

**ATTACHMENT B**  
**SUMMARY OF RECOMMENDED AND MANDATORY**  
**INDIAN GENERAL ASSISTANCE PROGRAM ACTIVITIES**

The following are examples of recommended and mandatory environmental program activities and tasks a Tribe may want to consider including in an Indian General Assistance Program (GAP) proposal. Activities will vary from Tribe to Tribe depending on the nature of the needs and priorities of each Tribe.

**Program-Specific Capacity-Building**

The objective of program specific capacity building efforts is to establish tribal environmental programs, including regulatory and enforcement capability. Environmental management may include both regulatory and non-regulatory environmental protection program activities. Activities funded under GAP may include assistance with developing technical capability, and planning and establishing an environmental management program.

**I. General Program Development Activities**

- Establish a Tribal Environmental Program (hiring and training staff, purchasing equipment, etc.).
- Hire staff to develop the infrastructure for an environmental program.
- Conduct an environmental assessment to identify all potential pollution sources (i.e., a visual assessment, compiling existing data from sources (e.g., tribal, federal, state, and local) to evaluate environmental conditions, taking one-time sampling measurements of waters, soil, etc., or a limited duration (e.g. a year) of air particulate (PM<sub>2.5</sub> or PM<sub>10</sub>) monitoring to provide data on baseline conditions. Note: It is requested that arrangements are made to submit all air monitoring data to EPA for input into the national Air Quality System (AQS). (Sampling and data collection requires an approved Quality Assurance Project Plan is in place prior to the beginning of sampling activities.)  
**NOTE: THIS TASK IS MANDATORY AND MUST BE INCLUDED AS A ONE-TIME ACTIVITY UNDER GAP.** Annual updates to the assessment are encouraged.
- Prioritize current environmental conditions and develop a Tribal Environmental Plan outlining environmental needs for future years, identifying program areas of tribal interest, and estimating funding needs. (a sample environmental plan is available)  
**NOTE: THIS TASK IS MANDATORY AND MUST BE INCLUDED AS A ONE-TIME ACTIVITY UNDER GAP.**
- Acquire training in environmental program areas (e.g., water, air, waste, pollution prevention, etc.).
- **Alaska Tribes:** Attend IGAP training hosted by EPA. **NOTE: THIS TASK IS MANDATORY FOR GAP STAFF MEMBERS NEW TO THE PROGRAM AND STRONGLY RECOMMENDED FOR RETURNING STAFF.**
- Conduct education outreach to community members (e.g., newsletters, community meetings, etc.).

**Building Legal Capability**

- Assess the legal sufficiency of the Tribe's approach to environmental regulation including code enforcement and dealing with activities that may impact air, land, and water (i.e., obtain legal consultation in developing regulations, developing permitting requirements, building upon legal structure, etc.).
- Plan, develop, and establish procedures to correct any legal deficiencies, and/or establish a new legal system and procedures, including policies and guidance for environmental program management.

### Building Administrative Capability

- Assess and revise the Tribe's current grants management procedures including accounting, auditing, evaluating, reviewing, and reporting for adequacy to meet the requirements of 40 CFR 31; 40 CFR Part 35; and OMB Circular A-87 (i.e., obtain accounting consultation to assess current procedures to ensure they meet the above-mentioned requirements). NOTE: THIS TASK IS MANDATORY AND MUST BE INCLUDED AS A ONE TIME ACTIVITY UNDER GAP.

## **II. Clean Water Act Activities**

The goal of the Clean Water Act (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, research and study, development of water pollution control programs, permitting and regulation of discharges, establishing water quality standards, and protecting wetland areas.

In order to work towards meeting the CWA the following are some activities that may be funded under GAP:

- Identify and assess point and non-point discharge sources potentially impacting waters of the U.S. (i.e., visual assessment, review of historical documents that may help in determining the environmental conditions, taking limited sampling measurements of waters — requires a Quality Assurance Project Plan -- QAPP).
- Develop application and proposals for water quality specific grants, including any pre-qualification materials.
- Compile water quality data from all available sources (requires a QAPP).
- Identify and assess opportunities for water quality protection.
- Identify and assess opportunities for drinking water protection.
- Develop a wellhead protection program.

## **III. Safe Drinking Water Activities**

The Safe Drinking Water Act (SDWA) is the federal law regulating the quality of drinking water from a public water system (PWS). The purpose of the act is to ensure drinking water supplied to the public is safe for human consumption. The EPA has the responsibility of setting minimum national drinking water standards which must be met by all PWS (the SDWA does not apply to those water systems not classified as a PWS). Unless a tribe has primacy, EPA also has the authority and responsibility to implement the SDWA and its associated regulations in Indian Country.

Below are some activities which may be funded under GAP in order to work towards meeting SDWA requirements:

- Assess activities that impact drinking water sources (i.e., septic tanks, underground storage tanks, etc.).
- Develop a tribal utility organization responsible for operating and maintaining a public water system.
- Acquire training for water system operators, tribal utility members, and tribal leaders.
- Establish standards for well construction and for community septic systems.
- Identify and assess all water resources, including compliance and contamination potential.
- Develop codes, regulations, and ordinances to regulate public water supply systems, including non-tribally owned and operated systems on tribal land and tribally-owned and operated systems.

A tribe can use GAP funding for drinking water and wastewater asset protection and capacity building activities when it is used to plan the program, such as setting goals and designing an approach; developing the program from plans on paper to actions that help establish the program; and establishing the program, which might include performing a “test drive” of the program to work out the glitches, and make the program secure. These activities generally will occur during a four year timeframe.

#### **IV. Clean Air Act (CAA) Activities**

Tribes typically use GAP funding to conduct a needs assessment for an air program, which can take one to several years to complete. The following are a list of some typical air assessment activities:

- *Training* - May include, but is not limited to, workshops available through the Northern Arizona University’s Institute for Tribal Environmental Professionals (ITEP), the Tribal Air Monitoring Support (TAMS) Center, California Air Resources Board (CARB), EPA, and others. Networking between Tribes, states, counties and educational facilities could be an additional component of this training.
- *Air program needs assessment* - After basic air pollution training is completed, determine the extent of air pollution issues on the reservation and develop an assessment of the need for a longer-term tribal air program.
- *Develop an Emissions Inventory* - Identify the sources of air pollution with the Tribe’s jurisdiction or impacting the tribal community, starting with point sources, and as appropriate later identifying significant area sources and mobile sources. Determine whether and what level of emissions inventory would be useful to the Tribe in developing an air pollution strategy. If appropriate, use the Tribal Emissions Inventory Software System (TEISS) to calculate emissions of air pollutants from the sources within tribal jurisdiction (e.g., point sources such as individual small and large sources, mobile sources such as automobile, truck, train, and marine emissions, and area sources, such as woodstoves or dirt roads.), in order to estimate impacts on reservation/village air quality and assess the need for air pollution control regulations or voluntary emissions reduction strategies. TEISS is available for use by any Tribe at no charge by contacting the Institute of Tribal Environmental Professionals (ITEP). Note: Emissions Inventories require an Inventory Preparation Plan prior to collecting data and need to be submitted to EPA and the National Emissions Inventory when any stage is finished.
- *Acquisition of existing air quality data from neighboring jurisdictions* - Local air pollution control districts may have air quality monitoring data helpful to the Tribe in assessing reservation air quality. Working with nearby state, local and tribal air agencies to learn from them about their air pollution data can also help increase understanding of the causes and prevention of adverse air pollution impacts.
- *Investigate impacts of neighboring sources on tribal air quality* - Acquire emission data from air quality permits and compliance data from permitting agencies for nearby sources impacting reservation air quality.
- *Participate in regional initiatives* - such as the Regional Tribal Operations Committee (RTOC), the Western Regional Air Partnership (WRAP), the National Tribal Air Association (NTAA) or local coalitions.
- *Community outreach/education* - Provide information on air pollution issues to the local community, schools and tribal government through presentations, brochures, etc.
- *Develop a Draft Monitoring Plan* - Develop a plan for gathering baseline air quality data for the reservation/village.
- *Consider projects and funding support for addressing indoor and ambient air quality concerns* - If the Tribe determines that they wish to work to address the air pollution impacting their community, they may wish to outline the strategies they wish to pursue and seek grant support appropriate to the

Note: GAP funds cannot be used to fund **air monitoring activities** on a long term basis, since that would be considered “program implementation,” which is not the focus of GAP funding. Tribes that seek an ongoing air monitoring program, or other long term air quality work, are encouraged to pursue CAA §103 funding, or use other sources of funding to support implementation activities.

As resources to fund air activities become increasingly limited under GAP, it is vital that Tribes work together to leverage resources and share information with each other. Some ideas include:

- Exchange air quality data and emission inventories.
- Share the cost of training by consultants, when needed.
- Become trained to audit other Tribes’ monitoring equipment.
- Join or develop local coalitions of Tribes for support and to discuss issues.
- Share portable monitors, where feasible.

## **V. Solid Waste Activities**

Congress directed EPA to develop standards for the disposal of solid waste. The two main regulations EPA developed for the handling and disposal of solid waste are located in 40 CFR Parts 257 and 258. EPA’s National Strategic Plan includes the following Tribal solid waste priorities: develop Tribal integrated solid waste management plans; and clean up, close, and upgrade open dumps in Indian country and other Tribal lands. Below are some activities GAP may fund in order to work towards obtaining solid waste objectives:

### **Recommended Phase One:**

- Create an inventory of open dumps using GPS location data (requires brief narrative quality assurance documentation).
- Conduct a waste characterization study to assess current solid waste management practices, as well as the quantity and quality of waste generated
- Develop an integrated solid waste management plan that is approved by the Tribe’s governing body. Several templates and trainings are available to tribes to streamline the solid waste planning process. Contact your project officer for more information.
- Develop solid waste codes and ordinances to implement the solid waste management plan.
- Conduct feasibility studies for new solid waste programs, including recycling, composting, household hazardous waste programs, etc.
- Assess environmental conditions due to open dumping. Assess the health and contamination threats to the community from dump sites.
- Conduct environmental outreach and education dealing with solid waste (i.e., recycling, etc.).

### **Recommended Phase Two:**

- Develop a waste enforcement program to prevent illegal dumping, including using signs to prevent people from dumping, community outreach materials, implementing codes and ordinances, creating waste patrol officers, obtaining basic inspector training, etc.
- Continue environmental outreach and education dealing with solid waste (i.e., recycling, etc.).
- Continue facility planning and feasibility studies with expert consultation as needed; assessments and analysis of market needs; marketing of recycled resources.

### Recommended Phase Three:

- Removal of junk automobiles, white goods, scrap metal, and used tires.
- Cleanup and closure of open dumps or scatter waste sites.
- Construction of transfer stations, recycling centers, composting centers, household hazardous waste collection centers, used oil collection stations, etc. National Environmental Policy Act (NEPA) compliance may be required for any construction activities.
- Continue environmental outreach and education dealing with solid waste (i.e., recycling, etc.).

## **VI. Chemical Emergency Planning/SARA Title III - Activities**

SARA Title III has two purposes: 1) to encourage and support emergency planning for responding to chemical incidents, and 2) to provide local governments and the public with timely and comprehensive information about possible chemical hazards in communities.

Below are some activities which may be funded under GAP in order to work towards meeting SARA Title III objectives:

- Establish and appoint members of a Tribal Emergency Response Commission (TERC) and/or Local Emergency Planning Committee (LEPC).
- Develop and obtain tribal approval for ordinance/resolution establishing authority of TERC/LEPC.
- Develop a Chemical Emergency Notification Plan.
- Develop hazardous material program codes and regulations.
- Identify and assess potential chemical emergency sources (hazardous analysis).
- Conduct a Commodity Flow Study.
- Develop a Tribal Chemical Emergency Preparedness Response Plan.
- Have appropriate staff take awareness training.
- Conduct community outreach to assure knowledge of and responsiveness to an emergency plan.
- Conduct periodic emergency exercises.

## **VII. Underground Storage Tank Activities**

An underground storage tank (UST) is any tank (including underground piping connected to the tank) 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, and reporting and record keeping.

Below are some activities which may be funded under GAP in order to work towards meeting UST objectives:

- Identify all operating and abandoned USTs and compare list with EPA's existing inventory.
- Develop codes, regulations, and ordinances to regulate UST management activities.
- Provide training for staff on UST management.

## **VIII. Radon**

The purpose of a non-regulatory radon program is to increase the public's awareness of health effects from exposure to radon and increase the number of homes/schools tested and mitigated if necessary, for radon gas. Radon is a naturally occurring radioactive gas that comes from the decay of uranium and is the second

leading cause of lung cancer, next to smoking. Radon gas has been found in areas all over the world. The only way to know if a home or school has elevated radon levels is to perform radon testing. The U.S. Surgeon General has recommended all homes in the U.S. be tested. EPA has also recommended all schools be tested. Radon testing is simple and inexpensive. If high radon levels are found, there are ways to mitigate and prevent radon from seeping into a building. EPA has developed model radon resistant building codes that can reduce the cost of installing a radon system during construction. The following are some activities GAP may fund in order to address radon issues:

- Obtain radon training (testing and mitigation)
- Write a Quality Assurance Field Sampling Plan to test for radon.
- Conduct community outreach on radon.
- Conduct radon sampling. (Radon test kits may be available from EPA. Contact your EPA project officer.)
- Conduct outreach on sampling results.
- Encourage radon resistant new construction

### **IX. Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)**

The purpose of FIFRA is to regulate the manufacture, distribution, sale, and use of pesticides to minimize risks to human health and the environment. A pesticide is defined as any substance intended to prevent, destroy, repel or mitigate pests. FIFRA requires registration of all pesticides; restricts use of certain pesticides; establishes requirements for the certification of pesticide applicators; authorizes experimental use permits; establishes the conditions for cancellation of pesticides; and requires the registration of pesticide manufacturers. The following are some activities GAP may fund in order to address tribal pesticides issues:

- Assess current and historical pesticide use, sale and distribution, and identify pesticide concerns on tribal lands. This can include development of a questionnaire guideline and conducting interviews to gather information regarding sites where pesticides are/were used, and types/amounts of pesticides used, sold, distributed, stored and disposed of on tribal lands.
- Attend appropriate EPA and non-EPA training.
- Develop codes, regulations and ordinances.
- Develop other regulatory and non-regulatory policies which enable the Tribe to monitor and control pesticide use on tribal lands (examples are Pesticide Management Plans, Integrated Pest Management Plans, Pesticide Use Notification System, and Pesticide Permit Program).
- Assess and develop tribal infrastructure to support a pesticides program, including:
  - 1) Developing policies necessary to implement codes/ordinances or other tribal pesticide policies;
  - 2) Identifying impacts of pesticides on other environmental media; determining how information about pesticides can be shared between programs;
  - 3) Developing mechanisms to report and respond to pesticide incidents; and
  - 4) Developing applications for a pesticide cooperative agreement, as necessary.

### **X. Toxic Substances Control Act**

The Toxic Substances Control Act (TSCA) authorizes EPA to identify and control toxic chemical hazards to human health and the environment. Children are very vulnerable to the hazards of asbestos and lead exposure. Two programs under this statute address these specific toxic hazards through the asbestos in

schools rule and the lead-based paint hazard reduction program. Awareness or outreach/education and proper management of asbestos-containing materials (ACM) and surfaces coated with lead-based paint are important in the prevention of exposure. In addition, EPA has promulgated regulations that include training requirements to assure the availability of a qualified workforce to conduct asbestos and lead activities properly. EPA also requires the disclosure of lead-based paint in pre-1978 housing. The following are some activities GAP may fund in order to address asbestos and lead issues:

#### A. Asbestos

- Develop and/or provide published informational material on asbestos, its hazards, and where it might be found in the home, schools and other buildings.
- Increase awareness of what practices may disturb ACM (i.e., sanding, abrading, scraping ceiling material) and promote good management practices to minimize disturbance of ACM and the release of airborne fibers.
- Provide appropriate training to tribal environmental staff to develop capability and expertise to address tribal asbestos concerns in public buildings.

#### B. Lead

- Educate tribal and community members regarding the dangers of lead and areas in which lead poisoning can occur.
- Increase awareness at all levels of the reservation by encouraging community involvement in a lead prevention project.
- Provide educational outreach to small children by using hands-on science.
- Provide lead awareness seminars to different levels of the community.
- Conduct inspections and risk assessments of tribal housing units.

## **XI. Pollution Prevention**

Pollution prevention means reducing the generation of pollution prevention at its source, before it is created. The Pollution Prevention Act of 1990 establishes an environmental management hierarchy that emphasizes source reduction over recycling, treatment, and disposal. Source reduction is defined as "*any practice that reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment prior to recycling, treatment, or disposal; and which reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants*". It also includes protecting natural resources through conservation of energy, water, or other materials. EPA has declared that pollution prevention is the "*policy of first choice*" for solving environmental problems. Pollution prevention activities can be integrated into regulatory programs or be non-regulatory and voluntary. Source reduction efforts can be particularly effective for addressing non-point source pollution related to unregulated sources such as agriculture and indoor air pollution or storm water runoff. The following are some Pollution Prevention activities GAP may fund:

- From the completed tribal environmental assessment, identify priority environmental problems, waste streams, or pollution sources that could be addressed through pollution prevention (source reduction).
- Develop a pollution prevention policy for tribal environmental protection activities.
- Review and modify tribal environmental regulations to incorporate source reduction (e.g., give credit for source reduction activities, as well as end-of-pipe controls, include source reduction measures within permits, include source reduction in enforcement cases through supplemental environmental projects).
- Develop voluntary technical assistance/outreach programs to help priority sectors (e.g., auto repair, casinos, agriculture) adopt source reduction measures.
- Inventory the use of Household Hazardous Wastes (HHW) on tribal lands.

- Develop an outreach program for minimizing HHW generation by promoting use reduction, proper use and disposal of chemical products, and viable alternatives.
- Develop an outreach program on the use of the alternative products.

For more information on potential project ideas see the Pollution Prevention Resource Exchange website, [www.p2rx.org](http://www.p2rx.org)

### **Environmental Sampling:**

Any activities which require environmental measurements (i.e., soil, water, or air testing) require an EPA approved Quality Assurance Project Plan prior to performing such activities. We suggest the following activity be added to the work plan that includes such testing:

- Develop a Quality Assurance Project Plan (QAPP) which must be approved by EPA's Quality Assurance Management Section prior to any environmental measurements; including environmental data compilation (i.e., prior to any assessment which requires sample collection).

### **XII. Activities Not Eligible Under GAP**

Construction of specific facilities or site-specific actions are not eligible under GAP, with the exception of Solid and Hazardous Waste projects, unless EPA determines funding such activities is necessary to carry out the purpose of the program. Examples of non-eligible activities include, but are not limited to:

- leaking underground storage tank remediation;
- wastewater treatment facility construction;
- operation and maintenance of sanitary facilities;
- preparation of site-specific Environmental Impact Statements for the purpose of NEPA compliance with the exception of solid and hazardous waste projects funded by EPA.