



Tribal TAB Program

*Providing "Technical Assistance
to Brownfields" to all U.S.
Federally Recognized Tribes!*



CERCLA 128(a): Tribal Response Program (TRP)



TRP Element 1: Brownfield Inventory

Tier 1: Module 3

The “Law”

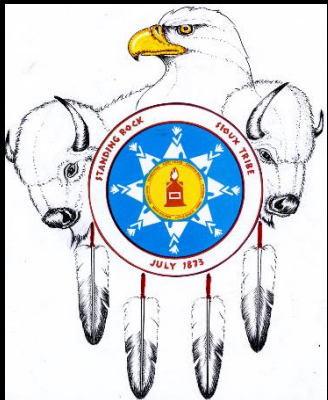
CERCLA Section 128(a)(1)(A)(i) lists the four elements of a State or Indian Tribe response program:

Element 1: Timely survey and inventory of brownfield sites.

Congressional Record: “...a system or process to identify the universe of brownfield sites in their tribal lands.”

What is a “Brownfield”?

“brownfield site” means 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.



**Hans Bradley – TRP Coordinator
Standing Rock Sioux Tribe, ND/SD**



EXAMPLES OF BROWNFIELDS IN INDIAN COUNTRY



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**WHITE GOODS &
OTHER BULKY WASTES**





OPEN DUMPS



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ABANDONED BUILDINGS





BURNED BUILDINGS



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Abandoned Hazardous Waste



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01/24/2006

Closed Factory



E-waste & Guano



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Storm Damaged Bldg.
(with waste barrels)



Partial Demolition



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Demolition Waste in stream



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OLD SCHOOLS



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Tire Piles

2003 2 25





Junk Vehicles





Burned Business





Large Institutions



Abandoned Homes



06/22/2006



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Meth Labs








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Former Utilized Defense Sites FUDs






Mine Sites & Scarred Lands





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TECHNICAL ASSISTANCE TO BROWNFIELDS



Cattle or Sheep Dip Vats



Lead Based Paint releases





Historic Sites

{Ft. Totten, ND}



Spills & Releases



Oil & Gas Country Spills & Releases

(new
Brownfield?)



Today's
Disaster
Becomes
Tomorrows
Brownfield?



03.09.2011

Today's
Disaster
becomes
Tomorrows
Brownfield?





Open Dump Sites an ongoing problem



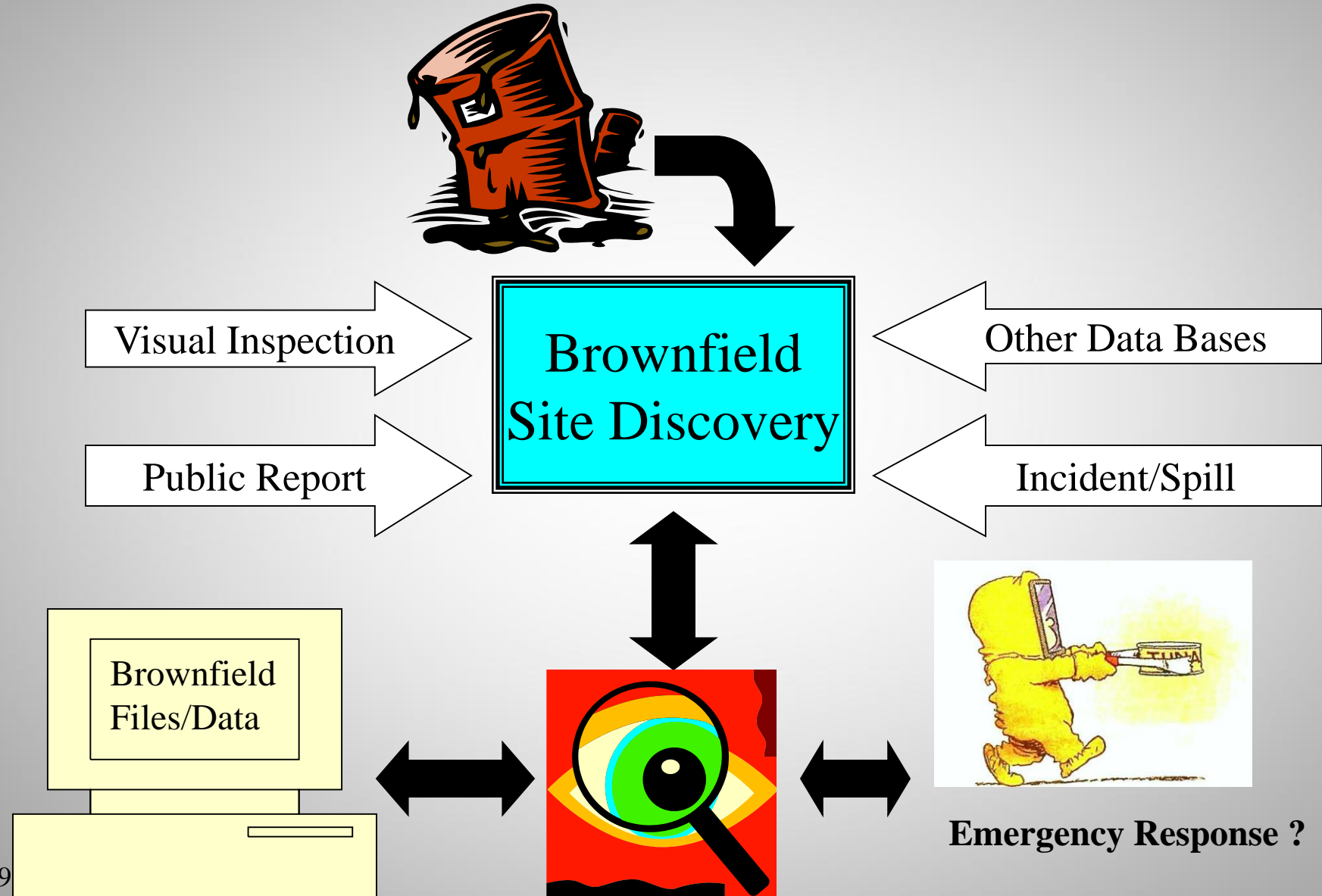
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Conducting a Visual Inventory

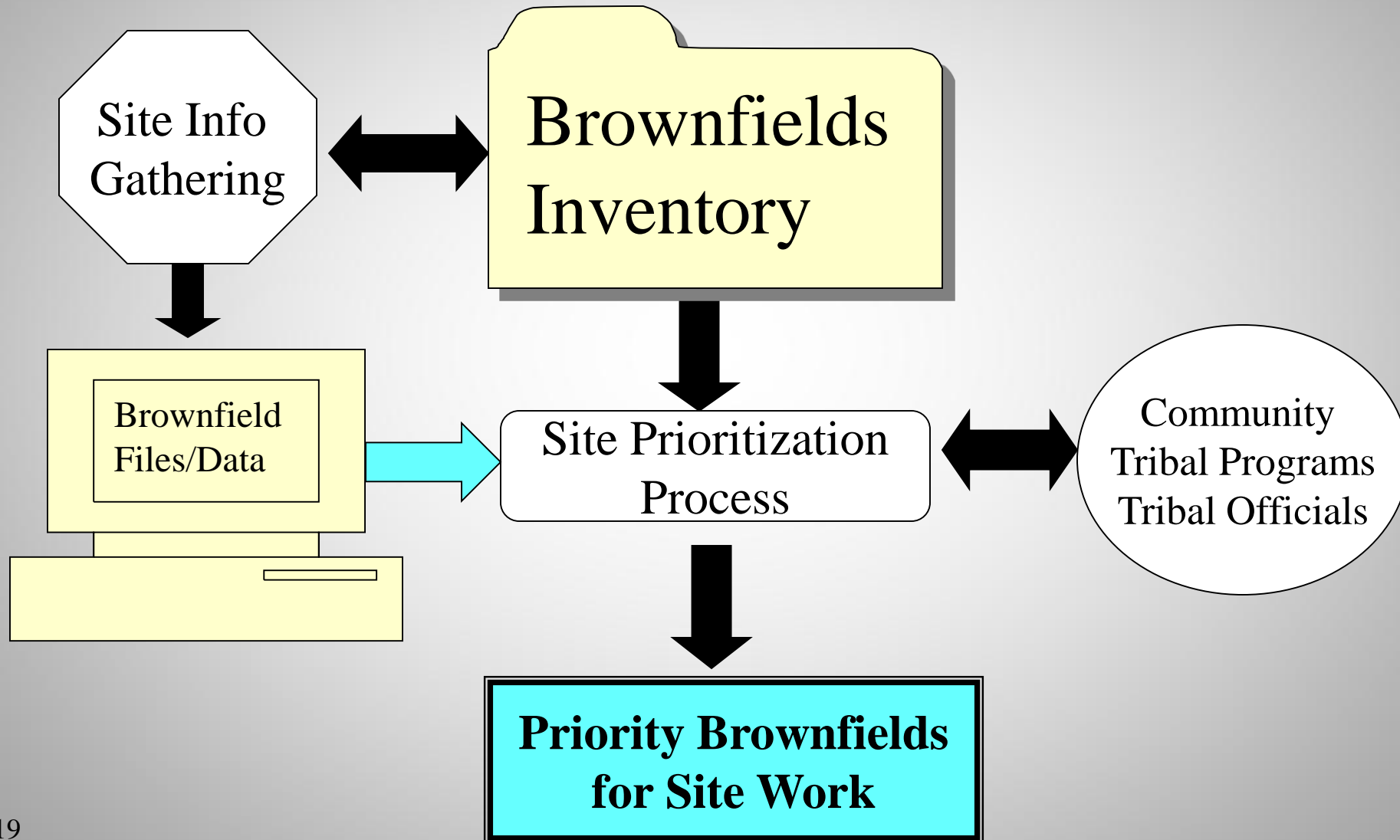


Brownfield Site Discovery & Inventory





Brownfield(s) Site Discovery & Inventory



EPA Guidance

EPA's goal in funding activities under this element is to enable the tribe to establish or enhance a system or process that will provide a reasonable estimate of the number, likely locations, and the general characteristics of brownfields in their jurisdictions.

General Guidelines:

- All tribes are urged to begin the establishment of their brownfield inventory in the first year of the program grant.
- A Tribe may use its own judgment or definition of what is a “brownfield” for the purpose of developing the inventory. EPA will not require states and tribes to submit a “list” of brownfields sites.

General Guidelines:

- At a minimum, the tribe should develop and/or maintain a system or process that can provide a reasonable estimate of the number, likely location, and general characteristics of brownfields sites within their tribal lands or Reservation.
- Database systems and formats are available
(i.e. Brownfield Inventory Tool “BIT” from Kansas State Univ. TAB)

How Many Brownfields?

The 2002 Congressional Record states: “there are an estimated **450,000 brownfield sites**. (there are fewer than 1,300 Superfund NPL sites)

Therefore:

- 1) No one really knows how many brownfield sites there are across the country, including on the Reservations or other tribal lands; and
- 2) The U. S. EPA Superfund Program does not have the capacity to address all of the brownfields in the country.

Whose Inventory is it?

- *Federal Govt.?*
- *US EPA?*
- *Tribes?*
- *Yours?*
- *States?*

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- ~~Federal Govt.?~~
- ~~US EPA?~~
- Tribes
- ~~Yours?~~
- ~~States?~~

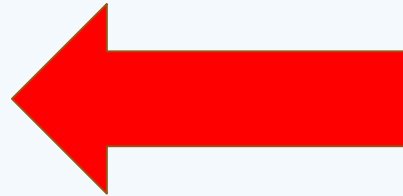


Which Brownfields ?

- *On tribal land ?*
- *In tribal jurisdiction or reservation ?*
- *On Federal, Fee or Trust land ?*
- *May Impact tribal land ?*
- *May impact tribal members ?*
- *All of the above ?*

Which Brownfields ?

- On tribal land
- In tribal jurisdiction or reservation
- On Fee and Trust land
- May Impact tribal land
- May impact tribal members
- All of the above

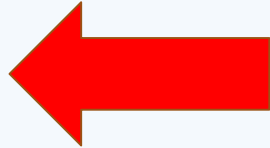


Whose Brownfield Definition Applies?

- *Congress*
- *US EPA*
- *CERCLA Section 101 (39)*
- *State*
- *Webster's Dictionary*
- *Tribe*

Whose Brownfield Definition Applies?

- Congress
- US EPA
- CERCLA Section 101 (39)
- State
- Webster's Dictionary
- Tribe's *



* for inventory purpose only, the **EPA definition** applies whenever a tribe seeks to use EPA grants funds to do any site specific work such as an assessment or cleanup or requests a "Targeted Brownfield Assessment (TBA)".

Inventory vs Public Record

The “Brownfield Inventory” is a list of ALL actual or potential brownfield sites.

The “Public Record” is only a list of sites that have been cleaned up last year or will be cleaned up next year + Institutional Controls in place.

{to be covered in a later Module}

Sources of Brownfield Info.

- *Interviews* of former workers and maintenance staff of potential brownfields buildings to obtain historical and maintenance information on specific sites.
- *Reports* from community members (verbal, web site, report form)
- Use of tribal GIS and mapping *records*.
- Old photos & maps

Sources of Brownfields Info.

- Field survey of tribal lands (go look!)
- Reviews of existing inventories, reports or databases such as:
 - UST/LUST inventories
 - Open Dump Surveys (IHS, EPA)
 - Abandoned Mine Inventory (states/USGS)
- Insurance maps
- Old topographic and soil survey maps and aerial photos

Sources of Brownfield Info.

- RCRA treatment, storage & disposal facility *lists*
- US EPA CERCLA/Superfund PA & RI/FS Reports
- Oil & gas well & mine site *inventories*
(BLM, USGS, State, etc.)
- State or near-by county/community brownfield inventories (other grantees)
- *Interviews* of federal agencies (BIA, USGS, BLM, etc.)



Interview Elders (Manokotak, Alaska)



Unique Resource Needs?



Resources Needed

Note: Inform the EPA if you have **unique resource needs** to conduct the inventory and gather information such as equipment and costs to access remote areas and/or seasonal limitations so that these can be accounted for in the grant budget and work plan.



Tribe is Acquiring or Buying Brownfields?

Work with the tribal economic development or real estate office to assist in **screening properties** that the tribe may be considering acquiring for potential contamination issues to prevent tribal acquisition of a “**Brownfield**” unknowingly.

Brownfield Inventory Format

Your Choice:

- Simple List or Spread Sheet
- Detailed Checklist
- Your Own Database
- Other Database
- KSU Brownfield Inventory Tool (BIT) and the "BIT APP"

KSU “Brownfield Inventory Tool” (BIT) & APP

Go To: Kansas State Univ. (KSU)

*Technical Assistance to Brownfields (TAB)
web site: <http://tab-bit.org/>*

*Contact KSU-TAB for access, training and
assistance.*

Next Step?

Prioritizing Sites for “Site Specific Work”





Prioritization of Sites

Inventories should be developed in direct coordination with communities; and

Evolve to a prioritization of sites based on community needs, planning priorities, and protection of human health and the environment.



Shawn Lahr – Blackfeet Tribe, MT

Prioritization of Sites

Tribal Priorities

- *Immediate threats to public health;*
- *Immediate threats to the environment;*
- *Long term threats to public health or the environment;*
- *Impacts on cultural resources;*
- *Impacts on the local economy;*
- *Impacts on long term economic development;*
- *Impacts on the local quality of life;*

[illegible]

Tribal Accomplishments

- *Many sites inventoried*
- *some inventories listed on tribal web sites*
- *Gaining experience in recognizing sites and releases*
- *More input on past sites from elders and community members*
- *More detailed site information gathering (pre-assessments & BIA Trust applications)*

Tribal Issues

- *Property and site records difficult to find or incomplete* (BIA Land Status Reports)
- *Site ownership, leases, status & history unclear* (also multiple owners)
- *Land Jurisdictions not clear*
- *Party responsible for contaminants not clear*

Resources:

- ❖ Use the “Brownfield Forum” to seek answers to questions and advice of other tribes and/or KSU staff. The Tribal Brownfields Forum is an online platform for connecting brownfields and contaminated-sites staff and professionals from Tribal areas: www.tribalbrownfields.org
- ❖ KSU TAB Assistance to Tribes: No application process, just contact us!
<https://www.ksutab.org/services/ksu%20tribal%20tab%20program>
- ❖ Annual EPA 128(a) Program Guidance

Was this helpful to you in understanding the TRP?

Please let us know and also let us know if there are other topics you would like to have addressed!

*Please provide feedback to:
KSU-Tribal TAB at chsr@ksu.edu*



END

**Element 1:
Brownfield
Inventory**

Module 1-3

