

## **Turtle Mountain Band of Chippewa Indians**

### **Brownfields Grant Proposal for Eight (8) San Haven Buildings**

#### **Narrative Information Sheet**

##### **IV.D.1 Applicant Identification**

- a. Turtle Mountain Band of Chippewa Indians, PO Box 900, Belcourt, North Dakota 58316
- b. DUNS Number: 12-120-3483

##### **IV.D.2. Funding Requested**

###### **IV.D.2.a. Grant Type**

Brownfields Cleanup/Multiple Site Cleanups

###### **IV.C.2.b. Federal Funds Requested**

###### **IV.D.2.b.i Funds Requested**

\$500,000.

###### **IV.D.2.b.ii Cost Share Waiver**

A Hardship Waiver is being requested for the 20% cost-share match and is documented in **Attachment G**.

###### **IV.D.2.c Contamination**

Hazardous Substances

##### **IV.D.3. Location**

98<sup>th</sup> St NE, San Haven Road, Dunseith, Rolette County, ND 58329, Lat/Long [48.835351, -100.041743], The property is located approximately 7 miles west of the Turtle Mountain Indian Reservation.

##### **IV.D.4. Property Information**

The eight San Haven Buildings are located on 14 acres of the 600-acre San Haven complex and include:

- Main Hospital - Buildings 1, 2, 3, and 4
- Southview (Residence) – Building 5
- Maintenance Shop – Building 7
- Power Plant – Building 8, and
- Refectory (Dining Hall) – Building 19

##### **IV.D.5. Contacts**

###### **IV.D.5.a. Project Director**

Ray Reed, Brownfields Coordinator  
 Cora Champagne, Environmental Director  
 Tribal Environmental Protection Agency  
 P.O. Box 900  
 Belcourt, N.D. 58316  
 Phone: (701) 477-8337; Fax: (701) 477-9398  
 Email: [REDACTED]

###### **IV.D.5.b. Chief Executive/Highest Ranking Elected Official**

Jamie Azure, Chairman  
P.O. Box 900  
Belcourt, N.D. 58316  
Phone: (701) 477-2600 Fax: (701) 477-0916  
Email: [chairmanazure@gmail.com](mailto:chairmanazure@gmail.com)

#### **IV.D.6. Population**

The 2010 U.S. Census lists the Reservation population as 8,656 with 8,320 being American Indian. The 2010 population in Belcourt, North Dakota (Census Designate Place) was 2,078 with American Indian being 1991.

**IV.D.7. Other Factors Checklist** –See **Attachment B** for “**Other Factors Checklist**” items that are applicable to this proposal including population less than 10,000; Federally Recognized Indian Tribe; leveraged funding/assistance, and renewable energy/energy efficient projects.

**IV.D.8. Letter from the State or Tribal Environmental Authority** – See **Attachment C** for letter from Tribal Environmental Authority acknowledging the Tribal Environmental Program is the Tribal Environmental Authority and it supports the Tribal Brownfields Program (under its authority) in planning to conduct cleanup activities for the San Haven Buildings and to submit a Brownfields Grant for this purpose.



## **TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS**

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October 23, 2020

USEPA Region 8  
Attn: Daniel Heffernan  
1595 Wynkoop St. (EPR-13)  
Denver, CO 80202-1129

Dear Mr. Heffernan,


As the Chairman of the Turtle Mountain Band of Chippewa Indians, I am writing with the intent of supporting the application of the Turtle Mountain Environmental Protection Agency's Brownsfield Program for clean-up of the San Haven Site.

As the leader of the Turtle Mountain Tribe, I feel that it is my responsibility to ensure our tribal members have access to a safe environment and are not exposed to harmful contaminants that could affect their health. As you may know, the San Haven site was resurrected in the early 1900's. We have acquired the property in the early 90's and the buildings and property has become a victim of depreciation. These buildings are now the source of ACM and lead. Therefore, I feel that it must be our priority to focus efforts toward this project so the Tribe can redevelop and reuse this property.

Our people living near this site are subject to the exposure of dangerous elements. In addition to our people, the environmental hazards that are sourced from this site are eye-opening and dangerous. Any type of support and assistance that we can receive will allow our Tribe to progress closer to new development on this tribal property and provide our Tribe with income and job security.

We must focus on redeveloping this site. The health of our people is not something that can be compromised. Therefore, it is our responsibility as leaders to work toward the betterment of this site and the conditions of San Haven. On behalf of the of the children and families being affected by these dangerous elements, I would like to thank you for your efforts in progressing this important project.

Sincerely,

  
\_\_\_\_\_  
Jamie Azure, Chairman  
Turtle Mountain Band of Chippewa

## **Narrative/Ranking Criteria for Cleanup Grants**

### **Brownfields Grant Proposal for Eight (8) San Haven Buildings**

**IV.E.1.a.i Background and Description of Target Area** - The Turtle Mountain Reservation is located in Rolette County in extreme north central North Dakota and close to the Canadian border with a total area of 72 square miles. The Tribe also owns and maintains a considerable amount of Tribal land off the Reservation (about 56 square miles), including the San Haven property, yet Tribal members often travel to the Reservations for services such as health care, support under social programs, etc. Belcourt, the County's largest City, is located on the Reservation and is the site of most Tribal offices and a number of the County's major employers. The Reservation and surrounding Tribal Lands are densely populated and have more residents per square mile than Cass County, North Dakota's most populated county. The unemployment rate on the Reservation is extremely high at 60.2% and the poverty rate is 46.3% in the targeted community. Most of brownfield challenges are related to abandoned buildings and homes with asbestos and other contamination. Many have become abandoned because of the deteriorating condition and contamination. Many extended family members live together in crowded conditions and most times in substandard housing that are barely livable units. Over 200 families are on a wait list for housing. Tribal Office space is also very limited. The Reservation has low rent housing areas, HUD homes, and mutual self-help homes in its four district communities. Being in a rural area of a rural state, resources are limited from Tribal and non-Tribal sources to address any issues including environmental problems. In relation to the San Haven property, the Tribe needs to take advantage of its touristic location and create a more sustainable economy that generates more revenues to support its housing needs and improve health and livelihoods on the Reservation. This approach is within the Turtle Mountain Band of Chippewa's Sustainable Tribal Development goals of "No Poverty and Zero Hunger" on its Reservation for the resiliency of its vulnerable community.

#### **IV.E.1.a.ii Description of the Brownfield Site(s)**

The San Haven facility was built in 1909 as a Tuberculosis Sanitarium and opened its doors to the patients in 1912. From later 50's to 1970, the site was used for the tuberculosis patients and in 1971, for use as the State Hospital until 1987 when closing its doors. The Turtle Mountain Band of Chippewa Indians acquired the property in 1992. This grant application is proposing to cleanup 8 contaminated buildings on approximately 14 acres of the 600-acre San Haven complex. Originally, there were 43 buildings or structures as part of the Tuberculosis Sanitarium. By late 1990s, through vandalism, salvaging and fires, the structures had been reduced to 23. Nine remain today. EPA Emergency Removal will remove one of buildings and this cleanup grant proposal will address the remaining 8 buildings including the Main Hospital - Buildings 1, 2, 3, and 4; Southview (Residence) - Building 5; Maintenance Shop – Building 7; Power Plant – Building 8; and Refectory (Dining Hall) – Building 19.

Prior to the Tribe acquiring the property, the State of North Dakota conducted a cleanup of contamination that was detected at the time including asbestos, USTs, PCBs and contaminated soil and water. As vandalism, salvaging and fires occurred, there was concern further contamination was present. The Tribe received an EPA Brownfields Assessment Grant in 1998, a EPA Brownfields Supplemental Assessment Grant in 2000 and a third EPA Brownfields Assessment Grant in 2003. The Grants showed additional contamination of asbestos, lead-based paint, oil in soils and PCBs. To address immediate concerns in 2004, EPA's Region 8 START

contractor removed friable asbestos under a Time Critical Action, exempting the Tribe from cost recovery under CERCLA. In October 2020, the START contractor conducted another Phase II Assessment under a Targeted Brownfields Assessment and identified widespread Asbestos Containing Materials (ACM) and elevated lead-based paint in 8 structures, including ACM in floor tile, floor mastics, caulk, roofing materials, piping insulation, exterior plaster, vermiculite, interior and exterior walls, etc. It also identified mold and potential PCB transformers.

The buildings have been severely vandalized and salvaged; they are in extremely poor condition with extensive asbestos and loose lead-based paint commingled with lots of debris. They can also be structurally unstable, thus creating exposure risks to people, including authorized personnel such as Tribal Council and maintenance staff, contractors, and unauthorized people intruding the currently fenced property. Back in 2001, a 17-year-old male fell 40 feet down the elevator shaft to his death in spite of previous boarding up of hazards on the site.

The 8 structures that will be abated from this grant are all vacant and are ready for cleanup. Attempts have been made to board up and fence off these buildings to prevent exposures, but vandalism, adolescents and scavengers can get through despite additional measures taken by the Tribe such as placing no trespassing signs, blocking access roads and underground utility passage ways, and other interior and exterior hazards. The Tribe wishes to remediate, salvage and demo the structures to re-use the site for economic development and tourist attraction such as an RV Park and Campground. Such a facility will complement the 2,300-acre International Peace Gardens located approximately 10 miles north, another tourist attraction in the area.

**IV.E.1.b.i Redevelopment Strategy & Alignment with Revitalization Plans** - The Tribe plans to redevelop the San Haven site for new housing and an RV Park and Campground attracting tourists from Canada and the United States after the buildings have been cleaned up, demolished and properly recycled and disposed under environmental regulations. This plan follows with the Turtle Mountain Tribal Strategic Economic Development and Revitalization plan, which is to address the health and welfare improvement of tribal members, including housing problem on the Reservation as stated in the Comprehensive Housing Plan Section of the of the document and also with the IHP (Indian Housing Plan) that is located at the Tribal Housing Authority. The Tribe will also utilize Tribal Planning to seek funding opportunities. Tribal Programs are exploring options for solar and wind energy with DOE and NREL. We are implementing green remediation plans and recycling at the Transfer Station to reduce disposal in the landfill. The Tribe was recently granted a Promise Zone status, which they will also take advantage while seeking for funding and grant opportunities. The redevelopment of San Haven Site would help the Turtle Mountain Band of Chippewas Sustainable Tribal Development reach its goals of “No Poverty and Zero Hunger” on its Reservation for the resiliency of its vulnerable community. This economic development initiative is a major priority of Tribal Council and the Chairman.

**IV.E.1.b.ii Outcomes & Benefits of Redevelopment Strategy** - By removing the contaminated structures, these sites will be available for reuse as RV Park and Campground and for constructing new amenities that supports the RV project. The San Haven building sites are in very poor condition and are a major environmental and safety hazard. Youths still go into the buildings. Back in 2001, a 17-year-old fell 40 feet down the elevator shaft to his death. Removing the contamination to allow for demolition and redevelopment will be a major outcome the Tribe supports. This is very important considering the desperate Tribal needs for revenues that can support the construction of new homes for over 200 families on a waiting list for

housing. The new sites will not require any reuse restrictions (Institutional Control). Since infrastructure is already in-place, costs will be initially saved by utilizing exiting water and sewer lines, electricity, etc. At later phases of project development, the Tribe will substitute the current sewer and electricity infrastructure with a more sustainable eco-friendly system (e.g. wind and solar). Jobs will be increased during the cleanup, construction, and operation of the proposed RV Park and Campground with attractive state of the art accommodations, including unique amenities, campgrounds, recreational areas, worldly foods, coffee cabin, grocery, propane and gas, dog park, grocery and gas, first aid, etc. Construction of new homes will also create jobs.

#### **IV.E.1.c.i Resources Needed for Site Reuse**

If awarded the grant, the Tribe will be able to expand on its current resources and optimally manage its limited funds to gradually enable families to benefit from safe living conditions as the contaminated structures are removed and new housing complexes and tribal offices are redeveloped and constructed. The Tribal Public Utilities currently has funds to upgrade the existing infrastructure to allow redevelopment at and adjacent to the cleaned-up sites. If the grant is awarded, the Tribe will have more federal tax credits for reuse due to abatement activities. Other sources of funding will include the Tribal Casino which has committed to allocate some of its funds towards the redevelopment, and assistance through USDA loans and grants.

**IV.E.1.c.ii Use of Existing Infrastructure** - The Tribe will take advantage of the current sewer, water and electric infrastructures left in place at San Haven and will substitute with an eco-friendly infrastructure as funds become available. All roads, sidewalks will be reused and updated for future redevelopments. The Tribal Roads and Tribal EPA 1% fund workers will do a joint effort in demolishing the structures once all abatement of contamination is met. Also, the Turtle Mountain Public Utilities Commission will work with Indian Health Services to make all needed updates to self-sustainable infrastructure system (surface/ground water, eco-friendly sewer and treatment systems, renewable energy power and roads).

**IV.E.2.a.i The Community's Need for Funding** - The Tribe has very limited funding and resources to clean up the abandoned San Haven site and redevelop the property. There are also many other needs and programs competing for the scarce funding. Small population, rural isolation, limited jobs, high unemployment have contributed to high poverty rates. With high fuel prices and increased cost of living in recent years, transportation to rural areas of rural states has been more limited. Privately owned businesses on the Reservation are few. Drug and alcohol abuse are high among many residents. Because of the recent world-wide spread of the COVID virus, the Tribe needs to apply funding to address the costs of health and hygiene threats. If awarded the grant, the Tribe would be able to spend some of its limited funds and resources on the redevelopment, hence enable families to benefit from safe living conditions as the contaminated structures are removed and new sustainable income development and Tribal offices are constructed on the same site. The need for a “No Poverty and Zero Hunger” condition on the Reservation and livable and warm homes are very important here in the Turtle Mountains because of the fierce and brutal winters in North Dakota. Due to these extreme economic conditions and a small population, there is no other funding available for environmental cleanup.

**IV.E.2.a.ii.1 Health or Welfare of Sensitive Population** - The Tribe is concerned that the San Haven buildings and their location adversely affects the children and people that live nearby due to the contaminants identified at the Sites and that were discovered in the Phase II Environmental Assessments. Sensitive populations in our target area for San Haven include children, pregnant

women, elderly, almost all of whom are minority and low income. The potential for exposures of asbestos containing materials at San Haven is extremely high, as many of the structures are still occupied. The structures that will be addressed under this current proposal are vacant, but still entered by kids and scavengers.

As contamination is released, it can easily be carried long distances, especially during high winds or fires and deposited in water and soil further impacting the environmental and public health away from their original sources. By mitigating asbestos and lead and removing the building and surrounding contaminated soils, environmental, health and safety hazards will be eliminated from the community and the sites will be ready for reuse. After cleanup, the Tribe plans to redevelop the sites for future housing with sustainable eco-friendly economic development project, including an RV Park and Campground. This plan follows the Turtle Mountain Tribal Strategic Plan to address the housing and Tribal office problem on the Reservation, which are also stated in the Comprehensive Housing Plan and the Indian Housing Plan prepared by Tribal Housing Authority. Hazard elimination resulting from this grant will drastically improve the health, environmental, social and economic conditions on the Reservation populace.

#### **IV.E.2.a.ii.2 Greater Than Normal Incidence of Disease and Adverse Health Conditions -**

Abandoned buildings are attractive nuisances for youth, drug/alcohol consumption, meth labs and salvagers; increasing the potential to come into contact with asbestos, lead, hazardous substances, pollutants and contaminants. According to the Center for Disease Control (CDC), direct contact and ingestion of asbestos, a known carcinogen, can cause lung cancer and mesothelioma, a form of neoplasm of the lining of the chest and abdominal cavities. Cancer of the larynx has also been associated with exposure to asbestos. CDC further states that hazards related to breathing or eating lead-based paint dust in adults this may include difficulties in pregnancy, other reproductive problems, high blood pressure, nerve disorders, memory and concentration problems, muscle and joint pain and digestive problems. In children and babies, lead levels are more dangerous and include damage to the brain and nervous system, behavioral and learning problems, slowed growth, hearing problems, and headaches. The CDC website provides information on its website correlating health hazards from Black Mold and other types of mold to respiratory and asthma problems. In recognition of these greater than normal incidents of health issues, the Turtle Mountain Band of Chippewa Indians received a 2017 HUD Promise Zone Designation, which can provide funding for promoting quality healthcare and wellness and improving community infrastructure and strategic land use.

**IV.E.2.a.ii.3 Economically Impoverished/Disproportionately Impacted Populations -** The Center for Disease Control and Prevention (CDC) shows American Indians and other minorities have been disproportionally affected by the new COVID virus with an 3.5 higher incidence than non-Hispanic whites. According to the Socio-Economic statistics published by the Indian Health Service (IHS), American Indians in the State combat poverty, unemployment, underemployment, and inadequate health care. Poor housing and nutrition, lack of career and job opportunities exacerbate their problems. It says that the North and South Dakota American Indian population is in transition: socially, economically, demographically and culturally. Although improvements have been made in high educational attainment, the drop-out rate is still high. High unemployment and underemployment persist as many are employed in the lower paying sectors. The ND Indian Affairs Commission reports the following Socio-Economic Profile on Tribes in ND including data from Turtle Mountain Band of Chippewa Indians:

- 78% of young Indian women (14-24) are at high risk for contracting the HIV/AIDS virus

- Indian youth (15-24) have a 382% higher suicide rate than white youth
- Poverty rate for Indians is three times higher than entire state rate

The Reservation and surrounding Tribal Lands are densely populated and have more residents per square mile than Cass County, the State's most populated county. According to the 2013 American Indian Population and Labor Force Report, Unemployment on the Reservation is extremely high at 60.2% as a factor of the workforce who are 16 years and older and who are not employed. Unemployment for the Reservation is significantly greater than the State at 2.7% and the Nation at 3.9% according to the 2018 Bureau of Labor Statistics. Being in a rural area of a rural state, resources are limited from Tribal and non-Tribal sources to address any issues including environmental problems. The Tribe finds it difficult to assess Fees and will not use Trust Land as collateral to secure funds.

#### **IV.E.2.b.i Project Involvement** – Listed below are the project partners:

- **Tribal Planning/Grant Writer's** – Tribal Planning Department researches and explores all funding sources for the Tribe. Collaborates and coordinates with local, state, and federal agencies. Provides an avenue assistance to improve the economic conditions for the Tribal communities. Will be able to provide valuable input for reuse options for the Tribal Administration to consider on future reuse of sites.
- **Tribal Lands Management**– Documents and is the record keeper of all Tribal Lands inventory. Maintains all land transactions and changes to land records. Will record any Institutional Controls. Can discuss reuse options with Tribal Administration and Housing Auth.
- **Tribal Solid Waste/Transfer Station Program**– Support letter provides cost-share in the form of equipment and operations & maintenance usage, and through a reduction of tipping fees at the Transfer Station.
- **Tribal EPA Solid Waste 1% Fee Fund**-The Director provided a support letter documenting a Cost-Share match through contributions of manpower and operations of equipment usages.
- **Tribal Roads Maintenance Department**– The Department has assisted with cleanups in the past and can help with this cleanup. It can donate a loader, dump truck and excavator. Because the match is being provided by the Solid Waste/1% (Fee) Department, this Roads contribution is being considered leveraged funding.
- **IHS**- We often work with the IHS on environmental health issues and the staff has significant training on hazardous waste control and disposal. IHS has assisted the Brownfields Program on a cleanup project that was conducted by the IHS. We will also maintain coordination with our EPA Project Manager on all activities.
- **Tribal Housing Authority**-the Director provided a support letter documenting a Cost-Share match through contributions of manpower, equipment and operations of equipment usages.

**IV.E.2.b.ii.** The table below lists Project Partners names, point-of-contact, contact information and their specific roles. (See **Attachment E** for support letters from Tribal partners – **Please Note: Because of the COVID-19 Virus, it was difficult to obtain all of the committed Support Letters**)

<b>Partner Name</b>	<b>Point of contact (name, email &amp; phone)</b>	<b>Specific role in the project</b>
Grants Dept.	Twila Jerome 701-477-2648	Review & Submit Grant
Land Management	Ernie Azure 701-477-0407	Land Status/Reuse of Lands
Solid Waste Dept.	Max Defender 701-244-2222	Cost Share for Tipping Fees
EPA 1% Fee	Cora Champagne 701-477-8328	Cost Share/Labor for Demo

Roads Department	Ron Trottier 701-477-0407	Cost Share/Equipment for Demo
Tribal Housing	Murton Gillis 701-477-5673	Cost share for Demo

**IV.E.2.b.iii Incorporating Community Input** – The Brownfields Community Involvement Plan, developed for previous Brownfields Assessment and Cleanup Grants that were awarded to the Tribe, will be updated as part of the Workplan. It includes internal Tribal procedures for involving the public as well as U.S. EPA requirements. As part of the Brownfields Tribal Response Program, we have continually refined interactions under the grant Element, *Provide Meaningful Public Outreach*, and in this case have held meetings with HUD on mechanisms for redevelopment of the San Haven space. We have already held an advertised Public Meeting to discuss, seek input and answer questions related to the draft proposed Brownfields Cleanup Grant including Analysis of Brownfields Cleanup Alternatives (ABCAs). If we receive the Cleanup Grant, there will be several internal and Tribal Council meetings (open to the public) to coordinate the cleanup with stakeholders and seek input. We typically post Public Notices and hand out pamphlets at various community bulletin boards about issues affecting the Reservation. Our local radio station invites speakers to discuss current issues and take questions from callers. Respect for our Elders is an integral part of our culture. Their opinions and ideas are solicited on projects at the Concerned Citizens meetings that are held monthly at the Transportation Building. Cleanup information will be made available on our website and Facebook page. Information and documents will be part of the Brownfields Public Record file available for review at the Tribal Brownfields Office. Some of our Tribal residents, especially the elderly, speak our native language; but most are also fluent in English. If this is a problem, we have other Tribal members who can communicate with the Elders. A Public Meeting will be held as least two weeks prior to the cleanup to explain procedures and safety measures and answer questions. The Tribal radio station and local paper will also be used to distribute information on the status of the cleanup.

**V.E.3.a Proposed Cleanup Plan** - A Phase II ASTM Environmental Site Assessment was conducted by EPA Region 8 START contractor in October 2020. The Phase II Site Assessment confirmed the presence of Contaminants of Concern (COCs) in all the structures at the San Haven Site. The following below is a list of the COC's and associated media identified by START contractors at the Site:

- ACM identified in all 8 structures at the San Haven buildings.
- Elevated LBP identified in all 8 structures at the San Haven Buildings
- Potential PCB-containing transformers were observed in buildings 1, 3, and 19.
- Mold was observed throughout the buildings.

To address contamination at the sites, three different alternatives were considered. The alternatives were outlined in the Analysis of Brownfields Cleanup Alternatives (ABCAs) and discussed at an advertised Public Meeting held October 20, 2020 to discuss submitting a Brownfields Cleanup Grant for the San Haven buildings.

- **Alternative #1:** *No action* is not cost effective in removing or containing contamination.
- **Alternative #2:** *Abatement, Building Demolition and Disposal*
- **Alternative #3:** *Demolition and Disposal of All Building Materials as ACM.*

Based on Tribal government and community input during our Public Meeting held October 20, 2020 and internal government discussions with Tribal EPA, it was suggested that if awarded the grant that we will abate the 8 buildings that need to be remediated and demolished. It is estimated if a certified contractor was to remove all the ACM out of the 8 buildings it will cost approximately \$600,000. This includes the 20% cost share, therefore it was suggested that we

prioritize the structures and determine which ones would be abated and ready for demo with the \$500,000. Also, once the prioritized buildings are cleaned from contaminants, the Tribal EPA 1% fund, Tribal Roads, Tribal Planning, Tribal Housing Authority and Solid Waste/Transfer Station will do a joint effort in demolishing the abated structures.

The recommended cleanup alternative is Alternative #2: Abatement, Building Demolition and Disposal. Since the Tribe is suggesting another alternative such as Remediation and/or removal of asbestos, lead, PCB transformers, and mold or other contaminants prior to demolition is more cost effective for us than the alternative #2. The alternative suggested will include remediation cleanup prior to demolition, milestones, community outreach component, protection for the environment and public health, and detailed costs. The Cleanup Plan will describe how the cleanup process will need to protect the workers and nearby residents. It will also address correct disposal procedures, so that the environment is protected. The contractor will work with the Tribal Environmental Protection Agency and the EPA Region 8 to assure the safe and required practices will be followed. We estimate the total costs of the prioritized abandoned structures and buildings to be remediated and ready for demo will be approximately \$500,000.

**IV.E.3.b Description of Tasks/Activities and Outputs; b.i Project Implementation; ii. Anticipated Project Schedule; iii. Task/Activity Lead(s); iv. Output(s)**

<b>Task/Activity 1: Cleanup Planning</b>
<b>i. Project Implementation</b> <input type="checkbox"/> <b>Discussion of EPA-funded activities:</b> Develop and issue RFP, hire qualified environmental professional(s)/contractor(s), develop Cleanup Plan with ABCAs with partners and input from hired environmental professional(s)/contractor(s), and seek approval from EPA on QAPP and Cleanup Plan. Plan will include remediation strategies, cleanup phases, closure concepts, milestones, community outreach component, protection for the environment and public health, detailed costs, and reuse options. <input type="checkbox"/> <b>Non-EPA grant resources needed to carry out task/activity, if applicable:</b> Technical assistance and coordination will also be sought from Tribal Housing, Planning, Administration, TERO, BIA, and IHS. <b>Estimated Contractual Cost: \$4,000.</b> Approval from EPA Project Manager on QAPP, Confirmation Sampling QAPP and Cleanup Plan.
<b>ii. Anticipated Project Schedule:</b> 1 month – 8 months
<b>iii. Task/Activity Lead(s):</b> Tribal Brownfields Coordinator and Compliance Officer (develop and issue RFP, hire contractor(s), develop Cleanup Plan with ABCAs with partners and input from hired contractor(s), and seek approval from EPA on QAPP and Cleanup Plan.
<b>iv. Output(s):</b> RFP, Contract, QAPP, Cleanup Plan with ABCAs

<b>Task/Activity 2: Site Cleanups</b>
<b>i. Project Implementation</b> <input type="checkbox"/> <b>Discussion of EPA-funded activities:</b> Site Cleanups, Recycling, Disposal, and Confirmation Sampling. 1) Demo walls to access asbestos floor tile under walls: \$70,000; 2) Removal of asbestos floor tile and mastic: \$336,000; 3) Disposal of asbestos floor tile, mastic, and asbestos impacted flooring: \$50,000, 4) Removal, segregation, and disposal of hazardous materials (lead-based paint structural components etc.): \$10,000; <b>Estimated Contractual Cost: \$496,000.</b> <input type="checkbox"/> <b>Non-EPA grant resources needed to carry out task/activity, if applicable:</b> Technical assistance and coordination will also be sought from Tribal Housing, Planning, Administration, TERO, BIA, and IHS.
<b>ii. Anticipated Project Schedule:</b> 8 months – 2 ½ years.
<b>iii. Task/Activity Lead(s):</b> Hired Environmental Professional(s)/Contractor(s) (conduct abatement activities; recycle, transport and properly disposal of contamination and debris; and conduct confirmation sampling). Tribal Brownfields Coordinator and Compliance Officer (Oversee environmental professional(s)/contractor(s)' work).

**iv. Output(s):** Progress Reports and Final Report from Hired Professional(s)/Contractor(s), Invoices, Confirmation Sampling Results

**Task/Activity 3: Community Involvement**

**i. Project Implementation** ☐ **Discussion of EPA-funded activities:** The Tribal Environmental staff will involve the community through the planning and cleanup stages. This will include interactions at 2-3 outreach educational meetings to explain lead and asbestos concerns and proper maintenance.

☐ **Non-EPA grant resources needed to carry out task/activity, if applicable:**

Partners can provide comments and advice on outreach including Tribal Grants Writer, Lands Management, Roads, Housing, Natural Resources, Solid Waste/Transfer Station, Department, and IHS Sanitarian.

**ii. Anticipated Project Schedule:** 1 month – 3 years, continually

**iii. Task/Activity Lead(s):** Tribal Brownfields Coordinator and Compliance Officer

**iv. Output(s):** Updated Brownfields Community Involvement Plan, News releases. Documentation of any concerns and responses from Community.

**Task/Activity 4: Reporting**

**i. Project Implementation**

☐ **Discussion of EPA-funded activities:** Reporting – Prepare Progress, Financial Status and Final Reports and Administrative Record. Prepare Success Story. Update reporting in BIT and ACRES.

☐ **Non-EPA grant resources needed to carry out task/activity, if applicable:**

The Brownfields staff will submit Progress Reports and Financial Status Reports and Success Story to EPA; will update BIT and ACRES. The contractor will provide a draft and final Remediation Cleanup Report that will include information on all tasks completed, including the results of confirmation sampling and also detailed costs. **Estimated Reporting Costs for Contractor: \$2,000. Provide a basis for this cost (contractor rate of \$60/hour at 15 hours = 900 – adjust as needed)**

**ii. Anticipated Project Schedule:** 3 months – 3 years, continually as due

**iii. Task/Activity Lead(s):** Tribal Brownfields Coordinator and Compliance Officer

**iv. Output(s):** Progress Reports, Financial Status Report, Final Report, Administrative Records, Success Story, updated BIT, updated ACRES.

**Consolidate into one response (c.i. Development of Cost Estim.; c.ii. Application of Cost Estim.; c.iii. Eligibility of Cost Share Activities) -** Cost estimates were derived from previous Brownfields site cleanups of other buildings on the Turtle Mountain Reservation as well as nature and amounts of contamination provided by the USEPA in-house START Contractor's Phase II ESA, which are also documented in ACRES. Tribal Refuse Services provided a Support letter committing \$40,000 towards the cost-share in the form of equipment and operations & maintenance usage, and through a reduction of tipping fee at the Transfer Station and for clean fill. Additionally, The Tribal EPA Director provided a support Letter committing up to \$60,000 in cost share for demolition labor from the Tribal 1% Fee on contractors.

**A breakdown of estimated costs are as follows:**

Site Name	Cost per Building	Cost Breakdown (# of staff, days, rate)	Explanation of Cost Basis
Building #1	\$120,000	4 staff, 2.15 weeks of work/staff, 40 hrs/week, \$70.00/hr.	Based on START grant cost and similar scope of work on Turtle Mountain Reservation
Building #2	\$120,000	4 staff, 2.15 weeks of work/staff, 40 hrs/week, \$70.00/hr.	
Building #3	\$70,000	2 staff, 2.5 weeks of work/staff, 40 hrs/week, \$70.00/hr.	
Building #4	\$50,000	2 staff, 1.8 weeks of work/staff, 40 hrs/week, \$70.00/hr.	
Building #5	\$50,000	2 staff, 1.8 weeks of work/staff, 40 hrs/week, \$70.00/hr.	
Building #7	\$20,000	2 staff, 0.7 week of work/staff, 40 hrs/week, \$70.00/hr.	
Building #8	\$25,000	2 staff, 0.9 week of work/staff, 40 hrs/week, \$70.00/hr.	

Building #19	\$45,000	2 staff, 1.6 weeks of work/staff, 40 hrs/week, \$70.00/hr	
<b>Total</b>	<b>\$500,000</b>		

#### **Proposed Budget:**

		<b>Task Categories</b>				
<b>Budget Categories</b>		Task 1 - Cleanup Planning	Task 2 - Cleanup, Recy., Disp., Conf. Sampling	Task 3- Public Involvement	Task 4 - Reporting	Total
Direct Costs	Personnel					0
	Fringe Benefits					0
	Travel					0
	Equipment					0
	Supplies					0
	Contractual	\$6,000	\$492,000		\$2,000	\$500,000
	Other (include sub awards)(specify)					0
Building #1		\$750	\$119,000		\$250	\$120,000
Building #2		\$750	\$119,000		\$250	\$120,000
Building # 3		\$700	\$69,000		\$300	\$70,000
Building #4		\$700	\$49,000		\$300	\$50,000
Building # 5		\$700	\$49,000		\$300	\$50,000
Building #7		\$700	\$19,000		\$300	\$20,000
Building #8		\$700	\$24,000		\$300	\$25,000
Building #19		\$700	\$44,000		\$300	\$45,000
<b>Total Direct Costs</b>		\$5,700	\$492,000		\$2,300	\$500,000
<b>Total Indirect Costs</b>						0
<b>Total Federal Funding</b>		0	0	0	0	\$500,000
<b>Cost Share (20% of federal funds)</b>			\$100,000			\$100,000
<b>Total Budget</b>		\$5,700	\$592,000	0	\$2,300	\$600,000

**IV.E.3.d Measuring Environmental Results** – The Tribal Brownfields Program has a history of completing the Tasks in its Brownfields grants in a timely manner and will complete a new Cleanup Grant within the three-year period. In the past, the Tribal Brownfields Program has managed four Brownfields Cleanup grants. It has completed its Brownfields Assessment and Cleanup grants on schedule, complied with the Terms and Conditions, and completed the Tasks, which is one of the reasons we were awarded our last Cleanup Grant – for 3 buildings of the L'BelCour Housing (\$200,000, start date was June 2019 completion date was August 2019), for the 5 buildings of the L'BelCour Housing (\$500,000, completion date was February 2020), and for the 7 buildings of the L'BelCour Housing (\$500,000, completion date was October 2020).

**4.a Prog. Capability (a.i Organize. Structure; a.ii Description of Key Staff; a.iii Acquiring Additional Resources)** - The Tribal Environmental Program has successfully maintained for many years, the GAP, Water and UST Programs with 128(a) Tribal Response Program- Brownfields being the newest addition in 2005. During that time, it benefited from two long-standing Environmental Directors. The Brownfields Coordinator and Compliance Officer have both received certified OSHA 40-Hour Hazwoper training, overseen or assisted with assessments

and cleanup, and attended various inspections and compliance training courses, Meth Lab training, solid waste trainings, and numerous Brownfields, Solid Waste and Environmental workshops. We coordinate with TERO, Property & Supply and Legal Counsel when issuing RFPs and writing agreements with qualified and certified contractors for assessments and cleanups. The Tribe has established procurement procedures that comply with federal guidelines. Contractors are required to meet all Tribal, EPA and other agency requirements, have appropriate insurance, and hire Tribal subcontractors/laborers certified on the TERO list. We seek EPA approval on contractor's QAPPs and Cleanup Plans. We work with our partners including the Tribal Rds, Housing, Natural Resources and Solid Waste Dept. and IHS Sanitarian who all have experience in conducting cleanups and will be of valuable assistance in maintaining continuity throughout the project and dealing with unexpected problems or personnel overturn.

#### **4.b.i Currently Has or Previously Received an EPA Brownfields Grant**

##### **(1) Accomplishments - Past Brownfields Grants Awarded:**

- 2005 - Present, the Tribe has annually received an EPA 128(a) Brownfields Tribal Response Program Grant and has established the Public Record; is making progress on the Four Elements; conducts/oversees site work of assessments (some through TBAs) and cleanups; have assisted and managed the IHS clean-up of the Alano Club (Treatment after Care Center) and the BIA clean-up of the Old Elementary School. We also oversaw the cleanups of 250+ open dumps and 100 plus abandoned/burned home sites under the 1% Fund.
- 1998 - Brownfields Assessment grant and a Brownfields Supplemental Assessment grant for the San Haven Hospital, a former State Tuberculosis Sanitarium and State Hospital.
- 2004 – Brownfields Job Training Grant - Trained 40 students (in some courses many more) in OSHA 40-hour, lead, asbestos/mold abatement, First Aid/CPR and OSHA health/safety.
- 2011 - Brownfields cleanup grant for the Tribal Administration Building in Belcourt, ND.
- 2018 - Brownfields cleanup grant for three buildings in the L'BelCour Housing area. Completed the abatement and demolition - success stories on the USEPA website.
- 2019-2020 – Two Brownfields cleanup grant for 15 buildings in the L'BelCour Housing area.

**(2) Compliance with Grant Requirements** –We have completed quarterly reports and grant deliverables for all of our EPA grants in a timely manner. Under the Brownfields Program, we established the Public Record utilizing internal Tribal announcement and recording procedures; also recorded on the Tribal website. Additionally, progress has been made on the Four Elements. We have established a Brownfields Inventory (in BIT) with over 150 sites that include 10, large buildings; an area where 100+ former HUD homes were abandoned due to massive mold issues and were burnt leaving unsafe debris piles in the middle of the community; and many open dumps. We are especially proud that we have developed Environmental Codes passed by a Tribal Council Resolution in 2007 followed by a Matrix Penalty Table Resolution in 2011, hired an Enforcement Officer, conducted extensive outreach to inform the public of the new procedures, and issued numerous citations in relations to violations. We are encouraged that the enforcement and public outreach will have an impact on reducing future Brownfields sites. We participate in many outreach activities and use planned events to promote our Program including distributions at Pow Wows, Earth Day and Native American Day. We attend District meetings, internal Program meetings and Tribal Council sessions to provide information and seek input on current or proposed Brownfields projects. Information is distributed through various media on Brownfields and other environmental issues. Our staff provides oversight on all aspects of assessment and cleanups. The Inventory and response sites are updated in BIT and ACRES.

## **Attachments**

**Attachment A. Threshold Criteria**

**Attachment B. Other Factors Checklist**

**Attachment C. Letter from Tribal Environmental Authority**

**Attachment D. Public Notice Documentation**

**Attachment E. Support Letters**

**Attachment F. Analysis of Brownfields Cumulative Alternatives (ABCAs)**

**Attachment G. Justification for Cost Share Waiver**

## **Attachment A: Threshold Criteria**

### **III.B. Threshold Criteria for Cleanup Grants**

#### **III.B.1 Applicant Eligibility**

The Turtle Mountain Band of Chippewa Indians is a Federally Recognized Tribe. The Turtle Mountain Indian Reservation was established by Presidential Executive Orders on December 21, 1882 and March 29, 1884. The main Reservation lies in the northern part of Rolette County, North Dakota and has a land area of 67.583 sq. mi (175.039 km<sup>2</sup>).

#### **III.B.2 Previously Awarded Cleanup Grants**

Turtle Mountain Band of Chippewa Indians (TMBCI) was awarded four EPA Brownfields Cleanup Grants in 2011, 2018, 2019, and 2020. These include the cleanup of the Tribal Administration Building and fifteen structures within the L'BelCour (Old Housing/Barnesville) area. TMBCI affirms that the currently proposed sites have not received funding from any previously awarded EPA Brownfields Cleanup grants.

#### **III.B.3 Site Ownership**

In 1992, the Turtle Mountain Band of Chippewa Indians purchased the 600-acre San Haven facility, which was built by the State in 1909 as a Tuberculosis Sanitarium. It is located approximately seven miles west of the Turtle Mountain Reservation.

#### **III.B.4 Basic Site Information**

**(a) Name of sites:** Eight (8) San Haven Buildings

The 8 buildings are located on approximately 14 acres of the 600-acre complex and include: Main Hospital - Buildings 1, 2, 3, and 4; Southview (Residence) - Building 5; Maintenance Shop – Building 7; Power Plant – Building 8; and Refectory (Dining Hall) – Building 19.

**(b) Address of sites:** 98<sup>th</sup> St NE, San Haven Road, Dunseith, Rolette County, ND 58329, Lat/Long [48.835351, -100.041743]

**(c) Current owner of sites:** Turtle Mountain Band of Chippewa Indians.

#### **III.B.5 Status and History of Contamination at the Site**

**(a) Whether this site is contaminated by petroleum or hazardous substances:** The sites are contaminated with hazardous substances.

**(b) The operational history and current use(s) of the site:**

The San Haven facility was built in 1909 as a Tuberculosis Sanitarium and opened its doors to the patients in 1912. From later 50's to 1970, the site was used for the tuberculosis patients and in 1971, for use as the State Hospital until 1987 when closing its doors. The Turtle Mountain Band of Chippewa Indians acquired the property in 1992. After acquisition in 1992, the Tribe utilized several of the buildings for non-hazardous business enterprises, such as sewing clothing, until the ventures were no longer profitable. The Tribe intends to sustainably reuse and redevelop the sites by having an RV Park and Campground built once the contaminated structures are cleaned up. and for future sustainable housing.

**(c) Environmental concern, if known, at the site:** According to an Environmental Assessment conducted by EPA's START contractor in October 2020, environmental concerns are Asbestos Containing Materials (ACM) and elevated lead-based paint in 8 structures, including ACM in floor tile, floor mastics, caulk, roofing materials, piping insulation, exterior plaster, vermiculite, interior and exterior walls, etc; and mold and potential PCB transformers.

### **III.B.6 Brownfields Site Definition**

The Turtle Mountain Band of Chippewa Indians affirms that the sites are: (a) not listed or proposed for listing on the National Priorities List; (b) not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and (c) not subject to the jurisdiction, custody, or control of the United States government. (Note: Land held in trust by the United States government for an Indian tribe is eligible for Brownfields funding.)

### **III.B.7 Environmental Assessment Required for Cleanup Proposals**

EPA Region 8 utilized the in-house START contractor to conduct an ASTM E1903-11 or equivalent Phase II site assessments in October 2020. START provided final reports for the sites and has been reviewed by US EPA. The Phase II report has confirmed the presence of Contaminants of Concern (COCs) at the San Haven Buildings structures. The following is a list of the COCs and associated media identified by START:

- Asbestos Containing Materials (ACM): Of the 863 bulk samples submitted for laboratory analysis, a total of 162 samples were determined to be "positive" (>1% asbestos) for asbestos as well as one material assumed to be ACM. ACM is considered to be a contaminant of concern (COC) in the buildings. Based on the laboratory results reported for the confirmed ACM samples, asbestos is present in block filler, dry wall (ceilings & walls) floor tiles, floor tile mastic, underlayment, vermiculite, stair tread mastic, linoleum, pipe insulation and debris, window and door caulk, window glazing, roofing sealant, duct sealant, exterior caulk, wire insulation, and pipe flange gasket in the eight buildings.
- Lead-Based Paint (LBP): Of the nine (8) buildings XRF screened for LBP, all buildings were determined to have positive readings ( $\geq 1.0$  milligrams per centimeter square [mg/cm<sup>2</sup>]) for LBP.
- Polychlorinated biphenyls (PCBs): Potential PCB-containing transformers were observed in buildings 1, 3, and 19. PCBs are considered COCs in relation to the Site.
- Mold: Based on the results of the mold inspection every building has a significant amount of mold in them. Mold is considered to be a COC.

### **III.B.8 Enforcement or Other Actions**

The Turtle Mountain Tribe is not aware of any ongoing or anticipated enforcement actions related to the units within the San Haven area. Also, we are not aware of any inquiries or orders from federal, state, or local government entities that the applicant is aware of regarding the responsibility of any party (including the applicant) for the contamination or hazardous substances at this site.

### **III.B.9 Sites Requiring a Property-Specific Determination**

This site does not require a property specific determination.

### **III.B.10 Threshold Criteria Related to CERCLA/Petroleum Liability**

#### **III.B.10.a Property Ownership Eligibility - Hazardous Substance Sites**

##### **III.B.10.a.i Exemptions to CERCLA Liability**

###### **III.B.10.a.i.1 Indian Tribes**

The Turtle Mountain Band of Chippewa Indians of North Dakota affirms it is a Federally Recognized Tribe and is therefore exempt from demonstrating that it meets the requirements of a CERCLA liability defense. The Turtle Mountain Indian Reservation was established by Presidential Executive Orders on December 21, 1882 and March 29, 1884.

###### **III.B.10.a.i.2 Alaska Native Village Corporations and Alaska Native Regional Corporations**

Not applicable.

###### **III.B.10.a.i.3 Property Acquired Under Certain Circumstances by Units of State and Local Government**

Not applicable

##### **III.B.10.a.ii. Exceptions to Meeting the Requirement for Asserting an Affirmative Defense to CERCLA Liability**

###### **III.B.10.a.ii.1 Publicly Owned Brownfield Sites Acquired Prior to January 11, 2002**

**Provide the following information to demonstrate that the applicant qualifies for the exception at CERCLA § 104(k)(3)(E):**

**(a) Describe in detail the circumstances under which the property was acquired.** The Turtle Mountain Band of Chippewa Indians acquired the San Haven property in 1992. The facility was built by the State of North Dakota in 1909 as a Tuberculosis Sanitarium and opened its doors to the patients in 1912. From later 50's to 1970, the site was used for the tuberculosis patients and in 1971, for use as the State Hospital until 1987 when closing its doors.

**(b) Provide the date on which the property was acquired.**

The property was acquired in 1992.

**(c) Identify whether all disposal of hazardous substances at the site occurred before you acquired the property.** Prior to the Tribe acquiring the property, the State of North Dakota conducted a cleanup of contamination that was detected at the time including asbestos, USTs, PCBs and contaminated soil and water.

**(d) Affirm that you have not caused or contributed to any release of hazardous substances at the site.** The Tribe affirms that it has not caused or contributed to any release of hazardous substances at the site. It has secured the buildings by boarding up and fencing them off to prevent exposures and has placed no trespassing signs, blocked road accesses and underground passage ways, and other interior and exterior hazards.

**(e) Affirm that you have not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.** The Tribe affirms it has not at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.

### **III.B.10.a.iii Landowner Liability Protections from CERCLA Liability**

#### **III.B.10.a.iii.1 Bona Fide Prospective Purchaser Liability Protection**

Not applicable

##### **III.B.10.a.iii.1.a Information on the Property Acquisition**

The property was undeveloped until the San Haven area was constructed in 1909 as a Tuberculosis Sanitarium. From later 50's to 1970, the site was used for the tuberculosis patients and in 1971, for use as the State Hospital up until 1987 when it closed its doors. The Turtle Mountain Band of Chippewa Indians acquired the property in 1992.

##### **III.B.10.a.iii.1.b Pre-Purchase Inquiry**

When the Tribe purchased the property in 1992, it was not a practice to conduct environmental assessments nor was pre-purchase inquiry a typical process. Even so, prior to the Tribe acquiring the property, the State of North Dakota conducted a cleanup of contamination that was detected at the time including asbestos, USTs, PCBs and contaminated soil and water.

##### **III.B.10.a.iii.1.c Timing and/or Contribution toward Hazardous Substances Disposal**

The Tribe has not caused or contributed to any releases of hazardous substances at the sites. When the structures were built, asbestos building products were not recognized as health and environmental hazards. In addition, lead-based paint was used because it was known to yield a more durable, long-lasting end product that can resist moisture, and reduce the risk of cracking and molding. It wasn't until recent years, that it became apparent and eventually regulated by Standards and Regulations that lead and asbestos could become contamination issues. The Tribe affirms it has not at any time disposed of any hazardous substances at the sites.

##### **III.B.10.a.iii.1.d Post-Acquisition Uses**

After acquisition in 1992, the Tribe utilized several of the buildings for non-hazardous business enterprises, such as sewing clothing, until the ventures were no longer profitable. The Tribe intends to sustainably reuse and redevelop the sites by having an RV Park and Campground and future sustainable housing built once the contaminated structures are cleaned up.

##### **III.B.10.a.iii.1.e Continuing Obligations**

###### **i) The Tribe has taken reasonable steps to:**

Stop any continuing releases; Prevent any threatened future release; and prevent or limit exposure to any previously released hazardous substances: Throughout the years, the Tribe has provided maintenance on the buildings at the Site and has attempted to manage any contamination, but through normal deterioration it is no longer cost effective and the Tribe would like to remediate and/or cleanup and remove the structures at this sites depending upon what would be the most cost effective way. Attempts have been made to board up and fence off these buildings to prevent exposures, but vandalism, adolescents and scavengers can get through despite additional measures taken by the Tribe such as placing no trespassing signs, blocking access roads and underground passageways, and other interior and exterior hazards.

###### **ii) The Tribe confirms its commitment to:**

The Tribe confirms it will implement and comply with all land-use restrictions and institutional controls as needed; Assist and cooperate with those performing the cleanup and provide access to the property; Comply with all information requests and administrative subpoenas that have or

may be issued in connection with the property; and provide all legally required notices. The Brownfields Tribal Response Program has developed procedures for announcing the start and completion of cleanups through its Public Record notification process. Additionally, it has developed processes for conducting verification and certification processes after the cleanup is completed. This also includes documenting any necessary Institutional Controls. The staff has received OSHA 40-Hour and Lead and Asbestos training and has conducted several environmental assessments and cleanups. Brownfields/TRP program will oversee the cleanup of the structures and hire a certified contractor(s) to conduct the cleanup.

### **III.B.10.b Property Ownership Eligibility - Petroleum Sites**

#### **III.B.10.b.i Information Required for a Petroleum Site Eligibility Determination**

##### **III.B.10.b.i.1 Current and Immediate Past Owners**

Does Not Apply.

##### **III.B.10.b.i.2 Acquisition of Site**

Does Not Apply.

##### **III.B.10.b.i.3 No Responsible Party for the Site**

Does Not Apply.

##### **III.B.10.b.i.4 Cleaned Up by a Person Not Potentially Liable**

Does Not Apply.

##### **III.B.10.b.i.5 Judgments, Orders, or Third Party Suits**

Does Not Apply.

##### **III.B.10.b.i.6 Subject to RCRA**

Does Not Apply.

##### **III.B.10.b.i.7 Financial Viability of Responsible Parties**

Does Not Apply.

### **III.B.11 Cleanup Authority and Oversight Structure**

#### **III.B.11.a Cleanup Oversight**

The Tribe, being a sovereign entity, has not participated in the State Voluntary Cleanup Program. The Cleanup shall be conducted in conformance with “Title 40, Turtle Mountain Band of Chippewa, Solid and Hazardous Waste Management and Remediation Code” and in consultation with EPA to ensure the cleanup is protective of human health and the environment. In addition to coordinating activities with EPA, the Turtle Mountain Band of Chippewa Indians Brownfields CERCLA 128(a) Tribal Response Program has been working towards building its environmental capability. The Brownfields Coordinator and Compliance Officer have both received certified OSHA 40-Hour Hazwoper training, have overseen or assisted with assessments and cleanup (under the Brownfields Program and other Programs), have attended various inspections and compliance training courses, Meth Lab training, solid waste trainings, and numerous Brownfields, Solid Waste and Energy workshops. Even though the Tribal Coordinator and Compliance Officer have received appropriate training and have adequate experience to qualify as Environmental Professionals to manage the cleanup, they will work with the TERO Program to issue RFP's to select a qualified and certified contractor to conduct the cleanups. The Tribe has established procurement procedures that meet federal guidelines when hiring contractors, which will be adhered under an EPA Cleanup grant. The contractor will be required to meet all Tribal, EPA and other agency requirements, have appropriate insurance, and hire Tribal subcontractors and laborers certified on the TERO list. All activities under the grant will be coordinated with

our EPA Region 8 Project Manager. Access to adjacent properties will not be a problem because they are located on Tribal Trust Lands under the authority of the Tribe.

### **III.B.11.b Access to Adjacent Properties**

The Tribe will have access from public roads that lead into the site and will not need to enter and exit through the adjacent properties. Cleanup will not affect the adjoining properties because none of the San Haven structures on the 600-acre site are in close proximity to the surrounding private properties.

### **III.B.12 Community Notification**

#### **III.B.12.a. Draft Analysis of Brownfields Cleanup Alternatives**

#### **III.B.12.b Community Notification Ad**

#### **III.B.12.c Community Notification Public Meeting**

#### **III.B.12.d Submission of Community Notification Documents**

#### **III.B.12.a. Draft Analysis of Brownfields Cleanup Alternatives**

(See **Attachment F** for Draft Analysis of Brownfields Cleanup Alternatives (ABCAs))

#### **III.B.12.b Community Notification Ad**

An announcement for the Public Meeting for the proposed Cleanup Grant for the San Haven Buildings was put in the *Turtle Mountain Times* Newspaper on October 9, 2020. (See **Attachment D** for a copy of the ad.)

#### **III.B.12.c Community Notification Public Meeting**

The Public Meeting was held on October 20, 2020 at 10:00 am at the Tribal Transportation Building. At the meeting, a Sign-In sheet was distributed, the project was discussed, and drafts of the Cleanup Grant Proposal and ABCAs were distributed and discussed. Additionally, answers were provided to the public questions. (See **Attachment D** for information on the Public Meeting, a copy of the Sign-In Sheet and a summary of public comments with answers.)

#### **III.B.12.d Submission of Community Notification Documents**

(See **Attachment D** for copies of Community Notification Documents and **Attachment F** for the ABCAs)

#### **III.B.12.e Discussion on how the cost share will be met; or a cost share waiver request, if applicable (See Attachment G for Cost share Waiver Request)**

## Attachment B. Other Factors Checklist

Other Factors Checklist Please identify which of the below items apply to your community/proposed project. If none of the Other Factors are applicable to your community/proposed project, please provide a statement to that effect.

Other Factors		Comments	Page #
Community population is 10,000 or less.	X	8,565 (Reservation); 2,078 (Belcourt)	ii, Attachment G
The applicant is, or will assist, a federally recognized Indian tribe or United States territory.	X	Applicant is a Federally recognized Indian Tribe.	Attachment A
The proposed brownfield site(s) is impacted by mine-scarred land.			
Secured firm leveraging commitment ties directly to the project and will facilitate completion of the project/redevelopment; secured resource is identified in the Narrative and substantiated in the attached documentation.	X	Leverage funding and/or assistance will come from Tribal Planning/Grant Writer, Tribal Lands Management, Tribal Solid Waste/Transfer Station Program, and Tribal EPA Solid Waste 1% Fee Fund, and Tribal Roads Maintenance Department. IHS and Tribal Housing Authority.	2 – 8, 10 Attachments E & G
The proposed site(s) is adjacent to a body of water (i.e., the border of the site(s) is contiguous or partially contiguous to the body of water; or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).			
The proposed site(s) is in a federally designated flood plain.			
The redevelopment of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or any energy efficiency improvement projects.	X	Tribal Programs are exploring options for solar and wind energy with DOE and NREL. Community is implementing green remediation plans - The Turtle Mountain Transfer Station sorts trash for recycling options saving on disposal costs and delivering less waste to fill-up landfills.	1, 2, 3 Attachment F

## Attachment C. Letter from Tribal Environmental Authority



### **Turtle Mountain Band of Chippewa Indians**

#### **Environmental Department**

**PO Box 900 Belcourt, ND 58316 • (701) 477-8328**

October 22, 2020

Ray Reed  
TMBCI Tribal Environmental  
Brownfields Coordinator

Dear Mr. Reed,

As the director of the Turtle Mountain Band of Chippewa Tribe (TMBCI) Department of Environmental Program, I am writing this letter to confirm that the TMBCI Environmental Program is the Tribal Environmental Authority for the Tribe. Additionally, I am acknowledging the TMBCI Brownfields Program under the Tribal Environmental Program is planning to conduct cleanup activities on the San Haven site. The TRP program will be submitting a Brownfields Cleanup Grant to the US EPA to possibly receive funding to continue the cleanup of this site.

Sincerely,

A handwritten signature in cursive script, reading "Cora Champagne".

Cora Champagne  
Environmental Director  
Turtle Mountain Band of Chippewa

## **Attachment D. Public Notice Documentation**

### **TRIBAL ENVIRONMENTAL PROTECTION AGENCY OPEN PUBLIC MEETING**

Copies of the Newspaper ad, Receipts showing the ad was run twice, Signup Sheet are provided in II.B.12.d below.

#### **III.B.12.c Public Meeting**

##### **Public Notice, Agenda, Discussion Topics, Questions and Answers, Minutes**

**Eight San Haven Buildings, October, 20th 2020**

**10:00 AM at Turtle Mountain Tribal Transportation Building**

**Public Notice**

**October, 20<sup>th</sup> 2020**

This meeting will give the Tribal Council and the people of the Tribe an opportunity to ask questions and make comments on the proposed environmental cleanup of the San Haven Site which consists of 8 buildings (#1, 2, 3, 4, 5, 7, 8 and 19). All of the buildings are abandoned and are listed on the Tribal Brownfields Inventory List. There are several other sites that are on the Tribal Brownfields Inventory List that is located in the Tribal Response Program's office. This site has the highest priority than the others that are listed in the inventory. The Tribal Response Program has assisted US EPA contractors on conducting a Phase I and Phase II Environmental Site Assessment on these buildings this past summer. We are now requesting to have a public meeting on this site concerning submission of a Cleanup Grant to EPA to conduct cleanup of the sites and eventual reuse/redevelopment of the site. Draft copies of the grant proposals will be available for review and comment at the meeting and also will be available at the Turtle Mountain Tribal EPA Brownfields Program Office at 1300 Ogema Road in the Tribal Transportation Building, Belcourt, N.D. An Analysis of Brownfields Cleanup Alternatives (ABCAs) are in the proposals and will also be discussed at the meeting.

#### **III.B.12.c Community Notification Public Meeting**

- 10:00 a.m. - Meeting opened with introductions and identifying each person attending the meeting.
- 10:15 – 10:30: Ray Reed, the Brownfields Tribal Response Coordinator, and Philip Lenoir, Compliance Office, gave the history and overview of the San Haven site.
- 10:30 – 10:45: Ray explained how he is going to apply for a Cleanup Grant for the site. Ray noted that he has applied for the 104(k) Brownfields Cleanup Grants the past three years for the L'BelCour Housing site which his Program was successful and that the people have seen the progress and are aware that this is the same type of grant he is applying for the San Haven site. Ray also explained that he has received a grant in 2018 to do 3 units and also received a grant in 2019 to do 6 more units at the L'BelCour Housing site. Ray said the cleanups have been completed and in conjunction with the Cares Act grant received by Housing, demo is nearly completed and development of 8 units adjacent to the property. Ray also explained that the main part of receiving such a grant is the reuse and redevelopment of these sites and that San Haven is the best place economically for the Tribe to redevelop and began future use of the site.

- 10:45 – 11:00: Ray passed out a copy of the ABCA to the attendees and went through it briefly on the Recommendations on the Alternatives for cleanup of the sites. Ray explained that the Alternative #2 was suggested to abate and dispose of contamination and prepare for demolition. But when he spoke with Council previously, it preferred to go with Alternative #3 of demolition and disposal of all building materials as ACM and LBP contaminated debris. Then, Ray explained how this grant will be used to just remediate the ACM, Lead, Mercury switches, PCBs and mold and that in a joint effort with several Tribal entities that they would do the demo after all hazardous waste was abated and the buildings were ready for demo.
- 11:00 – 11:30: Ray discussed the possible future development or reuse of the site after cleanup is completed perhaps for an RV Park and Campground and new housing in the future. Ray also explained that this past summer a TBA was performed on the property and all results were in the Phase II Assessment that is available to the public if wanted to review the reports.
- 11:30 – 11:45: Questions, Concerns, Comments or Suggestions:

**Below are Comments, Questions and Answers from the Turtle Mountain Tribal EPA Public Meeting** (Held October, 20<sup>th</sup> 2020 at Tribal Transportation Building Belcourt, ND)

**Question:** How much money will you get if you receive this grant?

**Response:** We are asking for up to \$500,000 dollars which is the maximum amount that a single applicant can receive. We may not get the full amount but depending on their reviews and determination we can get less or none at all. It all depends on the proposal submitted and if our Tribe needs the dollars more than other Brownfields programs. This is a competitive grant and not every Brownfields program receives one. These cleanup grants are competitive grants so we will be competing with all Federally Recognized Tribes, Regions and States for these grants and we are not guaranteed to receive a cleanup grant.

**Question:** What will the tribe use the site for once the area is cleaned up and ready for redevelopment?

**Response:** The site will be used for whatever the tribe and people come up with through planning and other concerned entities and of course input from the members. There has been talks of healing such as alcohol, drug, handicap and other rehab needed for our people. The Council has noted in past discussions of self-sustainable projects such as RV park/campground, 18 hole golf course and a duty free annex along with a possible truck stop for the simple fact that it is on the main road that has the port of entry just 7 miles north of the site and on the same road as the International Peace Garden, which is a huge tourist attraction in our area. Also, income from the above ventures could help acquire funding to build new housing on the site.

**Question:** There are several buildings on the site will this grant cover all buildings and cleanup the entire site because it seems that \$500,000 dollars is not a lot of money considering the magnitude of the site in size and the amount of contamination?

**Response:** The TRP program will continue to apply for cleanup grants every year and we are hoping that with the Cares Act funding and with State officials that some other funding can help if needed. We are hoping that with the right contractors that we can get the abatement of the buildings completed with the grant fully funded and that if not, we will continue to write grants every year. Also remember this grant is only for abatement and that our program will continue to assist with other programs and council on demo and cleanup efforts after abatement is fully completed until we get all buildings cleaned up. If we don't receive any more cleanup grants then hopefully the Tribe can determine that at some point in the future.

**Question:** What sort of contamination is in the buildings?

**Response:** Asbestos, lead based paint, mercury switches, mold and possibly PCB's have been identified in the buildings that were assessed. The Asbestos identified is located in the floor tiles, mastics and compound joints of the sheet rock materials. Asbestos is considered to be a contaminant of concern (COC) in all the buildings. Lead based paint is minimal and that can be removed or demolished in place as long as a TCLIP is done and qualifies for demo in place. PCB's may be in transformers.

**Question:** How will your program determine that these buildings will no longer have contamination there and that we can rebuild or reuse the site?

**Response:** The sites will be cleaned up to meet the residential cleanup standards approved by the Tribe and Tribal EPA. Also, will require the contractor to provide verification and certification of the site once they are done performing the abatement work or demo of the buildings. The contractor will provide all proper documentation needed for reuse or redevelopment.

**Question:** Is there any local contractors that can do this type of work and I ask only because these are federal dollars and would not want politics to cause this project to not be completed properly?

**Response:** The cleanup will have to be done by a certified contractor that specializes in cleanup of Hazardous Materials and we are not aware of any contractors here on the Reservation that are certified. The Tribal EPA Brownfields coordinator will draft a Request for Proposal (RFP) and advertise the RFP for two weeks in the newspapers, radio and other social networking. When the tribe receives the bid proposals from certified contractors the Tribal Property & Supply, TERO and Tribal EPA will open all bids and make recommendations on which contractor they want to select or who came in as the lowest bidder and met the budget. The recommendation will go to the Tribal Council for approval. I can say that a contractor that has been awarded the last 3 contracts for the L'BelCour site, which was again from this same grant we applying for San Haven, has utilized the TERO list people and actually trained several local members and hired them to help perform the cleanup that they were trained in. A certified supervisor has to be on site and monitor the employees helping and our program documents all workers and assures that they are qualified for performing such tasks.

**Question:** Where will the asbestos and other contaminants be disposed of and can they be buried on site?

**Response:** No asbestos containing materials or other hazardous waste will not be buried anywhere or anytime at the site. All materials that are contaminated and need to be treated as hazardous waste will be properly contained and hauled to a certified hazardous waste disposal site which the closest one is in Sawyer, N.D. Our program will receive and monitor all waste being brought off site and disposed of properly. Our local landfill does not accept asbestos, lead based paint or mercury switches and that all contaminated debris will need to be disposed of properly and will not be accepted at our local inert pit.

**Below are the Minutes from the Turtle Mountain Tribal EPA Public Meeting (Held October 20<sup>th</sup> 2020 At Tribal Transportation Building in Belcourt, ND)**

1. Ray Reed, the Brownfields Tribal Response Coordinator, and Philip Lenoir, Compliance Office, gave a brief explanation of the Brownfields Program and what the staff has accomplished under the Program.

2. Discussion occurred on the San Haven site, for which the Tribal Brownfields Response Program is submitting a cleanup grant proposal to EPA. Ray and Phillip provided history of the site and summarized the findings from the Phase II Assessment's that was conducted under a Targeted Brownfields Assessment (TBA) by EPA's contractor.
3. The attendees asked many questions about the contamination and how it will be addressed. The attendees also made several recommendations on ways to handle the cleanup, which generated much discussion and clarification of the proposed activities.
4. Attendees asked if local Tribal laborers could be hired to conduct the cleanup so Tribal residents could benefit from the job opportunities. Ray and Philip noted that a certified contractor would need to be hired as the Prime Contractor, who could then hire Tribal subcontractors and laborers who were certified by TERO to conduct the work.
5. It was mentioned that contamination would need to be transported and disposed of at a certified landfill and lesser contaminated C&D waste could go to the Tribal C&D landfill.
6. A draft copy summarizing the Alternative Brownfields Cleanup Actions (ABCAs) was distributed and discussed.
7. Ray and Philip passed out the Draft Cleanup Proposal for the site and also noted copies would be available at the Tribal Environmental Program Office for the public to review and make comments. Although some people thumbed through the draft, no one made comments during the meeting.
8. Ray explained that the Brownfields Cleanup grants are very competitive and there is no guarantee the Tribe will receive one. He also mentioned that money was saved by having EPA conduct the Site Assessments through a TBA.
9. There was some discussion explaining that this site was previously prioritized by Tribal Council/Administration because, not only of the health, safety and environmental issues, but also there is high potential for redevelopment since there is a much need for housing here on the Reservation.
10. The attendees inquired about how and if the all of San Haven will eventually be cleaned up in the near future. The attendees also asked questions about several other Brownfields sites and asked if the Tribal Brownfields Response Program can address them. He can apply for more cleanup grants in the future and his Program receives some contractual funding each year, but not enough to fully address every site listed under the inventory.
11. Ray explained that the reports such as the proposal, ABCA and Phase II assessment were too big to make everyone copies and if they wanted copies or to review the documents that they can come to the Brownfields office during work hours and get copies or review them. Ray did hand out a copy of the documents and the audience passed them around throughout the meeting.

### III.B.12.d Submission of Community Notification Documents

The following ad to announce the Public Meeting was put in the *Turtle Mountain Times* Newspaper on October 5<sup>th</sup> and 12<sup>th</sup> 2020.

home with me. That didn't happen unfortunately.

Yes, I washed my hands after being in the barn playing with the

You may be tempted by other beverages at the grocery store. We have lots of choices displayed near

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## **Tribal Environmental Protection Agency Open Public Meeting**



**When: October 20, 2020**  
**Where: Tribal Transportation Building**  
**Time: 10:00 a.m.**

**SUBJ: DISCUSSION on PROPOSED CLEANUP GRANT for the SAN HAVEN SITE**

This meeting will give the Tribal Council and the people of the Tribe an opportunity to ask questions and make comments on the proposed environmental cleanup of the San Haven site which consists of multiple buildings on the property and is on the inventory. All of the buildings are abandoned and are listed on the Tribal Brownfields Inventory List. There are several other sites that are on the Tribal Brownfields Inventory List that is located in the Tribal Response Program's office. This site has the highest priority than the others that are listed in the inventory. The Tribal Response Program has assisted US EPA contractors on conducting a Phase I and Phase II environmental site assessment on these site this past summer. We are now requesting to have a public meeting on this site concerning submission of a Cleanup Grant to EPA to conduct cleanup of the site and eventual reuse/redevelopment of the site. Draft copies of the grant proposals will be available for review and comment at the meeting and also will be available at the Turtle Mountain Tribal EPA Brownfields Program Office at 1300 Ogema Road in the Tribal Transportation Building, Belcourt, N.D. An Analysis of Brownfields Cleanup Alternatives (ABCAs) are in the proposals and will also be discussed at the meeting.

If anyone has any questions or comments on this scheduled meeting please contact Ray Reed, Tribal EPA Brownfields Coordinator at 477-0407 Ext. 219.



**Turtle Mountain  
Band of Chippewa Indians**  
P. O. Box 900 - Belcourt, ND 58316



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Natural Resources**

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- 1 c. low-fat

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and mix well  
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The following Invoice is for two weeks starting from 10-05-20 and 10-12-20 for the Public Meeting Announcement in *Turtle Mountain Times*.

## Invoice

Customer

Tribal Brownfields  
Ray Reed  
PO Box 900  
Belcourt, ND 58316

Turtle Mountain Times  
PO Box 1270  
BIA House #177  
Belcourt, ND 58316-1270

Date	Invoice No.	P.O. Number	Terms	Project
10/12/20	92534			

Item	Description	Quantity	Rate	Amount
Adv.	Cleanup Grant for San Haven		114.00	114.00

## Sign – In Sheet

Open Public meeting to announce the intent to apply for a Brownfields Cleanup  
Grant for the San Haven site that is located in Dunseith, N.D. on the Turtle  
Mountain Indian Reservation.  
October 20, 2020

NAME	REPRESENTING
Ray Reed	Tribal EPA - Brownfield's
Henry Delato	Tribal Trans
Dyane Allert	Tribal Land Mgmt.
Kurt Davis	TMEPA
Joe Dea	Public Works
Walter Davis	Distr. 1 Rep.
Gregory Malters	Tribe EPA
Jim Bond	Community Member
Max T. Anderson	Tractor Station
William Howell	Tribal EPA
BP	EPA

## **Attachment E. Support Letters**

**Please Note:** Due to the Covid-19 Virus,  
it was difficult to obtain all of the committed Support Letters



## **Turtle Mountain Band of Chippewa Indians**

### **Environmental Department**

**PO Box 900 Belcourt, ND 58316 • (701) 477-8328**

To: Ray Reed  
From: Cora Champagne, Tribal EPA 1% fund fee Manager  
Date: October 22, 2020  
Re: Support Letter for Brownfields Cleanup Grant Project

As the manager of the Tribal EPA 1% fund fee, I endorse your efforts to apply for the Brownfields cleanup grant to address the abandoned structures at the San Haven site. In order to reduce costs of demolishing, and transporting debris from these sites, Tribal EPA 1% fund fee Department is willing to offer support through the In-Kind services listed below.

Because of the financial hardship faced by the Tribe, I am hopeful that there might be enough funding in the grant to pay for some or most of the below services, but will be willing to make the contributions in order to complete the projects.

- Equipment usage for a 3 month period, including one Skid Steer (\$3,000.00).
- Use of 2 Dump Trailers - Cost \$50.00/hour times 100/hours = \$5,000.00
- Operation, Maintenance and Labor of 2 workers and equipment (\$5,000.00).

Please contact me at (701) 477-0407 ext. 214 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Cora Champagne", with a long horizontal flourish extending to the right.

Cora Champagne,  
Turtle Mountain Tribal EPA 1% Fund Manager



## **Turtle Mountain Band of Chippewa Indians**

**Natural Resources Department**  
**PO Box 900 Belcourt, ND 58316 • (701) 477-2640**

TO: Ray Reed, EPA  
FROM: Jeff Desjarlais Jr., Director of Natural Resources Department  
DATE: 10/22/2020  
RE: Support for Project/Available Resources

In regards to the proposed project to demolish and remove the buildings at the San Haven site the Department of Natural Resources fully supports your efforts and will be able to allocate the following resources to assist in completing the projects.

The use of this equipment and the manpower from the Department of Natural Resources to operate it would require reimbursement to offset labor costs, equipment wear and tear, and fuel costs.

	Cost Per Hour	Number of Hours	Total Cost
Front End Loader	\$75.00	200	\$15,000.00
Dump Trucks (2)	\$70.00	150	\$10,500.00
Truck and 40' Flatbed Trailer	\$60.00	30	\$1,800.00
Bucket Truck with Basket	\$80.00	8	\$640.00
60' Mobile Crane	\$80.00	8	\$640.00
Total		396	\$28,580.00

If you have any questions, please feel free to contact me 477-2640.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jeff Desjarlais Jr.", is written over a horizontal line.

Jeff Desjarlais Jr, Director



## **Turtle Mountain Band of Chippewa Indians**

### **Solid Waste Department**

**PO Box 900 Belcourt, ND 58316 • (701) 244-0222**

To: Ray Reed  
From: Max Defender, Solid Waste Director  
Date: October 22, 2020  
Re: Support Letter for Brownfields Cleanup Grant Projects

As the Solid Waste Director, including management of the Turtle Mountain Transfer Station, I endorse your efforts to apply for a Brownfields grant to address the San Haven site. In order to reduce costs of demolishing, and transporting contamination and debris from this site, the Solid Waste Department and Transfer Station can offer support through the In-Kind services listed below.

Because of the financial hardship faced by the Tribe, I am hopeful that there might be enough funding in the grant to pay for some or most of the below services, but will be willing to make the contributions in order to complete the projects.

- Costs for tipping fees at the Transfer Station will be \$17/ton versus approximately \$28/ton at McDaniel Regional landfill. Additionally, there would be reduced costs in hauling the debris 8 miles to the Transfer Station, versus 120 miles to the McDaniel Regional landfill.
- Use of Front End Loader - Cost of \$75/hour times 200/hours = \$15,000
- Use of roll-off - Cost of 75/per load times 100 loads = \$7,500

Please contact me at (701) 244-0222 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Max Defender".

Max Defender, Director  
Turtle Mountain Solid Waste Department

TO: Ray Reed, Tribal EPA Brownfields Coordinator  
FROM: Ron Trottier, Turtle Mountain Tribal Roads and Maintenance Department  
DATE: October 23, 2020  
RE: Support/In Kind Resources

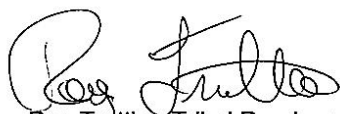
This letter is in regards to the resources we have to help with the proposed project to demolish and remove the San Haven site. The Roads Department fully supports your efforts and will be able to allocate the following resources to help assist in the demolition of the housing structures once abatement is completed.

The use of this equipment and the manpower from the Tribal Roads Department to operate it would require reimbursement to offset labor costs, equipment wear and tear, and fuel costs.

	Cost Per Hour	Number of Hours	Total Cost
Front End Loader	\$90.00	150	\$13,500.00
Side Dump Truck (1)	\$85.00	100	\$8,500.00
Excavator	\$100.00	50	\$5,000.00
	Total	300	\$27,000.00

If you have any questions, please feel free to contact me 477-0407 ext. 223.

Respectfully,



Ron Trottier, Tribal Roads and Maintenance Director



***TURTLE MOUNTAIN  
BAND OF CHIPPEWA INDIANS***

LAND MANAGEMENT  
PO BOX 900  
BELCOURT, NORTH DAKOTA 58316  
FAX (701) 477-9398  
PHONE (701) 477-8346

October 23, 2020

Mr. Ray Reed  
Brownfields Coordinator  
Tribal EPA  
P.O. Box 900  
Belcourt, ND 58316

Dear Mr. Reed:

On behalf of the Turtle Mountain Tribal Land Management Office, I am in total support of the application submitted by Turtle Mountain Tribal Environmental Office for the Brownfields grant to clean-up the San Haven site, the identified project is long overdue.

The Tribe over the years made multiple attempts to eradicate the site to make it readily available for self-sustaining projects/businesses. In securing EPA funding it will ensure that the Tribe will have a site with the essential infrastructure for the much needed economic development and will make it more appealing for a much needed improvement to our tribal members and job opportunities.

The Land Management Office is committed to assisting the TM EPA in its endeavors that would encourage a clean and safe environment for our Reservation's community.

Should you have comments or questions please feel free to contact me at your convenience at (701) 477-8346 ext. 222.

Good Luck.

Respectfully,

A handwritten signature in cursive script, appearing to read "Ernie Azure".

Ernie Azure  
Land Manager



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Turtle Mountain Agency  
PO Box 60 – BIA #7  
Belcourt, North Dakota 58316

IN REPLY REFER TO:  
Administration

Mr. Ray Reed  
Tribal EPA Brownfields Coordinator  
Tribal Environmental Program  
P.O. Box 900  
Belcourt, ND 58316

October 28, 2020

Dear Mr. Reed:

This letter is written in support of the Turtle Mountain Brownfields Program submitting a grant proposal to clean up the San Haven Site. As the Superintendent of the Bureau of Indian Affairs here on the Turtle Mountain Reservation, I share your concerns in protecting the health and well-being of the residents of the Turtle Mountain Band of Chippewa Indians and know how difficult it is to obtain the necessary funding to complete the proper environment remediation and removal of these types of structures. It has been, and always will be a pleasure to assist the Tribal EPA department as much as we can in projects that benefit the Turtle Mountain Band of Chippewa.

Unfortunately, I was unable to attend the Public Meeting held on October 20, 2020 but truly appreciate your programs efforts in applying for a cleanup grant to remove these structures. It has been long overdue to have these structures removed and cleaned up so that the site can be reused and eliminate the environmental and safety hazards associated with the site. I have read the newspaper article once again regarding this project and feel this project can be completed with the assistance of other entities within the community along with the award of this grant once again.

Prior to startup of this project, our office is more than willing to provide any support or assistance on the proposed cleanups. We will always be available during the cleanup to provide technical advice and guidance on the work being conducted.

Sincerely,

Lyndon Desjarlais,  
Bureau of Indian Affairs Superintendent  
Turtle Mountain Agency



## **TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS**

4180 Hwy 281  
P.O. BOX 900  
BELCOURT, ND 58316

(701) 477-2600  
Fax: (701) 477-0916  
[www.tmchippewa.com](http://www.tmchippewa.com)

October 23, 2020

Mr. Ray Reed  
Brownfields Coordinator  
Tribal Environmental Program, Brownfields Program  
P.O. Box 730  
Belcourt, ND 58316

Dear Mr. Reed,

As the District 4 Council Representative, I am writing with the intent to support your program in applying for the Cleanup grant for FY21. The San Haven site is a huge project that is important to remove and cleanup these buildings due to many hazards and contaminants that are located at this site, per the assessments you shared at the open public meeting on October 20, 2020. As I drive by this site daily because its located especially in my district, I notice how run down these units have gotten throughout the years. It tends to be an eye sore and very unsafe for our children. The asbestos and lead can cause great harm to our people and the environment.

As a liaison for the Turtle Mountain Tribe and a former employee of San Haven when it was at Tuberculosis Center, I prioritize my responsibility to our people and children to provide safe and contaminant free conditions to surrounding residents and bring forth opportunities that can make our tribe thrive in the future. Therefore, I admire the efforts being taken by the Turtle Mountain Tribal EPA Brownfields Program and hope for opportunities that can help progress our efforts toward redeveloping this site.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Counts", is written over a horizontal line.

Chad Counts, District 4 Council Representative  
Turtle Mountain Band of Chippewa



## **TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS**

4180 Hwy 281  
P.O. BOX 900  
BELCOURT, ND 58316

(701) 477-2600  
Fax: (701) 477-0916  
[www.tmchippewa.com](http://www.tmchippewa.com)

October 23, 2020

Mr. Ray Reed  
Brownfields Coordinator  
Tribal Environmental Program, Brownfields Program  
P.O. Box 730  
Belcourt, ND 58316

Dear Mr. Reed,

I am one of two representatives for the Belcourt District 2 on the Turtle Mountain Band of Chippewa Indians Reservation, I want to express support for the Brownfield's Program in applying for EPA Brownfields Cleanup grant for the San Haven site.

These buildings are an eyesores and safety hazards that continually deteriorate as they become more exposed to the elements and other surrounding residents next to this site. The ACM and lead are all surely health hazards at this site that have long been a problem. Additionally, the buildings are attracting transients and pose numerous health and safety issues. From the assessment reports discussed in the public meeting, apparently there are a number of environmental hazards.

On behalf of the community and the District 2 representatives, we will be pleased to help with support and look forward to removing the buildings so the Tribe can reuse and redevelop this site.

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart Lafountain", is written over a horizontal line.

Stuart Lafountain, District 2 Council Representative  
Turtle Mountain Band of Chippewa



## **TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS**

4180 Hwy 281  
P.O. BOX 900  
BELCOURT, ND 58316

(701) 477-2600  
Fax: (701) 477-0916  
[www.tmchippewa.com](http://www.tmchippewa.com)

October 23, 2020

Mr. Ray Reed  
Brownfields Coordinator  
Tribal Environmental Program, Brownfields Program  
P.O. Box 900  
Belcourt, ND 58316

Dear Mr. Reed,

As the District 1 Council Rep and a Legislator of the Turtle Mountain Band of Chippewa, it is my honor to write this letter in support of applying for the EPA Brownfields Cleanup Grant for the San Haven site. I am incredibly supportive of this effort. Mr. Reed you're an incredible asset to the TMBCI Tribe and without your hard work and dedication to writing cleanup grants for projects this big, we would not have been able to get as far as we have without you and these U.S. EPA 104(k) cleanup grants on all the projects you have completed. Your hard work and passion for the people and land of the great Turtle Mountains does not go unnoticed, therefore, it's hard not to support you with any environmental issue or project that your program is undergoing. We have families, children and workers living or working around this site that is exposed to asbestos and lead. With this site being built back in the early 1900's and the tribe acquiring it in the early 90's, it is with great concern that this site poses environmental harm to our lands and members.

I feel that there is potential for economic development and jobs in this area that can impact our tribe immensely. Our people deserve to reap the benefits that this site can offer.

As a legislative representative of the governing body of the Turtle Mountain Band of Chippewa, I find that it is in the best interest of our people and the tribe to focus on revitalization efforts towards this area. It is with hopes that we can collaborate with the Brownfields Program to make a significant impact on this area. Thank you for all of your efforts to positively impact our tribe and protect our lands and members of the great Turtle Mountains.

Sincerely,

Nathan A. Davis, District 1 Council Representative  
Turtle Mountain Band of Chippewa

## **Attachment F. Analysis of Brownfields Cumulative Alternatives (ABCAs)**

### **III.B.12.a Draft Analysis of Brownfields Cleanup Alternatives San Haven Area [Buildings #1, 2, 3, 4, 5, 7, 8, and 19]: Analysis of Brownfields Cleanup Alternatives (ABCAs)**

#### **Analysis of Brownfields Cleanup Alternatives – Preliminary Evaluation For San Haven Area- Buildings #1, 2, 3, 4, 5, 7, 8, and 19 Turtle Mountain Band of Chippewa Reservation, ND**

Tribal Contact: Ray Reed, Brownfields Coordinator, (701)-477-8337

#### **I. Introduction & Background**

##### **a. Site Locations**

Cleanup is proposed for 8 San Haven Buildings that are located on approximately 14 acres of the 600-acre San Haven complex. The address is 98<sup>th</sup> St NE, San Haven Road, Dunseith, Rolette County, ND 58329, Lat/Long [48.835351, -100.041743] and is located approximately 7 miles west of the Turtle Mountain Indian Reservation. Originally, there were 43 buildings or structures as part of the Tuberculosis Sanitarium. By late 1990s, through vandalism, salvaging and fires, the structures had been reduced to 23. Nine remain today. The cleanup grant will address eight buildings while EPA Emergency Removal will remove one of the buildings. The eight sites include:

- Main Hospital - Buildings 1, 2, 3, and 4
- Southview (Residence) – Building 5
- Maintenance Shop – Building 7
- Power Plant – Building 8, and
- Refectory (Dining Hall) – Building 19

##### **b. Previous Site Use(s) and any previous cleanup/remediation**

The facility was first built in 1909 as a Tuberculosis Sanitarium and opened its doors to the patients in 1912. From later 50's to 1970, the site was used for the tuberculosis patients and in 1971, for use as the State Hospital up until 1987 when it closed its doors. The Turtle Mountain Band of Chippewa Indians acquired the property in 1992. Prior to the Tribe acquiring the property, the State of North Dakota conducted a cleanup of contamination that was detected at the time including asbestos, USTs, PCBs and contaminated soil and water. As vandalism, salvaging and fires occurred, there was concern further contamination was present. The Tribe received an EPA Brownfields Assessment Grant in 1998, a EPA Brownfields Supplemental Assessment Grant in 2000 and a third EPA Brownfields Assessment Grant in 2003. The Grants showed additional contamination of asbestos, lead-based paint, oil in soils and PCBs. To address immediate concerns in 2004, EPA's Region 8 in-house START contractor removed friable asbestos under a Time Critical Action, exempting the Tribe from cost recovery under CERCLA. In October 2020, the START contractor conducted another Phase II Assessment under a Targeted Brownfields Assessment and identified widespread Asbestos Containing Materials (ACM) and elevated lead-based paint in 8 structures, including ACM in floor tile, floor mastics,

caulk, roofing materials, piping insulation, exterior plaster, vermiculite, interior and exterior walls, etc. It also identified mold and potential PCB transformers.

**c. Site Assessment Findings** (From most recent assessment in Oct. 2020)  
ASTM Phase II Environmental Assessments was conducted by the U.S. EPA START Contractor in 2020. The results of the Phase II ESA confirmed the presence of contaminants of concern (COCs) at all the buildings. The following below is a list of the COC's and associated media identified by START contractors at the Site:

- ACM identified in all 8 structures at the San Haven buildings.
- Elevated LBP identified in all 8 structures at the San Haven Buildings
- Potential PCB-containing transformers were observed in buildings 1, 3, and 19

Due to the age of the buildings, asbestos containing material (ACM), lead-based paint (LBP), The Turtle Mountain Band of Chippewa Indians is interested in the cleanup and demolition of the 8 San Haven buildings and reusing the property as an RV Park and Campground and for future sustainable housing.

**d. Project Goal**

The overall purpose of a cleanup at these sites are to allow the properties to be redeveloped while mitigating the risk that COCs currently present pose to human health and the environment. The cleanup goal(s) for these sites are listed below.

- § Remove and dispose of COCs to allow for redevelopment of the properties;
- § Conduct cleanup operations that are compliant with applicable tribal, state, and federal standards and will protect human health and the environment; and
- § Implement cleanup alternative(s) that are practical and effective in mitigating COCs to protect human health and the environment in both the short-term and long-term.

**II. Applicable Regulations and Cleanup Standards**

**a. Cleanup Oversight Responsibility**

The cleanups will be overseen by the Tribal Brownfields Program and Environmental Program, in coordination with U.S. EPA Region 8. A certified contractor will be hired to conduct the cleanups.

**b. Cleanup Standards for major contaminants**

Because the sites would be used for residential and office space reuses, the more stringent residential standards will be used as the cleanup standards. These standards will follow rules and regulations during the cleanup tasks and activities:

ACM Remediation

- § National Emission Standards for Hazardous Air Pollutants, Subpart A
- § National Emission Standards for Asbestos, Subpart M
- § ND Administrative Code – 33-15-13 Emission Standards for Hazardous Air Pollutants
- § ND Century Code – Chapter 23 Health and Safety and Chapter 25 Air Pollution Control

LBP Remediation

§ EPA’s Renovation, Repair, and Painting (RRP) Rule  
§ United States Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (2012 edition) (HUD, 2012)  
§ EPA Integrated Exposure Uptake Biokinetic Modeling for 5 µg/dL Blood Lead Levels  
§ EPA Regional Screening Levels (RSLs) – Resident and Industrial Soil  
Mold  
OSHA rules for workers protection

**c. Laws & Regulations Applicable to the Cleanup (*briefly summarize any federal, tribal, state, and local laws and regulations that apply to the cleanup*)**

Laws and regulations that are applicable to this cleanup include the Federal Small Business Liability Relief and Brownfields Revitalization Act; the Federal Davis-Bacon Act; Tribal laws and regulations such as “Title 40, Turtle Mountain Band Of Chippewa, Solid And Hazardous Waste Management And Remediation Code” and the cleanup contractor will be required to obtain a Tribal Business license, permits and pay TERO fees; and follow OSHA and EPA regulations and notifications. Federal and Tribal laws regarding procurement of contractors to conduct the cleanup will be followed. In addition, all appropriate permits (*e.g.*, notify before you dig, soil transport/disposal manifests) will be obtained prior to the work commencing.

**III. Evaluation of Cleanup Alternatives**

Each of the potential cleanup alternatives is evaluated against the following set of four criteria:

**1) Compliance**

§ Compliance with applicable tribal, state and federal regulations.

**2) Effectiveness**

§ Protectiveness of human health and the environment, including workers during implementation;  
§ Reliability for mitigation of risk in the short-term and long-term effectiveness;  
§ Reduction of toxicity, mobility, and/or volume of contaminants;  
§ Ability to achieve the cleanup goals; and  
§ Resiliency to climate change conditions (including extreme weather conditions such as flooding).

**3) Implementability**

§ Technical feasibility;  
§ Availability of required services, materials, and equipment;  
§ Administrative feasibility;  
§ Construction feasibility; and  
§ Maintenance and monitoring requirements.

**4) Cost (Conceptual costs for comparative analysis only)**

§ Amount time, effort, materials, and labor necessary.

The selection of “effectiveness”, “implementability”, and “cost” as evaluation criteria is based upon the EPA’s *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA* (EPA, 1988). In addition, the selection of “compliance” as an evaluation criterion is used to take into account variations between federal, state, and/or local regulations, if applicable, on a site-by-site basis.

#### IV. Cleanup Alternatives

##### a. Cleanup Alternatives Considered (*minimum two different alternatives plus No Action*)

To address contamination at the both sites 1 and 2, three different alternatives were considered, including:

- **Alternative #1: No action**
- **Alternative #2: Abatement, Building Demolition and Disposal**
- **Alternative #3: Demolition and Disposal of All Building Materials as ACM and LBP contaminated debris**

ABCA option	Advantages	Disadvantages
<b>1. No action</b>	<ul style="list-style-type: none"> <li>· No costs.</li> </ul>	<ul style="list-style-type: none"> <li>· All contamination will still exist.</li> <li>· Health, environmental, and safety hazards remain and may worsen as the buildings deteriorate and becomes salvaged and vandalized.</li> <li>· An eyesore will remain.</li> <li>· The needs of the community will not be met since the sites cannot be reused with the status quo situation.</li> <li>· Not compliant with Federal, Tribal and State regulations</li> <li>· <b>No immediate costs</b>, but potential high costs in future due to unlimited liability and deteriorating conditions.</li> <li>· “No Action” alternative is technically ineffective.</li> </ul>
<b>2. Abatement, Building Demolition and Disposal</b>  (remediation activities prior to and during building demolition)	<ul style="list-style-type: none"> <li>· Will Abate and dispose of all friable ACM prior to demolition to address the ACM concern prior to demolition.</li> <li>· Will Remove and dispose of all regulated hazardous wastes prior to demolition</li> <li>· Conduct Toxicity Characteristic Leaching Procedure (TCLP) Sampling – Pending disposal requirement of the landfill accepting demolished building materials.</li> <li>· Control Migration of mold spores during the demolition process.</li> <li>· Some clean materials such as metal and concrete will be recycled reducing the disposal costs and amount of debris that needs to go to the landfill.</li> <li>· Removal of some contamination will reduce safety, health and environmental risks.</li> <li>· It will allow for reuse/redevelopment of these sites.</li> </ul>	<ul style="list-style-type: none"> <li>· Protective of Human Health and Community, workers during implementation, environment, and climate change</li> <li>· Effectively meets criteria for short term and long term solution</li> <li>· Provides ability to mitigate environmental impacts</li> <li>· Effectively able to achieve cleanup goals</li> <li>· Overall effective</li> <li>· Alternative would incur a <b>moderate amount of time, effort, labor, and material costs</b> to complete the ACM remediation and demolish and dispose of the remaining buildings.</li> <li>· Estimated cost of cleanup: \$600,000.</li> <li>· Estimated Cost of Demolition and Disposal :\$1,334,758.93</li> <li>· <b>Total Cost: \$ 1,934,758.93</b></li> </ul>

<b>3. Demolish and dispose of all building materials as ACM</b>	<ul style="list-style-type: none"> <li>· Will remove and dispose of all mercury-containing thermostat switches to address the mercury concern prior to building demolition</li> <li>· Will abate and dispose of all ACM as well as additional site specific considerations beyond a typical abatement to address the ACM concern during building demolition.</li> <li>· Conduct Toxicity Characteristic Leaching Procedure (TCLP) Sampling pending disposal requirement of the asbestos landfill accepting demolished building materials during demolition</li> <li>· Control Mold Migration during the demolition process</li> <li>.</li> </ul>	<ul style="list-style-type: none"> <li>· Protective of Human Health and Community, workers during implementation, environment, and climate change</li> <li>· Effectively meets criteria for short term and long term solution</li> <li>· Provides ability to mitigate environmental impacts</li> <li>· Effectively able to achieve cleanup goals</li> <li>· Overall effective</li> <li>· This alternative would require high amounts of effort, labor, and material costs to dispose of all building materials as ACM and LBP contaminated debris.</li> <li>· <b>Estimated Cost far exceeds \$3,500,000.00</b></li> </ul>

**b. Cost Estimate of Cleanup Alternatives (*summary of the compliance, effectiveness, implementability and a preliminary cost estimate for each alternative*)**

To satisfy EPA compliance, requirements, the effectiveness, implementability, and cost of each alternative must be considered prior to selecting a recommended cleanup alternative.

**Summary Comparison of Potential Alternatives**

<b>Cleanup Alternative</b>	<b>Compliance</b>	<b>Effectiveness</b>	<b>Implementability</b>	<b>Cost<sup>(1)</sup></b>	<b>Retained</b>	<b>Comment</b>
Alternative 1: No Action	Compliant	Not effective	Implementable	Low (3 <sup>rd</sup> )	No	This alternative does not satisfy the cleanup goals or allow for redevelopment of these sites.
Alternative 2: Abatement, Building Demolition and Disposal	Compliant	Effective	Implementable	Moderate (2 <sup>nd</sup> )	Yes	This alternative satisfies the cleanup goals and allows for redevelopment of the sites. All COCs would be permanently mitigated and no ongoing activities would be required after completion.
Alternative 3: Demolition and Disposal of All Building Materials as ACM	Compliant	Effective	Implementable	High (1 <sup>st</sup> )	Yes	This alternative satisfies the cleanup goals and allows for redevelopment of these sites. All COCs would be permanently

						mitigated and no ongoing activities would be required after completion. However, this alternative would require additional costs to implement. This is the most expensive alternative evaluated to mitigate identified COCs.
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<sup>(1)</sup>Costs are ranked from highest to lowest in relation to each other.

### c. Recommended Cleanup Alternative

Of the three cleanup alternatives evaluated for selection at San Haven area located at 98<sup>th</sup> St NE, San Haven Road, Dunseith, ND 58329, the preferred alternative recommended is:

#### § Alternative 2: Abatement, Building Demolition and Disposal

This alternative was selected based upon overall compliance with state and/or federal regulations, effectiveness in protecting human health and the environment in both the short-term and long-term, feasibility of implementation, and cost effectiveness. Though Alternative 2 and Alternative 3 are considered viable options which would result in the same redevelopment endpoint for these sites, Alternative 2 is believed to be the most efficient process when considering time and costs required.

Based on the results of the Phase II ESA, it is estimated that ACM remediation at the San Haven will cost approximately \$600,000. This value is an estimate to remove and dispose of the friable ACM, loose LBP, PCB transformers and other regulated hazardous wastes, including a 20% contingency.

Based on the redevelopment plan to demolish and remove the buildings, it is believed the only LBP removal costs associated with Alternative 2 is analysis of TCLP samples for landfill disposal which would occur during building demolition and non-hazardous disposal task. It is estimated that TCLP samples collection and analysis will cost approximately \$360.00 which includes a 20% contingency.

It is estimated that demolition and non-hazardous disposal of the buildings after ACM remediation will cost approximately \$150,000.

It is estimated that remediation of contaminants and preparation of demolition and redevelopment of the San Haven sites will cost approximately \$500,000. This value is an estimate to complete the associated tasks presented in the USEPA START contractor conceptual cleanup model.

Based on Tribal government and community input during our public meeting held October 20, 2020 it was suggested that if awarded the grant that we will remediate and demolish the 8 buildings assessed in 2020. It is estimated that a contractor would abate the 8 buildings and ready for demo with the \$500,000. Also, once the buildings are cleaned from contaminants the Tribal EPA 1%, Tribal Roads, Tribal Housing Authority and Solid Waste/Transfer Station will do a joint effort in demolishing the abated structures.

The recommended cleanup alternative is Alternative #2: Abatement and Disposal, and Preparation for Demolition. The alternative suggested will include remediation cleanup prior to demolition, milestones, community outreach component, protection for the environment and public health, and detailed costs. The Cleanup Plan will describe how the cleanup process will need to protect the workers and nearby residents. It will also address correct disposal procedures, so that the environment is protected. The contractor will work with the Tribal Environmental Protection Agency and the EPA Region 8 to assure the safe and required practices will be followed. We estimate the total costs of the prioritized structures to be remediated and ready for demo will be approximately \$500,000 with \$100,000 tribal contribution in the form of equipment, among other resources.

## **Attachment G. Justification for Cost Share Waiver**

### **III.B.13 Statutory Cost Share**

#### **III.B.13.a Meet Required Cost Share**

#### **III.B.13.b Hardship Waiver**

#### **III.B.13.a Meet Required Cost Share**

##### **Statutory Cost Share - Meet Required Cost Share**

The Directors of the Solid Waste, Natural Resources, Tribal EPA 1% fund fee and Tribal Roads Departments have provided the following cost share match. The Director's also state in the support letters that the Tribe is requesting a Hardship Waiver as \$40,000 will be a burden on the Tribe because it takes time away from normal everyday usage of the program's equipment and man power.

##### **· *Cost Share -Equipment usage and labor donated from Tribal Natural Resources Department -***

Front End Loader - \$75/hr. x 200/hrs. = \$15,000; 2 Dump Trucks - \$70/hr. x 150/hrs. = \$10,500; Truck and 40' flatbed Trailer - \$60/hr. x 30 hrs. = \$1,800; Bucket Truck with Basket - \$80/hr. x 8 hrs. = \$640; 60' Mobile Crane - \$80/hr. x 8/hrs. = \$640. Total of all = \$28,580 of this In-Kind support applied to San Haven buildings.

##### **· *Cost Share - Equipment usage and labor donated from Tribal Solid Waste Department-***

Front End Loader - \$100/hr. x 200/hrs. = \$20,000; 25-yd. roll-off @ \$500/dump, x 55/dumps = \$27,500. Of this In-Kind support applied to San Haven area. Savings from reduced tipping fee at Transfer Station \$37/ton to \$17/ton = \$20/ton savings on estimated 4,785 tons x \$20/savings = \$95,700.

##### **· *Cost Share -Equipment usage and labor donated from Tribal Roads Department -***

Front End Loader - \$90/hr. x 150/hrs. = \$13,500; 1 Dump Truck - \$85/hr. x 100/hrs. = \$8,500; Excavator - \$100/hr. x 50 hrs. = \$5,000. Total of all = \$27,000 of this In-Kind support applied to San Haven buildings.

##### **· *Cost Share -Equipment usage and labor donated from Tribal EPA 1% fund fee Department -***

Equipment usage for a 3 month period, including one Skid Steer (\$3,000.00). Use of 2 Dump Trailers - Cost \$50.00/hr. times 100/hours = \$5,000.00. Operation, Maintenance and Labor of 2 workers and equipment (\$5,000.00). Total of all = \$13,000.00 of this In-Kind support applied to the San Haven buildings.

### **III.B.13.b Hardship Waiver**

#### **Cost-Share Waiver**

Rather than meet the cost share requirements, the Tribe is requesting a Hardship waiver. The Turtle Mountain Tribe is requesting a hardship waiver because providing the 20% match will place an undue hardship on the Tribe. The Turtle Mountain Tribe resides in a historically economically depressed region in north central North Dakota. Being a rural area located in a rural state, resources are limited and there are many Tribal demands competing for funding including health care, housing, education, and jobs. Additionally, the Tribe experiences high unemployment and poverty rates.

#### **HARDSHIP WAIVER REQUEST**

The Turtle Mountain Tribe is requesting a Hardship Waiver for the 20% Brownfields match and is providing the following information to support its request:

### **1. The unemployment rate**

According to the DOI 2013 Labor Force Report, the available workforce 16+ on the Reservation that was not employed is 60.2%. That is a very high rate in comparison to 2.7% unemployment rate for the State and 3.9% for the Nation. (2018 Bureau of Labor Statistics)

### **2. Per capita income (from 2000 U.S. Census)**

The Per Capita Income for Belcourt was \$14,133 (2016 City-Data) and for the Fort Berthold Reservation was \$23,750 (2011-2015 U.S. Census American community Survey). Notice that the community of Belcourt was less than ½ of the State (\$34,256) and Nation (\$31,177). Belcourt is the largest Tribal town on the Reservation and location of Site 1. Site 2 is close to Belcourt.

**Demographics Table Comparing Turtle Mountain Reservation, County, State and Nation**

	<b>Target Community Census Tract (Belcourt) or Rolette County when Belcourt info not available</b>	<b>Turtle Mountain Reservation</b>	<b>State</b>	<b>National</b>
<b>Population</b>	Belcourt – 2,078 with 1,991 being American Indian and Alaska Native <sup>5</sup>	8,565 with 8,320 being American Indian and Alaska Native. <sup>5</sup>	ND - 760,077 with 41,804 being American Indian and Alaska Native <sup>1</sup>	National - 327,167,434 with 4,253,177 being American Indian and Alaska Native <sup>1</sup>
<b>Unemployment</b>	Rolette County -10.2% in 2017) <sup>4</sup>	60.2% (unemployed as a percentage of workforce) <sup>7</sup>	2.7% as of Dec 2018 <sup>2</sup>	3.9% as of Dec 2018 <sup>2</sup>
<b>Poverty Rate</b>	Belcourt - 46.3% <sup>9</sup>	24.5% <sup>10</sup>	10.3% <sup>1</sup>	12.3% <sup>1</sup>
<b>Percent Minority</b>	99% <sup>10</sup>	70% <sup>10</sup>	12.5% <sup>1</sup>	23.4% <sup>1</sup>
<b>Per Capita Income</b>	Belcourt \$14,133 <sup>7</sup>	23,750 <sup>10</sup>	\$34,256 <sup>1</sup>	\$ 31,177 <sup>1</sup>

<sup>1</sup>Data is from the U.S. Census 2018 Estimated Quick Fact data and is available at <https://www.census.gov/quickfacts/fact/table/nd,US/PST045218>

<sup>2</sup>Data is from the 2018 Bureau of Labor Statistics and is available at <https://data.bls.gov/timeseries/LNS14000000>

<sup>3</sup> Data is from 2010 Census at <http://censusviewer.com/city/ND/Belcourt>

<sup>4</sup> Unemployed for Rolette County from Bureau of Labor Statistics available at <https://www.bls.gov/lau/laucnty17.txt>

<sup>5</sup>Data is from ND Indian Affairs and taken from 2010 U.S. Census and is available at <http://indianaffairs.nd.gov/statistics/>

<sup>6</sup>Data from 2017 Estimated U.S. Census for Rolette County available at

<sup>7</sup>Data from City Data on 2016 Per Capita Income available at <http://www.city-data.com/income/income-Belcourt-North-Dakota.html>

<sup>8</sup> Data from DOI 2013 Labor Force Report and available at <https://www.bia.gov/sites/bia.gov/files/assets/public/pdf/idc1-024782.pdf>

<sup>9</sup> Data from City Data on 2016 Poverty Rate for Belcourt available at <http://www.city-data.com/poverty/poverty-Belcourt-North-Dakota.html>

<sup>10</sup>Data from 2011-2015 U.S. Census American Community Survey for Fort Berthold Indian Reservation available at [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_15\\_AIA\\_DP03&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_AIA_DP03&prodType=table)

**3. Data demonstrating substantial out-migration or population loss, if relevant:** N/A -

The population has slightly increased from the 2000 - 2010 U.S. Census, from 8,307 to 8,565 respectively.

**4. Data demonstrating underemployment, that is, employment of workers at less than full-time or at less skilled tasks than their training or abilities permit, if relevant**

According to the 2013 DOI Indian Affairs Labor Force Estimate Report for the Turtle Mountain Reservation, 1,351 people were employed part-time and 5,047 were willing and able to work but unable to find work in the past year. According to the Socio-Economic statistics published by the Indian Health Service (IHS), American Indians in the State of South Dakota combat poverty, unemployment, underemployment, and inadequate health care. Poor housing and nutrition, lack of career and job opportunities exacerbate their problems. It further says that the South Dakota American Indian population is in transition: socially, economically, demographically and culturally. Although improvements have been made in high educational attainment, the drop-out rate is still high. High unemployment and underemployment persist as many are employed in the lower paying sectors.

**5. Local natural or other major disasters or emergencies, if relevant**

The Tribe has continually tried to recover from repeated severe weather events and has received 19 Federal Declaration and 1 Emergency Declaration in the past 20 years. In 2011, the Tribe received a FEMA Emergency Declaration for Flooding on the Missouri river in April 2011, a major FEMA Declarations for Flooding in May 2011, and in July 1017 for Flooding.

**6. Information regarding extraordinary depletion of natural resources, if relevant**

Not Applicable

**7. Closure or restructuring of industrial firms and negative effects of changing trade patterns, if relevant**

The Tribe was negatively affected when a Tribal employer, the Turtle Mountain Plant, closed in 2009 putting over 300 people out of work. The Plant made trailers and water tanks for the military.

**8. Whether you are located in a President-Declared Disaster area (declared within 18 months of the submission date for your proposal)**

The Tribe's latest FEMA Emergency Declaration (#HQ-17-038) was in July 2017 for Flooding.

**9. Whether you have exhausted effective taxing (for governmental entities only) and borrowing capacity. Also, your explanation should include whether the proposed project could still proceed if the cost share waiver was not approved.**

With high poverty levels and high unemployment and limited industry and businesses, the Tribe is greatly restricted in effectively levying taxes and borrowing funds for environmental cleanups.