

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

4180 HIGHWAY 281
P.O. BOX 900
BELCOURT, NORTH DAKOTA 58316

(701) 477-2600
FAX: (701) 477-6836



November 21, 2011

Environmental Management Support, Inc.
Attn: Mr. Don West
8601 Georgia Avenue, Suite 500
Silver Spring, MD 20910
Phone 301-589-5318

Dear Mr. West:

The Turtle Mountain Band of Chippewa Indians is very pleased to submit this Brownfields Cleanup Grant Proposal to cleanup the old Tribal Administration Building. The building is owned by the Tribe and located on Trust Land in Belcourt, North Dakota on the Turtle Mountain Indian Reservation. Due to repeated flooding, mold has spread throughout the structure and is no longer safe for staff to occupy. The building also contains other types of contamination and has become abandoned. This is one of two sites the Tribal Council has prioritized for immediate cleanup and/or demolition.

The building is located among other administrative and business buildings along the major highway running through the Reservation and is a prime development site with convenient access and visibility. Additionally, the Tribal Council is concerned because the building has become a public health, environmental and safety hazard and an attractive nuisance to youth, transients and those causing vandalism and salvaging.

The Turtle Mountain Reservation is small in scope compared to its population. Much of the land is hilly, which makes it difficult to build in low areas that are subject to flooding and higher ground water tables. There is pressure to identify useable land for housing, administrative and commercial development. The Tribal Council has mentioned several times that they would like to rebuild or allow other private businesses to build on this site. The prime re-use of this site would be used for economic development.

Identifying funding to address the building is difficult as there is a pressing need to apply Tribal resources towards health care, housing, jobs, education, and many support programs. Thank you for considering our application.

Sincerely,

Merle St. Claire, Chairman
Turtle Mountain Band of Chippewa Indians

a. Applicant Identification Turtle Mountain Band of Chippewa Indians, PO Box 900, Belcourt, North Dakota 58316

b. Applicant DUNS number: 12-120-3483

c. Funding Requested

i) Grant type: Cleanup

ii) Federal Funds Requested: \$ 200,000. Additionally, the Tribe is requesting a cost-share waiver (See Attachment 7 for Cost-Share Waiver documentation.)

iii) Contamination: Hazardous Substances and Contaminants (mold)

d. Location: The site is located on approximately 2 acres along Highway 5 West (3 miles southwest of Belcourt), Rolette County, North Dakota. It is owned by the Tribe and located on Tribal Trust Land on the Turtle Mountain Indian Reservation.

e. Property name and complete site address, including zip code

The abandoned Tribal Administration Building is located at Highway 5 West, Belcourt, North Dakota 58316.

f. Contacts

i) Project Director:

Ray Reed, Brownfields Coordinator

PO Box 730, Highway 5 West, Belcourt, ND 58316

Phone: (701) 477-0407 x219, Cell: (701) 278-5977, Fax: (701) 477-9398

Email: reed_627@hotmail.com

ii) Chief Executive/Highest Ranking Elected Official:

Merle St. Claire, Tribal Chairman

Turtle Mountain Band of Chippewa Indians

PO Box 900, 4180 Highway 281, Belcourt, ND 58316

Phone: (701) 477-2600, Fax: (701) 477-6836

g. Date Submitted: November 23, 2011

h. Project Period: Three years

i. Population

i) Provide the general population of your jurisdiction. The 2010 U.S. Census lists the Reservation population as 8,656 with 8,320 being American Indian.

ii) If you are not a municipal form of government, provide the population of the target area addressed by this proposal. The 2010 U.S. Census lists the population of Belcourt as 2,078 with 1991 being American Indian.

j. See Attachment 5 noting “Special Considerations” items that are applicable to this proposal including population less than 10,000; Federally Recognized Indian Tribe; several FEMA Disaster Declarations; leveraging of funds; economic disruptions; green remediation planning.

NARRATIVE PROPOSAL

RANKING CRITERIA

1. Community Need [15 points]

a. Health, Welfare and Environment [8 Points]

i) Describe the effect brownfields currently have on your targeted community

The current Tribal Response Program Inventory includes seven abandoned, large buildings; an area where 100+ former HUD homes were abandoned due to massive mold issues were burnt leaving unsafe debris piles in the middle of the community; and many open dumps. All of these sites are attractive nuisances for youth, salvagers and transients threatening the public health and presenting safety issues for those who frequent the areas. Because of the age of most of the structures, they most likely contain hazardous contaminants and if burnt, include additional contamination threats from plastics, metals, solvents, oils, etc.

The Brownfields Tribal Response Program conducts outreach to educate the communities on the hazards associated with burning old homes and other building. Many of the structures contain asbestos and lead that are released during the fire into the environment. According to the Centers for Disease Control, these contaminants are particularly dangerous to young children and pregnant women. Breathing asbestos fibers can result in lung and larynx cancer and mesothelioma. Ingestion or inhalation of lead can lead to pregnancy and reproductive difficulties, nerve disorders, memory and concentration problems, muscle and joint pain and digestive problems. In babies and children, high lead levels can result in brain and nervous system damage, behavioral and learning problems and hearing problems. Often a new home is constructed where one was burnt and young children play in the dirt and easily transfer the lead and asbestos into their mouth, eyes or nose.

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 further 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 North Dakota Indian Affairs Commission reports the following Socio-Economic Profile on Tribes in North Dakota 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

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), 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. Unemployment on the Reservation is extremely high (63% as a factor of the workforce), the poverty rate high (41.6%) and per-capita income levels are expectedly low (\$12,641); also 27% of North Dakota's Temporary Assistance for Needy Families (TANF) caseload is in Rolette County. According to a Transit Development Plan prepared by the Tribe and North Dakota Department of Transportation in 2007, many area residents are transportation-disadvantaged. There are three public transit operators, yet the regional hub for shopping, medical services, and interstate transportation is 120 miles away in Minot. Seniors, low income, students, disabled and minorities often find themselves with limited transportation options.

In 2002, HUD designated the Turtle Mountain Band of Chippewa as a Renewal Community. Among 40 designees nationwide, the Turtle Mountain Band of Chippewa was the only Tribe to receive this status. In order to address severe poverty, economic hardships, out-migration affecting farm-based communities, the Tribe has been partnering with the communities, organizations and business interests in Rolette County to 1) improve land use planning and develop a zoning code, 2) address housing needs, 3) enhance programs for populations with special needs, 4) develop renewable energy options, 5) implement programs to reduce crime, 6) improve public safety and emergency response, 7) and expand youth educational and recreational activities. The Tribe has been working on creating jobs, offering business loans, providing technical assistance especially to agricultural sector, and promoting tourism. Specifically, a Youth Center and Wellness Center are in the process of being built. The Tribe is also researching options with developing wind turbine power, solar power and improving recycling.

b. Financial Need [7 Points]

i) Use the table format below to provide demographic information about that community

A number of economic impacts have negatively affected the Turtle Mountain Band of Chippewa in recent years. It was dealt a major blow, when a Tribal employer, the Turtle Mountain Plant, closed in 2003 putting over 300 people out of work. The Plant made trailers and water tanks for the military. 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. During the past 18 months, the Tribe has received a FEMA Emergency Declaration for Flooding on the Missouri river in April 2011 and a major FEMA Declarations for Flooding in May 2011. In the early 2000's, prior the Brownfields 128(a) grants, the Tribe received a Brownfields Competitive Assessment grant and a Supplemental Assessment grant for the San Haven property, a former State Tuberculosis Sanitarium and later a mental and physical challenged facility that the Tribe purchased. The assessment has been completed and the Tribe is currently dealing with further cleanup and reuse options while experiencing grieve over a Tribal youth dying and another severely injured while trespassing at the facility. The Tribal Environmental Program has received a Brownfields 128(a) grant annually since 2005 and has established a Public Record and made progress on the Four elements. Even so, very little funding was available under the grant to

conduct assessments and cleanups. The Tribe is located in a rural area of a rural State where funding and resource options are limited. Asking the Tribe to fund cleanups of old buildings faces strong competition with pressing needs such as health care, housing, jobs, education and Tribal support services programs. The chart below provides demographic information for the targeted community in comparison to the Turtle Mountain Reservation, State and National statistics.

Demographic Information

	Target Community/ Census Tract (Belcourt)	Turtle Mountain Reservation (Note, detailed 2010 U.S. Census information for the Reservation has not yet been released)	State	National
Population	2,078 with 1,991 being American Indian ¹	8,656 with 8,320 being American Indian ⁶	627,591 ¹	308,745,538 ¹
Unemployment	16.6% - County) ²	63% (unemployed as a percentage of workforce) ⁷	3.5% ²	9.6% ²
Poverty Rate	41.6% ¹	37.4% ⁴	11.7% ¹	14.3% ³
Percent Minority	96.9% ¹	96% ⁴	10.1% ¹	26.7% ¹
Per Capita Income	\$12,648 ¹	\$9,001 ⁴	\$24,978 ¹	\$ 26,530 ³
Service area population eligible for on-Reservation services		35,305 ⁵ (Note, although only 8,656 American Indians live on the Reservation, a larger number lives near the Reservation)		

¹Data is from the 2010 U.S. Census data and is available at <http://www.census.gov/>. and at: <http://quickfacts.census.gov/qfd/states/38/38079.html>

²Data is from the 2011 Bureau of Labor Statistics and is available at www.bls.gov

³Data is from the 2009 American Community Survey and is available at http://www.census.gov/newsroom/releases/archives/income_wealth/cb10-144.html

⁴Data is from the 2000 U.S. Census data and is available at http://factfinder.census.gov/servlet/DTSsubjectShowTablesServlet?_ts=339208370773

⁵Data is from 2009 DOI Indian Affairs Labor Force Estimate

⁶Data is from ND Indian Affairs Commission and is available at <http://www.nd.gov/indianaffairs/?id=37&page=Statistics+%26+Data>

⁷Data is from 2005 BIA Labor Force Report and is available at <http://www.bia.gov/idc/groups/public/documents/text/idc-001719.pdf>

2. Project Description and Feasibility of Success [50 points]

a. Project Description [10 Points]

i) Describe the conditions of the existing property and the proposed or projected redevelopment including the potential site reuse. Describe previous activities to investigate, secure, stabilize, and clean up the site, if applicable. [5 Points]

Since the 1990's, North Dakota and surrounding States have experienced increased rain and snowfall resulting in damaging floods. The 30,000 square foot Old Tribal Administration building is located in a lower elevation area with ground elevations being higher on three sides. As a result, the building developed a serious water infiltration problem that resulted in widespread damage to the drywall component of the building and a subsequent buildup of mold conditions. An Environmental Site Assessment was conducted in the fall of 2011 for the building under a Targeted Brownfields Assessment (TBA) utilizing EPA's in-house contractor. The assessment documented extensive mold contamination, two rooms with abandoned incompatible chemicals, numerous light ballasts and fluorescent light fixtures, and abandoned computers and other electronic equipment wastes. No asbestos was detected and small amounts of lead-based paint were below action levels. The building also suffered physical structural damage due to water infiltration. Prior to EPA conducting the assessment, the Tribe paid for a contamination study that recommended staff no longer be allowed in the building since it became almost impossible to contain the mold growth, especially in inaccessible areas behind walls and ceilings, etc. Although the Tribe attempted to mitigate the mold, repeated flooding made the situation difficult to resolve. The Assessment noted building materials are a source of mold contamination that could impact the health of workers, visitors, trespassers, and nearby residents. Even though the building has been secured, transients and salvagers continue to break-into the structure not realizing the potential health and safety threats.

ii) Describe the proposed cleanup plan, including, if applicable, specific engineering and institutional controls (e.g., planned restrictions on property use). [5 Points]

The EPA contractor conducting the TBA made the following recommendations:

- Areas of extensive mold growth on the interior of the building were documented and present health risks to demolition workers, casual users of the building, trespassers, neighbors, and of members of any community through which mold-contaminated waste was transported to a final disposal site. The mold found in the building presents a problem for workers conducting demolition and transport of the debris. Casual users of the building and trespassers could also be impacted by the mold. Mold could also present a public health problem for residents of the community proximal to the demolition activities and in the communities through which waste would be transported to the final disposal site. Engineering controls and personal protective equipment should be used to minimize exposure of workers and the nearby public to mold spores during the demolition of the building and removal of the debris to the final disposal site. The moldy building debris can be disposed of in the local landfill. The best method to dispose of the moldy building material in the building is to contract with a private contractor specializing in mold remediation and removal. Mold is throughout the structure, so demolition will be necessary to reach all of the contamination and properly dispose of the contamination and contaminated

debris.

- Chemicals were found stored in several cabinets in a room that could have been used as a laboratory. These chemicals are incompatible and should not be disposed of together. These chemicals could pose a threat to human health and the environment and should be disposed of properly. Chemicals abandoned in the OTB should be disposed of in a proper manner at a licensed disposal facility. The chemicals should be hazard classified and sorted into compatible groups (corrosives, flammable, etc.) then transferred to an estimated maximum of three 55-gallon drums for transport to a permitted incineration facility. It is estimated that the hazard classification could be accomplished in 1 day. Mobilization costs would exceed the on-site hazard classification costs.
- Several areas of discarded electronic waste were observed in the building. This electronic waste included computer waste that can contain trace metals contaminants. Electronic equipment, especially computer equipment, should be disposed of at a landfill licensed to accept this class of waste. It is estimated that approximately one dump truck load of this material is scattered about the building. Workers who collect this trash would need to be supplied with personal protective equipment, including steel-toed boots, safety glasses, gloves, and hardhats. E-waste and building debris on the property should be disposed of in a local landfill, if the material is not found to contain any identifiable hazardous substances. It is estimated that approximately two dump truck loads of this material is scattered about the property. Workers who collect this trash would need to be supplied with personal protective equipment, including steel-toed boots, safety glasses, gloves, and hardhats.

The Tribe will issue a Request for Proposals (RFP) and hire a certified environmental contractor to conduct the cleanup. The Tribal Employment Rights Office (TERO) maintains a list of Tribal contractors and laborers qualified for various jobs. The hired contractor will be required to hire subcontractors and labors from the TERO list, if they are qualified for the jobs. Additionally, the Turtle Mountain Natural Resource Department and Solid Waste Program have equipment they can provide at a reduced costs to assist with the cleanup. They would prefer to be paid this reduced costs rather than make a full contribution as it is difficult for the Tribe to make up the difference. But, if the Hardship Waiver is denied by EPA, these two Tribal Programs will provide some or all of the contribution. Both of these Tribal Programs have provided support letters documenting their costs. The hired contractor will be required to conduct confirmation sampling after the cleanup and it is anticipated that all contamination will be removed and no Institutional Controls will be necessary.

b. Budget for EPA Funding, Tracking and Measuring Progress, and Leveraging Other Resources [20 Points]

i) The Tribal Brownfields Response Program, which has qualified Environmental Professionals and has participated in other assessment and cleanup projects, will hire and provide oversight on a certified contractor and manage all grant activities. It will also distribute outreach materials, make public announcements, arrange for public meetings and complete Tribal and EPA reporting requirements. Below is an estimated budget for the project with detailed information on each Task following the Table.

Budget Categories	Project Tasks					
	[Task 1] Issue RFP, write agreement with contractor, oversee all activities, submit reports	[Task 2] Classification /prep/ transport/ disposal of lab chemicals	[Task 3] Removal/ transport/ disposal of ballasts and fluorescent bulbs	[Task 4] Removal/transport/disposal of E-wastes	[Task 5] Demolition to reach all contamination/control measures/ /transport /disposal /confirmation sampling, reports	Total
(programmatic costs only)						
Personnel	Leveraged from Brownfields Program	Leveraged from Brownfields Program	Leveraged from Brownfields Program	Leveraged from Brownfields Program	Leveraged from Brownfields Program	
Fringe Benefits	0	0	0	0	0	
Travel	0	0	0	0	0	
Equipment	0	0	0	0	0	
Supplies	Leveraged from Brownfields Program	Leveraged from Brownfields Program	Leveraged from Brownfields Program	Leveraged from Brownfields Program	Leveraged from Brownfields Program	
Other (specify) TERO FEE (3%) Solid Waste Fee (1%)	0	0	0	0	\$6,000-3% \$2,000-1%	\$8,000
Contractual		3,000	5,000	4,000	\$180,000	\$192,000
Total		3,000	5,000	4,000	\$188,000	\$200,000
Cost Share (equip. use & labor costs from Natural Resources Dept. - (equip. use, labor & reduce tipping fee at Tribal Transfer Station)					\$19,053 (NR Dept.) \$15,000 (SW Dept.) \$5,947 (tipping fee savings-SW Dept.)	\$40,000

- **Task 1 - Issue RFP, select and write agreement with contractor, oversee all activities, submit reports** - The Brownfields staff will conduct these activities and absorb the costs under the Brownfields Tribal Response Program.
- **Task 2- Classification/prep/transport/disposal of lab chemicals** - Disposal included in two container truck loads to Regional landfill in Sawyer, ND.
- **Task 3- Removal/transport/disposal of ballasts and fluorescent bulbs** - Disposal included in two container truck loads to Regional landfill in Sawyer, ND.
- **Task 4- Removal/transport/disposal of E-wastes** - Disposal included in one container truck load to Regional landfill in Sawyer, ND.
- **Task 5- Demolition to reach all contamination, mostly (mold)/control measures/ transportation/disposal /confirmation sampling, reports** - Includes addressing mold throughout building materials and transported contaminated debris 8 miles to transfer station. Any materials such as metals will be recycled. Contractor will be required to conduct confirmation sampling and submit progress and final report. Cost savings will be realized in equipment, labor and reduced tipping fees at Transfer Station - see cost-share information below.
- **Personnel, Fringe, Travel, Supplies** - The Brownfields Tribal Response Program will provide staff to oversee all activities including issuing an RFP, selecting and writing an Agreement with the contractor, keeping daily logs on the contractors work, distributing outreach materials and ads, conducting meetings, writing reports, and any travel costs.
- **Other - TERO and Solid Waste Fees** - The hired contractor will be required to pay a 3% TERO fee on the total amount of the contract plus a 1% Solid Waste fee. TERO will assure that the contractor is qualified, is in good standing, maintains necessary insurance, and hires local subcontractors and laborers on the certified TERO list, and will pay Davis-Bacon wage requirements for laborers. The Solid Waste fee offers oversight/funding options if the contractor(s) fails to properly dispose of wastes.
- **Contractual** - The certified hired contractor will conduct the activities under Tasks 2-5 with oversight from the Tribal Brownfields staff.
- **Cost Share - Equipment usage and labor donated from Tribal Natural Resources Department and Solid Waste 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 (2/3 [\$19,053] of this In-Kind support applied to Old Tribal Administration building and 1/3 [\$9,527] to Melroe building, a second Brownfields cleanup grant proposal being submitted).
- **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 45/dumps = \$22,500. (2/3 [\$15,000] of this In-Kind support applied to Old Tribal Administration building and 1/3 [\$7,500] to Melroe building, a second Brownfields cleanup grant proposal being submitted) Savings from reduced tipping fee at Transfer Station \$28/ton to \$17/ton = \$11/ton savings on estimated 2,315 tons x \$11/savings = \$25,465(2/3 [\$16,977 -Will only use \$5,947 to reach 20% match]of this In-Kind support applied to Old Tribal Administration building and 1/3 [\$8,488] to Melroe building, a second Brownfields cleanup grant proposal being submitted).

ii) Describe your plan for tracking and measuring your progress towards achieving the expected short-term and long-term project outcomes and outputs. (See Section I.E.) [5 Points]

The Brownfields Tribal Response Program Coordinator in coordination with the Brownfields Tribal Response Program Compliance Officer will be responsible for tracking and measuring the progress. The Coordinator will develop a Workplan with the EPA Project Manager that will include outcomes and outputs and all tasks to be completed under the grant. Quarterly reports will be submitted to EPA, which will provide sequential progress under the tasks of the grant. After the cleanup is finished, the contractor will be required to conduct confirmation sampling to assure the cleanup is complete. The Brownfields staff will then write a letter summarizing the cleanup noting if any Institutional Controls will be necessary and provide copies to Tribal Council, Natural Resources Department and Tribal Realty for documentation on property reuses and transfers. Because the Tribal Brownfields Coordinator will be overseeing the grant activities, he will continue to follow the progress and redevelopment interests and also report these activities under the Tribal Response Program 128(a) grant progress reports, which will continue beyond the life of the Brownfields Cleanup grant. It has been the pattern of EPA Region 8 to create success story flyers on the projects and provide assistance for the Tribes to develop PowerPoint presentations that can be presented at local District meetings, at Tribal Council and Administration meetings, to other Tribal Programs, at Brownfields workshops. This is an excellent way to promote the successes and gain support for future projects.

iii) Leveraging.

In addition to lab chemicals, light ballast, fluorescent lights and electronic equipment that will need to be properly disposed of, there are large amounts of contaminated construction debris. Because of the large amount of building material debris that is systematically contaminated with mold and the need to demolish to reach all of the contamination, it is estimated that costs for demolishing, loading, transporting and properly disposing of the debris will exceed the \$200,000 potential grant award. The EPA in-house contractor conducting the assessment estimated the costs would be approximately \$318,000 based upon the R.S. Means table, often used to estimate expenses. Calls were placed to local contractors, disposal facilities and heavy equipment rental businesses to verify the EPA contractor's estimates or identify local sources with lower costs. In order to further reduce costs, the Tribal Natural Resources Department and Transfer Station have agreed to provide In-Kind services. These include reductions in the cost of using heavy equipment, transporting costs, labor and tipping fees at the Turtle Mountain Transfer station. (See the detailed Cost-Share explanations following the Budget Table.) An additional saving will come from utilizing the Brownfields Tribal Response Program, which will oversee all of the activities, hire and oversee a certified contractor, provide outreach information, conduct meetings and write reports.

c. Programmatic Capability and Past Performance [20 Points]

i) Programmatic Capability

The Tribal Environmental Program has successfully maintained for many years, the GAP, Water and UST Programs with Brownfields being the newest addition in 2005. The Tribal Environmental Program has benefited from a long-standing Environmental Director under whose leadership, established a well-trained staff and served for several years as the Chairperson for the

Tribal Regional Operation Center (ROC) in EPA Region 8. The Director recently left, but the Acting Director also has been a long-term employee working under the former Director.

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 an RFP to select a qualified and certified contractor to conduct the cleanup. 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. We will also work with our partners including the Natural Resources and Solid Waste Departments 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.

ii) Adverse Audits - The Turtle Mountain Tribal Environmental Programs have not experience any adverse audit findings.

iii) Past Performance

1. Currently or Has Ever Received an EPA Brownfields Grant

Since 2005, the Tribe has annually received an EPA 128(a) Brownfields Tribal Response Program Grant. Currently, a Brownfields Coordinator and Compliance Officer are employed to carry out the task of the Program. A Public Record was established, utilizing internal Tribal announcement and recording procedures; and progress has been made on the Four Elements. We have established a Brownfields Inventory that includes seven abandoned, 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 activities will have an impact on reducing future Brownfields sites. The Program has also established a 1% Solid Waste disposal fee in 2007 on contractors, which has allowed us to apply funds towards cleaning up open dumps and making solid waste improvements. Six open dumps have been cleaned up and eight more are scheduled for spring when winter conditions alleviate. We participate in numerous 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 Tribal 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 issues related to, meth labs, open dumps, and other environmental problems. Our staff provides oversight on assessments and cleanups, reviewing QAPPs and Cleanup Plans; and sometimes assisting other Tribal Programs in these areas. We submit a new grant proposal each year and negotiate the Tasks with our EPA

Project Manager striving to make improvements with each Task. All aspects of the grant have been met and the reporting requirements are current. We understand that EPA's in-house contractor will enter the TBA assessment information into ACRES and we will follow-up with additional information after the cleanup is completed.

In 2004, the Turtle Mountain Community College received a Brownfields Job Training grant and was very successful in training and placing approximately 40 students. Two sessions of the trainings were held and additional funding was leveraged from Centers for Disease Control (CDC) to conduct mold remediation training, which is a serious problem in many buildings and homes. Most of the students were placed with environmental companies in relatively nearby larger cities. Students received OSHA-40 Hour training, Asbestos and Lead certified training, Mold awareness and remediation, Meth lab response, heavy equipment operator training, and other related courses. Because of the success of the grant, the instructor at the Turtle Mountain Community College received an award from EPA Region 8 and gave a PowerPoint Presentation at several Brownfields Conferences highlighting the process, successes and lessons learned. All tasks under the grant were completed and all reports submitted. Several Brownfields grants were randomly audited by EPA Region 8 and the Turtle Mountain Job Training grant was one selected. There were no adverse findings and instead the College was recognized for outstanding work.

In 1998, the Tribe received a Brownfields Assessment grant and a Brownfields Supplemental Assessment grant for the San Haven Hospital, a former State Tuberculosis Sanitarium and later a mental and physical challenged facility, which was purchased from the State and is adjacent to the Reservation. It consisted of a multi-story hospital building with two wings, separate quarters for nurses and doctors, several maintenance and storage buildings, a natural spring, two landfills, and sewage lagoons. For a few years the Tribe was able to utilize some of the buildings in business ventures, but as with so many older buildings, the complex proved to be costly to mitigate and rehabilitate and eventually was closed and boarded up. It became vandalized and salvaged, despite a Tribal Resolution forbidding such activities. It was an attractive nuisance for youth and eventually a Tribal youth died in a tragic accident at the facility and another was badly injured. Following the assessment, EPA Region 8 conducted an emergency removal for asbestos. At one time, the Governor offered National Guard services to help with the cleanup, demolition and disposal; but this option was lost when the guard was no longer available after 9-11. Twice, arrangements were almost completed with salvage contractors to address the situation, but aspects of the agreements could not be resolved. We are not giving up and will continue to pursue options. With the difficult economic situation in the nation, perhaps a new salvage contractor will be interested in the opportunity. Property Profile information was submitted on the San Haven property and updates will be entered into the ACRES database.

2. Has Not Received an EPA Brownfields Grant but has received other federal or non-federal assistance agreements • NA

3. Community Engagement and Partnerships [15 points]

a. Discuss your plan for involving the affected community

Because of discussions with internal Tribal Programs and subsequently with Tribal Council, we were directed to try and identify funding to address Brownfields sites that had been prioritized. These include the Old Tribal Administration building and the abandoned Melroe building, both

located in the Belcourt District. On November 7, 2011 a Public Meeting announcement was placed through a local paper, noting the time and location for the public to interact with the Brownfields staff and learn about the details of the proposed cleanup and ask questions. The meeting was also announced by word-of-mouth and occurred on November 9, 2011. Attendees names were recorded on a Sign-In sheet. Minutes, plus questions and responses were also documented. A draft Cleanup Proposal was provided and the public was told it could obtain updated versions at the Tribal Environmental Office if they wanted to review it and provide comments. (See Attachment 3 for documentation on the Public Meeting). Additionally, a handout was distributed discussing three Analysis of Brownfields Cleanup Alternatives (ABCAs) including 1) No action, 2) Remediate just the contamination, and 3) Demolish to reach the contamination and dispose of the contamination and contaminated debris. The advantages, disadvantages and costs were discussed of each option. The public and Tribal Council preferred the third option. (See Attachment 4 for the Handout on ABCAs). Although some Tribal residents can speak their native language, English is their main language and communication issues are not expected.

Attached to this proposal are support letters from key stakeholder demonstrating their support and contributions for the project. The Tribal Natural Resources Department can provide equipment usage and labor for the cleanup. The Solid Waste Program/Transfer Station can provide equipment usage, labor and a reduced tipping fee. the IHS Environmental Officer will provide technical assistance for the cleanup. Two District representatives are anxious for the removal of buildings that pose environmental and health issues and also attract transients, salvages, and youth so the sites can be redeveloped. They are also willing to engage the community in the cleanup. The Safety Clan Coalition, composed of various Tribal Programs, businesses, agencies, schools, several alcohol and drug programs and community members is concerned about people with substance abuse problems frequenting old buildings and would like to refer them to assistance programs.

A Community Outreach Plan will be developed as part of the Workplan if we are fortunate enough to receive the Brownfields Grant. It will include internal Tribal Program procedures for involving the public as well as EPA requirements. (As part of the Brownfields Tribal Response Program, we have been continually refining interactions with the under one of the grant Elements, *Provide Meaningful Public Outreach*. A Public Meeting will be held as least two weeks prior to the cleanup to explain procedures and safety measures, and answer any questions. There will be several Tribal Program meetings to coordinate the cleanup with stakeholders and regular attendance at Tribal Council meetings to provide updates. The Tribal radio station and local paper will also be used to distribute information on the status of the cleanup.

b. Describe your current efforts and/or plans to develop partnerships with the following entities including a description of the role they would play to ensure your brownfields project is successful:

i) your local/state/tribal environmental and health agencies;

The Indian Health Service Environmental Officer is a major stakeholder. He was pleased a public meeting was held and during the meeting asked numerous questions in relation to the cleanup and offered ideas for the cleanup. He can provide technical assistance on the cleanup (See support letter in Attachment 2). The Brownfields Tribal Response Program is under the Tribal Environmental Program, which in its supervisory authority will provide oversight of the activities and grant.

ii) other relevant federal and state governmental agencies; and

As with our Tribal Response Program grant, regular coordination will occur with the EPA Region 8 Project Manager in developing a Workplan, Cleanup Plan and submission of Progress Reports and other work products. We also regularly interact with IHS Circuit Riders who assist with the Brownfields and Solid Waste Programs. EPA and the Circuit Riders can help with writing RFPs and Agreements, provide technical assistance through all the cleanup stages, review reports, and help with developing flyers and PowerPoint success stories. They can also review progress to make sure we are addressing required and allowable Tasks.

iii) any local environmental job training program, which may include a brownfields job training grantee.

Several years ago, the Turtle Mountain Community College received a Brownfields Job Training grant and was very successful in training and placing approximately 40 students. Two sessions of the trainings were held. Most of the students were placed with environmental companies in relatively nearby larger cities. In return for certified and well-qualified graduates, some companies were willing to adapt their work schedules and allow scheduling options. This might include working four long days and then return to the Reservation for three days; or working two-three weeks and then return to the Reservation for a week or similar options. Additionally, the TERO Program maintains a list of individuals qualified and/or certified for specific jobs. The hired prime contractor will be required to hire local subcontractors and labors, if they meet work requirements. We can also check and see if any individuals on the list are graduated of the Brownfields Job Training grant program and recommend their employment during the cleanup.

c. Provide a description of, and the role of, the key community-based organizations involved in your project.

There are very few community organizations on the Reservation. We did contact the the Safety Clan Coalition who provided a support letter (Attachment 2). The Safety Clan Coalition is composed of a wide variety of community groups, businesses, Tribal Programs and agencies whose mission is to address drug and alcohol related issues on the Reservation. Members include the Turtle Mountain Band of Chippewa Indians, Tribal Youth Alcohol and Other Drugs Prevention Program, Turtle Mountain Housing Authority, Sky Dancer Casino, Tribal Health Education, Community Schools, BIA, concerned community members; and Alcohol, and Drug and Tobacco Prevention. The Coalition is concerned because old dilapidated buildings that often attract people with drug and alcohol problems, which provide shelter although inadequate and unsafe. The buildings also offer a place to continue abusing alcohol and drugs and let people evade dealing with their problems. If people with apparent substance abuse problems are encountered during the cleanup, the Coalition would like to be notified to provide them with appropriate assistance programs. Also attached are support letters from the two Belcourt District representatives (Attachment 2). They not only serve as elected representatives, but also raise community concerns to Tribal Council, Administration and Programs. The District representatives are concerned about the environmental impacts the sites are causing and the health and safety of the people who frequent the area. They would like to see the sites removed so redevelopment can occur in the area and willing to engage the community in the cleanup process. A public meeting was held on November 9, 2011 and another will be held at least two weeks prior to commencing the cleanup to explain safety and cleanup processes and address any citizen concerns. Ways to include the community will be explored in the Community Outreach Plan developed under the grant.

4. Project Benefits (20 points).

a. Welfare and/or Public Health [10 Points]

By mitigating and removing the building, an environmental, health and safety hazard will be eliminated from the community and the site will be ready for redevelopment. A certified contractor will be hired to conduct the removal and will use safety procedures established under Laws, Regulations and Standards. This may include wetting the area down and encapsulating it. Depending upon the recommendations of the contractor, people may be asked to leave the area for a while. Any people who are frequenting the buildings and appear to have substances abuse problems will be referred to the Safety Clan Coalition. The contractor will be required to submit a Cleanup Plan, Health and Safety Plan and Site Security Plan and receive approval before starting the cleanup. Confirmation sampling procedures will be conducted by the contractor after the cleanup is completed to be sure that the contaminants are removed or appropriately dealt with. The Brownfields Coordinator and Compliance Officer who have both receive 40-Hour OSHA training will provide oversight on the contractor during the cleanup.

b. Economic Benefits and/or Greenspace [5 Points] Explain how the grant will produce:

i) Economic benefits

When we hire contractors to conduct cleanups, we require them when possible to use Tribal workers. Working through our TERO Program to identify qualified workers will allow more Tribal residents to be employed. The Old Tribal Administration is not only an eyesore for the community and an attractive nuisance for youth, salvagers and transients, but it poses a risk to the public health and environment. It is located along the highway among other Tribal Administration buildings and businesses making it a prime spot for redevelopment. Both the Tribal Council and community have asked that the building be removed so another Tribal building or a new businesses that offers jobs can be built on the site. The site will be more attractive to a new venture if contamination is mitigated and the building debris removed. During construction of a new building, there is potential to create jobs for Tribal residents. This cleanup project will also allow the land to come back into productive reuse.

ii) Other non-economic benefits associated with the site to be reused for greenspace or other not-for-profit activities.

As new business or Administration building could offer open space on the property. An area with picnic tables and chairs would be a positive social and aesthetic environment for breaks and eating lunch. Walking paths could be utilized by the workers and aid in improving their health.

c. Environmental Benefits from Infrastructure Reuse/Sustainable Reuse [5 Points]

One advantage of reusing this site is saving on costs because the utility infrastructure is already in-place. Highway 5 is a major highway, runs through the Reservation and along the property. The highway is one of the roads plowed first during snowstorms resulting in better access. A driveway leads to the site. Water, sewer and electrical lines are on the site. As the building is demolished and removed, materials will be recycled including metal and potentially some of the concrete reducing wastes going into the landfills. As a new building is designed, green concepts such as solar, green roofs and other energy saving features will be encouraged. We have been and will continue to explore obtaining grants from sources such as Department of Energy and NERL, which may assist with these projects.

ATTACHMENTS

Attachment 1: Threshold Criteria

1. Applicant Eligibility

a. Eligible Entity

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 km²).

b. Site Ownership

To be eligible to receive a cleanup grant, the applicant must be the sole owner of the property that is the subject of its cleanup grant proposal by November 28, 2011.

The Old Administration Building is located on Tribal Trust land. We affirm that we own the site and building.

2. Letter from the State or Tribal Environmental Authority

The applicant applying for this cleanup grant is a Program under Tribal Environmental Authority and therefore does not need to submit a letter from the Tribal Environmental Authority.

3. Site Eligibility and Property Ownership Eligibility

Site Eligibility

a. Basic Site Information. Identify;

(a) the name of the site;

The Old Tribal Administration Building.

(b) the address of the site, including zip code;

Highway 5 West, Belcourt, North Dakota 58316.

(c) the current owner of the site;

The site is located on Tribal Trust land and is owned by the Tribe.

(d) if you are not the current owner, the date you plan to acquire ownership of the site (required for cleanup grants). N/A

b. Status and History of Contamination at the Site. Identify:

(a) whether this site is contaminated by petroleum or hazardous substances;

Hazardous substances

(b) the operational history and current use(s) of the site;

The building was constructed in 1989 and has been used as the Tribal Administration building until abandoned in 2010 due to repeated flooding and mold build up.

(c) environmental concerns, if known, at the site; and

Mold, PCBs in light ballasts, mercury in fluorescent bulbs, incompatible lab chemicals, electronic wastes.

(d) how the site became contaminated, and to the extent possible, describe the nature and extent of the contamination.

It became contaminated with mold throughout due to continual flooding. Also, after the building was abandoned and boarded up, transients and salvagers broke in vandalizing electronic equipment before it could be disposed of. Other issues are light ballast, fluorescent bulbs, and remaining lab chemicals that the Tribe has not yet identified funding for disposal. Since the 1990's, North Dakota and surrounding States have experienced increased rain and snowfall resulting in damaging floods. The 30,000 square foot Old Tribal Administration building is located in a lower elevation area with ground elevations being higher on three sides. As a result, the building developed a serious water infiltration problem that resulted in widespread damage to the drywall component of the building and a subsequent buildup of mold conditions. An Environmental Site Assessment was conducted in the fall of 2011 for the building under a Targeted Brownfields Assessment (TBA) utilizing EPA's in-house contractor. The assessment documented extensive mold contamination, two rooms with abandoned incompatible chemicals, numerous light ballasts and fluorescent light fixtures, and abandoned computers and other electronic equipment wastes. No asbestos was detected and small amounts of lead-based paint were below action levels. The building also suffered physical structural damage due to water infiltration. Prior to EPA conducting the assessment, the Tribe paid for a contamination study that recommended staff no longer be allowed in the building since was almost impossible to contain the mold growth, especially in inaccessible areas behind walls and ceilings, etc. Although the Tribe attempted to mitigation the mold, repeated flooding made the situation difficult to resolve. The Assessment noted building materials are a source of mold contamination that could impact the health of workers, visitors, trespassers, and nearby residents. Even though the building has been secured, transients and salvagers continue to break-into the structure not realizing the potential health and safety threats.

c. Sites Ineligible for Funding. Affirm that the site is:

(a) not listed or proposed for listing on the National Priorities List; *We Affirm the site is not 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; *We Affirm the site is 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. *We affirm the site is 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.) Please refer to CERCLA §§ 101(39)(B)(ii), (iii), and (vii) and Appendix 1.

d. Sites Requiring a Property-Specific Determination. Certain types of sites require a property-specific determination in order to be eligible for funding. Please refer to Appendix 1, Section 1.5, to determine whether your site requires a property-specific determination. If your site requires a property-specific determination, then you must attach the information requested in the Brownfields FAQ at:

http://www.epa.gov/brownfields/proposal_guides/FY12_FAQs.pdf. N/A

e. Environmental Assessment Required for Cleanup Proposals. A written ASTM E1903-11 or equivalent Phase II site assessment report (a draft report is sufficient) must be completed prior to proposal submission. Equivalent reports would include site investigations or remedial action plans developed for a state cleanup program or Office of Surface Mining surveys for mine-scarred lands. Describe the type of environmental assessments conducted at your proposed site (do not attach assessment reports). Provide the date of the Phase II or equivalent report. Contact your Regional Coordinator listed in Section VII if you have questions.

EPA Region 8 utilized the in-house START contractor to conduct an ASTM E1903-11 or equivalent Phase II site assessment in the fall of 2011 and provided a draft report that had been reviewed by EPA, the Tribe and IHS Circuit Riders with comments addressed on November 18, 2011.

Property Ownership Eligibility:

EPA grant funding may not be used to pay for response costs at a brownfield site for which the recipient of the grant is potentially liable under CERCLA §107. The following items are intended to help EPA ensure that you are not liable under CERCLA for response costs at the site designated in your proposal, or determine, if necessary, that your site is eligible for funding as a petroleum site. **Please respond to the following items fully and in the order that they appear** (note that based on your responses, EPA may need to obtain additional information to make this determination).

f. CERCLA §107 Liability.

Affirm that you are not potentially liable for contamination at the site under CERCLA §107 (e.g., as a current owner or operator of a facility, an owner or operator of a facility at the time of disposal of a hazardous substance, a party that arranged for the treatment or disposal of hazardous substances, or a party that accepted hazardous substances for transport to disposal or treatment facilities at the site) by establishing that you are eligible for one of the CERCLA liability protections or defenses (see Section III.B.3)

and explain why.¹ Please note that brownfields grant applicants that otherwise meet the requirements for a bona fide prospective purchaser, except for having acquired the property prior to January 11, 2002, may still be eligible for brownfields grants. For further information, please see FAQs on All Appropriate Inquiry for more information at http://www.epa.gov/brownfields/proposal_guides/FY12_FAQs.pdf.

¹ Because current owners of sites are potentially liable under CERCLA, cleanup grant applicants who own the site must be able to meet the requirements of one of the CERCLA landowner liability protections, such as the bona fide prospective purchaser provision (CERCLA §107(r)), the innocent landowner defense (CERCLA §107(b)(3) and 101(35)(A)), or the exclusion for state or local governments that involuntarily acquire property (CERCLA §101(20)(D)).

Answer:

When the Tribe constructed the building, we were unaware that weather patterns would change. North Dakota and surrounding States have experience increased rainfall and snowfall since the

early 1990s resulting in repeated flooding and spreading of mold throughout the building. It has been almost impossible to mitigate the mold as it is spreading behind walls and ceilings. It has also permeated many of the building products such as wallboard. The Tribe paid for a contamination study, which recommended people should not be in the building so it was abandoned and secured. Even so, transients and salvagers broke-in and are potentially causing greater contamination releases to the environment. Light ballasts, fluorescent bulbs and electronic equipment still remains in the building as the Tribe has had difficulty identifying funding to deal with the contamination and the building as a whole. The Tribe has not conducted any disposal of a hazardous substance, not been a party that arranged for the treatment or disposal of hazardous substances, or not a party that accepted hazardous substances for transport to disposal or treatment facilities at the site.

g. Enforcement or Other Actions Identify known ongoing or anticipated environmental enforcement or other actions related to the brownfield site for which funding is sought. Describe 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 the site, including any liens. The information provided in this section may be verified, and EPA may conduct an independent review of information related to the applicant's responsibility for the contamination or hazardous substances at the site.

The Turtle Mountain Band of Chippewa Indians is not aware of any ongoing or anticipated enforcement actions related to the site. Also, it is 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 the site.

h. Information on Liability and Defenses/Protections

i) Information on the Property Acquisition To save space, you may combine responses to the following into one response, though please be sure to answer each item fully. Describe: • How you acquired or will acquire ownership (e.g., by negotiated purchase from a private individual, by purchase or transfer from another governmental unit, by foreclosure of real property taxes, by eminent domain, or other (describe)); • The date you acquired the property; • The nature of your ownership (fee simple) (note that you must have sole ownership of the site to be eligible for funding); • The name and identity of the party from whom you acquired ownership (i.e., the transferor); and • All familial, contractual, corporate, or financial relationships or affiliations you have or had with all prior owners or operators (or other potentially responsible parties) of the property (including the person or entity from which you acquired the property).

The Old Tribal Administration building is owned by the Tribe and located on Tribal Trust Land on the Turtle Mountain Indian Reservation. The Land was given to the Tribe when the Turtle Mountain Indian Reservation was established by Presidential Executive Orders on December 21, 1882 and March 29, 1884. since then, there have been no other owners or operators of the property.

ii) Timing and/or Contribution Toward Hazardous Substances Disposal. Identify whether all disposal of hazardous substances at the site occurred before you acquired the property and whether you caused or contributed to any release of hazardous substances at the site. 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.

No disposal of hazardous substances occurred at the property before the Tribe acquired the property and the Tribe did not cause or contribute to the release of hazardous substances at the site.

iii) Pre-Purchase Inquiry. Describe any inquiry by you or others into the previous ownership, uses of the property, and environmental conditions conducted prior to taking ownership. Please include in your description: • The types of site assessments performed (e.g., ASTM Phase I), the dates of each assessment, and the entity for which they were performed (state whether the assessment was performed specifically for you, or if not, the name of the party that had the assessment performed and that party's relationship to you). Please note that to be eligible for a brownfields grant, parties who may be potentially liable under CERCLA (which includes current owners of the property) must demonstrate they are not liable for contamination at the property. In most cases, this demonstration must include evidence that an AAI investigation or Phase I Environmental Site Assessment in compliance with ASTM E1527-05 (or ASTM E2247-08) was conducted prior to property acquisition. • Who performed the AAI investigation or Phase I environmental site assessments and identify his/her qualifications to perform such work. • If your original AAI investigation or Phase I environmental site assessment was conducted more than 180 days prior to the date you acquired the property, affirm that you conducted the appropriate updates in the original assessment within 180 days prior to your acquisition of the property in order to take advantage of the bona fide prospective purchaser, innocent landowner, or contiguous property owner provision.

When the land was given to the Tribe when the Turtle Mountain Indian Reservation was established by Presidential Executive Orders on December 21, 1882 and March 29, 1884, it was not a practice to conduct environmental assessments.

iv) Post-Acquisition Uses. Describe all uses to which the property has been put since you acquired ownership through the present, including any uses by persons or entities other than you. Please provide a timeline with the names of all current and prior users during the time of your ownership; the dates of all uses; the details of each use, including the rights or other reason pursuant to which the use was claimed or taken (e.g., lease, license, trespass); and your relationship to the current and prior users.

The property was undeveloped until the Old Tribal Administration was constructed in 1989. It has been used as the Tribal Administration building until abandoned in 2010 due to repeated flooding and build-up of mold.

v) Continuing Obligations.² Describe in detail the specific appropriate care that you exercised with respect to hazardous substances found at the site by taking **reasonable steps**³ to:

• **Stop any continuing releases;** *Janitorial services attempted to eliminate the mold with recommended cleaning products. Light ballasts, fluorescent bulbs and lab chemicals were properly maintained when the building was occupied.*

• **Prevent any threatened future release;** *Janitorial services attempted to eliminate the mold with recommended cleaning products. Light ballasts, fluorescent bulbs and lab chemicals were properly maintained when the building was occupied. After the building was abandoned, it was secured while the Tribe attempted to identify funding to mitigate the contamination and properly dispose of the building. The Tribe is applying for a cleanup grant in hopes it will provide funding to mitigate the situation. A Public Meeting was held explaining the situation.*

• **Prevent or limit exposure to any previously released hazardous substance.** *Janitorial services attempted to eliminate the mold with recommended cleaning products. The Tribe paid for a contamination study that recommended it would be nearly impossible to eliminate the mold in inaccessible areas, it would continue to spread and people should not be in the building. Light ballasts, fluorescent bulbs and lab chemicals were properly maintained when the building was occupied. After the building was abandoned, it was secured while the Tribe attempted to identify funding to mitigate the contamination and properly dispose of the building. A Public Meeting was held explaining the situation. Additional outreach activities will help educate those who may frequent the area. Working with other Tribal Programs may assist those who might have been affected such as Tribal Health, IHS Environmental Compliance Officer, the Safety Clan Coalition*

Please confirm your commitment to:

The Turtle Mountain Band of Chippewa confirms it will:

- *Comply with all land-use restrictions and institutional controls;*
- *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.*

² Applicants that own contaminated land should be aware that some CERCLA liability protections require that the site owner meet certain continuing obligations. For example, grantees must comply with land-use restrictions and institutional controls; take reasonable steps with respect to the hazardous substances on the property; cooperate with, assist, and allow access to authorized representatives; and comply with CERCLA information requests and subpoenas and provide legally required notices. For more information on the obligations of owners of contaminated property, see EPA's *Common Elements Reference Sheet* at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund/common-elem-ref.pdf>.

³ Please note that reasonable steps may include actions such as limiting access to the property, monitoring known contaminants, and complying with state and/or local requirements. The steps taken to prevent or limit exposure to previously released hazardous substances may depend, for example, on such things as the location of the site in relation to the public and whether the public has been known to use (or even trespass on) the site.

i. Petroleum Sites. (Disregard this item if you do not have a petroleum site.) *N/A*

4. Cleanup Authority and Oversight Structure

Please note that you will be required to comply with all applicable federal and state laws and ensure that the cleanup protects human health and the environment. a. Describe how you will oversee the cleanup at the site. Indicate whether you plan to enroll in a state or tribal response program. If you do not plan to enroll in a state or tribal response program, or an appropriate state or tribal response program is not available, you will be required to consult with U.S. EPA to ensure the cleanup is protective of human health and the environment. Therefore, if you do not plan to enroll in a state or tribal response program, provide a description of the technical expertise you have to conduct, manage, and oversee the cleanup and/or whether you plan to acquire additional technical expertise. If you do plan to acquire additional technical expertise, discuss how, consistent with the competitive procurement provisions of 40 CFR 31.36 (for eligible government entities) or 40 CFR Part 30 (for nonprofit organizations), you will ensure that this technical expertise is in place prior to beginning cleanup activities. b. Cleanup response activities often impact adjacent or neighboring properties. For example, access to neighboring properties may be necessary to conduct the cleanup, perform confirmation sampling, or monitor offsite migration of contamination. If this type of access is needed, provide your plan to acquire access to the relevant property.

The Tribe, being a sovereign entity, has not participated in the State Voluntary Cleanup Program. Instead it will consult 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 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 an RFP to select a qualified and certified contractor to conduct the cleanup. 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. We will also work with our partners including the Natural Resources and Solid Waste Departments 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. 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 Land under the authority of the Tribe. Additionally, there is easy access from Highway 5, which runs along the north side of the property.

5. Cost Share

a. Statutory Cost Share Cleanup grant recipients are required by the Brownfields Law to provide a 20 percent cost share. This cost share is calculated as 20 percent of the total federal cleanup funds awarded. For example, if EPA awards you \$200,000 of federal cleanup funds, you must provide a cost share of an additional \$40,000. The cost share may be in the form of a contribution of money, labor, material, or services from a non-federal source. If the cost share is in the form of a contribution of labor, material, or other services, it must be incurred for an **eligible and allowable expense** under the grant and not for ineligible expenses, such as administrative costs (see Brownfields FAQ at:

http://www.epa.gov/brownfields/proposal_guides/FY12_FAQs.pdf for a discussion of prohibited costs). Cleanup grant applicants may petition EPA to waive the cost-share requirement if it would place an undue hardship on the applicant. EPA will consider hardship waiver requests on a case-by-case basis and will approve such requests on a limited basis. In considering such requests, EPA will look for indicators such as low per-capita income, unemployment rate significantly above the national average, or unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions.

i) Demonstrate how you will meet the required cost share, including the sources of the funding or services, as required for this cleanup grant.

Grant request - \$200,000

Match (20%) - \$ 40,000 (\$19,053 from Natural Resources Department; \$20,947 from Solid Waste Department) . See details below:

• Cost Share - Equipment usage and labor donated from Tribal Natural Resources Department and Solid Waste 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 (2/3 [\$19,053] of this In-Kind support applied to Old Tribal Administration building and 1/3 [\$9,527] to Melroe building, a second Brownfields cleanup grant proposal being submitted).*

• 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 45/dumps = \$22,500. (2/3 [\$15,000] of this In-Kind support applied to Old Tribal Administration building and 1/3 [\$7,500] to Melroe building, a second Brownfields cleanup grant proposal being submitted) Savings from reduced tipping fee at Transfer Station \$28/ton to \$17/ton = \$11/ton savings on estimated 2,315 tons x \$11/savings = 25,465(2/3 [\$16,977 -Will only use \$5,947 to reach 20% match]of this In-Kind support applied to Old Tribal Administration building and 1/3 [\$8,488] to Melroe building, a second Brownfields cleanup grant proposal being submitted).*

ii) If you are requesting a hardship waiver of the cost share, provide an explanation for the basis of your request as part of your proposal. This explanation must be submitted on a separate page, titled "Hardship Waiver Request."

Answer:

See Attachment 7 for Hardship Waiver Request

6. Community Notification

On November 7, 2011 a Public Meeting announcement was placed through a local paper, noting the time and location for the public to interact with the Brownfields staff and learn about the details of the proposed cleanup and ask questions. The meeting was also announced by word-of-mouth and occurred on November 9, 2011. Attendees names were recorded on a Sign-In sheet. Minutes, plus questions and responses were also documented. A draft Cleanup Proposal was provided and the public was told it could obtain updated versions at the Tribal Environmental Office if they wanted to review it and provide comments. (See Attachment 3 for documentation on the Public Meeting). Additionally, a handout was distributed discussing three Analysis of Brownfields Cleanup Alternatives (ABCAs) including 1) No action, 2) Remediate just the contamination, and 3) Demolish to reach the contamination and dispose of the contamination and contaminated debris. The flyer summarized information about the site and contamination issues, cleanup standards, applicable laws, cleanup alternatives considered, and the proposed cleanup. It also include information on the effectiveness, the ability of the grantee to implement each alternative, the cost of each proposed cleanup alternative and an analysis of the reasonableness of the various cleanup alternatives considered, including the one chosen. The public and Tribal Council preferred the third option. (See Attachment 4 for the Handout on ABCAs).



TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS
Natural Resource Department

Kade M. Ferris, Director
PO Box 900
Belcourt, North Dakota 58316
Phone (701) 477-2640

TO: Ray Reed, EPA
FROM: Kade Ferris, Director
DATE: 11/16/2011
RE: Support for Project/Available Resources

In regards to the proposed projects to demolish and remove the former Tribal Office and Melroe buildings the Department of Natural Resources fully supports your efforts and will be able to allocate the following resources to assist in project completion:

- Front End Loader
- Dump Trucks (2)
- Truck and 40' Flatbed Trailer
- Bucket Truck with Basket
- 60' Mobile Crane

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,

Kade M. Ferris, Director

TURTLE MOUNTAIN TRIBAL SOLID WASTE PROGRAM/TRANSFER STATION

To: Ray Reed
From: Max Defender, Solid Waste Director
Date: November 22, 2011
Re: Support Letter for Brownfields Cleanup Grant Projects

As Solid Waste Director, including management of the Turtle Mountain Transfer Station, I endorse your efforts to apply for Brownfields grants to address the abandoned Melroe and Old Tribal Administration buildings. In order to reduce costs of demolishing, and transporting contamination and debris from the buildings, 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 we 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 \$100.00/hour times 200/hours = \$20,000.00
- Use of roll-off - Cost of \$500/per 25 yard dump times 45/dumps = \$22,500.00

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

Sincerely



Max Defender, Director
Turtle Mountain Solid Waste Department



TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

4180 HIGHWAY 281
P.O. BOX 900
BELCOURT, NORTH DAKOTA 58316

(701) 477-2600
FAX: (701) 477-6836

November 17, 2011

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

Dear Mr. Reed:

As one of the District Representative for the Belcourt Community, I am writing this letter in support of the Turtle Mountain Band of Chippewa Indians, Brownfields Program in applying for Brownfields Cleanup Grants to address environmental contamination at the old Tribal Administration Building and the old Melroe Manufacturing Building.

I am pleased that you held a public meeting last week to explain how the sites were assessed and how a contractor will be hired to safely conduct the cleanup, demolition and dispose of all the contamination and debris. We understand these buildings are health, safety and environmental hazards and it will greatly benefit the community when they are gone.

I am willing to help in any way that I can to engage the community in the cleanup process and move forward with redevelopment of the sites. Since both of the buildings are located along the highway, they offer great potential for bringing in new businesses, which would help the economic situation of the community and the Tribe.

Sincerely,

Elmer Davis Jr.
District III Representative
(701) 477-2600

SAFETY CLAN COALITION

November 22, 2011

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

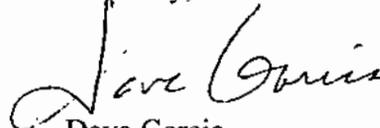
Dear Mr. Reed:

I represent the Safety Clan, a group of Tribal Programs and organizations that joined together with a main mission of addressing alcohol and drug related issues on the Reservation. The groups include Indian Health Service, Turtle Mountain College, Turtle Mountain Band of Chippewa Indians, Turtle Mountain Housing Authority, SkyDancer Casino, BIA, Turtle Mountain Community Schools, Tribal Health Education, Alcohol Drug & Tobacco Prevention, Tribal Youth Alcohol other Drugs Prevention Program and concerned community members.

We have issue with old dilapidated buildings that often attract people with drug and alcohol problems, which provide shelter although inadequate and unsafe. The buildings also offer a place to continue abusing alcohol and drugs and let people evade dealing with their problems. Therefore, we would like to see these types of structures eliminated from the Reservation including the Melroe and old Tribal Administration buildings.

If people with apparent substance abuse problems are encountered during the cleanup, we would like to be notified as we will try to provide them with appropriate assistance programs.

Sincerely,



Dave Garcia
Safety Clan Facilitator
(701) 477-7917
TMCC
Box 340
Belcourt, N.D. 58316



TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

4180 HIGHWAY 281
P.O. BOX 900
BELCOURT, NORTH DAKOTA 58316

(701) 477-2600
FAX: (701) 477-6836

November 17, 2011

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

Dear Mr. Reed:

As one of the District Representative for the Belcourt Community, I am writing this letter in support of the Turtle Mountain Band of Chippewa Indians, Brownfields Program in applying for Brownfields Cleanup Grants to address environmental contamination at the old Tribal Administration Building and the old Melroe Manufacturing Building.

I am pleased that you held a public meeting last week to explain how the sites were assessed and how a contractor will be hired to safely conduct the cleanup, demolition and dispose of all the contamination and debris. We understand these buildings are health, safety and environmental hazards and it will greatly benefit the community when they are gone.

I am willing to help in any way that I can to engage the community in the cleanup process and move forward with redevelopment of the sites. Since both of the buildings are located along the highway, they offer great potential for bringing in new businesses, which would help the economic situation of the community and the Tribe.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Malaterre".

Cindy Malaterre
District II Representative
(701) 477-2600



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Indian Health Service
Belcourt OEH&E Field Office
P.O. Box 160
Belcourt, ND 58316-0160
477-8524 (ph) 477-8488 (fax)

November 22, 2011

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

Dear Mr. Reed:

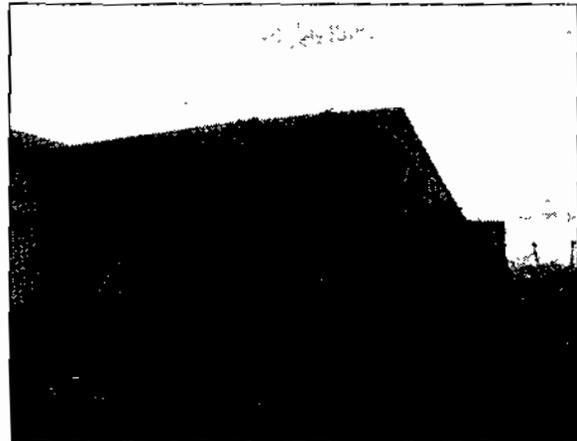
This letter is written in support of the Turtle Mountain Brownfields Program submitting grants for cleaning up the old Tribal Administration and Melroe buildings. As the Indian Health Service (IHS) Environmental Compliance Officer, I share your concern in protecting the health and well-being of the residents of the Turtle Mountain Band of Chippewa Indians. And, I know how difficult it is to obtain the necessary funding to complete the proper environment remediation and removal of old structures.

I attended the Public Meeting held on November 9, 2011 concerning these two structures. I appreciated having the opportunity to ask questions and discuss details and options on how the contamination and structures will be removed along with proper disposal. Comments were also made on protecting the safety of the cleanup workers and nearby residents and businesses.

I can provide technical advice on proposed clean-up procedures to Tribal authorities. However, if this work is let out on contract, I cannot act as the contractor's environmental health and safety representative. Otherwise, I am pleased to support the Tribe with technical advice if this work is retained in-house.

Sincerely,

James Dodd, REHS
Environmental Compliance Officer



Tribal Environmental Protection Agency **OPEN PUBLIC MEETING**

When: November 9, 2011

Where: Tribal Transportation Building

Time: 10:00 a.m.

SUBJECT: Discussion on proposed Cleanup Grants for the old Tribal Building and the Melroe Manufacturing Building

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 Old Tribal Building and the Melroe Manufacturing Building. These 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. These two sites were projects that had a higher priority than the others that are listed in the inventory. The Tribal Response Program has recently assisted US EPA contractors on conducting Phase I and Phase II environmental site assessments on these two sites. We are now requesting to have a public meeting on the two sites concerning submission of Cleanup Grants to EPA to conduct cleanup of the sites and eventually reuse/redevelopment of the sites.

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

Sign-In Sheet

Public Meeting Announcing Intent to Apply for Brownfields Cleanup Grants
for Melroe Building and Abandoned Administration Building.
November 9, 2011

Name	Representing
Cora Champagne	Turtle Mountain Environmental
William Heule	Turtle Mountain Environmental
Ron Truitt	TM TRANSPORTATION
Aaron Marallais	TM Traffic Safety
Jeremy Laducer	TM Transportation
Alysa Thompson	Tribal Survey
Girliie Portra	Tribal Survey
Kurt O'Brien	Tribal Survey
Craig Lunkay	TM Transit
Phil Jones	TM. EPA
Ronald Suye	Solid Waste Laboree
Arden	Tribal EPA
Ray Reed	Tribal EPA

Sign-In Sheet

Public Meeting Announcing Intent to Apply for Brownfields Cleanup Grants
for Melroe Building and Abandoned Administration Building.
November 9, 2011

Name	Representing
Sam Champagne	Tribal Member / College Student
Max Hefner	Solid Waste / Trib -
Jim Dodd	IHS - Environmental
Annette Reed	Water Planning
Fabio Delgado	TM Transit
Jeremy Latimer	TM Transportation
Justin Azure	TM Environmental

**Minutes from the Turtle Mountain Tribal EPA Public Meeting
Held November 9, 2011
At Tribal Transfer Station Belcourt, ND**

1. Ray Reed, the Brownfields Tribal Response Coordinator, and Phillip 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 two abandoned sites (Old Tribal Administration Building and Melroe Building) for which the Tribal Brownfields Response Program is submitting two cleanup grant proposals to EPA. Ray and Phillip provided a history of the sites and summarized the findings from the Phase I and Phase II Assessments that were 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 addresses. 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 Phillip 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 to the Sawyer landfill and lesser contaminated C&D waste could go to the Tribal C&D landfill.
6. A flyer summarizing the Alternative Brownfields Cleanup Actions (ABCAs) was distributed and discussed. One option was to do nothing, a second option to remediate the contamination, and a third option to demolish to reach all contamination and properly dispose of the contamination and contaminated debris. Ray and Phillip mentioned that Tribal Council preferred the third options, which was also preferred by the attendees at the meeting.
6. Ray passed out the Draft Cleanup Proposal for both sites 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.
7. Ray explained that the Brownfields Cleanup grants were competitive and there is no guarantee the Tribe will receive them. He also mentioned that money was saved by having EPA conduct the Site Assessments.
8. There was some discussion explaining that these two sites were 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 they are along the highway and located among other Tribal Administration buildings and businesses.
9. The attendees inquired about several other Brownfields sites and asked if the Tribal Brownfields Response Program can address them. Ray mentioned an evaluation will need to be made site-by-site. 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 sites.

10. Ray said they will look into potentially saving the cements slabs for reuse and to save money. Also, anything that can be recycled, will be pursued to save money and not take up space in the landfills.

11. Options will be explored about getting help from the National Guard on equipment use and also from other Tribal Programs.

12. The THPO has sent a letter and will coordinate with EPA to move ahead with the cleanup projects.

**Comments and Answers from the Turtle Mountain Tribal EPA Public Meeting
Held November 9, 2011
At Tribal Transfer Station Belcourt, ND**

- 10:00 a.m.
- Ray Reed lead discussion. Phillip Lenoir took notes (Brownfields Tribal Response Program staff)
- Gave a brief explanation of Brownfields program within the Turtle Mountain Tribal EPA.
- The Abandoned tribal headquarters, East and west section of the building is on a foundation while the north and south is built on flat concrete slab.
- October 2011 Ray Reed applied for a TBA phase I assessment on the old Tribal Headquarters and the old Melroe building. (TBA targeted brownfields assessment) If contaminants are found on the sites the tribe may receive a \$200000.00 grant and but may have to come up with a 20% of that amount that may be waived?
- Phase I both sites. (history of buildings)
- Melroe Building. 1967
- Manufactured bobcats until 79 or 80.
- Phase II the TBA was done which is sampling within the building for lead paint and asbestos and soil samples outside buildings for contaminants.
- The Melroe building came up with small hits positive for lead.
- If not approved not enough contaminants are found to qualify for TBA grant the tribe could still use contractual money?
- Jim Dodd asks if the buildings were tested for lead and if the buildings have a history for having lead paint? Also if the manufacturing or Melroe building had any documentation of any solvents used.
- Ray Reed received his information about the Melroe building from former employees he could find.
- Max Defender asks what year chemicals and drums where buried?
- Ray Reed's answer to Max, 20 to 25 yrs ago? Test done didn't come out with any conclusion read outs of anything buried.
- Jim Dodd, How credible info gathered?
- Ray Reed, which is why the testing had to be done.
- Jim Dodd, only one person verified that drums where buried?
- Ray Reed, others not available for questioning, interviewed who we could.
- Max Defender, how big of area around Melroe building will be tested for contaminants, is there a certain amount that needs to be tested to receive a grant?
- Ray Reed, Samples were taken only from property building sits on maybe 150 to 200 ft from building.
- Max Defender, said he used to work there in shipping and receiving, the workers used to paint, he doesn't remember what was done with old paint, but he remembers that the Manufacturing used to burn old chemicals, possibly old paint behind the building.
- Ray Reed, testing was only targeted where drums may have been buried according to interviews with past employees, there are 2 ½ acres of land that the old Melroe Manufacturing building sits on if contaminants or buried drums are found and the tribe is approved to receive a cleanup grant then the tribe would be able to hire contractors to certified to remove asbestos, and lead.
- Jim Dodd, asked about comment to hire a contractor remove contaminants, lead pain, etc.. why pay someone else to remove if the tribe can dispose of or do the clean up themselves and haul the contaminated debris to a certified landfill themselves?

- Ray Reed, the site has to be abated by a certified lead and asbestos abater. The nearest is a landfill that can take contaminated material is in Sawyer N.D., the landfill needs to be certified or able to accept contaminated material. certified lead and asbestos removers have all the proper equipment to do the work. Uncontaminated material might be allowed to be brought to our transfer station, there may be cost?
- Jim Dodd, suggested instead of getting abated could we just consider all material is contaminated remove it and seal in plastic bags and burry all?
- Ray Reed, Brownfields sites are all categorized into priority ones first. There are 3 different alternatives 1st is to clean up the site 2nd would be to remove only contaminated material the 3rd would be to tear down entire site, remove everything dispose of at a certified landfill.
- Ray Reed discussed the hand out that outlined the three alternatives. The alternatives also included advantages and disadvantages along with cost estimates.
- Ray Reed also discussed the draft cleanup proposal and also brought a copy of it to the meeting. Copies of the draft plans were passed around the room. They were told that the updated drafts will be at the office along with the final version if they wanted to review it and make comments.
- Jim Dodd, ask if contaminated material could be bagged and wet bring to asbestos approved landfill will not migrate once buried.
- Max Defender mentioned that the state does GPS sites material contaminated with asbestos is buried.
- Jim Dodd asks if it is more expensive to remove entire demolished building rather than just contaminated material.
- Ray Reed mentioned it will be more expensive to remove the demolished buildings, but contamination is throughout the debris so it will need to be removed anyway.
- Ray Reed, we did explain to council that it would be cheaper to demolish rather than renovate the old tribal headquarters.
- Ray Reed, the old Melroe building has e-waste and pigeon feces, samples taken from site were only checked for lead and asbestos.
- Jim Dodd, until hazards are eliminated both facilities could be broken into and used by drug users or vandalized. Individuals could an get harmed within facilities either from structure or mold and pigeon feces carries micro organisms could be breathe in cause health affects anyone mitigating projects will have proper safety equipment PPE to demolish buildings.
- Ray Reed, dust control? Yes if, buildings are contracted to be torn down, proper precautions will be in place, it is required.
- Jim Dodd, asked how long it will take?
- Ray Reed, It may take until spring of 2012 or some time next summer, depending on weather could last month's possible year or more
- Max Defender, asked who will be doing the demolition of buildings.
- Ray Reed, certified contractors.
- Max Defender, funding for other cleanup projects? Can the funding be used for other cleanup sites or used to pay for training to work with contaminants and equipment to do other projects
- Ray Reed, No it cannot, abatement or sampling must be done by certified abaters.
- Jim Dodd, the cost could be thousands of dollars, by having someone who is certified or third party testing protects everyone.
- Max Defender, what about cleanup?
- Ray Reed, brownfields money is limited, there are so many projects, the grants are competitive. We have seven brownfields sites, we had six, we added the old Block Grand Building. Brownfields must be sites that contain contaminants and sites must be prioritized. We met with council and the

tribal council chose the old tribal headquarters and Melroe building there top two sites to be cleaned up, because of locations. Others sites we have on our inventory are The Alano club building, the fifth generation, the old Block Grant building, Turtleville housing site, and the Old Belcourt Elementary school building. Although properties might be owned by different entities we can still put them on our inventory and we get phase I and phase II site assessments done.

- Ray Reed, Tribal EPA can do the inspections but cannot abate or sample, can assist with compliance to inspect, oversight and compliance!
- Ray Reed, the Turtleville housing site, the tribe has struggled with because there was a Phase II done in 2005, but because site characteristics have changed tribal EPA can have a new Phase II done on the site, and possible get contractual dollars to do so, but cannot use any of that money from our grant to pay for the cleanup. Tribal EPA could get a phase I done or hire contractors to do testing.
- Jim Dodd, Even if the tribe had a crew with the proper PPE they would still need to be licensed. Usually a contractor that does the sampling and testing are working on abatements all the time it is their job, which is what they do every day, they have all the proper equipment. We can Monitor jobs, and have in the past. contractors can do a more efficient job if we were to attempt to do it ourself it would be more challenging and cost more.
- Justin Azure, if we did use contractors, suggested trained person do work, we do have training at turtle mountain community college here in Belcourt, can we suggest contractors use or hire college students that are trained or have training to do that type of work?
- Ray Reed, we could check into that.
- Justin Azure, would contractors be hiring local people to help with the demolition?
- Craig Lunday, contamination?
- Ray Reed, there could be contamination behind walls, and within the inner structure that would be difficult to remove so demolishing the building would be more cost effective rather than save building
- Annette Reed, the foundation could it be kept?
- Ray Reed, yes if possible, then the foundation would have to be covered soon after property is cleaned, call institutional controls to prevent injuries.
- Jim Dodd, why keep the foundation at the old tribal headquarters the grade is low water builds up?
- Ray Reed, the cement slab that it sits on could be a good start base for a future construction site, we would try to save what can be saved, yes built in front of the old tribal headquarters drains didn't do job they were put in for, but would save money on a future project if the cement that the old building sits on is good.
- Jim Dodd, will the H-Vac systems or compressors be salvaged? they could cost thousands of dollars to purchase new ones for a new building.
- Ray Reed, yes anything that can be recycled or salvaged will be, if not contaminated, but cannot be salvaged by locals.
- Ray Reed, any ideas for reuse of property? Good location for economic development.
- no comments.
- Ray Reed, because the locations would be good for economic development is why the Council and Chairman prioritized the two sites.
- Ray Reed, to Max Defender, would you have room at the transfer station for any of the debris from the buildings?
- Max Defender, The transfer station could take debris that is no contaminated.
- Ray Reed, To help cost of cleanup Ray ask if a deal could be made with the transfer station on disposal of some uncontaminated waste, charging a lower cost possibly? the transfer station may be able to transfer debris to Sawyer landfill or certified site?

- Jim Dodd, commend EPA for work done.
- Ray Reed, thanked everyone for attending.
- Philip Lenoir, asks if sites test come back without contaminants does tribe has to cover expense to tear down the two buildings?
- Ray Reed, explained, San Haven, it was abated from stated and all contaminants were removed and later the tribe purchased the property and with all buildings. Now is stuck with property and no money to clean up property.
- Ray Reed, we could keep applying for grants and possible do another phase I and II. Other alternatives would be, HUD. Projects may be delayed. Could request other entities match funding from other agencies. EPA could do follow-ups. Request different TBA for a more thorough inspection.
- Ray Reed, When the final proposal is done anyone is welcome to stop by anytime to look at results.
- Jim Dodd, says he heard that North Dakota national guard will be doing cleanup at san haven. Will they help with projects?
- Ray Reed, Tribal EPA did try get contractor, Salvage Heaven from Milwaukee WI, to tear down san haven, but Due to higher cost to rent equipment due to flooding in Minot N.D.
- Ray Reed, Applied for IRT from national guard Jamestown and Dickinson, they have equipment. Met with general looked over application, historical site clearance (THPO) was needed. Kade Ferris sent letter certifying not a historical site, application is complete. Now it has to go to JAG office. first the air guard get shot at the clean up, then army national guard. should get some news soon about progress of application. shouldn't take years, our sites will be high on priority list because of safety issues they pose.
- Ray Reed, for the other sites, we could look at other possibilities for funding.
- 11:00am meeting adjourned.
- Annette Reed, asks how long once grant application is submitted, how long will it take to get final approval?
- Ray Reed, will check into it.

Attachment 4: Analysis of Brownfields Cleanup Alternatives (ABCAs)

Analysis of Brownfields Cleanup Alternatives

**Analysis of Brownfields Cleanup Alternatives – Preliminary Evaluation
for**

**Abandoned Tribal Headquarters Building
Turtle Mountain Reservation, Belcourt, ND**

**Prepared by the Turtle Mountain Band of Chippewa Indians
Brownfields Program**

Tribal Contact: Ray Reed, Brownfields Coordinator, 701-477-0407 x 219, cell: 701-278-5977

I. Introduction & Background

a. Site Location

The site is located on approximately 2 acres along Highway 5 West (next to new Tribal Headquarters Building).

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

The single-story building is owned by the Tribe and located on Trust Land. The main section, built in 1989, was constructed on a slab. Two wings were built in 1992 with the floor sitting directly on the ground (no slab). The siding is fiberboard.

c. Site Assessment Findings

A Phase I and Phase II Environmental Site Assessment was conducted by the U.S. EPA in-house contractor (URS Services) in October and November 2011. The results showed lead-base paint is present in the building. Chemicals that pose a threat to human health and the environment were found stored in several cabinets in a room that could have been used as a laboratory. Several areas of discarded electronic waste are in the building. Considerable amounts of mold are throughout the building as it has been impacted by flooding. The roof leaks. An indoor air study showed elevated levels of contaminants. Several piles of trash are located on the property.

d. Project Goal

The building is located on the major highway running through the Reservation and is a prime development site with convenient access and visibility. It is also located in the vicinity of other administrative and business buildings. Additionally, the Tribal Council is concerned about the building being a public health, environmental and safety hazard and an attractive nuisance to youth, transients and those causing vandalism and salvaging.

The Turtle Mountain Reservation is small in scope compared to its population. Much of the land is hilly, which makes it difficult to build in low areas that are subject to flooding and higher ground water tables. There is pressure to identify

useable land for housing, administrative and commercial development. Tribal Council has mentioned it needs to find additional commercial and or industrial space. Because this site is localized around several other commercial and or industrial buildings, the council has mentioned several times that they would like to rebuild or allow other private businesses to build on this site. The prime re-use of this site would be used for economic development.

This is one of two sites the Tribal Council has prioritized for immediate cleanup and/or demolition. A conference call was held with EPA Brownfields Project Manager, Tribal Brownfields Coordinator, the Tribal Chairman, Vice Chairman, Tribal Realty, Tribal Land Office, IHS, and a Circuit Rider to discuss prioritization of several sites for assessment and cleanup; and restriction and options using EPA Brownfields funding. During the phone call, Tribal Administration and Program representatives endorsed moving ahead with the Brownfields assessments and cleanups.

II. Applicable Regulations and Cleanup Standards

a. Cleanup Oversight Responsibility

The cleanup will be overseen by the Tribal Brownfields Program and Environmental Program, in coordination with U.S. EPA Region 8, and with assistance from IHS Circuit Riders. A certified contractor will be hired to conduct the cleanup.

b. Cleanup Standards for major contaminants

Because the site could be used for residential, commercial, business reuses, the more stringent residential standards based upon EPA Region 3 or Region 9 will be used as the cleanup standards.

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 the cleanup contractor will be required to obtain a Tribal Business license, permits and pay TERO fees; and follow OSHA and EPA cleanup 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

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

To address contamination at the Site, three different alternatives were considered, including:

- **Alternative #1: No Action**
- **Alternative #2: Removing Contamination**

- **Alternative #3:** Mitigate Contamination, Demolish to Reach Contamination, and Properly Transport and Dispose of Contamination and Debris Co-Mingled with Contamination

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

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

Effectiveness

- **Alternative #1: *No Action*** is not effective in controlling or preventing the exposure of receptors to contamination at the Site.
- **Alternative #2: *Mitigating the Contamination*** will remove most contamination from structure although it may be difficult to remove all the mold and stop it from reappearing.
- **Alternative #3: *Mitigating the Contamination, Demolishing to Reach Contamination, and Properly Transporting and Disposing of Contamination and Debris Co-Mingled with Contamination*** is an effective way to eliminate risk at the site, since contamination will be removed and the exposure pathways will no longer exist.

Implementability

- **Alternative #1: *No Action*** is easy to implement since no actions will be conducted.
- **Alternative #2: *Mitigating the Contamination*** may be difficult especially in reach all the mold and stopping it from reappearing. The structure will also attract transients and remain an eyesore, safety and health hazard.
- **Alternative #3: *Mitigating the Contamination, Demolishing to Reach Contamination, and Properly Transporting and Disposing of Contamination and Debris Co-Mingled with Contamination*** is moderately difficult to implement. Coordination (e.g., dust suppression and monitoring) during cleanup activities and short-term disturbance to the community (e.g., trucks transporting contaminated soils and backfill) are anticipated. However, ongoing monitoring and maintenance will not be required following excavation and offsite disposal and the site will be cleaned up and ready for redevelopment.

Cost

- **Alternative #1: *No Action***. There will be no costs.
- **Alternative #2: *Mitigating the Contamination***. It is estimated that will be on the order of \$180,000.
- **Alternative #3: *Mitigating the Contamination, Demolishing to Reach Contamination, and Properly Transporting and Disposing of Contamination and Debris Co-Mingled with Contamination*** is estimated to cost roughly \$200,000.

c. Recommended Cleanup Alternative

The recommended cleanup alternative is **Alternative #3: *Mitigating the Contamination, Demolishing to Reach Contamination, and Properly Transporting and Disposing of Contamination and Debris Co-Mingled with Contamination***. All contamination will be removed and the site will be ready for redevelopment with no restrictions due to residue contamination. A health, safety and environmental hazard will be removed. Clean materials such as metal and concrete can be recycled reducing the disposal costs and amount of debris that needs to go to the landfill. New jobs will be created during cleanup and reuse.

Not Recommended - Alternative #1: *No Action* is unacceptable because all the contamination will still exist. Health, environmental, and safety hazards remain and may worsen as the building deteriorates and becomes salvaged and vandalized. An eyesore will remain. The needs of the community will not be met since the site cannot be reused with the status quo situation. There are potential high costs in future due to unlimited liability and deteriorating conditions.

Not Recommended - Alternative #2: *Mitigating the Contamination* is not preferred because some inaccessible contamination will still exist and the mold may reappear. If redevelopment funding is not identified, the site could continue to deteriorate and remain a health, safety and environmental hazard. An eyesore will remain. There will be additional costs associated with renovating the building to meet compliance with codes and environmental and safety standards.

Attachment 5: Special Considerations Checklist

Special Considerations Checklist, if applicable (See Appendix 3 of Guidelines)

Please identify (with an x) if any of the below items apply to your community or your project as described in your proposal. EPA will verify these disclosures prior to selection of the grant.

- Community population is 10,000 or less X
- Federally recognized Indian tribe X
- United States territory _____
- Applicant assisting a Tribe or territory _____
- Targeted brownfields sites are impacted by mine-scarred land _____
- Targeted brownfields sites are contaminated with controlled substances _____
- Community is impacted by recent natural disaster(s) X - FEMA Major Disaster Declarations: #1981(Flooding 5/10/2011); and FEMA Emergency Declaration #3318 (Flooding on the Missouri River 4/7/2011)
- Community demonstrates firm leveraging commitments for facilitating brownfields project completion by identifying amounts and contributors of funding in the proposal and have included documentation X
- Community experiencing plant closures (or other significant economic disruptions), including communities experiencing auto plant closures due to bankruptcy X - The Tribe felt major impacts 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.
- Applicant is a recipient of a HUD/DOT/EPA Partnership for Sustainable Communities grant X - In 2002, HUD designated the Turtle Mountain Band of Chippewa as a Renewal Community. Among 40 designees nationwide, the Turtle Mountain Band of Chippewa was the only Tribe to receive this status.
- Community is implementing green remediation plans X - The Turtle Mountain Transfer Station sorts trash for recycling options saving on disposal costs and delivering less waste to fill-up landfills. Tribal Programs are exploring options for solar and wind energy with DOE and NREL.

Attachment 6: Proposal Checklist

Proposal Checklist for Cleanup Grants

Before you submit your proposal(s) for a cleanup grant, please ensure the following documents are included in your package submitted to EPA and EPA’s contractor. ***(Also, include this list at the end of the Appendices)***

Transmittal Letter (Cover Page) (2-page limit)	X
The Narrative Proposal, which includes the responses to ranking criteria (15-page limit)	X
Documentation of all applicable threshold criteria - included in Appendix i (see Section III. B and C)	X
Letter from the state or tribal environmental authority (see Section III.C.2.)	NA
Draft Analysis of Brownfields Cleanup Alternatives (ABCA) (see FAQ #71 and Section III.C.6.)	X
Documentation indicating committed leveraged resources, if applicable (see Section V.B.2.b.iii)	X
Letters of support from all community-based organizations identified in the community engagement and partnerships ranking criteria (see Section V.B.3.)	X
Documentation of community notification, including copies of ads (or equivalent) and comments received by you, your organization’s responses to those comments, and meeting notes and sign-in sheets (see Section III.C.6.)	X
Documentation of nonprofit status, if applicable (see Section III.C.1.)	NA
Documentation of applicant eligibility if other than city, county, state, or tribe (see Section III.C.1.)	NA
Justification for cleanup cost-share waiver, if applicable (see Section III.C.5.)	X
Property-Specific Determination request, if applicable (see Section III.C.3.d.)	NA
Petroleum eligibility determination information, if applicable (see Section III.C.3.i.)	NA
Special Considerations Checklist (located in Appendix 3), if applicable (see Section IV.C.2.j)	X

Attachment 7: Cost-Share Waiver (Hardship Waiver)

The Turtle Mountain Band of Chippewa Indians is requesting a Cost-Share Waiver (Hardship Waiver) for cleanup of the Old Administration Building. Below is a chart with Demographic Information. Following the chart are answers to the requested Cost-Share Waiver questions.

Demographic Information

	Target Community/ Census Tract (Belcourt)	Turtle Mountain Reservation (Note, detailed 2010 U.S. Census information for the Reservation has not yet been released)	State	National
Population	2,078 with 1,991 being American Indian ¹	8,656 with 8,320 being American Indian ⁶	627,591 ¹	308,745,538 ¹
Unemployment	16.6% - County) ²	63% (unemployed as a percentage of workforce) ⁷	3.5% ²	9.6% ²
Poverty Rate	41.6% ¹	37.4% ⁴	11.7% ¹	14.3% ³
Percent Minority	96.9% ¹	96% ⁴	10.1% ¹	26.7% ¹
Per Capita Income	\$12,648 ¹	\$9,001 ⁴	\$24,978 ¹	\$ 26,530 ³
Service area population eligible for on-Reservation services		35,305 ⁵ (Note, although only 8,656 American Indians live on the Reservation, a larger number lives near the Reservation)		

¹Data is from the 2010 U.S. Census data and is available at <http://www.census.gov/>, and at: <http://quickfacts.census.gov/qfd/states/38/38079.html>

²Data is from the 2011 Bureau of Labor Statistics and is available at www.bls.gov

³Data is from the 2009 American Community Survey and is available at http://www.census.gov/newsroom/releases/archives/income_wealth/cb10-144.html

⁴Data is from the 2000 U.S. Census data and is available at http://factfinder.census.gov/servlet/DTSUBJECTSHOWTABLES?_ts=339208370773

⁵Data is from 2009 DOI Indian Affairs Labor Force Estimate

⁶Data is from ND Indian Affairs Commission and is available at <http://www.nd.gov/indianaffairs/?id=37&page=Statistics+%26+Data>

⁷Data is from 2005 BIA Labor Force Report and is available at <http://www.bia.gov/idc/groups/public/documents/text/idc-001719.pdf>

The North Dakota Indian Affairs Commission reports the following Socio-Economic Profile on Tribes in North Dakota 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

- **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 8,656 respectively.

- **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 2009 DOI, Indian Affairs Labor Fierce 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.

- **Information regarding military base closures or realignments, defense contractor reductions-in-force, or U.S. Department of Energy defense-related funding reductions, if relevant; N/A**
- **Local natural or other major disasters or emergencies, whether you are located in a President-Declared Disaster area (declared within 18 months of the submission date for your proposal); 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. During the past 18 months, the Tribe has received a FEMA Emergency Declaration (#3318) for Flooding on the Missouri river in April 2011 and a major FEMA Declarations (#1981) for Flooding in May 2011.

- **Information regarding extraordinary depletion of natural resources, if relevant; N/A**
- **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.

- **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. Although the Turtle Mountain Natural Resources Department and Turtle Mountain Solid Waste Department have provided a 20% In-Kind match, it will be a hardship on the Tribe to absorb the costs. The Tribe has pressing needs to pay for or find resources to address health care, housing, jobs, substance abuse, and numerous support service programs for our Tribal members and residents. The current downturn in the national economy is also negatively affecting the Tribal economic situation.