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INDIANS AND THE ENVIRONMENTAL
PROTECTION AGENCY

A Meeting for Montana Tribal Decision Makers
and
Representatives from the Montana EPA office

May 13 & 14, 1980
Holiday Inn East
Billings, Montana

REPORT #18

By
Marianna Ray

LaDonna Harris, President
Maggie Gover, Project Director

AMERICANS FOR INDIAN OPPORTUNITY, INC.
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Albuquerque, New Mexico 87102

At the request of the Montana tribes and the Montana Office of EPA, Americans for Indian Opportunity sponsored a meeting in Billings on May 13 and 14, 1980 where mutual environmental concerns were discussed. (Please see Attachment I for the meeting agenda and Attachment II for the list of participants.)

WELCOME

The meeting began with a welcome by Allen Rowland, President of the Northern Cheyenne Tribal Council. He traced the history of his relationship with AIO and the great assistance it had been to him and others in the formation of CERT (Council of Energy Resource Tribes.) He highlighted certain environmental problems his tribe had been facing.

1. How to deal with 22,000 acres of prairie dogs on the reservation
2. A large number of grasshoppers which were ruining the crops they have
3. The fact that stockmen had to work up an EIS before using a rodent killer

On the positive side, Mr. Rowland reported on the Northern Cheyenne's recent agreement with the Montana Power Company regarding air pollutants from the power plants. Under the terms of the agreement, Montana Power has to use the best available technology in controlling emissions (i.e. installing special scrubbers) and it has to set up three air monitoring stations. In addition, the tribe was awarded a grant from EPA to help in monitoring air quality.

The Northern Cheyenne Tribe has set up its own research and evaluation department, the Northern Cheyenne Research Project, and tribal members are being trained in the areas of air and water analysis. It was the research project staff who put together most of the information which enabled the tribe to change its air status, under EPA, from a Class II to a Class I. Thus severely limiting development on or impacting the reservation.

WHY ARE WE HERE?

Maggie Gover, Projects Director of Americans for Indian Opportunity. "Billings and the Montana tribes have a special place in AIO's history. It was the Northern Cheyenne who first made us aware of the kinds of leases that had been foisted on Indians when they asked us to help them marshal the forces to break them. Even then they were concerned about the environment. They were most concerned about a particular kind of pollution - white people.

They started us thinking about a lot of things:

For instance, what resources do Indians still have? We found that Indians own a major portion of the hard energy resources and water along with sizable amounts of timber, agricultural lands and other minerals. We began to wonder why in spite of these resources Indians were still

economically the poorest people in the country. We quickly came to the conclusion that it was because Indians did not control the development of their own resources. The majority of the land and resources were leased out under very poor terms. We began a series of seminars on Indian control of Indian resources. We held the first of those regional seminars here in Billings five years ago. Ellis Knows Gun was at that seminar. We introduced the concept of tribes as developing nations. It was probably the worst seminar we've ever had. We didn't think we had done anything right, but it was a beginning. Now the Crows are about to finalize the most sophisticated development agreement (a contract for work) in Indian history and they have very generously given us credit for having contributed to their success from time to time. And the Colvilles have negotiated a pace-setting molybdenum lease; The Jicarillas are joint venturing in oil and gas; The Navajos are renegotiating leases. And the Northern Cheyennes are opening up their own mine for their own use and have not been forced to develop. A little Chippewa tribe in Wisconsin spit in Exxon's eye and gave us credit for it. Exxon then believed that we truly were spending our corporate support money to see that tribes came to their side of the negotiating table with at least a fair amount of expertise. Exxon never gave us another dollar - oh, well.

CERT has come into being. The Montana tribes are still special - Allen Rowland, Earl Old Person, and others from this area were some of the mainstays in getting CERT organized and off the ground.

We helped with staff work. Now CERT has a cast of thousands and substantial dollars - the expertise we cried for five years ago.

Billings Revisited - In the process of learning about Indian control of Indian resource development, we learned rapidly that you could not truly control development unless you regulated your own environment. Tribes must regulate their own environment.

Leigh Price from the Institute for the Development of Indian Law had worked with us all along and at that time was with us at the first Billings seminar. A friend of his who worked in the Air division of EPA who knew of Leigh's interest in Indian issues asked for advice on Clean Air Regulations. For the first time Indians were included in EPA regulations. Leigh, by the way is now the "Indian Coordinator" in EPA.

We went to Russell Train who was the EPA Administrator at that time and talked to him about including Indians in EPA programs. His first reaction was "Oh, yeah, Indians!" But he was interested. Later, through Leigh, we found a person in EPA who took his responsibilities seriously. That was Bill Holmberg in the Office of Pesticide Programs. (Bill has now moved on to bigger and better things in the Department of Energy). We told Bill that Indians had for the most part been ignored by EPA including his own division. We told him that Indians were concerned about such things as pesticide use, air and water pollution, solid waste disposal, etc. Bill said "Prove it. Get Indians and EPA together."

We came back to Billings to talk about pests. The Crows thought we were going to talk about the Cheyennes and the Cheyennes thought we were going to talk about the Crows so everybody came!

Wrong! It was bugs and weeds. They stayed anyway. Out of that meeting several of the South Dakota tribes have pesticide regulations in process and all of you have expressed interest. The Northern Cheyenne has maintained their Class I. They and Fort Peck will be monitoring air quality in cooperation with EPA; water projects of various kinds are underway around the country. Arizona tribes will be meeting with Region IX personnel on pesticide regulations next month, etc.

In the process of carrying out this project, we learned that development and the environment and health were all tied together and to try to make decisions about one without considering the others was foolish. There must be a comprehensive - holistic - approach to this kind of decision making and there must be an understanding by both the tribes and the feds of what their responsibilities are. We are now in the research stage of assessing the environmental health impacts of development on Indian communities and the roles of government agencies charged with the responsibilities for various aspects of environmental protection and individual safety. And here we are back in Billings. It is not an accident that we will discuss overall environment planning and emergency response systems for the first time.

You people have always made us look good. You take our information such as it is and turn it into something good. You never seem to mind that we come with few answers and always seem to appreciate that we raise the questions.

EPA has also been responsive particularly in this region. The Indian community has found new allies - we don't always agree on methods, but usually on environmental protection goals.

We are glad to be here; we're glad EPA is here and we're especially glad the tribes are here. We're relying on you all to make us look good - "

WHAT'S BUGGING YOU?

At this point in the seminar, every participant, introduced himself and told of his experiences, concerns, and problems.

Ellis Knows Gun, Crow Tribe

The Crow Tribe had been particularly concerned about a herbicide containing ACROLEIN which the BIA had used to rid irrigation canals of algae. The herbicide had killed off fish in the Little Bighorn River on the reservation. As a result, the Tribal Council banned the use of any chemical or poison on the Crow Reservation unless the Council gave its approval through a Tribal Council Resolution. Ellis encouraged the other tribes to adopt ordinances and codes in all areas of environmental concern.

He explained a newly formed tribal commission on Hazardous Materials Use. He is the Acting Director of this Commission. It was designed to monitor the use and disposal of all hazardous materials on the reservation.

Ellis also spoke of the CERT Land Study under section 710 of the new surface mining legislation and the opportunity the tribes have to put together the legislation governing reclamation on their lands. He again

urged that a reclamation code be established as part of the overall regulation of mining activities by a particular tribe.

Irwin Spotted Eagle, Blackfeet Tribe

As far as pesticides are concerned, the tribe's biggest concern is how to control the Mountain Pine Beetle.

In other areas, the tribe is concerned with the environmental effect of oil and gas development on their lands and the potential for groundwater contamination. Also that there are financial decisions being made about this development which affects them all.

Jason Whiteman, Northern Cheyenne

Jason works for the Northern Cheyenne Research Project and is being trained in the area of water testing and analysis. He agreed with Allen Rowland as to the environmental concerns of the Northern Cheyenne tribe. He elaborated on the mission of the Northern Cheyenne Research Project as one of providing current information to the tribal council and the president so they could make good decisions about the future of their people and their resources.

THE WHOS AND WHEREFORES OF PESTICIDE REGULATION AND TRIBAL OPTIONS

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Requirements

Dallas Miller from the Pesticides Division of the Denver regional office of the Environmental Protection Agency explained FIFRA and the elements a tribe would have to incorporate in a training and certification plan.

1. Responsible officials - Who in the tribe would be in charge of administering the program?
2. Tribal legislative authority - A code/ordinance vesting authority in the tribal government to administer and enforce a particular law.
3. A method to certify applications -
4. Enforcement capabilities - (i.e. licensing procedure) A state or a tribe can set any rules for pesticide use, applicator certification, etc, they want to as long as they apply equally to all those within their jurisdiction and as long as they are at least as stringent as the federal law.

It is important for a tribe to be aware of all pesticide/chemical use on their lands - who applies it - how often - and what are the effects of that use. One way to do this would be to follow the example of the Crow Tribe and set up a commission on Hazardous Materials Use.

Dallas passed out copies of the Rosebud Tribal Pesticide Code and plan for certification as an example of what one particular tribe put together.

A tribe has several options in dealing with pesticide regulation on their lands:

1. A tribe can do nothing. Provided there is not now nor will ever be pesticide use on the reservation then that's obviously a practical decision. There will never be a need for a decision about the kinds of pesticides to be used or the qualifications of the person who would use them.

The Federal law would still apply, however, it is likely that the existence of the reservation would, in effect, be ignored. For instance, a small tribe in Washington had found that dangerously high quantities of pesticides were present in their groundwater. When this was brought to the attention of government officials, the officials responded by saying they didn't even know the tribe was there. Further investigation showed that their water supply had been sprayed. This governmental ignorance turned out to be quite dangerous to the tribe.

2. A tribe can inform the Environmental Protection Agency that it will not be responsible for pesticide regulation on its own reservation and that the Federal government must assume that responsibility. This has the effect of putting the Federal government on notice that it is responsible for the assumption of jurisdiction for pesticide regulation on the reservation. This is the action taken by Colorado and Nebraska. It is a very attractive option for tribes who have very little pesticide use on their reservation, have no court system and limited administrative capability. It has the obvious drawback of allowing control of actions affecting the lives of their people to be placed outside of the tribal government. The number of federal inspectors available to enforce the federal law is small compared to the area they must cover. It is almost certain that there will be no monitoring - only a response to crises. That is, if a violation of federal law occurs that clearly causes injury to the tribe or a tribal member, then there would likely be a response. Chances are that the response time would be slower than ideal. Also, any charges would have to be taken to Federal court. That often takes a lot of time.

3. A tribe can develop a plan for the approval by the Administrator which would include training, certification, regulation, and enforcement. For a tribe concerned with tribal sovereignty and self-determination this might appear to be the most attractive option. However, there are some immediately obvious problems. Setting up and conducting training for certification costs money. It also requires qualified personnel to conduct the training. With the possible exception of some of the larger tribes, such as the Navajo, it is not likely that there will be a sufficient number of people who will require certification to justify the expense. If a tribe chooses this option, it must also make a decision to assert jurisdiction over non-Indians and be prepared to defend its decision in court.

There is reason to believe that the tribe can exercise this civil jurisdiction over non-Indians. Nevertheless, the recent experience of the Suquamish in Oliphant vs. Suquamish, wherein the tribe had assumed criminal jurisdiction over non-Indians for a violation of the tribes' criminal code, should serve as a warning to others that jurisdiction should be exercised very carefully. In this case, the Supreme Court ruled that the tribe did not have criminal jurisdiction over non-Indians. The ruling was narrowly confined to criminal jurisdiction, and left the

question of civil jurisdiction unanswered by the Supreme Court. We believe that tribes do have regulatory authority over all those on reservations; however, neither the present political environment generally nor the Nixon Supreme Court is friendly to Indians. There are great risks involved that must be carefully considered. Some jurisdictional issues can be avoided by carefully thought out plans and cooperation with EPA and the states where possible. It is very clear that tribes do have jurisdiction over their own members, as well as the responsibility for their protection.

Even if a tribe does train and certify its own applicators, unless they have an agreement with surrounding states to recognize that training and certification, tribal applicators will not be able to buy pesticides off reservation without complying with that state's law.

4. A tribe can pass its own pesticide control ordinance without regard to the federal law. In this case, the federal law still applies, the tribe just leaves the question of its enforcement up to the Feds and the tribe enforces its own tribal code.

5. A tribe can develop its own plan for approval by the Environmental Protection Agency taking advantage of various resources to provide full protection for their people. For instance, a tribe could issue its own certificates to applicators without actually providing training. This could be done by making it a requirement that in order to receive a tribal certificate (or license -) a person must complete training and hold a certificate from an EPA approved state or federal agency. At the minimum, the tribe could devise its own record-keeping system by merely keeping track of the people authorized to use pesticides on the reservation.

One can also tabulate other information they consider significant such as kinds of pesticides to be applied, where, when, and how much will be used, etc.

The tribe can establish its own list of restricted use or banned pesticides as long as it includes as a minimum those on the federal list of restricted use pesticides. This allows the tribe to restrict or ban the use of certain pesticides for cultural or other reasons. For instance, a tribe might ban the use of herbicides in certain areas to prevent damage to medicinal plants or plants used for basketmaking or other traditional purposes.

The tribes could include in its ordinance a requirement that all leases include a provision that the lease holder would agree as a part of their contract to comply with the tribal ordinance. Failure to comply could result in cancellation of the lease. This avoids some jurisdictional issues.

The tribe could enter into an agreement with surrounding states or establish an informal working relationship to exchange information on misuse of pesticides. For example, most aerial applicators who apply pesticides on the reservations fly from airfields off reservation. It isn't going to do much good to know that a certain plane made a mistake or violated the tribe's regulations unless you can exercise some control. Unless there is some working arrangement with the state to apprehend a person when the airplane lands, there's not much you can do about it unless you shoot the plane down - which would undoubtedly complicate your life!

There might also be an agreement for cross-deputization with either the state or the Feds so that jurisdictional questions could be avoided. The same person could be deputized to enforce tribal, state, and federal laws.

There are many variations that a tribe could write into its own plan. There is certainly some value in having a plan for environmental protection which not only protects the people, but has the sanction of the federal government as a good and responsible system.

Recent amendments to FIFRA which have been signed into law, made tribes eligible to receive financial assistance to administer and enforce their own approved pesticide regulatory plans.

Education and Information. All the laws, tribal plans, codes, ordinances, etc., in the world can never be as effective as providing information to your people regarding the dangers and the benefits of pesticides. A well-informed tribal community is the best regulatory tool any government has. It is the only way decisions can be made easily.

Dallas provided assistance to several tribes in South Dakota in putting together their pesticide plans and is a good contact person for the Montana tribes as well.

Air Programs

Mike Davenport from the EPA office in Helena talked about the air programs administered through his office. Recently two Montana tribes (Ft. Peck and Northern Cheyenne) received grants from EPA to help set up air quality monitoring operations on their lands. The equipment will collect information on weather conditions, sulfur dioxide, particulates, and ozone. Several of the tribes are interested in writing their own air quality regulations. The Northern Cheyenne went through the process of changing their air quality designation from a II to a I thus severely limiting development on or near their lands that would affect their air quality.

It is important for any tribe to quantify what air emissions, there are - to gather baseline data - so they will be able to measure the impact of development as it takes place. EPA has technical assistance and consultants who can be made available to the tribes to help these baseline studies.

EPA also has inspectors who periodically visit plants and other polluting sources to check on monitoring equipment and help insure compliance with EPA standards.

Tribes are specifically mentioned as governmental entities in the Clean Air Act Amendments and as such are eligible for direct funding from EPA for programs.

The Denver regional office of EPA of which the Montana office is a part has been particularly successful in granting money to tribes directly for various programs.

Mike Davenport also spoke about Emergency Response planning and the efforts EPA has made to help the states and interested tribes put together

a Hazardous Materials Spills Response Plan. He passed out copies of the state of Montana's plan and stressed the need for coordination among the agencies (state and federal) and the tribe in putting together and administering the plan.

The Montana response plan was developed by the Montana State Disaster and Emergency Services Division. It coordinates and details responsibility to 8 state and federal agencies in the event of a hazardous materials spill. These agencies are:

- A. The Department of Health and Environmental Sciences
- B. The Department of Military Affairs Disaster and Emergency Services Division
- C. Department of Justice, Motor Vehicle Division, Highway Patrol Division
- D. Department of Highways
- E. Department of Agriculture
- F. Department of Fish and Game, Ecological Services Division
- G. Department of Justice, Fire Marshall Bureau
- H. Department of Community Affairs, Highway Safety Division

Representatives from these agencies make up the Response Team. The leader is appointed by the State Department of Health and Environmental Sciences which is the designated Control Agency.

The plan stresses the need not only for adequate clean-up of the spill, but also for monitoring of the people, air, water, and soil that has come in contact with the hazardous substance.

The plan also contains the names, addresses and phone numbers of the response team agencies and a copy of a hazardous materials incident report (Please see Appendix III). It also lists the dates of seminars given by the state on hazardous materials and an agenda for these meetings.

A tribe, of course, can put together an emergency response plan for any emergency.

Water Programs

Barbara Schroeder from the Montana office of EPA spoke about the various water programs administered by EPA.

Under Section 208 of the Federal Water Pollution Control Act funding is provided on the development and implementation of area wide waste treatment management plans. Most of the work in Montana is concerned with non-point source discharge areas - such as agricultural pollution. Most of the 208 plans for the state and the tribes are in place in Montana now and the emphasis is shifting to other areas such as construction grants and development of water pollution control codes and ordinances.

Under 208

1. The Blackfeet have received \$33,000 for instream flow work, refinement of their water code implementation identification and development of forestry Best Management Practices, and development of a lake shore management plan.
2. Fort Belknap has received \$18,250 to continue identification of water quality problems and solutions plus continued development of a water code.
3. The Northern Cheyenne have received \$30,000 to study one or two of the following: mine land reclamation impacts on water quality, groundwater protection, review of the tribal water code, and instream flow work. This is the most comprehensive tribal 208 effort in Montana.
4. Fort Peck has received \$15,000 to continue 208 identification of water quality problems such as salinity from oil fields, dewatering, Poplar/Canadian power development plus potentially developing a water code based on existing water quality standards and stream classifications.

Under the Construction Grants Program, the state puts together a priority list using a point system agreed on by the state and EPA and ranks the projects to be done. They are funded on the basis of this priority list. In some states there is Indian representation on the panel that decides on the list. This is not the case in Montana. In Montana, the tribes must make their concerns known to Indian Health Service and the State and they make the decisions about their requests for construction funding.

EPA also administers programs and enforces standards under the Safe Drinking Water Act. EPA has an inter-agency agreement with the Indian Health Service to do water testing and monitoring on Indian lands. However, according to EPA, they are planning on-site workshops for tribes on the the operation and maintenance of drinking water facilities.

OVERALL ENVIRONMENTAL PLANNING

Discussion of the various EPA programs prompted further discussion of overall environmental planning. How do the various programs link together to make up an integrated environmental protection system? Our observation is that they don't. EPA programs are splintered by various pieces of legislation which don't necessarily bear much relationship to each other even when they seemingly deal with the same thing - take water programs for instance. Our experience in the regional seminars showed that there was very little coordination between program heads within either the regional offices or the national office. There was even less coordination between regional offices and the national office and less yet between regional offices and other regional offices. Each regional office behaves differently. That's okay if the idea is to respond to regional needs and they find a better way to serve all those needs. Several of the regions are making very note-worthy efforts to address Indian needs. One or two

are pretty lackadaisical and one or two are simply ignoring them. It always depends not only on a conscientious Regional Administrator but on the staff - the people - who deal with program delivery as well. Within the Regions, some divisions will be working diligently with the tribes. Others may ignore Indian needs. Others stubbornly resist any efforts to involve Indian tribes in their programs.

Tribes cannot afford to take the splintered approach to environmental protection. Rather they must find a way to put the splinters together to form a roof of environmental protection for their people and their lands. Some tribes are already making significant progress in this direction - the Navajo's Environmental Protection Commission and the Northern Cheyenne's Research Project for example.

The tribal and EPA participants discussed the possibilities for designing holistic environmental planning systems. Barbara Schroeder drew up a matrix whereby EPA programs, their requirements and impacts are presented in an integrated manner. (Please see Attachment IV.) This matrix is intended to be only a starting point - it needs to be expanded and fleshed out. Because the Montana EPA office is relatively small and accessible to the Montana tribes, it is in a position to adopt this generalized, holistic approach to dealing with reservation environments. One way to do this is through Tribe-EPA agreements. EPA has agreements with States whereby EPA program funds are committed to a particular state and the state decides how best to use the funds and what areas to make top priority. In an EPA-Tribe agreement the same kind of arrangement would take place - this permits a certain amount of freedom to both EPA and the tribe to look at a total environment and not be hampered by piece-meal, fragmented funding approaches.

The discussion clearly identified basic environmental data as the key element in environmental planning - an environmental quality resource inventory, if you will. What is the present quality of your air and water? How did it come to be the way it is? What do you want the quality to be? If it needs to be cleaned up, how can you accomplish that? What are the activities on your reservation that are affecting that quality? What are the activities in adjacent areas that are affecting that quality? How will any proposed development affect that quality? How are air and water quality affecting the health of your people? How will pesticide use, solid waste disposal, noise pollution, etc, affect your people and/or your land?

The Environmental Protection Agency has highly sophisticated methods of measuring environmental impacts. We, in the Indian community, have not found a way to take advantage of those methods. We must.

ATTACHMENT I
AGENDA

INDIAN ENVIRONMENTAL PROTECTION
A SEMINAR FOR TRIBAL DECISION-MAKERS

THE HOLIDAY INN EAST

BILLINGS, MONTANA

MAY 13 & 14, 1980

CONDUCTED BY:

AMERICANS FOR INDIAN OPPORTUNITY, INC.

Suite 808
600 Second Street, Northwest
Albuquerque, New Mexico 87102

WITH SUPPORT BY:

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY

Helena, Montana
Denver, Colorado

MAY 13, 1980

8:30 - 9:15 a.m.

REGISTRATION

9:15 - 9:30 a.m.

WE'RE GLAD YOU'RE HERE

ALLEN ROWLAND

President

Northern Cheyenne Tribal Council

9:30 - 10:00 a.m.

WHY ARE WE HERE?

MAGGIE GOVER

Program Director

Americans for Indian Opportunity

10:00 - 10:30 a.m.

WHAT'S BUGGING YOU?

Participants Roundtable (Every participant, tribal, and other introduces himself, tells of experience, concerns, problems)

AGENDA

(Continued)

10:30 - 12:30 p.m.

WHOS AND WHEREFORES OF PESTICIDE
REGULATION AND TRIBAL OPINIONS

Federal Insecticide, Fungicide, and
Rodenticide Act (FIFRA) Requirements

DALLAS MILLER
Pesticide Division
Environmental Protection Agency
Denver, Colorado

12:30 - 2:00 p.m.

LUNCH

2:00 - 4:00 p.m.

AIR PROGRAMS

MIKE DAVENPORT
Environmental Protection Agency
Helena, Montana

4:00 - 5:00 p.m.

EMERGENCY RESPONSE TEAMS

MIKE DAVENPORT
Environmental Protection Agency
Helena, Montana

MAY 14, 1980

9:00 - 11:00 a.m.

WATER PROGRAMS

BARBARA SCHROEDER
Environmental Protection Agency
Helena, Montana

11:00 - 12:00 p.m.

SOLID WASTE PROGRAMS

MIKE DAVENPORT
Environmental Protection Agency
Helena, Montana

12:00 - 1:30 p.m.

LUNCH

1:30 -

OVERALL ENVIRONMENTAL PLANNING

WRAP-UP QUESTIONS

ATTACHMENT II

LIST OF PARTICIPANTS

AIO-EPA SEMINAR

May 13 & 14, 1980
Billings, Montana

TRIBAL REPRESENTATIVES

Allen Rowland
President
Northern Cheyenne Tribal Council
Lame Deer, Montana 59043

Jason Whiteman
Northern Cheyenne Research Project
P.O. Box 388
Lame Deer, Montana 59043

Ellis Rabbit Knows Gun
Dept. of Natural Resources
Crow Tribe
Box 133
Crow Agency, Montana 59022

Irwin Spotted Eagle
Natural Resources Dept.
Blackfeet Tribe
Browning, Montana 59417

EPA REPRESENTATIVES

Michael Davenport
Air Programs
U.S. Environmental Protection Agency
301 S. Park St.
Helena, Montana 59601

Dallas Miller
Toxic Substances Branch
U.S. Environmental Protection Agency
301 S. Park, Drawer 10096
Helena, Montana 59601

Barbara Schroeder
Water Pollution Control Division
U.S. Environmental Protection Agency
301 S. Park, Drawer 10096

C. Frank Stogsdill
Pesticide Division
U.S. Environmental Protection Agency
301 S. Park
Helena, Montana 59601

REPRESENTATIVES FROM AMERICANS FOR INDIAN OPPORTUNITY

Maggie Gover
Program Director

Regis Pecos -
Research Staff

Marianna Ray
Research Staff

ATTACHMENT III

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

HAZARDOUS MATERIAL INCIDENT REPORT

Hour _____ a.m. Date _____
p.m.

Name of Person Calling _____

Representing _____

Address _____

Telephone Number (or Other Means of Immediate Contact) _____

Location of Incident _____

When did the incident occur? Date _____ Time _____ a.m.
p.m.

Hazardous Chemical Name (Common Name, Trade Name, Manufacturer, etc.) or Best Description

If Transportation Accident: Name of Carrier _____

Truck Number _____ Trailer Number _____

Name, Address and Telephone of Shipper _____

Name, Address and Telephone of Consignee _____

Detailed Description of Incident

a. What happened? Was a fire or an explosion involved? _____

b. Has loss of containment occurred? _____

If leaking, at what rate? _____

c. Persons injured or threatened (if any). Type? Number? _____

d. Status of injured persons _____

e. Emergency Response Crews on scene (Fire Dept., Police, Civil Defense, etc.) _____

f. Current status of incident scene (evacuated, roped off, traffic barricaded or flowing, etc.)

g. Has clean up of hazardous chemical been started? (If so, what method?) _____

h. What environmental resources are threatened (e.g., groundwater, surface water, fish and game habitat, etc.)?

i. Other resources threatened _____

Detailed Description of Hazardous Material

- a. Chemical Name, Radioactive Material, etc. _____

- b. Manufacturer and trade name _____

- c. Quantity, activity, etc. _____
- d. Chemical form: Solid _____ Liquid _____ Gas _____
- e. Other _____

Contacts

Individuals who can be contacted for further information:

Sheriff: _____ Telephone: _____
Police: _____ Telephone: _____
Fire Dept.: _____, Telephone: _____
Civil Defense: _____ Telephone: _____
Carrier: _____ Telephone: _____
Other: _____

	DATA NEEDED	ON-GOING MONITORING	BEST MGMT. PRACTICES	ENFORCEMENT	INTERFACING (CO-ORDINATION)	COST \$
WATER	Sediment NPS All Baseline Info.			Permits		Low
MINEING	Water Air Hazardous Waste		Reclamation Plan	Lease/Contract Tribal Code	OSM USGS	Medium
PESTICIDES	Farming Type used	Water Air	I.P.M. Certification	Inspection	Water Toxic Substances	High (difficult to get data)
AIR	Baseline	Ambient	Fugitive Dust Control	Permits Ordinances	EPA OSM State?	High
SOLID WASTE	Citing Data in Dumps Water	Water	Citing Disposal	Ordinances	IIIB BIA DOT	High