



## **Tier 2 – Enhancing a Tribal Response Program**

# **Module 1: Review Your TRP Program**

**How to enhance your 128(a) Tribal Response Program (TRP) beyond the initial establishing of your TRP**

**TribalTAB.org**

# How Do We “Enhance” the TRP?

- ❖ Where do we go next?
- ❖ What can I cleanup now?
- ❖ Will we run out of Brownfields?



# 128(a) Grant Awarded to:

- ❖ to establish or enhance a response program
- ❖ to take reasonable steps to include each of the 4 Elements
- ❖ to establish & maintain a Public Record
- ❖ and to increase the capacity of a Tribe to assess and cleanup contaminated sites and other releases



# Remember EPA Goals

- ❖ The primary goal of this funding is to ensure that state and Tribal response programs include, or are taking reasonable steps to include, 4 basic elements and a “Public Record.”
- ❖ The secondary goal is to provide funding for other activities that increase the number of response actions conducted or overseen by a state or Tribal response program.





[Click to play video, which will open in YouTube.](#)

## Video 1.1: TRPs Addressing Many Issues

*Stephanie Wallace*  
*U.S. EPA Region 8 (retired)*

# Lessons Learned

- ❖ Understanding what the program is about and how to resolve environmental problems.
- ❖ Determining if another program or grant, or other resource could contribute to solving a problem.
- ❖ Understanding the program staffing and resource needs and developing position description(s) that fit the program and have the appropriate qualifications.
- ❖ Implementing civil compliance and enforcement is a necessary tool to fully implement the program.
- ❖ Just when you think you know it all- you find out you don't!





# What Does “Enhance” Mean?

“Under CERCLA 128(a), “**enhance**” is related to activities that add to or improve a state or Tribal Response Program or increase the number of sites at which response actions are conducted under a state or Tribal Response Program”\*

*\*Annual EPA HQ STRP Guidance*



# What Does “Enhance” Mean?

“The exact “enhancement” uses that may be allowable depend upon the work plan negotiated between the EPA Regional office and the Tribe.”\*

*\*Annual EPA HQ STRP Guidance*





# Fundable Enhancement Activities

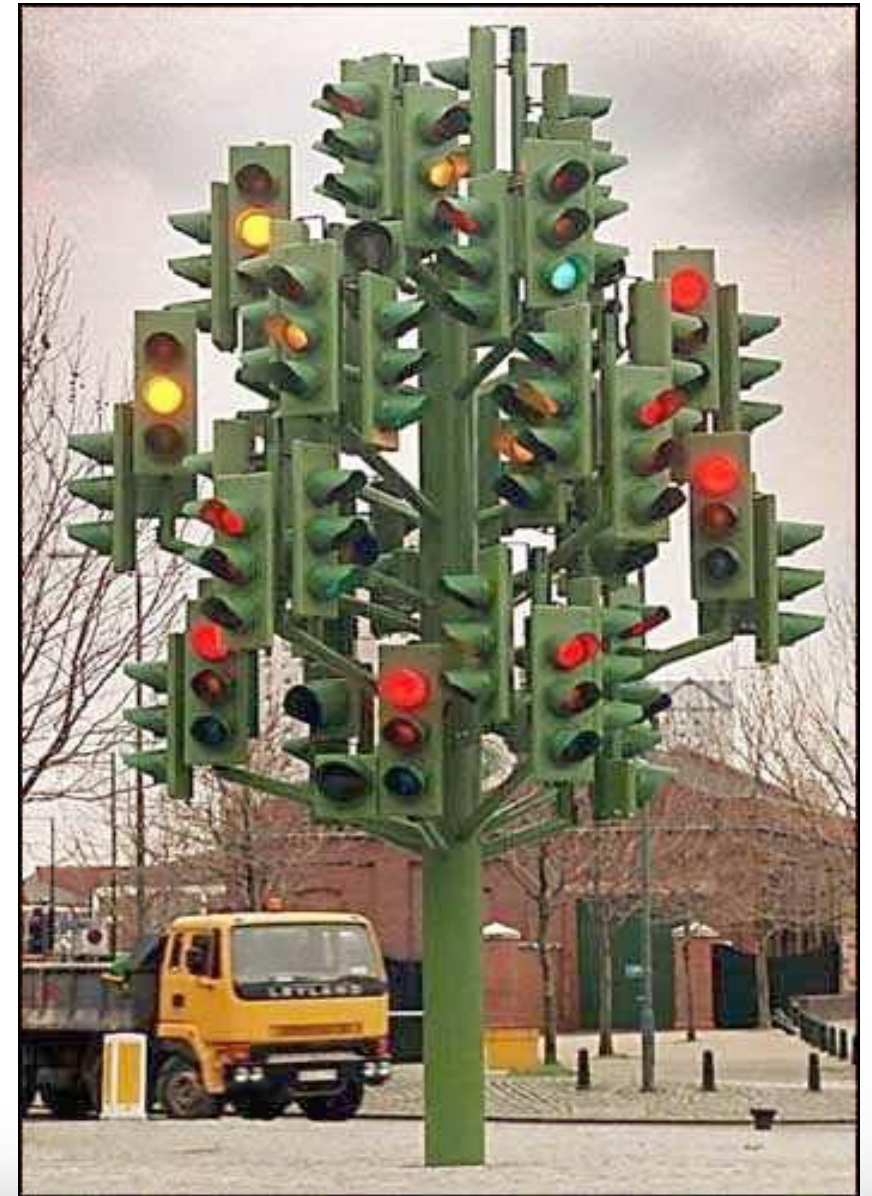
- ❖ Tribal response program enhancement activities can also include: outreach to local communities to increase awareness about brownfields, building a sustainable brownfields program, federal brownfields technical assistance (e.g., holding workshops to assist communities in applying for federal Brownfields Grant funding, attending health fairs and cleanup days to inform individuals how to identify hazards in their own living areas, abandoned buildings and among dumping areas), and knowledge regarding the importance of monitoring engineering and institutional controls.
- ❖ Additionally, enhancement activities can include facilitating the participation of the state and local agencies (e.g., transportation, water, other infrastructure) in implementation of brownfields projects. States and Tribes can also help local communities collaborate with local workforce development entities or Brownfields Job Training recipients on the assessment and cleanup of brownfield sites. Other enhancement uses may be allowable as well. (consult your U.S. EPA Region)



**Don't get your signals  
crossed.**

**Review the status of  
your TRP**

**Go through the steps:**



# Step 1: Talk to EPA

Determine if the 128(a) Tribal Response Program grant is the appropriate program to address specific Tribal environmental problems or issues.

How?

- ❖ Read the Annual [U.S. EPA State and Tribal Response Program Guidance](#)
- ❖ Attend training and workshops
- ❖ Talk to Tribes with the TRP
- ❖ Ask questions!



# Review the 128(a) Guidance

**Consult the latest U.S. EPA Guidance:** U.S. EPA Office of Brownfields Land Revitalization issues an annual 128(a) funding guidance each Fall\*:

*“Funding Guidance for State & Tribal Response Programs, Fiscal Year 20xx”*

NOTE: This guidance is supplemented by the EPA Regions





# Step 2: Assess Your Tribe's Needs and How It Can Utilize the TRP

- ❖ Talk to other Tribal Programs (Solid Waste, Housing, Facilities, Real Estate, Parks, etc.)
- ❖ Talk to community groups and elders
- ❖ Talk to Council/members
- ❖ Talk to State & County Environmental or Brownfields staffs
- ❖ Talk any local redevelopment organizations
- ❖ Talk to any local Brownfield grantees
- ❖ Talk to other Tribes that have a 128(a) TRP



# Tribal Self Assessment Topics

- ❖ What current issues or priorities is the Tribe seeking to address through this grant program?
- ❖ Are the issues or priorities to be addressed a one-time or short-term problem or will they be long term or on-going problems?
- ❖ What existing Tribal laws, codes, or policies are in place and what improvements or additions are needed?
- ❖ What improvements are needed or gaps in the current TRP (4 Elements & P.R)?
- ❖ What are the Tribe's future priorities and goals?







*Click to play video, which will open in YouTube.*

## Video 1.2: TRP Evaluation

*Stephanie Wallace*  
*U.S. EPA Region 8 (retired)*

**Identify your most  
obvious problems  
and priorities**



# Problems to Address

- ❖ Existing or new brownfield sites/properties to address?
  - Existing
  - Newly discovered
  - Newly abandoned or burned buildings
  - Potential future brownfields (aging or obsolete buildings, industry, or businesses)
- ❖ Tribal reuse or redevelopment projects that may have potential contamination issues?
- ❖ New Tribal Property Acquisitions?
- ❖ Institutional Controls to implement, monitor, or control?



# Short-term Problems?

Are there only a few existing brownfields that could be:

- ❖ assessed via the EPA and/or State Targeted Brownfield Assessment (TBAs) programs?
- ❖ assessed and cleaned up via the EPA 104(k) Brownfield Grants program?
- ❖ Addressed via other Tribal, EPA, or state programs?



# Long-term Problems?

- ❖ Are there many more Brownfield sites and/or it is anticipated to be an ongoing problem due to aging or obsolete buildings?
- ❖ Do you anticipate future and/or continuing problems with releases from various sources:
  - Mine-scarred lands?
  - Drug labs or drug use?
  - Commercial or industrial sources?
  - Transportation sources?
  - Mining, oil & gas, or other resource development?
  - Climate change?
  - Other?





# Review of Tribal Laws & Codes

- ❖ What Tribal authorities exist and/or are needed?
- ❖ Gaps in Tribal laws/codes that may be relevant?
  - response, solid waste, hazardous waste, UST/LUST, water quality, air quality, and others
- ❖ Existing Tribal civil compliance and enforcement authorities, policies & procedures in place?
- ❖ Existing MOAs or MOUs in place or needed to coordinate with other programs?





# Review of Tribal Laws & Codes

- ❖ Have necessary Tribal laws/code(s) been properly adopted and formally recorded and entered into the Tribal laws and records?
- ❖ Coordination with Tribal, BIA or other enforcement authorities in place or needed?
- ❖ Relevant policies and/or council resolutions in place or needed?
- ❖ New or revised US EPA regulations need to be considered by the Tribal program?



# Review of TRP Status

- ❖ Need additional staff training and improvements in skills and knowledge?
- ❖ Equipment needed?
- ❖ Community outreach efforts or techniques need improvement?
- ❖ Need to develop procedures? (SOPs)



# Better Coordination with Other Programs?

- ❖ Coordinating with other related Tribal programs? (i.e. Housing, UST, solid waste, emergency response, homeland security, real estate and others)
- ❖ Tribal Housing Problems?
- ❖ BIA (Property Leases, Dumping)
- ❖ Resources Mgt. (Water Quality, Mining, Oil & Gas)
- ❖ Fish & Game (remote area monitoring & cleanup)
- ❖ Existing MOAs or MOUs in place or needed to coordinate with other programs?



# Review of TRP Funding

- ❖ Are any changes needed in the allocation or distribution of TRP grant funds?
- ❖ Any changes needed in the grant work plan on how the Section 128(a) grant funds are applied or allocated within the program elements and tasks?
- ❖ Any TRP staffing changes needed? (types and number of positions funded)
- ❖ Would the Tribe be better served as part of a TRP consortium in the future?



# Tribal Priorities

- ❖ Tribal capacity to deal with environmental problems, current or future;
- ❖ Tribal capacity to deal with emergency responses to releases, current or future; or
- ❖ Tribal capacity to coordinate or interact with response actions by other programs or agencies.

*NOTE: Is there an existing Tribal process to review and establish program priorities?*



# Other Funding Source:

Pursuant to CERCLA 104(k) EPA's Brownfields Program provides competitive grant funding for brownfield projects such as:

- ❖ Assessment
- ❖ Cleanup
- ❖ Multipurpose
- ❖ Revolving Loan Funds
- ❖ Job Training

Visit the [Types of Funding](#) page on the EPA Brownfields website for more information. Or contact Tribal TAB for guidance.





# Other Funding Source:

In addition, pursuant to Section 128(a)(1)(B)(ii)(III), the Brownfields Program has authority to allocate CERCLA 104(k) funding for [Technical Assistance Grants](#) (“Section 128(a) TAG”) to assist small communities, Indian Tribes, rural areas, or disadvantaged areas, in carrying out activities described in Section 104(k)(7)(A), such as providing training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement, or site preparation.

By law, the maximum amount per Section 128(a) TAG is \$20,000. See Appendix A of the EPA Funding Guidance for additional information regarding requesting Section 128(a) TAG and review the Section 128(a) TAG Fact Sheet for general information.

[See the Annual EPA 128\(a\) Funding Guidance and Contact your U.S. EPA Region for current TAG grant information.](#)



# Other Potential Funding Sources:

- ❖ Explore other potential funding sources that can assist with reuse & redevelopment, climate change, environmental justice matters, etc.
- ❖ Consult EPA Regional and state staff for updates on other available grants
- ❖ Consult the EPA Website(s) for other sources of funding link to EPA Brownfields Site: [Brownfields | US EPA](#)
- ❖ Reach out to [Tribal TAB](#) for assistance finding possible funding sources for your brownfields projects.



# Step 3: Discuss Results with EPA

128(a) TRP grantees are strongly encouraged to contact their Regional Brownfields Coordinator at any time to review their program status.

Be prepared to provide information from your review and provide your priorities and needs for the future of your program



# Moving Ahead

- ❖ Know “where you are at”
- ❖ Know what your gaps or weaknesses are
- ❖ Know where you want to go
- ❖ Review & update your priorities
- ❖ Use review to update your Grant Work Plan & Budget
- ❖ Do periodic reviews to keep on track
- ❖ Update plans and priorities as needed



# TRP Accomplishments

- ❖ Many brownfield sites inventories, assessed, and cleaned up
- ❖ Emergency Response capabilities improved
- ❖ Tribal staff knowledge increased
- ❖ Tribal officials' knowledge increased
- ❖ Community awareness and knowledge increased
- ❖ Coordination with other agencies improved
- ❖ Several Consortiums formed in Alaska and the southwest

Without your efforts these may not happen. Celebrate your accomplishments!







**Need more of  
changing this...**

**...to this.**  
(and eventual reuse)





# TRP Continuing Issues

- ❖ Jurisdictional uncertainties
- ❖ Lack of good and/or available property records
- ❖ Contracting for new types of services
- ❖ Staffing (recruiting, turnover, support staff, etc.)
- ❖ Continued training of staff and officials
- ❖ Overlap and/or coordination with other programs
- ❖ Gaps in necessary Tribal laws, codes, procedures and policies





*Click to play video, which will open in YouTube.*

**Video 1.3: TRP Accomplishments**  
*Scott Clow*  
*Ute Mountain Ute Tribe, CO*

# **Be Determined in Achieving Your Goals**



# Aim High





# We Would Like to Hear From You

Questions about this Module or need other  
brownfields assistance?

Contact the Tribal TAB team at  
[Tribal-TAB@ksu.edu](mailto:Tribal-TAB@ksu.edu)



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