

## OSWER Program Funding Authorities Available to Tribal Governments

<u>Statutory Authority</u>	<u>Description of Authority</u>	<u>Related Grant Program with Tribal Eligibility</u>  (For more information on grant programs and funding authorities, look up the references (below) to the Catalog of Federal Domestic Assistance by visiting: <a href="http://12.46.245.173/pls/portal30/CATALOG.BROWSE_AGENCY_PROGRAM_RPT.SHOW?p_arg_names=agency_id&amp;p_arg_values=34">http://12.46.245.173/pls/portal30/CATALOG.BROWSE_AGENCY_PROGRAM_RPT.SHOW?p_arg_names=agency_id&amp;p_arg_values=34</a> )
Clean Air Act Section 103 (b)(3) and Section 112 (l)(4); Toxic Substances Control Act, Sections 10(a), and 28(a), Public Law 94-469, 15 U.S.C. 2601 et seq	To provide financial assistance to States, Local agencies, and Indian Tribes for chemical accident prevention activities that relate to the Risk Management Program under the Clean Air Act Section 112(r). To provide financial assistance to Tribes for chemical emergency planning, and community right-to-know programs which are established to prevent or eliminate unreasonable risk to the health and environment of communities within the State.  Authority includes: research, investigations, experiments, demonstrations, surveys, training for individuals, and studies relating to the causes, effects (including health and welfare effects), extent, prevention, and control of air pollution.	66.810 Chemical Emergency Preparedness and Prevention (CEPP) Technical Assistance Grants Program
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) §104(d)	Enter into cooperative agreements with Indian tribes to undertake investigations, monitoring, surveys, testing, and other information gathering to identify the existence and extent of a release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. Conduct planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations to plan and direct response actions (including cost recovery and enforcement).	66.802 Superfund State, Political Subdivision, and Indian Tribe Site-specific Cooperative Agreements  66.809 Superfund State and Indian Tribe Core Program Cooperative Agreements

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<p>Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Sections 311(b) and (c), as amended, Public Laws 95-510, and 99-499, 42 USC 9660</p>	<p>To support grants and cooperative agreements for (1) a program of research, evaluation, testing, development, and demonstration of alternative or innovative treatment technologies which may be utilized in response actions to achieve more permanent protection of human health and welfare and the environment; (2) a technology transfer program including the development, collection, evaluation, coordination, and dissemination of information relating to the utilization of alternative or innovative treatment technologies for response actions; (3) a program of training and evaluation of training needs in the procedures for the handling and removal of hazardous substances for employees who handle hazardous substances and training in the management of facilities at which hazardous substances are located and in the evaluation of the hazards to human health presented by such facilities for State and local health and environmental agency personnel, and (4) a program of research with respect to the detection, assessment, and evaluation of the effects on and risks to human health of hazardous substances and detection of hazardous substances in the environment.</p>	<p>66.813 Alternative or Innovative Treatment Technology Research, Demonstration, Training, and Hazardous Substance Research Grants</p>
<p>Departments of Veteran’s Affairs and</p>	<p>Authority specific to State and Tribal Assistance Agreements (STAG):</p>	<p>66.812 Hazardous Waste Management Grant</p>

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Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Pub. L. No. 105-276 (112 Stat. 2461, 2499; 42 U.S.C. 6908a)	EPA... “is authorized to enter into assistance agreements with Federally recognized Indian tribes on such terms and conditions as the Administrator deems necessary for the development and implementation of programs to manage hazardous waste, and underground storage tanks.	Program for Tribes
	Authority specific to Leaking Underground Storage Tanks (LUST): EPA... “is authorized to enter into assistance agreements with Federally recognized Indian tribes on such terms and conditions as the Administrator deems appropriate for the same purposes as are set forth in section 9003(h)(7) of RCRA.	66.805 Leaking Underground Storage Tank Trust Fund Program
Solid Waste Disposal Act (RCRA) §8001	Render financial assistance to appropriate public authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, public education programs, and studies relating to - (see footnote 1, items 1-13 of SWDA §8001)	66.808 Solid Waste Management Assistance Grants 66.804 State and Tribal Underground Storage Tanks Program 66.816 Headquarters and Regional Underground Storage Tanks Program
Indian Environmental General Assistance Program Act of 1992; Public Law 102-497,	Section (f) Expenditure of general assistance: “Any general assistance under this section shall be expended for the purpose of planning,	66.926 Indian Environmental General Assistance Program (GAP)

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Section 11, 42 U.S.C. 4368b, as amended; Public Law 103-155	developing, and establishing the capability to implement programs administered by the Environmental Protection Agency and specified in the assistance agreement. <i>Purposes and programs authorized under this section shall include the development and implementation of solid and hazardous waste programs for Indian lands..... Such programs and general assistance shall be carried out in accordance with the purposes and requirements of applicable provisions of law, including the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)</i> ” (Emphasis added)	
Consolidated Appropriations Act, 2006, Pub. L. 109-54 (2006).	Direct Implementation Tribal Cooperative Agreements (DITCAs) enable EPA to award cooperative agreements to federally recognized Indian tribes and eligible intertribal consortia to help carry out the Agency's function to implement directly, Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, notwithstanding the Federal Grant and Cooperative Agreement Act.  EPA may award DITCAs to fund activities for environmental programs that meet either one of the following criteria: 1) federal programs under environmental laws that clearly require EPA to directly implement in the Tribal context; or 2) federal programs under environmental laws that in the state context EPA is required to directly implement in the absence of an acceptable state program.	66.473 Direct Implementation Tribal Cooperative Agreements

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<p>Comprehensive Environmental Response, Compensation, and Liability Act, Section 128(a), as amended, Public Law 107-118; Small Business Liability Relief and Brownfields Revitalization Act</p>	<p>EPA's CERCLA Section 128(a) grant program funds activities that establish or enhance state and tribal response program capacity, capitalize revolving loan funds (RLFs), and support insurance mechanisms. The goals of this funding are to provide financial support for elements of an effective state or tribal response program as specified in CERCLA Section 128 and to ensure that states and tribes maintain a public record of sites included in their programs.</p>	<p>66.817 State and Tribal Response Program Grants</p>
<p>The Small Business Liability Relief and Brownfields Revitalization Act of 2002, (Pub .L.No. 107-118, 115 stat. 2356, "the Brownfields Law") Sections 101(39) and 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by, 42 U.S.C. 9601(39) and 42 U. S.C.9604(k)</p>	<p>The objectives of the brownfield assessment, revolving loan fund and cleanup cooperative agreements (project grants) are to provide funding: (1) to inventory, characterize, assess, and conduct planning and community involvement related to brownfield sites; (2) to capitalize a revolving loan fund (RLF) and provide subgrants to carry out cleanup activities at brownfield sites; and (3) to carry out cleanup activities at brownfield sites that are owned by the grant recipient</p>	<p>66.818 Brownfields Assessment and Cleanup Cooperative Agreements</p>

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<p>Comprehensive Environmental Response, Compensation, and Liability Act, Sections 101(39) and 104(k)(6), as amended, 42 U.S.C. 9604(k)(6)</p>	<p>CERCLA 104(k)(6) provides EPA with authority for a program of training, research, and technical assistance to individuals and organizations to facilitate the inventory of brownfields properties, assessments, cleanup of brownfields properties, community involvement, or site preparation. The objective of the Brownfield Job Training Cooperative Agreement is to provide training to facilitate assessment, remediation, or preparation of brownfield sites. Brownfield sites are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.</p>	<p>66.814 Brownfields Training, Research, and Technical Assistance Grants and Cooperative Agreements</p> <p>66.815 Brownfields Job Training Cooperative Agreements</p>