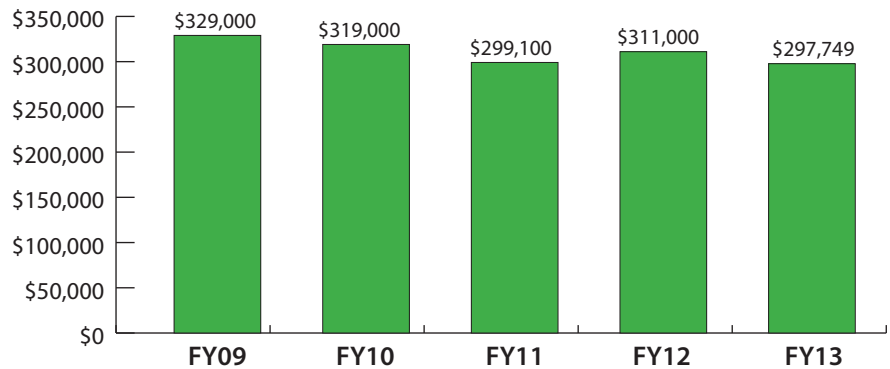
Hazardous Waste Grants Awarded to Tribes

In FY2013, EPA funded five projects totaling \$297,749 through the Hazardous Waste Management Grant Program for Tribes.

FY2013 Accomplishments

At the beginning of FY2013, 147 tribes were covered by an Integrated Waste Management Plan, and 721 open dumps were closed, cleaned up or upgraded.

ORCR Hazardous Waste Management Grant Program for Tribes Funding



Program Highlights

ORCR's technical assistance and grant funding assists tribes with developing and implementing sustainable waste programs and developing informational and educational materials to support training programs.

EPA Region 6 Tribal Solid Waste Coordinator Hosts Tribal Solid and Hazardous Waste Workshops in Oklahoma and New Mexico

The Tribal Solid and Hazardous Waste workshops were held on June 4 and 12, 2013 at the Oklahoma Department of Environmental Quality's office and the Eight Northern Indian Pueblos Council's office in Ohkay Owingeh. The Region 6 Tribal Solid Waste Coordinator provided training on the Hazardous Waste Management Grant Program for Tribes and the Tribal Solid Waste Management Assistance Project (TSWMAP) (not funded in FY2012 and FY2013) in order to help tribes gain a greater knowledge of the programs, and to demonstrate how to write a strong, competitive proposal to increase their chance of being selected. The workshops also covered the Brownfields program and several state funding opportunities. For FY2014, the Region is planning to continue hosting the workshops in Oklahoma and New Mexico, as well as adding a workshop for the Texas and Louisiana tribes.



Attendees at the ORCR EPA Region 6 Tribal Solid Waste Workshop.

ORCR—Moving Forward

To meet the commitments outlined in the OSWER Tribal Strategy, ORCR is collaborating with tribal partners on the development and implementation of Integrated Waste Management Plans to facilitate open dump cleanups and closures. ORCR continues to increase the number of tribes that are covered by an Integrated Waste Management Plan.



OFFICE OF UNDERGROUND STORAGE TANKS (OUST)

There are approximately 578,000 underground storage tanks (USTs) nationwide that store petroleum or hazardous substances. The greatest potential threat from a leaking UST (LUST) is contamination of ground water, a source of drinking water for nearly half of all Americans. EPA, states and tribes work together to protect the environment and human health from potential UST releases. EPA's Office of Underground Storage Tanks (OUST), in partnership with EPA's regional offices, implements the UST program in Indian country. OUST provides technical and financial support to tribal governments to prevent and clean up petroleum releases from USTs.

The OUST FY2013 Indian country accomplishments reflect strong partnerships and cooperation among tribal environmental colleagues, the regulated community and EPA. Highlights include:

- A continued commitment to communicate and coordinate with tribal partners through the Tribal Lands Forum, quarterly conference calls and training.
- A compliance rate that exceeded EPA's national target and marks a trend of continued improvement for UST facilities in Indian country
- Proactive and persistent steps by facility owners and operators to ensure good tank management.
- Effective compliance assistance, including issuing federal credentials to tribal UST inspectors.
- Tribal-led site investigation and cleanup.
- EPA tackling the formidable challenge of strategically targeting complex and expensive cleanups with fewer resources, a trend that is expected to continue.

OSWER Tribal Strategy Goals—OUST Indicators

The goals outlined in the OSWER Tribal Strategy for the OUST Program are:

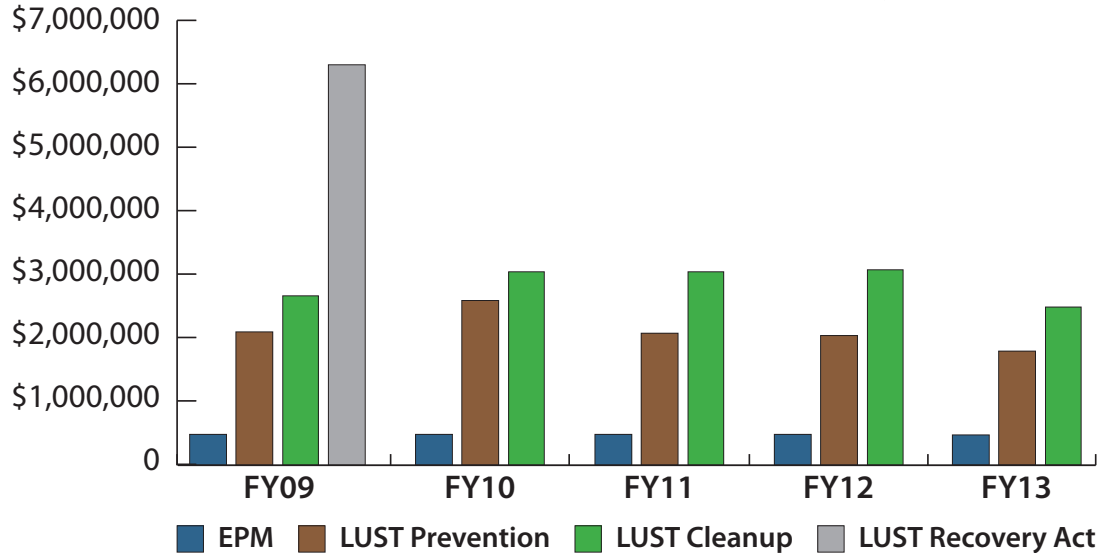
OUST Indicator in the OSWER Tribal Strategy					
Percentage of UST facilities in Indian country that are in significant operational compliance with both release detection and release prevention (<i>spill, overfill and corrosion protection</i>) requirements					
	2009	2010	2011	2012	2013
Rate in Indian country	59%	67%	61%	79%	71%
Rate Nationally	66%	68.3%	71%	71.4%	71.6%
The number of LUST cleanups in Indian country that meet risk-based standards for human exposure and ground water migration (<i>tracked as the number of LUST cleanups completed</i>)					
	2009	2010	2011	2012	2013
Number of Cleanups Completed in Indian country	49	62	42	47	18



OUST's Investment in Indian country

Congress appropriates money to EPA to fund its programs each fiscal year, which begins October 1 of each year. OUST receives three types of funding from Congress to manage different parts of the tribal UST program: environmental program management (EPM) funding, which supports EPA's UST prevention program; Leaking Underground Storage Tank (LUST) Trust Fund prevention funding, which

EPA's Tribal Underground Storage Tank Funding by Appropriation



supports primarily state and tribal assistance agreements to prevent releases; and LUST Trust Fund cleanup funding, which supports EPA's cleanup program in addition to state and tribal cleanup cooperative agreements. EPA has typically received approximately \$5 million for the UST Indian country program (about \$2 million to prevent releases and \$3 million to clean up LUST sites in Indian country) each fiscal year. However, in FY2009, EPA received an additional one-time appropriation of \$6.3 million of LUST Recovery Act money which paid for additional cleanups over several years. In FY2013, the UST program's total tribal budget was \$4.75 million, a decrease of 15 percent from FY2012.

FY2013 Accomplishments

Multi-year Grant to Improve Compliance

EPA's five-year assistance agreement with the Inter Tribal Council of Arizona, Inc. (ITCA) provides UST compliance assistance training to tribal personnel and owners and operators in Indian country. The goal of this effort is to improve UST facility compliance throughout Indian country. In FY2013, ITCA supported this goal by:

- Training approximately 136 tribal representatives in UST issues, such as compliance with prevention regulations; tank installations, removal and operation and maintenance.
- Fostering communication and opportunities for collaboration among tribes and with EPA on UST issues.



Working Together To Improve Compliance

Significant operational compliance (SOC) is essential to preventing releases. Having SOC means that a facility has the equipment required by federal regulations and is operated and maintained to prevent and detect releases.

In FY 2013, the Indian country SOC rate was 71 percent, which:

- Exceeds the national SOC target of 67 percent.
- Is about the same as the national rate of compliance (71.6 percent).
- Supports an overall trend of improved compliance over the past five years.

This trend of improved compliance reflects a joint EPA and tribal investment in intensive compliance assistance including:

- Good tank management practices.
- Working to improve owners' and operators' knowledge of UST regulations.
- Frequent presence of federally credentialed tribal inspectors.
- Working with owners and operators and environmental managers to help them be informed and willing to assure compliance.
- Clarifying for owners and operators, through compliance assistance, what to expect from an inspection, which proved effective in helping to achieve the FY2013 compliance rate.

SOC rates in Indian country vary from year to year due to the relatively small number of USTs. Therefore, although the FY2013 Indian country SOC rate is lower than in FY2012, it is an important achievement because it exceeds the national target by 4 percent. However, SOC rates for Indian country may continue to vary substantially in years to come.

6th Annual Tribal Tanks Meeting

In August 2013, the Tamaya Indian Reservation in Santa Ana Pueblo, New Mexico hosted the Tribal-EPA underground storage tank meeting, in conjunction with the Institute for Tribal Environmental Professionals' (ITEP) Tribal Lands and Environment Forum on solid waste, emergency response, contaminated sites and underground storage tanks.



Jacoby Murdock from the Ute Indian Tribe and Darla Hohman, EPA Region 8 looking in the sumps, August 2013



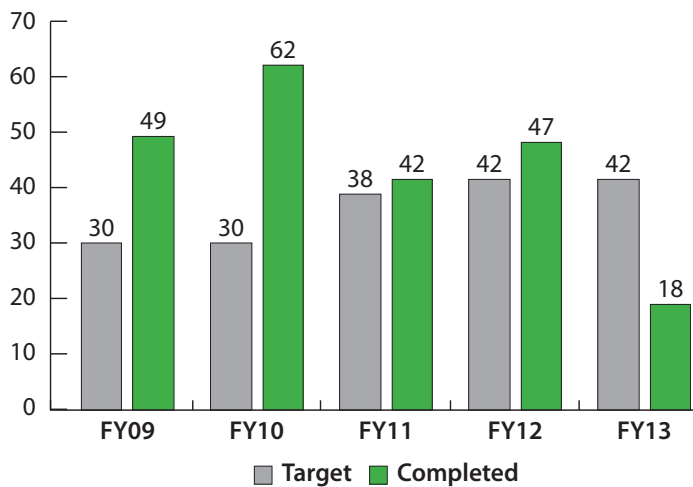
Working Together To Complete Cleanups

EPA actively works with tribes to identify, assess and clean up UST releases. In FY2013, EPA completed 18 cleanups in Indian country, a substantial decrease from previous years and a far reach from meeting EPA’s strategic planning target of 42.

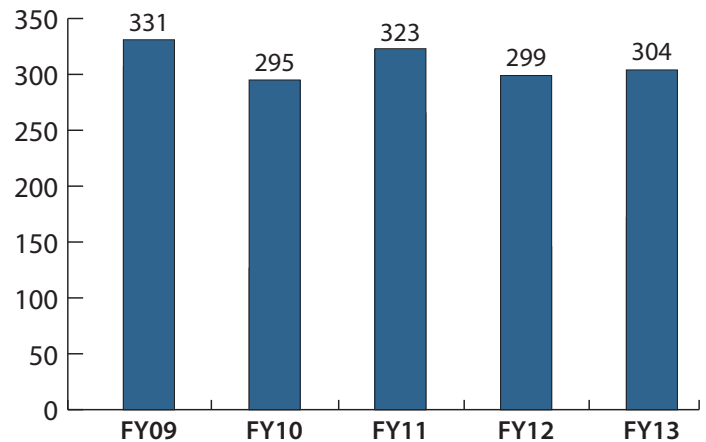
This substantial decrease reflects the fact that EPA has been strategically targeting more complex sites that have fewer resources. There are a number of difficult and costly LUST sites with substantial releases in Indian country. In 2009, EPA received a one-time \$6.3 million increase from the LUST Recovery Act that until recently helped make substantial progress remediating Indian country sites. Since that money has been expended, EPA has become even more vigilant about ensuring remediation plans are optimized. This increased scrutiny adds time and sometimes additional steps to the process, but it will also lead to more cost effective and efficient cleanups in the future.

The FY2013 decrease in cleanups completed contributed to a slight increase in the backlog of cleanups that have yet to be completed. Completing cleanups and reducing the backlog of sites in Indian country will continue to become more difficult because EPA is addressing sites that require more complex cleanups and take more time and resources to complete. EPA’s FY2014 goal of completing 37 cleanups in Indian country is challenging as resources tighten and complex sites continue to place a demand on resources.

LUST Cleanups Completed in Indian country



Backlog of LUST Cleanup Sites in Indian country



Federal Credentials for Tribal Inspectors: Tribal Inspectors Authorized To Conduct Federal UST Inspections

Since EPA’s effort in 2006 to issue federal credentials for tribal inspectors, 16 inspectors have received credentials, although 11 held active credentials in 2013 as a result of changes in tribal staff responsibilities and turnover. These federally-credentialed tribal inspectors contributed significantly to meeting the inspection requirements of the Energy Policy Act by completing 145 inspections. EPA anticipates that as many as four additional tribal staff may receive federal credentials in FY2014.



Program Highlights

Santa Anna Pueblo's Proactive Steps to Ensure Good Tank Management

Santa Ana Pueblo in Bernalillo, New Mexico, was proactive in designing and installing a new, state-of-the-art UST facility which opened in spring 2013. The tribe's economic development entity worked closely with the Eight Northern Indian Pueblos Council's Office of Environmental Technical Assistance to design an UST system that protects people and the environment. The tribe installed a double-walled UST system with a leak prevention monitoring system, such as sump sensors. To protect customers during refueling and reduce wear and tear on the UST system, the tank pit is located away from the traffic flow. The tribe incorporated green architecture (including xeriscaping) and ENERGY STAR equipment into the facility design. Their efforts resulted in a safe and protective UST facility that serves the Santa Ana Pueblo and the population of Bernalillo.

Ohkay Owingeh Tribe's Compliance Assistance Pays Off

Naomi Archuleta, Environmental Programs Manager of Ohkay Owingeh Tribe in Espanola, New Mexico, is credited with her leadership and persistence over several years to ensure the tribe's UST facilities attained significant levels of operational compliance. Her efforts to inform the tribal corporation, which owns and operates the UST facilities, about the compliance requirements and their willingness to improve compliance resulted in hiring Martin Monroe, an excellent UST facility manager. Mr. Monroe and Ms. Archuleta's work and the Ohkay Owingeh's desire to take appropriate steps to protect human health and the environment, put these UST facilities on a solid path to ongoing compliance.

Nez Perce Tribe Investigates and Cleans up McCoy LUST Site, Kooskia, Idaho

The Water Resources Division of the Nez Perce Tribe in Kooskia, Idaho recently completed a decade-long site investigation and cleanup at the former McCoy's Cash Grocery facility located in Kooskia, Idaho. The site was discovered in 2000, when a gasoline-related soil fire was ignited by a spark from an excavator bucket during a sewer line installation. With grant money from EPA, the tribe led multiple phases of site investigation and cleanup including:

- UST and petroleum-contaminated soil removal.
- A surface geophysical survey (electromagnetic and ground-penetrating radar) to identify a total of six on-site USTs, four of which were previously unknown.
- A passive soil gas survey to delineate the extent of off-site petroleum contamination.
- A subsurface soil and ground water investigation to quantify contaminant concentrations at areas of concern identified by the soil vapor study.

Results of these investigations indicate that while gasoline contamination on the McCoy site has been remediated, concentrations of both gasoline and diesel are present off-site beneath the city streets at concentrations exceeding risk-based screening concentrations. However, the results of the soil vapor survey indicate that the source of this off-site contamination is not the McCoy site, but rather from currently unidentified sources. The tribe is currently undertaking an abandoned tank survey, which may identify possible sources of contamination surrounding the property. However, the McCoy site itself is ready for closure and a No Further Action designation.



OFFICE OF BROWNFIELDS AND LAND REVITALIZATION (OBLR)

Many contaminated sites in Indian country are a result of past activities of federal or tribal entities or other enterprises that have long been abandoned. The Brownfields program, through brownfields grants, enables tribal communities to establish and enhance tribal response programs, assess and cleanup contaminated properties, and return the areas to uses to meet tribal needs.

OSWER Tribal Strategy Goals—OBLR Indicators

The goal outlined in the OSWER Tribal Strategy for the OBLR Brownfields Program is:

Brownfield Indicator in the OSWER Tribal Strategy

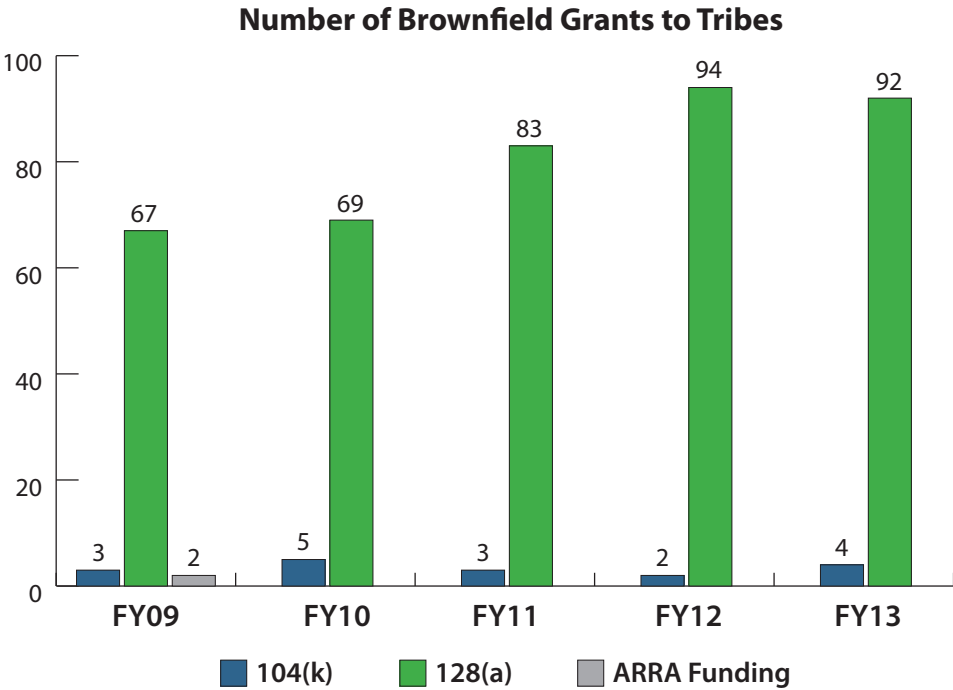
Provide breakdown of the number of tribes awarded brownfields cooperative agreements into: the number of 128(a) tribal response program cooperative agreements (to indicate the number of tribes developing response program capacity), and the number 104(k) competitive cooperative agreements (to indicate the number of tribes successfully competing for site activity funding, and changes of activities over time, in comparison to changes in the number of tribes with response programs).

Number of tribes awarded cooperative agreements in FY13:

- 128(a): 92; 3 new grantees
- 104(k): 2 tribes awarded brownfields assessment grants and 1 tribe awarded brownfields cleanup grant

Brownfields Grants Awarded to Tribes

In FY2013, through the CERCLA 128(a) State and Tribal Response Program Grant program, over \$11 million dollars were allocated to 92 tribes to fund activities to establish and enhance their tribal response programs. The number of tribes seeking to develop and enhance a Tribal Response program (TRP) continues to increase every year. Of these 92 co-regulators participating in FY2013, three grantees were new to the CERCLA 128(a) grant program.

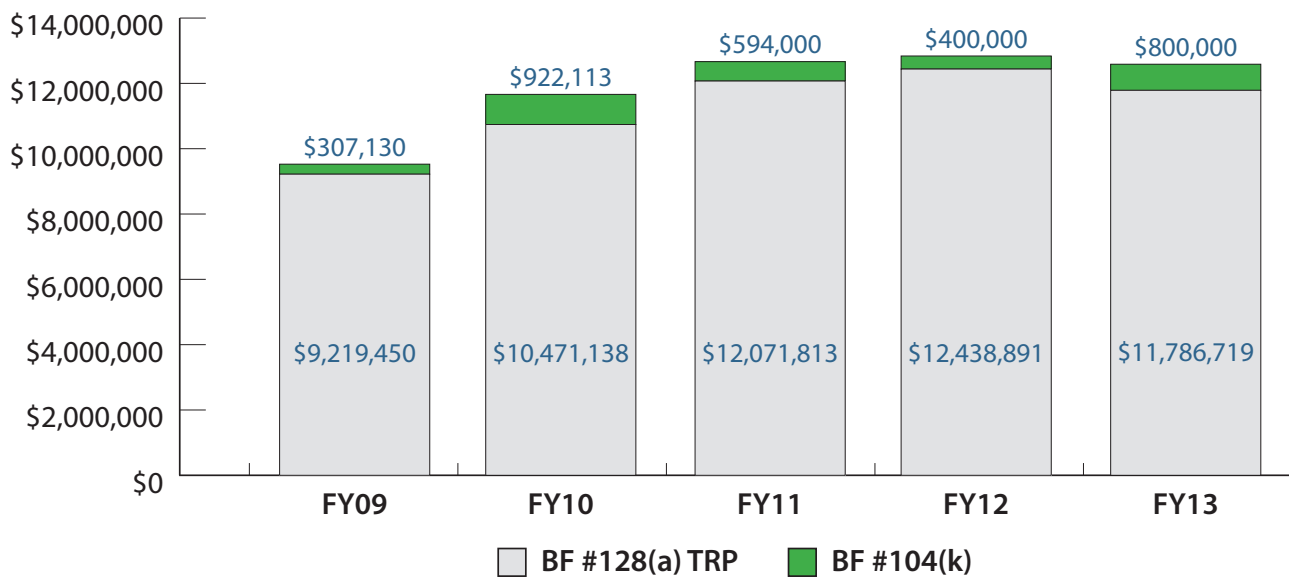




In addition, the Confederated Salish and Kootenai Tribes of the Flathead Nation and the Passamaquoddy Tribe at Pleasant Point were each awarded Brownfield Assessment grants for a total for \$600,000, and the Fort Peck Assiniboine and Sioux Tribes were awarded a Brownfields Cleanup grant for \$200,000. Also, Northern Arizona University received an Environmental Workforce Development and Job Training grant to work with the Navajo Nation to recruit, train, and place predominantly low-income and minority, unemployed and under-employed residents from their community.

FY2013 Accomplishments

Brownfields Cooperative Agreements to Tribes



OBLR's Brownfields program promotes community involvement with public and private partners in the revitalization of contaminated sites in Indian country and other tribal areas to the highest and best use. Decisions on future uses are determined by tribal priorities and needs. The support for cleanup and revitalization can help tribes achieve reuse of contaminated properties and increase environmental and economic benefits in Indian country.

In FY2013, OBLR Brownfields funding enabled tribes to continue to address contaminated properties in Indian country. Below are highlights of activities and accomplishments reported by tribes in FY2013:

- 256 properties with completed cleanups, have all required institutional controls in place
- 830 total acres with completed cleanups and institutional controls in place
- 808 properties not enrolled for which assistance was provided
- 1116 properties enrolled in the TRP

In addition, OBLR continued the regional Targeted Brownfields Assessments of sites identified by tribes, upon request by tribes, as resources allow. In FY2013, 18 tribal communities received Targeted Brownfields Assessment assistance across the country.



Program Highlights

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

Eight Northern Indian Pueblos Council (ENIPC)

ENIPC's Office of Environmental Technical Assistance (OETA) is using Section 128(a) Response Program funding to work with the 22 pueblos and tribes in New Mexico and West Texas to promote the enhancement of environmental resources and environmental health while protecting tribal lands from environmental hazards. In support of these goals, ENIPC-OETA is working with the Santa Fe Community College (SFCC) and the Job New Mexico (NM) EPA Environmental Training Program for unemployed and underemployed workers. In the fall of 2012, the first graduating class consisting of 18 graduates—10 of which were pueblo members—received their certifications in OSHA Hazardous Waste Site Worker (HAZWOPER) 40 hour, CPR and First Aid and Incident Command Basic trainings. In the spring of 2013, courses offered Forestry Technician and Biofuels Training that teaches forestry, conservation, timber marking, and ecological restoration monitoring skills to prepare participants to be U.S. Forest Service Certified timber cruisers. The Section 128(a) Response Program funding, in conjunction with the SFCC Job NM EPA Environmental training program, will continue to create and enhance job training opportunities for these tribes and their people.

Flandreau Santee Sioux

The Flandreau Santee Sioux Tribal Response Program (TRP) cleaned up of four properties. The properties were assessed using EPA Targeted Brownfields Assessment (TBA) Program funding and the TRP used Section 128(a) Response Program funds to conduct cleanup activities with the assistance of a qualified environmental professional. The tribe worked closely with the South Dakota Historic Preservation Office to address National Historic Preservation Act 106 requirements because properties had structures over 50 years old. One of the structures had asbestos containing vermiculite that had been used for insulation; collapsed ceiling boards had released the vermiculite throughout the building, creating a hazardous environment for people entering the property. In response, deteriorating asbestos roof shingles and other asbestos-containing materials were removed and properly disposed of. The properties are once again suitable for redevelopment—including residential reuse.



Asbestos Cleanup Activities on the Flandreau Santee Sioux Reservation.



Confederated Tribes of Colville Reservation (CTCR)

The Office of Environmental Trust is a subdivision of the CTCR's Natural Resources Department that exercises authority promulgated under Tribal Code to investigate and clean up hazardous substances released to land, water and air. The tribes used Section 128(a) Response Program funding, Section 104(k) Cleanup grants, Area-Wide Planning grants, and other funding sources to expand and enhance their brownfields program as new properties enter the Public Record and existing properties become the focus of progressive response actions and remediation. In addition to environmental responsibilities pertaining to the Colville Indian Reservation as well as ceded and allotted lands, a significant strength of the Natural Resources Department staff is its capacity in cross-disciplinary regional and international matters of substantive interest to CTCR. Examples include technical review and consultation concerning the CTCR/Upper Columbia River site, planning and implementation of improvements to the tribes' reservation-wide solid waste system, participation on CTCR and county solid waste advisory committees, assessments of brownfields on the reservation acquired through CTCR's proactive land reacquisition program, and advisory committee involvement in developing Washington State freshwater sediment cleanup regulations. Continuing regional Targeted Brownfields Assessments of sites identified by tribes, upon request by tribes, as resources allow.

OBLR—Moving Forward

To meet the commitments outlined in the OSWER Tribal Strategy, OBLR is collaborating with tribal partners on program development and implementation in an effort to enhance tribal use of existing grants and technical services as well as identifying opportunities to improve environmental issues of importance to tribes. OBLR also continues to increase the number of tribes that are establishing and enhancing their tribal response programs to increase the number of contaminated properties that are cleaned up and revitalized across Indian country. Specific brownfields related accomplishments that support commitments in the OSWER Tribal Strategy during FY2013 are:

	Tribal ARC* Grant Accomplishments in FY2013 (annual increment)	Tribal Section 128(a) Grant Accomplishments in FY2013 (annual increment)	Total Tribal Accomplishments since FY2006 (cumulative through FY13)
Assessments Completed	8	20	201
Cleanups Completed	4	10	35
Jobs Leveraged	2	135	458
Funding Leveraged	\$0	\$16,401,078	\$55,645,323

**ARC is Assessment, Revolving Loan Fund and Cleanup Grants*

ADDRESSING CHALLENGES AND LOOKING FORWARD



As described in this report, OSWER uses many different funding mechanisms and programs to assist and support tribes with protecting and restoring the environment and community health. As tribes continue to address contamination on their lands to meet the environmental needs of their community, several challenges remain. For example:

- **The Office of Emergency Management (OEM)** faces challenges engaging tribes with emergency prevention, preparedness, and response issues due, in part, to lack of training and tribal capacity to participate in area planning and regional response team activities.

To address this, OEM is working on web-based training and outreach to inform tribes about how they can work with state and local emergency planning committees to identify regulated facilities in Indian country. OEM will continue to collaborate with tribes to better understand how to prevent, prepare and respond to oil discharges and hazardous substances releases.

- **The Office of Superfund Remediation and Technology Innovation (OSRTI)** is working to increase tribal involvement in cleanups at sites impacting tribal lands.

OSRTI is working with the Quapaw Tribe (*EPA Region 6*) to publicize their cleanup efforts at the Tar Creek Catholic 40 site, in hopes that other tribes will realize the increased role they can play if the tribe is able develop and demonstrate the necessary cleanup expertise.

OSRTI also faces the challenge of considering tribal regulations in the remedy selection process, similar to the consideration of state regulations.

EPA has indicated that, as a matter of policy, it may consider tribal standards as Applicable or Relevant and Appropriate Requirements (ARARs), provided the standards are developed consistent with, and meet, EPA ARAR designation requirements.

- **The Office of Resource Conservation and Recovery (ORCR)** is working to promote sustainable waste management programs in Indian country.

To accomplish this objective, ORCR is fostering a collaborative partnership between Federal agencies to address waste management issues in Indian country. Federal agencies will explore opportunities where we can link and integrate drinking water and wastewater issues with solid waste issues, eliminate program compartmentalization, and identify program information sources and needs.

- **The Office of Underground Storage Tanks (OUST)** is challenged with sustaining and improving the rate of significant operational compliance in Indian country as resources tighten.

Completing cleanups and reducing the backlog of sites in Indian country will continue to become more difficult because OUST is addressing sites that require more complex cleanups and take more time and resources to complete. OUST's FY 2014 goal of completing 37 cleanups in Indian country is challenging as resources tighten and complex sites continue to place a demand on our resources.

- **The Office of Brownfields and Land Revitalization (OBLR)** is working to increase tribal capacity to establish and enhance effective Tribal Response Programs, and is seeking to more effectively engage states to support tribes. Balancing new tribal requests for CERCLA 128(a) funding and providing adequate support to existing entities to establish and enhance their response programs continues to be challenge because of the high demand for the limited CERCLA 128(a) funding appropriated annually.



The FY 2013 Accomplishments Report documents OSWER's achievements in working with tribal partners to increase awareness, understanding and implementation of EPA programs. OSWER will use this report in conjunction with the OSWER Tribal Strategy to focus resources on efforts shown to be successful and reexamine efforts that can be improved. With continuous input from tribal partners and a process in place to gauge effectiveness on an annual basis, OSWER is prepared to meet new and emerging environmental challenges in 2014 and the years to come.

OSWER intends to update the OSWER Tribal Strategy to reflect the priorities and crosscutting strategies laid out in [EPA's FY 2014-2018 Strategic Plan](#) and [Plan EJ 2014](#). In this way, the OSWER Tribal Strategy will continue to stay current with environmental activities in Indian country and clearly align with the EPA Strategic Plan into the future. Fundamental to the Tribal Strategy is OSWER's recognition, through words and actions, that EPA's programs are stronger and more protective of human health and the environment when they meet the needs of a broad, diverse universe of partners.

Another important priority for OSWER in 2014 is the continued implementation of the Community Engagement Initiative. Tribes have opportunities to participate in and benefit from this initiative, and EPA will work with tribes to identify and effectively engage tribal communities in actions related to this initiative. In addition, new issues are consistently raised, such as the desire for more technical assistance related to mining issues (especially abandoned uranium mines), and new opportunities for integrating "green" approaches into environmental management programs and revitalization efforts (such as developing alternative energy enterprises on contaminated lands).

OSWER will continue to use the Tribal Accomplishments Reports to maintain conversations with tribes, identify needed changes or updates to the OSWER Tribal Strategy, discuss information efforts and concerns of tribes and tribal partners, and expand coordination among OSWER and other EPA program offices. For the latest information on tribal-related activities, please visit the [OSWER Tribal Web page](#) and the [EPA Tribal Portal](#).



Sleeping Chief on the Nez Perce Reservation.

