



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 13 2014

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Dear Honorable Leader:

The U.S. Environmental Protection Agency (EPA) is initiating consultation and coordination with federally-recognized Indian tribes on the following draft new tribal waste management performance measure:

Number of tribes where waste management program capacity has been improved through EPA technical assistance.

The new tribal waste management performance measure is being developed in response to the Office of Inspector General's (OIG) Evaluation Report, *EPA Needs an Agency-Wide Plan to Provide Tribal Solid Waste Management Capacity Assistance*, which recommended that the EPA develop "performance measures, including both output and outcome measures, to track whether its assistance is consistent and effective in developing solid waste management capacity and reducing risks from open dumps in Indian country." Consequently, the EPA committed to evaluate a new tribal waste management performance measure as part of *The Environmental Agency-Wide Plan to Provide Solid Waste Management Capacity Assistance to Tribes* (the Plan). The EPA also stated in the Plan that we would engage tribes as we work to develop a new performance measure.

Performance measures allow the EPA to evaluate the effectiveness of its efforts in supporting the development of tribal waste management programs. The EPA is developing a new tribal waste management performance measure that will focus on the Agency's activities to assist tribes in the development of waste management programs and to advance the on-going development of tribal capacity for building sustainable waste management programs.

This consultation and coordination process which is expected to extend from August 29 – September 29, 2014, will be conducted in accordance with the EPA Policy on Consultation and Coordination with Indian Tribes (<http://www.epa.gov/tribal/consultation/consultpolicy.htm>). EPA invites you and your designated consultation representative(s) to participate in this process by submitting comments on the draft new tribal waste management performance measure by September 29, 2014. When submitting your comments, please explain why you agree or disagree, suggest alternatives and substitute language for your suggested changes, and provide your rationale.

In addition, during the formal consultation and coordination process, EPA has scheduled one national conference call. The logistical information for the national conference call is as follows:

Date	Event	Contact Information
September 9, 2014 2:00 - 3:30 pm (EDT)	National Conference Call	<u>Call-in Information:</u> Conference Call Line: (866) 299-3188 Conference Call Code: 703 307 6087

Enclosed is a consultation and coordination plan for this action that includes a description of the actions under consultation and the process EPA intends to follow, including a timeline for the consultation and coordination period and information on how you can provide input on this action. In addition, enclosed is a document that provides a clear explanation of the new draft tribal waste management performance measure. This document also provides examples of some of the different types of technical assistance that EPA uses to assist tribes in developing sustainable waste management programs. EPA is referencing the enclosed information during the national conference call. This information is also available on EPA's Tribal Portal (www.epa.gov/tribal/consultation).

The official EPA contact person for this consultation and coordination process is Michaelle Wilson, Chief of the Federal, State and Tribal Programs Branch, available at (703) 308-8790 or (wilson.michaelle@epa.gov). Your staff may also contact Denise Roy at (703) 308-8458 or (tribalwastemeasure@epa.gov) should you have any questions regarding this action.

I look forward to hearing from you on this important matter.

Sincerely,



Mathy Stanislaus
Assistant Administrator

Enclosures

Tribal Waste Management Performance Measure Background

- EPA has initiated formal consultation and coordination with federally-recognized Indian tribes on the following draft new tribal waste management performance measure:

Number of tribes where waste management program capacity has been improved through EPA technical assistance.

- EPA's anticipated timeline for the consultation and coordination period is expected to extend from August 29, 2014 through September 29, 2014.
- The new tribal waste management performance measure is being developed in response to the Office of Inspector General's (OIG) Evaluation Report, *EPA Needs an Agency-Wide Plan to Provide Tribal Solid Waste Management Capacity Assistance*, which recommended that the EPA develop "performance measures, including both output and outcome measures, to track whether its assistance is consistent and effective in developing solid waste management capacity and reducing risks from open dumps in Indian country." Consequently, EPA committed to evaluate a new tribal waste management performance measure as part of *The Environmental Agency-Wide Plan to Provide Solid Waste Management Capacity Assistance to Tribes* by October 2014.
- EPA is particularly interested in whether tribes believe that this performance measure is feasible and accurately captures the impact of EPA's tribal waste management program efforts.
- In addition, as part of this performance measure development process, EPA will develop internal guidance that provides clarity regarding the activities which constitute technical assistance. Therefore, EPA seeks tribal input regarding the types of technical assistance which have been or can be provided by EPA, and how such assistance improves tribal waste program capacity. The following are examples of some of the different types of technical assistance that EPA uses to assist tribes in developing sustainable waste management programs:
 - Assist tribes with using the Sustainable Evaluation Tool;
 - Assist in peer matching efforts;
 - Conduct in-depth, on-site field technical and compliance assistance to interested tribes;
 - Technical support concerning issues such as waste collection and management, recycling, and waste prevention;
 - Support to the tribes in developing and implementing Integrated Waste Management Plans (IWMP), including reviews for technical accuracy and reviewing draft codes and ordinances;
 - Assist with construction debris management and disaster management planning;

- Assist with identifying and assessing open dumps consistent with a tribally approved IWMP, particularly those that may affect drinking and surface water; and
 - Provide training on developing and improving solid waste programs, including one-on-one direct technical assistance and peer matching opportunities.
- EPA provided an opportunity for preliminary tribal input on performance measures from May 19 through June 13, 2014, via the National Tribal Conference Call led by Mathy Stanislaus, Office of Solid Waste and Emergency Response (OSWER) Assistant Administrator, informal regional discussions, and an email address box that was established for submittal of written comments. EPA received general input and ideas from tribes.
- EPA is planning to include the draft performance measure within the FY 2016 President's Budget for OSWER, which is currently under development. Thus, the performance measure can only reflect the limited resources of the OSWER funded EPA tribal waste program, which includes EPA staff in the regions and a small amount of funding.
- The performance measure would be fully implemented in FY 2016.
- One additional overarching issue that EPA has taken into consideration is that implementing the measure should not impose an additional burden on tribes.
- The measure does not reflect the impact of the Indian Environmental General Assistance Program (GAP) funding that EPA provides to tribes. There is a separate effort led by the American Indian Environment Office (AIEO) to develop performance measures that will assess the effectiveness of the GAP funding.

Tribal Consultation and Coordination Process and Timeline for the Draft New Tribal Waste Management Performance Measure

As part of the tribal consultation and coordination process, the Environmental Protection Agency (EPA) is announcing the consultation and coordination on the following draft new tribal waste management performance measure:

Number of tribes where waste management program capacity has been improved through EPA technical assistance.

The new tribal waste management performance measure is being developed in response to the Office of Inspector General's (OIG) Evaluation Report, *EPA Needs an Agency-Wide Plan to Provide Tribal Solid Waste Management Capacity Assistance*, which recommended that the EPA develop "performance measures, including both output and outcome measures, to track whether its assistance is consistent and effective in developing solid waste management capacity and reducing risks from open dumps in Indian country." Consequently, the EPA committed to evaluate a new tribal waste management performance measure as part of *The Environmental Agency-Wide Plan to Provide Solid Waste Management Capacity Assistance to Tribes* (the Plan). The EPA also stated in the Plan that we would engage tribes as we work to develop a new performance measure.

Consultation and coordination on the draft tribal performance measure is an important step in an ongoing partnership in which the EPA is committed to working with the tribes to protect human health and the environment in Indian country. Performance measures allow the EPA to evaluate the effectiveness of its efforts in supporting the development of tribal waste management programs. The EPA is developing a new performance measure that will focus the Agency's activities to assist tribes in the development of waste management programs and to advance the on-going development of tribal capacity for building sustainable waste management programs. The goal of consultation and coordination is to ensure that tribal officials have the necessary information to provide valuable input on the new draft performance measure.

Please submit your comments on the draft new tribal waste management performance measure by September 29, 2014. When submitting your comments, explain why you agree or disagree, suggest alternatives and substitute language for your suggested changes, and provide your rationale. Electronic comments to the EPA may be sent via e-mail to Denise Roy at (tribalwastemeasure@epa.gov). Written comments can be sent to EPA at the following address:

Denise Roy, U.S. EPA
Office of Resource Conservation and Recovery
1200 Pennsylvania Avenue, NW
Mail Code 5303P
Washington, DC 20460

In addition, comments to the EPA may also be sent to Denise Roy via fax at (703) 308-8433. To view a detailed explanation of the new draft tribal waste management performance measure, please visit the following website: <http://www.epa.gov/epawaste/wyl/tribal/capacityassist.htm>.

During the formal consultation and coordination process, EPA has scheduled one national conference call to discuss the draft new performance measure. The table below lays out the schedule and timeline for tribal consultation and coordination on the new draft tribal performance measure. In addition, the EPA is seeking other opportunities (e.g., National Tribal Caucus Conference Calls, Regional Tribal Operation Committee Meetings, other national tribal conferences and/or meetings, and informal discussions with the RCRA Tribal Waste Management Contacts), to coordinate with tribes on the new draft performance measure.

Date	Event	Contact Information
August 29, 2014 – September 30, 2014	Review and Comment Period	Denise Roy Phone: (703) 308-8458 Fax: (703) 308-8433 E-mail: tribalwastemeasure@epa.gov
September 9, 2014 2:00 - 3:30 pm (EDT)	National Conference Call	<u>Call-in Information:</u> Conference Call Line: (866) 299-3188 Conference Call Code: 703 307 6087
September 29, 2014	Deadline for Submittal of Comments	Denise Roy Phone: (703) 308-8458 Fax: (703) 308-8433 E-mail: tribalwastemeasure@epa.gov

For questions or additional information in reference to the new draft performance measure, you may contact members of the RCRA Tribal Waste Management Program.

EPA HEADQUARTERS/ REGION	STATES	CONTACT NAME	PHONE NUMBER	E-MAIL ADDRESS
Headquarters		Denise Roy	(703) 308-8458	Roy.denise@epa.gov
Region 1	ME, NH, VT, MA, RI, and CT	Juiyu Hsieh	(617) 918-1646	Hsieh.juiyu@epa.gov
Region 2	NY, NJ, PR, and VI	Lorraine Graves	(212) 637-4099	Graves.lorraine@epa.gov
Region 4	KY, TN, NC, SC, MS, AL, GA, and FL	Davy Simonson	(404) 562-8457	Simonson.davy@epa.gov
Region 5	MN, WI, IL, MI, IN, and OH	Dolly Tong	(312) 886-1019	Tong.dolly@epa.gov
Region 6	NM, TX, OK, AR, and LA	Roger Hancock	(214) 665-6688	Hancock.roger@epa.gov
Region 7	NE, KS, IA, and MO	Gayle Hubert	(913) 551-7439	Hubert.gayle@epa.gov
Region 8	MT, ND, WY, SD, UT, and CO	Susanna Trujillo	(303) 312-7008	Trujillo.susanna@epa.gov
Region 9	CA, NV, AZ, and HI	Michelle Baker	(415) 972-3206	Baker.michelle@epa.gov
Region 10	WA, OR, ID, and AK	Fran Stefan	(206) 553-6639	Stefan.fran@epa.gov