



**TURTLE MOUNTAIN
BAND OF CHIPPEWA INDIANS**

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

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

U.S EPA Region 8
Attn: Danny Heffernan
1595 Wynkoop Street (EPR-13)
Denver, CO 80202-1129

October 8, 2017

Dear Mr. Heffernan,

As the Acting Chairman of the Turtle Mountain Band of Chippewa Indians, I am writing with the intent of supporting the application of the Turtle Mountain Environmental Protection Agency's Brownfields Program for cleanup of the Le'Belcour (Old Housing/Barnesville) site.

As the leader of the Turtle Mountain Tribe, I feel that it is my responsibility to ensure our tribal members have access to healthy living conditions and are not exposed to harm to their health. As you may know, the Le' Belcour site was resurrected in 1966-67. It has been a victim of depreciation and now is the source of ACM, lead, and mold. Therefore, I feel that it must be our priority to focus efforts toward this project.

Our people living in this site are being exposed to very dangerous elements. In addition to our people, the environmental hazards that are sourced from this site are eye-opening and dangerous. Any type of support and assistance that we can receive will allow our tribe to progress closer to new development on this tribal trust land.

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

Sincerely,

A handwritten signature in cursive script, reading "Roman Marcellais".

Roman Marcellais, Acting Chairman
Turtle Mountain Band of Chippewa Indians

a Applicant Identification

Turtle Mountain Band of Chippewa Indians, PO Box 900, Belcourt, North Dakota 58316

b. DUNS Number: 12-120-3483

c. Funding Requested

i) Grant Type : Brownfields Cleanup/Single Site Cleanup

ii) Federal Funds Requested: \$200,000. A Hardship Waiver is being requested for the 20% cost-share match.

iii) Contamination : Hazardous Substances

d. Location: Belcourt, Rolette County, North Dakota on the Turtle Mountain Indian Reservation on Tribal Trust Land.

e. Property Information: L' BelCour (Old Housing/Barnesville) Housing 9818 BIA Road #7 Street 1, Belcourt, N.D. 58316 P.O. Box 620 Belcourt, N.D. 58316

f. Contacts

i) Project Director:

Ray Reed, Brownfields Coordinator

Cora Champagne, Environmental Director

Tribal Environmental Protection Agency

P.O. Box 900

Belcourt, N.D. 58316

Phone: (701) 477-8337; Fax: (701) 477-9398

Email: reed_627@hotmail.com; corachampagne@hotmail.com

ii) Chief Executive/Highest Ranking Elected Official

Roman Marcellais, Acting Chairman

P.O. Box 900

Belcourt, N.D. 58316

Phone: (701) 477-2600 Fax: (701) 477-0916

Email: roman.marcellais@tmhci.org

g. Date Submitted: November 16, 2017

h. Project Period : Up to 3 years

i. Population

i) General Population

The 2010 U.S. Census lists the Reservation population as 8,656 with 8,320 being American Indian.

ii) Population of Target Area

According to the US Census, the population of Belcourt, ND is 2,078 in 2010

iii) Persistent Poverty:

Historically the tribe has suffered from high unemployment and high poverty rate. Currently the unemployment rate is 63% on the Reservation and 41.6% of the families live below the poverty rate of the target community. The Tribe continues to struggle to find enough livable and safe housing for its members.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

j. Other Factors Checklist

Name of Applicant: Turtle Mountain Band of Chippewa Indians

Please identify (with an x) which, if any of the below items apply to your community or your project as described in your proposal. To be considered for an Other Factor, you must include the page number where each applicable factor is discussed in your proposal. EPA will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal or in any other attachments, it will not be considered during the selection process.

Other Factor	Page #
<i>None of the Other Factors are applicable.</i>	
Community population is 10,000 or less. x	Narrative - P.1
Applicant is, or will assist, a federally recognized Indian tribe or United States territory. x	Cover Page Transmittal Letter Narrative - P.1
Target brownfield sites are impacted by mine-scarred land.	
Applicant demonstrates firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation. x	Narrative – P. 9 Att. I – Hardship Waiver
Recent natural disaster(s) (2012 or later) occurred within community, causing significant community economic and environmental distress. x	Narrative – P. 5
Recent (2008 or later) significant economic disruption has occurred within community, resulting in a significant percentage loss of community jobs and tax base. x	Narrative- P. 3,4
Applicant is one of the 24 recipients, or a core partner/implementation strategy party, of a “manufacturing community” designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership (IMCP). To be considered, applicants must clearly demonstrate in the proposal the nexus between their IMCP designation and the Brownfield activities. Additionally, applicants must attach documentation which demonstrate either designation as one of the 24 recipients, or relevant pages from a recipient’s IMCP proposal which lists/describes the core partners and implementation strategy parties.	
Applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is	

<p>directly tied to the proposed Brownfields project, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the project area. Examples of PSC grant or technical assistance include a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or Building Blocks Assistance, etc. To be considered, applicant must attach documentation.</p>	
<p>Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.</p>	

Narrative Proposal/Ranking Criteria for Cleanup Grants (100 pts.)

1. Community Need

a) Target Area and Brownfields Community and Target Area Descriptions

The Turtle Mountain Reservation is located in Rolette County in extreme north central North Dakota and close to the Canadian border with a total area of 72 square miles. The Tribe also owns and maintains a considerable amount of Tribal land off the Reservation (about 56 square miles), yet Tribal members often travel to the Reservations for services such as health care, support under social programs, etc. Belcourt, the County's largest City, is located on the Reservation and is the site of most Tribal offices and a number of the County's major employers. The Reservation and surrounding Tribal Lands are densely populated and have more residents per square mile than Cass County, North Dakota's most populated county. The unemployment rate on the Reservation is extremely high at 63%, the poverty rate is 41.6% in the targeted community. Being in a rural area of a rural state, resources are limited from Tribal and non-Tribal sources to address any issues including environmental problems. The Tribe does not have enough housing on the Reservation for its members and is always trying to find ways to provide decent and safe units to live in. Many extended family members live together in crowded conditions and most times in substandard housing that are barely non livable units such as the L' BelCour housing site. Over 200 families are on a wait list for housing. The Tribe has 7 low rent housing sites, HUD homes, and mutual self-help homes in the four districts communities here on the reservation.

Demographic Information and Indicators of Need

	Belcourt, ND	Turtle Mountain Reservation	Rolette County, ND	State of ND	National
Population	\$2,078 ⁵	8,656 ³	9,658 ⁴	627,591 ¹	308,745,538 ¹
Unemployment		63% ¹	4.8% ²	3.5% ²	9.6% ²
Poverty Rate	41.6% ²	37.4% ⁴	22% ⁴	11.7% ¹	14.3% ³
Percent Minority	96.9% ¹	96% ⁴	68% ⁴	10.1% ¹	26.7% ¹
Per Capita Income	\$12,648 ¹	\$9,001 ⁴	\$13,362 ⁴	\$24,978 ¹	\$26,530 ³
Median Household Income	\$21,648 ⁷	\$34,649 ¹	\$28,265 ⁴	\$51,641 ¹	\$53,046 ¹

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/DTSubjectShowTablesServlet?_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>

a. Description of the Brownfields

The L' BelCour Site is approximately 10 acres located at 9818 BIA Road #7 Street 1 in Belcourt, North Dakota. There are 21 existing buildings as part of the housing development and some open space areas at the Site. Only nine of the buildings were assessed as part of the Phase II ESA. The nine buildings are described below:

- Buildings #1-5 and #8-9: Two-story quadplex apartment building with a footprint of approximately 1,600 sq. ft. and a crawlspace.
- Building #6: Two-story, four-unit apartment building with a footprint of approximately 700 sq. ft. and a crawlspace.
- Building #7: Two-story duplex apartment building with a footprint of approximately 800 sq. ft. and a crawlspace.

With over 200 families on the housing waiting list, it is very important that these homes become a safe and healthy environment for our tribal members to reside in. The Tribe cannot afford to have so many abandoned homes with so many families waiting for housing. The Tribe is wanting to remediate and demo the structures as soon as possible in order to re-use the site for future structures to be built for the families that desperately need housing.

b. Welfare, Environmental, and Public Health Impacts

i) Welfare Impacts

These partially abandoned homes, although boarded up, are being broke into which are then being used to conduct illegal activities as related to methamphetamine labs, drug activities, theft and vandalism. These sites are also an attractant for children to play and vandalize. With these illegal activities taking place there is a constant fear of children getting hurt at these sites. Additionally unknown parties continually break into the homes, vandalizing, salvaging and potentially releasing contamination into the environment.

ii) Cumulative Environmental Issues

The current 128(a) Tribal Response Program Brownfield 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... There are many abandoned buildings on the Reservation that pose health and environmental issues related to lead, asbestos and mold. People pass by many of the buildings on a daily basis and are exposed to the hazardous contamination. Costs for disposal of solid wastes and the increasing amount of trash being deposited at illegal dumps are another major concern. Since 2005, the Tribal Environmental Program identified illegal dumping sites as the major environmental problem here on the reservation which may cause human health problems and which may be polluting soil or contaminating groundwater in the area of dumping sites.

In addition to aging and abandoned homes, there are a number of other environmental and health hazards due to the many abandoned or underutilized buildings on the Reservation. These include an old sanitarium, old bus garage, rehab facility and other administration and community buildings and facilities. We are very concerned about various populations that find their way into such abandoned buildings, including children, teenagers, vagrants, and people salvaging and vandalizing the sites or even conducting illegal activities such as methamphetamine production. The Tribal Housing Programs, Tribal EPA, BIA and local police departments have all identified potential meth houses and open dumps in our area, but lack of sufficient funding to address the situation have become and continue to be difficult to handle without proper and secure funding. Dealing with old dumps, costs for current disposal, and illegal dumping are also all major concerns on the Reservation.

iii) Cumulative Public Health Impacts

Many homes on the reservation have more than one family living in a single unit, and occupied by our sensitive population (children and elders) living their daily lives in unhealthy environmental conditions created by mold, lead, asbestos, pest, and inadequate weatherization. Additionally, many of the housing units are modular structures having a limited life span, being difficult to maintain and creating waste disposal issues when cleaned up and demolished. This situation is increasingly putting our population and environment at higher risk, with escalating healthcare implications. The Tribe is in a constant reactive mode rather, and often finds itself stressed with little to no funds available to maintain or address these issues. Examples include a 110 unit housing site that was condemned and all units tore down to the ground and left with no funding available for cleanup. This left several families homeless at had to find other places to stay that were either fairly or unlivable homes especially during our severe winter conditions we deal with during the winter months here on the reservation. It forced many families to stay in condemned homes because they have no place to go. That is why the need for more housing is needed here on the reservation.

Abandoned buildings and barely livable homes such as the L' BelCour Housing site are attractive nuisances for youth, drug/alcohol consumption, meth labs and salvagers; increasing the potential to come into contact with asbestos, lead, hazardous substances, pollutants and contaminants. According to the Center for Disease Control (CDC), direct contact and ingestion of asbestos, a known carcinogen, can cause lung cancer and mesothelioma, a form of neoplasm of the lining of the chest and abdominal cavities. Cancer of the larynx has also been associated with exposure to asbestos. CDC further states that hazards related to breathing or eating lead-based paint dust in

adults this may include difficulties in pregnancy, other reproductive problems, high blood pressure, nerve disorders, memory and concentration problems, muscle and joint pain and digestive problems. In children and babies, lead levels are more dangerous and include damage to the brain and nervous system, behavioral and learning problems, slowed growth, hearing problems, and headaches. The CDC website provides information on its website correlating health hazards from Black Mold and other types of mold to respiratory and asthma problems.

c. Financial Need

i) Economic Conditions

The Turtle Mountain Tribe has very limited funding and resources and has a total of 7 low income housing sites that house over 400 families and many others on a waiting list for a home to live in, if awarded the grant it would allow for the Tribe to spend its limited funds on other important issues and enable families to benefit from safe living conditions as the contaminated structures are removed and new housing complexes can be redeveloped and constructed on the same site. The need for livable and warm homes are very important here in the Turtle Mountains because of the fierce and brutal winters we have here in North Dakota. Small population and high unemployment and poverty rates are also contributing factors. With fuel prices being so high and increased cost of living in recent years; transportation to rural areas of rural states has been more limited. Privately owned businesses on the Reservation are few with limited resources and the high unemployment rate has engendered poverty and drug and alcohol abuse among many members here on the Turtle Mountain Reservation.

There have been economic cutbacks on the federal level and has a trickle effect down to tribal programs, decreasing the amount of awarded grant dollars each year shared among several agencies. This is reducing the ability of our programs to take appropriate actions towards areas of need on the Reservation or from off-Reservation large scale economic development projects.

Additionally, the Tribe has experienced many disasters and emergencies, which compelled the Tribe to commit funding and address those issues rather than apply toward environmental cleanups. Along with housing needed our roads are very badly over used and in need of repairs constantly. The area experienced excessive flooding in the 2011 that has continued up to the present day flooding residential areas and impacting the integrity of our road system. The road activities cause disruption for residents and prevent visitors to come to the casino and other businesses here on the reservation.

Environmental Justice Issues are increasing as the Tribes and State of North Dakota are expected to have impacts associated with the expansion of oil and gas exploration and production in North Dakota. These actions can have serious impacts with environmental, economical, societal, and cultural implications. Impacts can only be identified if current conditions are known, which would lead to proper planning, strategies to avoid disasters which are beyond repair, and protection of the Turtle Mountain Chippewa peoples environment, values, welfare, and way of life. If action is not taken now, our leadership is very concerned for our future generations.

The Tribe is also concerned about the effects of open dumps. They may contain a variety of hazardous substance and other contaminants that can negatively impact the people, air, water and soil and any flora and fauna they come into contact with. Additionally, there is potential to leach

into groundwater and drinking water. Dumps are also an eyesore and pose safety hazards to humans and animals. The U.S. EPA published information on its website about environmental and public health hazards associated with open dumps. In addition to household trash, there are many potentially unknown hazardous wastes such as solvents, oils, pesticides, automotive fluids, Freon from appliances, industry chemicals, and other hazardous materials. Open dumps can experience fires, explosions and release of poisonous gasses. Increased rodent and insect population can transmit health hazards. When the wastes burn, they contaminate the air, soil and water particularly if the contents contain plastic or hazardous materials. Respiratory illnesses such as Asthma can be aggravated. Animal carcasses often end up in open dumps and improper burial can result in lice and diseases such as smallpox and impacts downstream if buried along a stream or river.

The Tribe is concerned that the L' BelCour site and its location adversely effects the children and people that lived in some of the units in the housing and the community due to the contaminants identified at this site and that were discovered in the phase II assessment that was completed. As contamination is released it can easily be carried long distances, especially during high winds or fires and deposited in water and soil further impacting the environmental and public health away from their original sources.

ii) Economic Effects of Brownfields

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

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. According to the 2013 American Indian Population and Labor Force Report, Unemployment on the Reservation is extremely high at 63% as a factor of the workforce who are 16 years and older and who are not employed. Note the unemployment for the Reservation is significantly greater than the State at 2.8% and the Nation at 5.8%. Being in a rural area of a rural state, resources are limited from Tribal and non-Tribal sources to address any issues including environmental problems. The Tribe finds it difficult to assess Fees and will not use Trust Land as collateral in order secure funds.

2 Project Description and Feasibility of Success

a. Project Description

i) Existing Conditions

The exterior of the structures are made of wood frame construction with fiber board wood siding and wood shingles. The interior is drywall. A Phase II ASTM Environmental Site Assessment (EAS) was conducted by EPA Region 8 START contractors in the summer of 2017. The Phase II site assessment has confirmed the presence of Contaminants of Concern (COCs) in the 9 structures and the L' BelCour Housing Site. The following below is a list of the COC's and associated media identified by START contractors at the Site:

- ACM has been identified in all 9 structures (36 units) at the L'Bel Cour Housing Site.
- LBP has been identified in a very small quantity in one unit wall (Unit #8) at the L'Bel Cour Housing Site.
- Mercury switches have been identified in most of the units at the L'Bel Cour Housing Site.
- Mold has been identified in all the units of the L' Bel Cour Housing Site.

Asbestos Containing Materials

Of the 143 samples submitted for polarized light microscopy (PLM) laboratory analysis, 42 samples were reported as containing “trace” (< 1% asbestos) or “positive” (> 1% asbestos) for asbestos. Of the 42 samples reported as trace or positive for asbestos, one or more layers from 10 samples were re-analyzed by point count method. Results of the point count analysis concluded 4 samples were non-ACM material (< 1% asbestos). Therefore, based upon the laboratory results reported, a total of 38 bulk building materials sampled were identified as ACM. ACM identified at the Site includes block filler, drywall, floor tile, and stair tread mastic. A total of 113,310 sq. ft. of ACM has been identified in all 9 structures. ACM is considered to be a COC in relation to the Site.

Lead-Based Paint

Of the 254 X-ray fluorescence (XRF) readings collected at the Site, a total of 2 readings were reported as “positive” for lead (≥ 1 milligrams per square centimeter [mg/cm²]). LBP identified at the Site includes in walls in Building #8. A total of 40 sq. ft. of lead has been identified. LBP is considered to be a COC in relation to the Site.

Mercury and Mold

One mercury thermostat switch was observed in Building #6. Since all units were not entered in the buildings, there is the potential for additional switches to be present. Mold was encountered in all the buildings at this Site. Mold is considered to be a COCs in relation to the Site.

ii) Proposed Cleanup Plan

State of North Dakota does not have an official Voluntary Cleanup Program. The Tribal Environmental Protection Agency's CERCLA 128(a) Brownfields Program will be responsible for consulting with EPA Region 8 on activities in relation to the cleanups. The Turtle Mountain Tribes Solid and Hazardous Waste Code Title 40 has requirements for cleanups and abatements and for Response actions for releases of Hazardous substances, pollutants or contaminants that will be followed by contractors. These requirements are similar to EPA requirements and based upon the CERCLA 128(a) requirements. In conformance with the tribal codes and the EPA Cleanup Grant requirements the Cleanup Plan will include remediation strategies, cleanup phases, closure concepts, milestones, community outreach component, protection for the environment and public health, and detailed costs. The Plan will describe how the cleanup process will need to protect the workers and nearby residents. It will also address correct disposal

procedures, so that the environment is protected. An U.S. EPA Region 8 approved QAPP will be used for all sampling. To address contamination at the site, three different alternatives were considered. The alternatives were outlined in the Analysis of Brownfields Cleanup Alternative (ABCAs) and discussed at an advertised Public Meeting held November 1, 2017 to discuss submitting a Brownfields Cleanup Grant for the L' BelCour Housing Site. To address contamination at the Site, three different alternatives were considered, including:

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

Based on Tribal government and community input during our public meeting held November 1, 2017 and internal government discussions with Tribal EPA it was suggested that if awarded the grant that we will prioritize each of the 9 structures that need to be remediated and demolished. It is estimated that if a contractor was to remove all the ACM out of the 9 units it will cost approximately \$710,000, therefore it was suggested that we prioritize the structures and determine which ones would be abated and ready for demo with the \$200,000. Also, once the prioritized units are cleaned from contaminants the Tribal EPA 1% fund, Tribal Roads, Tribal Housing Authority and Solid Waste/Transfer Station will do a joint effort in demolishing the abated structures. The recommended cleanup alternative is Alternative #2: Traditional Building Demolition and Disposal Since the Tribe is suggesting another alternative such as Remediation and/or removal of asbestos, lead, mercury switches and mold or other contaminants prior to demolition it is more cost effective for us than the alternative #2. The alternative suggested will include remediation cleanup prior to demolition, milestones, community outreach component, protection for the environment and public health, and detailed costs. The Cleanup Plan will describe how the cleanup process will need to protect the workers and nearby residents. It will also address correct disposal procedures, so that the environment is protected. The contractor will work with the Tribal Environmental Protection Agency and the EPA Region 8 to assure the safe and required practices will be followed. We estimate the total costs of the prioritized abandoned structures to be remediated and ready for demo will be approximately \$200,000.

iii) Alignment with Revitalization Plans

The Tribe plans to redevelop the site for future housing with energy efficient complexes after it has been cleaned up. This plan follows with the Turtle Mountain Tribal Strategic Plan which is to address the housing problem on the Reservation as stated in the Comprehensive Housing Plan section of the of the document and the IHP (Indian Housing Plan) that is located at the Tribal Housing Authority. The Tribe will take advantage of the current sewer, water and electric infrastructures left in place. The Housing Authority, Tribal Roads and EPA 1% fund workers will do a joint effort in demolishing the structures once all abatement of contamination is met. Also the Turtle Mountain Public Utilities Commission will work with Indian Health Services to make all needed updates to the current water and septic system infrastructure that is already in place at the site. The Tribe will also utilize Tribal Planning to seek funding opportunities. Turtle Mountain Tribe was recently granted a Promise Zone status which they will also take advantage while seeking for funding and grant opportunities.

b Task Description and Budget Table

i) Task Descriptions

Task 1 - Cleanup Planning – The contractor will work in coordination with the Tribal Environmental staff and EPA Region 8 to develop a cleanup plan that will include remediation strategies, cleanup phases, closure concepts, milestones, community outreach component, protection for the environment and public health, detailed costs, and reuse options. Technical assistance and coordination will also be sought from Tribal Housing, Planning, Administration, TERO, BIA, and IHS. ***Estimated Contractual Cost: \$1,500.***

Task 2 - Site Cleanup, Recycling, Disposal, and Confirmation Sampling– Costs for activities related to cleanup taking into account complete remediation and disposal of the asbestos and lead-based paint problems in the prioritized structures will offer productive land reuse options for the Tribe. The contractor will also work in coordination with the Tribal Environmental staff and EPA Region 8 to accomplish the cleanup. Technical assistance and coordination will also be sought from Tribal Housing, Tribal Planning, Tribal Administration, TERO, BIA, and IHS. Contractor's tasks include: 1) Demo walls to access asbestos floor tile under walls: \$32,500; 2) Removal of asbestos floor tile and mastic: \$115,000; 3) Disposal of asbestos floor tile, mastic, and asbestos impacted flooring: \$40,000, 4) Removal, segregation, and disposal of hazardous materials (mercury switches, lead-based paint structural components etc.): \$10,000; ***Estimated Contractual Cost: \$197,500.***

Task 3 - Community Involvement – The Tribal Environmental staff will involve the community through the planning and cleanup stages. This will include interactions at 2-3 outreach educational meetings to explain lead and asbestos concerns and proper maintenance.

Task 4 – Reporting – The Brownfields staff will submit Progress Reports and Financial Status Reports to EPA. The contractor will provide a draft and final Remediation Cleanup Report that will include information on all tasks completed, including the results of confirmation sampling and also detailed costs. ***Estimated Reporting Costs for Contractor: \$1,000.***

Contractual - The contractor, in coordination with the Tribal Environmental staff and EPA Region 8 will be responsible for developing a cleanup plan, confirmation sampling QAPP/SAP, conducting the cleanup, proper disposal, and submitting a final report. ***Estimated Total Contractual Cost: \$200,000.***

Cost Share – The Tribal Roads, Solid Waste, Natural Resources and Tribal EPA 1% Fund Departments have provided the following cost share match. The match could be used to load, haul and dispose of comingled additional building debris. The Director's also state in a support letter the Tribe is requesting a Hardship Waiver as \$40,000 will be a burden on the Tribe because it takes time away from normal everyday usage of the Refuse Control Equipment (excluding flooding emergencies which we often have). (See attachment B for Cost Share Letters) ***Estimated Cost Share: \$96,080.00***

It will be difficult for the Tribe to provide the Cost-Share and it is requesting a Hardship Waiver for the 20% Cost-Share. (See Attachment A for Hardship Waiver Request).

ii) Budget Table

Budget Categories	Project Tasks (\$) [programmatic costs only]				
	Task 1 - Cleanup Planning	Task 2 - Cleanup, Recyclin g, Disposal & Confirmation	Task 3- Public Involvement	Task 4 - Reporting	Total

		Sampling			
Personnel					0
Fringe Benefits					0
Travel ¹					0
Equipment ²					0
Supplies					0
Contractual	\$1,500	\$197,500		\$1,000	\$200,000
Other (include sub awards)(specify) _____					0
Total Federal Funding (not to exceed \$200,000)	0	0	0	0	\$200,000
Cost Share (20% of requested federal funds) ³		\$96,080			0
Total Budget	\$1,500	\$293,580	0	\$1,000.00	\$296,080

¹Travel to brownfields-related training conferences is an acceptable use of these grant funds.

²EPA defines equipment as items that cost \$5,000 or more with a useful life of more than one year. Items costing less than \$5,000 are considered supplies. Generally, equipment is not required for Cleanup grants.

³Applicant must include the cost share in the budget even if applying for a cost share waiver. If the applicant is successful and the cost share waiver is approved, it will be removed in pre-award negotiation.

Reminder: Administrative costs, such as indirect costs, of grant administration with the exception of financial and performance reporting costs are ineligible grant activities.

c. Ability to Leverage

The Brownfields Program staff and Environmental Director will manage and oversee all of the activities. They will issue an RFP, select and write an Agreement with a certified contractor in coordination with TERO and Property & Supply; make public announcements; set-up and present public meetings to inform the community and gather input; develop status reports and keep the Tribal Council/Administration and other Tribal Programs informed; develop a Cleanup Plan; review confirmation sampling QAPP; oversee contractor's work and keep a detailed log, pictures, etc. of the cleanup; submit internal and EPA reports; update the ACRES and Brownfields Inventory Tool (BIT) databases.

3 Community Engagement and Partnerships

a. Engaging the Community

A Community Involvement Plan will be developed as part of the Work plan if we are fortunate enough to receive the Brownfields Grant. It will include internal 128(a) Tribal Response Program procedures for involving the public as well as U.S. 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. The Brownfields Program along with the council will hold open public meetings at the Administration Building, which is an established procedure for informing our residents of issues and getting their feedback. The cleanup activities will be discussed, questions answered and citizen input sought. We typically post Public Notices and hand out pamphlets at various community bulletin boards about issues affecting the reservation. Our local radio station invites speakers to discuss current issues and take questions from callers. Respect for our Elders is an integral part of our culture. Their opinions and ideas are solicited on projects at the Concerned Citizens meetings that are held monthly at the Transportation Building. We will use the above processes and may schedule special meetings to explain options and gather public input. With this cleanup grant, we will start moving towards a new vision. Information on the cleanup will also be included when the Tribal Environmental Protection Agency publishes it on our website and Facebook page.

We work through the Tribal Employment Rights Office (TERO) when hiring contractors and personnel for projects. The Tribal Housing Office will be involved as we make decisions related to resident housing. The Tribal Land Management Office will guide us as we reuse and redevelop any properties. All of the activities will be coordinated with the Tribal Council as we seek their approval to proceed with projects. We continually work with BIA, IHS, U.S. EPA and various other federal agencies requesting technical assistance and funding resources with projects related to their agency functions.

Information and documents will be kept in the Brownfields Public Record for public review. Periodic announcements will be made on the radio. Some of our Tribal residents, especially the elderly, speak our native language. But those who speak our native language are also fluent in English, so this should not be a problem. If so, we have other Tribal members who can communicate with the Elders. We would also keep the community updated on all process and proceedings we have through our local newspaper just because most of the elders don't have means to social media.

b. Partnerships with Government Agencies

Tribal Planning/Grant Writer's – Tribal Planning Department researches and explores all funding sources for the Tribe. Collaborates and coordinates with local, state, and federal agencies. Provides an avenue assistance to improve the economic conditions for the Tribal communities. Will be able to provide valuable input for reuse options for the Tribal Administration to consider on future reuse of site.

Tribal Lands Management – Documents and is the records keeper of all Tribal Lands inventory. Maintains all land transactions and changes to land records. Will record any Institutional Controls. Can discuss reuse options with Tribal Administration and Housing Authority.

Tribal Solid Waste/Transfer Station Program – Support letter provides cost-share in the form of equipment and operations & maintenance usage, and through a reduction of tipping fees at the Transfer Station.

Tribal EPA Solid Waste 1% Fee Fund- the Director provided a support letter documenting a Cost-Share match through contributions of manpower and operations of equipment usages.

Tribal Roads Maintenance Department – The Department has assisted with cleanups in the past and can help with this cleanup. It can donate a loader, dump truck and excavator. Because the match is being provided by the Solid Waste/1% (Fee) Department, this Roads contribution is being considered leveraged funding.

IHS - We often work with the IHS on environmental health issues and the staff has significant training on hazardous waste control and disposal. IHS has assisted the Brownfields Program on a cleanup project that was conducted by the IHS. We will also maintain coordination with our EPA Project Manager on all activities.

c. Partnerships with Community Organizations

i) Community Organization Descriptions and Roles

Tribal Council Representatives and Chairman- Elected members of the 4 districts have chosen to support and represent their respected districts. Tribal Headquarters and Representatives can be reached at (701) 477-2600. Roman Marcellais, Acting Tribal Chairman; Alice Lunday, District 1 Representative (Secretary Treasurer); Jamie Azure, District 1 Representative; Stuart Lafountain, District 2 Representative; Lynn Gourneau, District 2 Representative; Don Keplin, District 3 Representative; Chad Counts District 4 Representative; Tyrrell Decoteau, District 4 Representative.

Safety Clan Coalition- Jack Parisien, Chairman of the Safety Clan Coalition; Support for cleanup has been given via support letter from Safety Clan Coalition.

Letter of Commitment (See Attachment E for Letters of Support)

d. Partnerships with Workforce Development Programs

The Tribe received a Brownfields Job Training grant in 1998. We also try to utilize the students that are still in the area to help assist in cleanup projects conducted on the Turtle Mountain Tribe, and we intend to contact and recruit those students if awarded the project. The students were able to obtain jobs in the environmental field. Some of the former students are still in the area and listed on the TERO certified/qualified workers list and may be able to find jobs during the cleanup and renovation. Other partnerships using TERO approved Tribal Contractors and laborers working with the Turtle Mountain Tribe. When the Tribal Environmental Office hires a certified contractor to conduct environmental work, it also requires the contractor to hire subcontractors and laborers certified/qualified on the TERO list. U.S. EPA Certified Contractors, have proven very successful on several projects performed under the Tribe's Brownfields Program. These proven successful partnerships will also be considered if the project is awarded.

4. Project Benefits

a. Welfare, Environmental, and Public Health Benefits

By mitigating and removing the buildings, 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, a QAPP, 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 in accordance with an U.S. EPA approved QAPP to be sure that the contaminants are removed or appropriately dealt with. The Brownfields Coordinator and Compliance Officer who have both received 40-Hour OSHA training will provide oversight on the contractor during the cleanup.

By eliminating the direct contact and inhalation of asbestos, people will not be affected by the known carcinogen, which can cause lung cancer and mesothelioma, a form of neoplasm of the lining of the chest and abdominal cavities. Cancer of the larynx has also been associated with exposure to asbestos. We hope to eliminate the known hazards in the structures that are related to breathing or eating lead-based paint dust. In adults this may include difficulties in pregnancy, other reproductive problems, high blood pressure, nerve disorders, memory and concentration problems, muscle and joint pain and digestive problems. In children and infants lead levels are more dangerous and include damage to the brain and nervous system, behavioral and learning problems, slowed growth, hearing problems, and headaches. Finally, the demolition of abandoned homes eliminates the problem of using those homes to conduct illegal activities as related to methamphetamine labs and drug activities as well as make these existing home sites available for reuse and redevelopment.

b. Economic and Community Benefits

By removing the contaminated structures, the site would be available for constructing new housing complexes. This is very important considering there are over 200 families on a wait list for housing. The new site would not require any reuse restrictions (Institutional Control). Since infrastructure is already in-place, costs would be saved by not needing to install new water and sewer lines, electricity, etc. Jobs will be increased during the cleanup and constructing new complexes on the cleaned up site.

5. Programmatic Capability and Past Performance

a. Audit Findings

The Turtle Mountain Tribal Environmental Programs have not experienced any adverse audit findings.

b. Programmatic Capability

The Tribal Environmental Program has successfully maintained for many years, the GAP, Water and UST Programs with 128(a) Tribal Response Program-Brownfields being the newest addition in 2005. 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 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 Tribal Roads, Tribal Housing, 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.

c. Measuring Environmental Results: Anticipated Outputs/Outcomes

Task	Output	Outcome
Cleanup Planning	1) Develop Cleanup Plan, 2) Develop Remediation Plan Details & Cleanup options, 3) Develop QAPP, if necessary.	1) Increased ability for Tribe to oversee proper cleanup in compliance with regulations, 2) Increased ability for Tribe to conduct efficient & effective cleanup that supports with reuse, 3) saves money, protects health & environment.
Site Cleanup, Recycling, Disposal & Confirmation Sampling	1) Number of sites cleaned up, 2) Number of contaminants. Removed/remediated, 3) Conduct confirmation sampling, 4) Implement Institutional Controls, 5) Implement integrated cleanup and space reuse plans, 6) Recycle debris, if possible, 7) Require contractor to hire qualified Tribal laborers.	1) Increased space for new complexes with sewer/water systems in place for new construction, 2) Elimination of contaminants affecting health and the environment, 3) Increased planned number of healthy and energy efficient housing complexes brought into Tribal land, 4) Increase in ability to document cleanup was completed, 5) Increased ability to implement reuse restrictions, 6) Elimination of illegal drug activities as result of elimination of abandoned structures, 7) Increased jobs/wages for Tribal workers.
Public Involvement	1) Develop Public Outreach Plan, 2) Hold public meetings, 3) Enlist partners/stakeholder.	1) Increased ability to deliver effective outreach information, 2) Increased number of people aware of environmental issues, 3) Increased ability to achieve results with expanded support.
Reporting	Develop and submit reports, 2) Submit summary cleanup report to the Tribe and Turtle Mountain Tribal Housing Authority.	1) Increased ability for Tribe to report on accomplishments and track progress, 2) Increased ability for EPA to track progress.

d. Past Performance and Accomplishments

i) 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.

Past Brownfields Grants Awarded (Other than 128(a) Tribal Response Program Grants:

- 1) 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.
- 2) 2004 - Trained a core of 40 students (and in some courses many more) in OSHA 40-hour, lead, asbestos, and mold abatement courses and related training such as First Aid/CPR and OSHA health and safety.
- 3) 2011 - In 2011, the Tribe received a Brownfields cleanup grant for the Tribal Administration Building in Belcourt, ND. The Tribe successfully completed the abatement and demolition, with various success stories made available on the USEPA website.

Accomplishments

- Under the Brownfields Assessment grant, we completed 5 Phase I assessments and 9 Phase II assessments.

- Applied for 2 Cleanup Grants and got awarded 1 cleanup grant. We issued an RFP and hired a certified contractor to remediate contamination at the Tribal Administration Building.
- Under the Job Training grant, the college trained a total of 40 students (and in some courses many more) in OSHA 40-hour, lead, asbestos, and mold abatement courses and related training such as First Aid/CPR and OSHA health and safety.
- Created a Public Record Book where summary information on assessments and cleanups are document for public viewing.
- Entered 100 plus sites into BIT database.
- Listed 5 sites in ACRES database.
- Completed 8 Targeted Brownfields Assessments and 2 cleanups with Brownfields funding.
- Provided information on the Tribal website on the Brownfields Program and site projects.
- Developed a Solid & Hazardous Waste Management Code and Penalty Policy Matrix Table.
- Surveyed and inspected numerous open/illegal dumps and forwarded information to IHS for inclusion in its database and documented sites for EPA 1% Fund cleanups.
- Attended numerous training courses to enhance their skills and create a Tribal Brownfields Response Program.
- Developed annual Work plans, submitting Quarterly Progress Reports and participating in scheduled calls with EPA Project Officer.
- Some contractual funds have been carried over from previous years. We are currently in the process of spending the carry over funds on remediation of ACM and Lead contaminated soils on the Block Grant Building. On current EPA Brownfields grants, we are up-to-date on Task accomplishments and Progress Reports.
- Assisted and overseen the IHS and BIA on two major cleanups. IHS cleaned up the Alano Club (Treatment after care center) and the BIA cleaned up the Old Elementary School.
- Overseen the cleanups of 200 plus open dumps completed by EPA 1% Fund workers.
- Overseen cleanups of 100 plus abandoned/burned home sites that was funded by the BIA and cleaned up by the EPA 1% Fund workers.

ii) Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements The Tribe affirms it has received an EPA Brownfields Grant and that it has received a number of federal or non-federal assistant. Agreement.

iii) Has Never Received Any Type of Federal or Non-Federal Assistance Agreements.) The Tribe affirms that it has received a number of federal or non-federal assistant agreement (grant).

Turtle Mountain Band of Chippewa Indians

Brownfields Cleanup Grant 2017

L'BelCour Housing Site

Threshold Criteria Responses Attachments

Attachment A. Threshold Criteria

Attachment B. Special Consideration Checklist

Attachment C. Letter from Tribal Environmental Authority

Attachment D. Public Notice Documentation

Attachment E. Support Letters

Attachment F. Analysis of Brownfields Cumulative Alternatives (ABCAs)

Attachment G. Justification for Cost Share Waiver

Attachment A. Threshold Criteria for Cleanup Grants

1. Applicant Eligibility

The Turtle Mountain Band of Chippewa Indians is a Federally Recognized Tribe. The Turtle Mountain Indian Reservation was established by Presidential Executive Orders on December 21, 1882 and March 29, 1884.

2. Site Ownership

The L' Bel Cour (Old Housing/Barnesville) site is owned by the Turtle Mountain Band of Chippewa Indians and is located on Tribal Trust land on the reservation. The Turtle Mountain Housing Authority manages the housing site which is an entity of the Turtle Mountain Tribe. We affirm that we own the site and buildings.

3. Basic Site Information

(a) Name of site: L' Bel Cour (Old Housing/Barnesville)

(b) Address of site: 9818 BIA Road #7 Street 1, Belcourt, N.D. 58316

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

4. Status and History of Contamination at the Site:

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

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

The housing site was developed in 1965/66 and the first occupancy started in early 1967. The site is about 5 acres in size and has 9 Buildings that contain 4 individual units per building. Tribal Housing Authority is in the process of finding places and relocating the families to other housing sites to live with the intent of having the 9 south structures on the property abandoned prior to cleanup activities. Due to the age of the structures, inhabitable living and safety issues of the structures the Tribe would like to remove all hazardous substances and demolish the structures to prepare for redevelopment with structures to be erected in the near future.

(c) Environmental concern, if known, at the site: According to the recent Phase II Environmental Site Assessment that was performed, Asbestos, Lead-Based Paint, Mercury switches and Mold are all environmental concerns at the site. See III.B.6 and attachment F. below for details on the Phase II Environmental Site Assessment.

(d) how the site became contaminated, and to the extent possible, describe the nature and extent of the contamination: Asbestos and lead-paint were typical building products used during the period of the houses, and it was not recognized until recent years and eventually regulated that they could become environmental and health hazards. Mercury containing switches are also common hazardous substances that have been found. 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 structures have been secured, transients and salvagers continue to break-into the structures not realizing the potential health and safety threats. Mold is very difficult to stop once it permeated building products. Normal deterioration has made it difficult and not cost-effective to maintain the structures. The Tribe

would like to remediate all hazardous substances from the structures depending upon what would be the most effective use of the funding when bids are received from contractors.

5. Brownfields Site Definition

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

6. Environmental Assessment Required for Cleanup Proposals

EPA Region 8 utilized the in-house START contractor to conduct an ASTM E1903-11 or equivalent Phase II site assessment in the summer of 2017 and provided a final report that had been reviewed by EPA. The Phase II report has confirmed the presence of Contaminants of Concern (COCs) at the L' Bel Cour Housing structures. The following is a list of the COCs and associated media identified by START at the site:

ACM: Based on the laboratory results reported for the 143 positive ACM samples, asbestos is present in all units of the 9 structures at the L' Bel Cour Housing site. ACM is considered to be a contaminant of concern (COC) in the buildings. Based on the laboratory results reported for the confirmed ACM samples, asbestos is present in block filler, dry wall (ceilings & walls) floor tiles, floor tile mastic, stair tread mastic and joint compounds.

Lead-Based Paint (LBP): Based on the results of the XRF screening, LBP is located in one unit of the L' Bel Cour housing site. Mold: Based on the results of the mold inspection every unit has a significant amount of mold in them. Mold is considered to be a COC.

7. Enforcement or Other Actions

The Turtle Mountain Tribe is not aware of any ongoing or anticipated enforcement actions related to the L' Bel Cour (Barnesville Housing Development). 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.

8. Sites Requiring a Property-Specific Determination

The site does not require a property specific determination.

9. a. Site Eligibility and Property Ownership Eligibility - Hazardous Substance Sites

1a. CERCLA §107 Liability

The Turtle Mountain Tribe affirms it is 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) because it is eligible for one of the CERCLA liability protections or defenses. It affirms it meets the requirements of the innocent landowner defense under (CERCLA §107(b) (3) and 101(35) (A)). It also has CERCLA liability defense in being an Indian Tribe. The Tribe took reasonable steps with regard to the contamination at the site by providing maintenance and the Tribal Housing Authority boarded and secured all unoccupied units determined it wasn't cost-effective to rehabilitate the structures. When the structures were built, asbestos building products were not recognized as health and environmental hazards. Throughout the years, the Tribe has provided maintenance on the structures and attempted to manage any contamination, but through normal deterioration it is no longer cost effective and the Tribe would like to remediate and/or cleanup and remove the structures depending upon what would be the most effective use of the funding. The Tribe has not arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.

2. Information on Liability and Defenses/Protections - Property Acquisition

The L' Bel Cour Housing site 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. The housing site was built in 1966/67 by the Tribe.

2. b. Timing and/or Contribution toward Hazardous Substances Disposal

The Tribe has not caused or contributed to any releases of hazardous substances at the site. When the structures were built, asbestos building products were not recognized as health and environmental hazards. It wasn't until recent years, that it became apparent and eventually regulated by Standards and Regulations that lead and asbestos could become contamination issues. The Tribe affirms it has not at any time arranged for the disposal of all hazardous substances at the site.

2. c Pre-Purchase Inquiry

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. Pre-Purchase inquiry was not a typical process at the time the site was acquired in 1882 and 1884. Recently, the Tribe conducted updated Phase II ASTM Environmental Site Assessments as outlined in detail in above Section e (Environmental Assessment Required for Cleanup Proposals).

2.d Post-Acquisition Uses

The property was undeveloped until the L' Bel Cour Housing site was constructed in 1966/67. It has been used as a housing site to house enrolled families her on the reservation since it has been constructed 50 years ago. The Tribe and Housing authority would like to have new housing complexes built once the contaminated structures are cleaned up. The housing authority currently has paid for blue prints and renderings of two 24 unit complex's that may possibly be built on the site once the area is all cleaned up.

2.e Continuing Obligations

i) The Tribe has taken reasonable steps to:

Stop any continuing releases; Prevent any threatened future release; and prevent or limit exposure to any previously released hazardous substances: Throughout the years, the Tribal housing authority has provided maintenance on the structures and attempted to manage any contamination, but through normal deterioration it is no longer cost effective and the Tribe would like to remediate and/or cleanup and remove the structures depending upon what would be the most cost effective way.

ii) The Tribe confirms its commitment to:

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

9. b. Property Ownership Eligibility - Petroleum Sites

III.B.9.b.a Current and Immediate Past Owners

Does Not Apply.

III.B.9.b.b Acquisition of Site

Does Not Apply.

III.B.9.b.c No Responsible Party for the Site

Does Not Apply.

III.B.9.b.d Cleaned Up by a Person Not Potentially Liable

Does Not Apply.

III.B.9.b.e Relatively Low Risk

Does Not Apply.

III.B.9.b.f Judgments, Orders, or Third Party Suits

Does Not Apply.

III.B.9.b.g Subject to RCRA

Does Not Apply.

III.B.9.b.h Financial Viability of Responsible Parties
Does Not Apply.

10 a. Cleanup Authority and Oversight Structure

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 CERCLA 129(a) Tribal Response Program has been working towards building its environmental capability. The Brownfields Coordinator and Compliance Officer have both received certified OSHA 40-Hour Hazwoper training, have overseen or assisted with assessments and cleanup (under the Brownfields Program and other Programs), have attended various inspections and compliance training courses, Meth Lab training, solid waste trainings, and numerous Brownfields, Solid Waste and Energy workshops. Even though the Tribal Coordinator and Compliance Officer have received appropriate training and have adequate experience to qualify as Environmental Professionals to manage the cleanup, they will work with the TERO Program to issue 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. 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.

10 b. Access to Adjacent Properties

The Tribe will not have an issue with access to adjacent properties because they are located on Tribal Trust Land under the authority of the Tribe.

11. Community Notification

a. Draft Analysis of Brownfields Cleanup Alternatives

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

b,c,d. Community Notification Ad and Public Meeting - Submission of Community Notification Documents (See Attachments D)

12. Cost-Share Waiver

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

13. Statutory Cost Share - Meet Required Cost Share

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

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

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

- ***Cost Share - Equipment usage and labor donated from Tribal Solid Waste Department-*** Front End Loader - \$100/hr. x 200/hrs. = \$20,000; 25-yd. roll-off @ \$500/dump, x 55/dumps = \$27,500. Of this In-Kind support applied to L'BelCour Housing Site. Savings from reduced tipping fee at Transfer Station \$37/ton to \$17/ton = \$20/ton savings on estimated 4,785 tons x \$20/savings = \$95,700.

- ***Cost Share -Equipment usage and labor donated from Tribal Roads Department*** - Front End Loader - \$90/hr. x 150/hrs. = \$13,500; 1 Dump Truck - \$85/hr. x 100/hrs. = \$8,500; Excavator - \$100/hr. x 50 hrs. = \$5,000. Total of all = \$27,000 of this In-Kind support applied to L'BelCour Housing Site.

- ***Cost Share -Equipment usage and labor donated from Tribal EPA 1% fund fee Department*** - Equipment usage for a 3 month period, including one Skid Steer (\$3,000.00). Use of 2 Dump Trailers - Cost \$50.00/hr. times 100/hours = \$5,000.00. Operation, Maintenance and Labor of 2 workers and equipment (\$5,000.00). Total of all = \$13,000.00 of this In-Kind support applied to the L'BelCour Housing Site.

Attachment B. Special Considerations Checklist

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 ☒X
- Community is impacted by recent natural disaster(s) (2005 or later). To be considered, applicant must identify here the timeframe and type of natural disaster. ☒X **(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).**
- Project is primarily focusing on Phase II assessments ☒X
- Community is impacted by recent natural disaster(s) ☒X **(Community periodically suffers from flooding, drought, severe storms, and wildfires.)**
- 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 _____
- Applicant is a recipient of a HUD/DOT/EPA Partnership for Sustainable Communities grant and can demonstrate that funding from a PSC grant has or will benefit the project area. _____
- Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant _____
- Community is implementing green remediation plans _____

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



TURTLE MOUNTAIN ENVIRONMENTAL PROTECTION AGENCY

P.O. BOX 730
BELCOURT, NORTH DAKOTA 58316

(701) 477-2666
FAX: (701) 477-9398


November 16, 2017

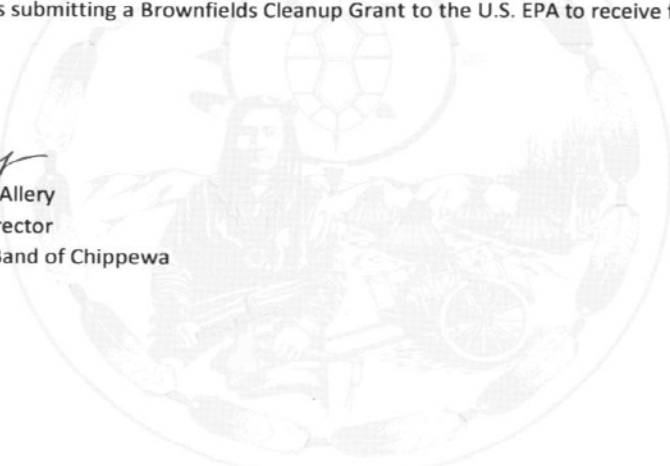
Ray Reed
TMBCI Tribal Environmental
Brownfields Coordinator

Dear Mr. Reed

As the Director of the Turtle Mountain Band of Chippewa Tribe (TMBCI) Department of Environmental Program, I am writing this letter to confirm that the TMBCI Environmental Program is the Tribal Environmental Authority for the Tribe. Additionally, I am acknowledging the TMBCI Brownfields Program under the Tribal Environmental Program is planning to conduct cleanup activities on L'BelCour housing site and is submitting a Brownfields Cleanup Grant to the U.S. EPA to receive funding to conduct the cleanup.

Sincerely,


Cora Champagne-Allery
Environmental Director
Turtle Mountain Band of Chippewa



Attachment D. Public Notice Documentation

TRIBAL ENVIRONMENTAL PROTECTION AGENCY OPEN PUBLIC MEETING

When: November 1, 2017

Where: Tribal Transportation Building

Time: 10:00 a.m.

SUBJ: DISCUSSION ON PROPOSED CLEANUP GRANT FOR THE OLD HOUSING (BARNESVILLE) STRUCTURES

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

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

III.B.11.c Public Meeting

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

L' BelCour Housing site. November 1, 2017

10:00 AM at Turtle Mountain Tribal Transportation Building

Meeting opened at 10:00 a.m. and Introductions and identify each person attending the meeting.

10:15 – 10:30: Ray gave the History and Overview of the L' BelCour Housing site. No discussion or questions were asked about the history of the site.

10:30 – 10:45: Ray explained how he is going to apply for a cleanup grant for the housing site and that at this point he will apply for 1 cleanup grant to do the south side of the site this year

and apply for another grant next year for the north side of the site. The reason for not applying for 2 cleanup grants to do the whole project was that we didn't want to have an issue with relocation all families from the units at once versus doing it in two different phases. All in attendance were really overjoyed with our program finally getting a chance to clean up the site and use it for future housing.

10:45 – 11:00: Ray had passed out a copy of the ABCA's to the attendees and went through it briefly on the recommendations on the alternatives for cleanup of the site. Ray explained that the alternative #2 was suggested but that when he spoke with council previously that it would go with the alternative that the program and council suggested to prioritize the structures and remediate and/or remove all contaminants. Ray explained how this grant will be used to just remediate the ACM, Lead and Mercury switches and that in a joint effort with several Tribal entities that they would do the demo after all hazardous waste was abated and the buildings were ready for demo.

11:00 – 11:30: Ray discussed the possible future development or reuse of the site after cleanup is completed. Ray along with the housing director Sharon Parisien had discussed that the housing has hired a company to provide blue prints and renderings of two 25 unit complex's that the Tribe would like to develop once the site is cleaned up. 1 complex for the south side and 1 complex for the north side.

11:30 – 11:45: Questions, Concerns, Comments or Suggestions:

**Comments, Questions and Answers from the Turtle Mountain Tribal EPA Public Meeting
Held November 1, 2017
At Tribal Transportation Building Belcourt, ND**

Question: What will the site be used for once the buildings are all cleaned up and demolished?

Response: The site will be used for a housing site once again and that the housing authority has future plans of two 24 unit housing complexes.

Question: If you receive the cleanup grant for the site what will be the cleanup time frame and how long do you have to use the money until it has to be given back?

Response: Time frame to abate the hazardous materials for the first 9 structures would be around 2 to 3 months at the most and demo would be determined by the participating entities when the time comes for demo. If awarded the grant we will have 3 years to complete cleanup or remediation of the structures for this project. If we get awarded the grant the tribe would begin the remediation and cleanup process as soon as possible so that the housing can provide documentation and help them secure future housing funding to whoever they would need to.

Question: Who will the tribe get to do the cleanup of the sites?

Response: The cleanup will have to be done by a certified contractor that specializes in cleanup of Hazardous materials. The Tribal EPA Brownfields coordinator will draft a request for proposal and advertise the RFP for two weeks in the newspapers, radio and other social

networking. When the tribe receives the bid proposals from certified contractors the Tribal Property & Supply, TERO and Tribal EPA will open all bids and make recommendations on which contractor they want to select or who came in as the lowest bidder and met the budget. The recommendation will go to the Tribal Council for approval.

Question: When does this application for the grant need to be turned in?

Response: The cleanup grant needs to be finalized and turned in by November 16, 2017.

Question: How much money will we receive if awarded the grant?

Response: The Brownfields program will be asking for \$200,000 dollars which is the maximum amount that a single applicant can receive per grant. These cleanup grants are competitive grants so we will be competing with all Federally Recognized Tribes, Regions and States for these grants and we are not guaranteed to receive a cleanup grant.

Question: Will you have enough money to do abatement of the structures?

Response: As stated before we will prioritize the structures and hopefully get to abate all 9 structures. The total cost estimate from the START contractor is \$710,000 to abate all 9 structures therefore we will have to prioritize the structures and go from there.

Question: After site is cleaned up how will the tribe determine if the site is clean enough to redevelopment anything on the site since the buildings have contamination and demo will be performed?

Response: The site will be cleaned up to meet the residential cleanup standard approved by the Tribe and Tribal EPA. Also, will require the contractor to provide verification and certification of the site once they are done performing the abatement work.

Question: What hazardous waste or contamination is in the housing structures?

Response: Asbestos containing materials have been identified in all 9 structures that were assessed which is 36 units in all. The Asbestos identified is located in the floor tiles, mastics and walls of the structures. Asbestos is considered to be a contaminant of concern (COC) in the buildings. Also there has been a small amount of lead located in just one unit of all 36 units and mercury switches have also been found in most units. Mold has been identified in all units and is also a major concern as far as contaminants.

Question: What will happen to the residents that currently live in these units?

Response: Sharon Parisien the housing director stated that they have several other housing sites that they will help relocate these families if awarded the grant and before cleanup starts to commence.

Ray concluded that the proposal, ABCA and Phase II site assessments were all too big to make copies for everyone and that if they wanted a copy or review the documents that they are available M-F during work hours for anybody wanting to see them.

Sharon Parisien the Housing Director did request copies and were received before she left the meeting.

Meeting adjourned at 12:10 p.m.

Minutes/Notes from the Turtle Mountain Tribal EPA Public Meeting

Held November 1, 2017

At Tribal Transportation Building in 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 L' BelCour Housing site for which the Tribal Brownfields Response Program is submitting a cleanup grant proposal to EPA. Ray and Phillip provided a history of the site and summarized the findings from the Phase II Assessment that was conducted under a Targeted Brownfields Assessment (TBA) by EPA's contractor.
3. The attendees asked many questions about the contamination and how it will be addressed. The attendees also made several recommendations on ways to handle the cleanup, which generated much discussion and clarification of the proposed activities.
4. Attendees asked if local Tribal laborers could be hired to conduct the cleanup so Tribal residents could benefit from the job opportunities. Ray and 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 and disposed of at a certified landfill and lesser contaminated C&D waste could go to the Tribal C&D landfill.
6. A draft copy flyer summarizing the Alternative Brownfields Cleanup Actions (ABCAs) was distributed and discussed.
7. Ray passed out the Draft Cleanup Proposal for the site and also noted copies would be available at the Tribal Environmental Program Office for the public to review and make comments. Although some people thumbed through the draft, no one made comments during the meeting.
8. Ray explained that the Brownfields Cleanup grants are very competitive and there is no guarantee the Tribe will receive one. He also mentioned that money was saved by having EPA conduct the Site Assessments through a TBA.
9. There was some discussion explaining that this site was previously prioritized by Tribal Council/Administration because, not only of the health, safety and environmental issues, but also there is high potential for redevelopment since they is a much need for housing here on the reservation.
9. The attendees inquired about how and if the other part of the housing site will get cleaned up in the near 10uture. The attendees also asked questions about several other Brownfields sites and asked if the Tribal Brownfields Response Program can address them. He can apply for more

cleanup grants in the future and his Program receives some contractual funding each year, but not enough to fully address sites.

11. Ray explained that the reports such as the proposal, ABCA and Phase II assessment were too big to make everyone copies and if they wanted copies or to review the documents that they can come to the Brownfields office during work hours and get copies or review them. Ray did hand out a copy of the documents and the audience passed them around throughout the meeting.



**Turtle Mountain Band of Chippewa Indians
Tribal Environmental Protection Agency
Brownfields Cleanup Grant Meeting Agenda**

Date: November 1, 2017

Time: 10:00 a.m.

Location: Tribal Transportation Building

10:00 a.m. – Introduction

10:15 a.m. – History and Overview of the Old Housing (Barnesville) site

10:30 a.m. – Discussion on intent to apply for cleanup grant

10:45 a.m. – Review Analysis of Brownfields Cleanup Alternatives (ABCA's)

11:00 a.m. – Discussion on possible Future Reuse or Redevelopment of the site

11:30 a.m. – Question, Concerns, Comments or Suggestions on the cleanup grant

12:00 p.m. – Adjourn meeting

Invoice

Customer
Tribal EPA - Response
Ray Reed
Box 900
Belcourt, ND 58316

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

Date	Invoice No.	P.O. Number	Terms	Project
10/30/17	80467			

Item	Description	Quantity	Rate	Amount
Adv.	OPM x 1 wk.	1	106.00	106.00

It's been a pleasure working with you, Thanks!			Total	\$106.00
--	--	--	-------	----------

Sign – In Sheet



Open Public meeting to announce the intent to Apply for a Brownfields Cleanup Grant for the Old Housing (Barnesville) site that is located in Belcourt, N.D. on the Turtle Mountain Indian Reservation.
November 1, 2017

NAME	REPRESENTING
Roy Reed	Tribal EPA - Brownfields
Karl Davis	106 TMEPA
Lenny DeAtto	Transit
Chris Ell	106 TMEPA
Patricia Monette	Transit
Dirck Longie	EPA 1%
Gerardine Larson	Land mgmt
Denise Fether	Land Mgmt
Dennis Trotter Jr.	TNBCI TRANSPORTATION
Brian Morin	survey
Aaron Marcellais	TNBCI Transportation
Richard Davis	EPA 1%
Sharon M Parisien	TNHA Director

Sign – In Sheet

Open Public meeting to announce the intent to Apply for a Brownfields Cleanup Grant for the Old Housing (Barnesville) site that is located in Belcourt, N.D. on the Turtle Mountain Indian Reservation.

November 1, 2017

NAME

REPRESENTING

[illegible]

Attachment E. Support Letters



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Turtle Mountain Agency

P.O. Box 60, BIA # 7

Belcourt, North Dakota 58316

IN REPLY REFER TO:
Administration

November 13, 2017

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

Dear Mr. Reed:

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

Unfortunately, I was unable to attend the Public Meeting held on November 1, 2017; but truly appreciate your programs efforts in applying for a grant to cleanup and remove these structures. It is long overdue to have these structures removed and cleaned up so that the site can be reused and also eliminate the environmental and safety hazards associated with the site. I have read the newspaper article regarding the project and feel this project can be completed with the assistance of other entities within the community along with the award of this grant.

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

Sincerely,

Lyndon Desjarlais,
Superintendent, Bureau of Indian Affairs



TURTLE MOUNTAIN HOUSING AUTHORITY, T.D.H.E.
A TRIBALLY DESIGNATED HOUSING ENTITY

P.O. BOX 620 • 1/4 MILE SOUTH ON HWY. 5 • BELCOURT, NORTH DAKOTA 58316-0620
TELEPHONE 701-477-5673 ADMINISTRATION OFFICE FAX 701-477-3247

November 8, 2017

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

RE: Brownfields Cleanup Grant

Dear Ray:

Thank you for inviting our organization to participate in the Open Public Meeting on November 1, 2017. The meeting was a success and I was happy to see the support you received from our community.

As you know already, we are in a financial bind regarding funding for the cleanup of our original project, L'Belcour' which was built in the mid-1960s. Our federal funding from HUD continues to be cut every year, and 2018 will be no exception. Without your assistance, I do not know when the Turtle Mountain Housing Authority would be able to afford to clean up this project.

I know you have already seen the condition of the buildings here. They are a hazard, not only to the health of the occupants who still continue to live in some of them, but also to children who may be fatally injured if they were to gain admittance into the buildings which are not occupied.

I wish you the best of luck in procuring this grant and if there is anything I can do, please contact me as we are in full support of this endeavor.

Best regards,

Sharon M. Parisien
Executive Director



**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 8, 2017

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

Dear Mr. Reed:

On behalf of the Turtle Mountain Tribal Land Management Office, I am in complete support of the application submitted by Turtle Mountain Tribal Environmental Office for a Brownsfield grant to clean-up the LaBelcour Housing site, which is long overdue.

The TM Housing has over the years made multiple attempts to eradicate this site and make it readily available for quality housing, however it was not to be until now. This project when funded will ensure that our tribal members have quality and affordable homes and will add an appealing improvement to our community.

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

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

Good Luck.

Respectfully,

Denise Peltier
Land Manager



DEPARTMENT OF HEALTH & HUMAN SERVICES

Great Plains Area, IHS Division of
Environmental Health Services
PO Box 160
Belcourt, ND 58316

November 13, 2017

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

Dear Mr. Reed,

Securing a (Brownfield Clean-Up Grant) will assist the Turtle Mountain community in addressing potential environmental issues during demolition work in the Barnsville community. The homes in the Barnsville residential site have been constructed during a time frame in 1967 and 1968 when asbestos containing materials (ACM) was used in the construction of new homes. Nine (9) structures were tested in the summer of 2017 (per EPA) all of these structures have ACM. One structure (number 8) has one wall with a very small amount of lead paint. The majority of these units are containing mercury thermostat switches. All nine of the structures have significant mold concerns. Currently eight (8) out of the nine structures have occupancies residing in them. According to the EPA they will be relocated prior to abatement and demo. Per building specs, the awarded contractor will be responsible to assure proper notification is made to the east cluster housing (to the east), Speedys stop (to the west), Rez Pepper (to the North), business and home owner in the area.

The homes in the Barnsville subdivision were constructed during a period where ACM, Mercury, and Lead were found in building materials and previous environmental assessments have found these items. Removing contaminants as cited above in a manner consistent with the terms of the (Brownfield Clean-Up Grant) proposal should be pursued in order to prevent &/or reduce possible environmental exposures to Asbestos, Lead and Mercury.

Sincerely,

Jack Parisien

Belcourt Service Unit Sanitarian:

Tim Balderrama, Minot District Sanitarian

CAPT Chris Allen, Director DEHS GPA



TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

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

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

Ray Reed, Brownsfields Coordinator
Turtle Mountain Tribal EPA-Brownsfields Program
P.O Box 730
Belcourt, ND 58316

October 8, 2017

Dear Mr. Reed,

As a District Four Council Representative, I am writing with the intent the efforts in cleaning up the Le' Belcour Housing Site. I feel that this project is incredibly important due to the many hazards that are caused by this site. As I drive by this site, I notice how run down the site has gotten through the years. It tends to be an eye sore. The depreciation is causing many hazards for the site and the residents of the site.

The asbestos, mold, and lead can cause great harm to the people. I am concerned for the health hazards that may affect the people being exposed to these elements. However, the location of this site is incredible. It is centralized in the township of Belcourt and has access to the businesses and the many other services that are offered within the township. I feel that the site has potential for development. If we can create units that are not a hazard to our people, it can be one of the most popular, convenient sites within the housing authority.

As a liaison for the Turtle Mountain Housing Authority and a previous employee, I prioritize my responsibility to our people to provide healthy living conditions and bring forth opportunities that can make our tribe strive in its future. Therefore, I admire the efforts being taken by the Turtle Mountain EPA Brownsfield Program and hope for opportunities that can progress our efforts toward revitalizing this site.

Sincerely,

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



TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

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

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

Ray Reed, Brownsfields Coordinator
Turtle Mountain Tribal EPA-Brownsfields Program
P.O Box 730
Belcourt, ND 58316

October 8, 2017

Dear Mr. Reed,

As a District One Council Representative and a Legislator of the Turtle Mountain Band of Chippewa, it is my honor to write this letter in support of applying for the EPA Brownsfield Cleanup Grant for the Le'Belcour (Old Housing/Barnesville) site.

I am incredibly supportive of this effort, especially because this site is within the district I represent I am concerned with the health and living conditions that the residents of Le' Belcour must face on a daily basis. We have families and children living in a site that exposes them to asbestos, lead, and mold. With the site being built in 1966-67, it is one of our older housing sites within the Turtle Mountain Reservation and the depreciation is a concern.

I feel that there is potential for housing and/or economic development in this area that can impact our tribe immensely. It is centralized in the township of Belcourt and has access to the businesses and the many other services that are offered within the township. Our people deserve to reap benefits that this site can offer.

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

Sincerely,

Jamie S. Azure, District 1 Council Representative
Turtle Mountain Band of Chippewa Indians

Safety Clan Coalition

November 14, 2017

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

Dear Mr. Reed,

Securing a (Brownfield Clean-Up Grant) will assist the Turtle Mountain community in addressing potential environmental issues during demolition work in the Barnsville community. The homes in the Barnsville residential site have been constructed during a time frame in 1967 and 1968 when asbestos containing materials (ACM) was used in the construction of new homes. Nine (9) structures were tested in the summer of 2017 (per EPA) all of these structures have ACM. One structure (number 8) has one wall with a very small amount of lead paint. The majority of these units are containing mercury thermostat switches. All nine of the structures have significant mold concerns. Currently eight (8) out of the nine structures have occupancies residing in them. According to the EPA they will be relocated prior to abatement and demo. Per building specs, the awarded contractor will be responsible to assure proper notification is made to the east cluster housing (to the east), Speedys stop (to the west), Rez Pepper (to the North), business and home owner in the area.

The homes in the Barnsville subdivision were constructed during a period where ACM, Mercury, and Lead were found in building materials and previous environmental assessments have found these items. Removing contaminants as cited above in a manner consistent with the terms of the (Brownfield Clean-Up Grant) proposal should be pursued in order to prevent &/or reduce possible environmental exposures to Asbestos, Lead and Mercury.

Sincerely,



Jack Parisien
Safety Clan Chair
(701) 550-1107
IHS
P.O. Box 160
Belcourt, ND 58316

Attachment F – Analysis of Brownfields Cleanup Alternatives (ABCAs)

Analysis of Brownfields Cleanup Alternatives – Preliminary Evaluation for L’Bel Cour (Barnesville Housing Development) Turtle Mountain Environmental Agency, Brownfields Program Belcourt, North Dakota

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

I. Introduction & Background

a. Site Location

The Site is approximately 10 acres located at 9818 BIA Road #7 Street 1 in Belcourt, North Dakota, on Tribal Trust Land in Rolette County, North Dakota 58316.

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

There are 21 existing buildings as part of the housing development and some open space areas at the site. Only 9 buildings were tested and considered for this grant application. The Turtle Mountain Band of Chippewa Indians is interested in demolishing the buildings at the site and reusing the property for residential purposes.

c. Site Assessment Findings

An ASTM Phase II Environmental Assessment was conducted by the U.S. EPA START Contractor 2017). The results of the Phase II ESA confirmed the presence of contaminants of concern (COCs) at the Site. Asbestos Containing Materials (ACM) was found in drywalls (ceilings and walls), floor tiles mastic, and stair tread mastic throughout the Site. Lead-based paint (LBP), mercury in thermostat switches were identified in one building, while mold was present throughout the Site. Due to the age of the buildings, asbestos containing material (ACM), lead-based paint (LBP), The Turtle Mountain Band of Chippewa Indians is interested in demolishing the buildings at the Site and reusing the property for residential purposes.

d. Project Goal

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

§ Remove and dispose of COCs to allow for redevelopment of the property;

§ Conduct cleanup operations that are compliant with applicable local, state, and federal standards and will protect human health and the environment; and

§ Implement cleanup alternative(s) that are practical and effective in mitigating COCs to protect human health and the environment in both the short-term and long-term.

II. Applicable Regulations and Cleanup Standards

a. Cleanup Oversight Responsibility

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

b. Cleanup Standards for major contaminants

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

ACM Remediation

§ National Emission Standards for Hazardous Air Pollutants, Subpart A

§ National Emission Standards for Asbestos, Subpart M

§ ND Administrative Code – 33-15-13 Emission Standards for Hazardous Air Pollutants

§ ND Century Code – Chapter 23 Health and Safety and Chapter 25 Air Pollution Control

LBP Remediation

§ EPA's Renovation, Repair, and Painting (RRP) Rule

§ United States Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (2012 edition) (HUD, 2012)

§ EPA Integrated Exposure Uptake Bio kinetic Modeling for 5 µg/dL Blood Lead Levels

§ EPA Regional Screening Levels (RSLs) – Resident and Industrial Soil

Mold

OSHA rules for workers protection

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

Laws and regulations that are applicable to this cleanup include the Federal Small Business Liability Relief and Brownfields Revitalization Act; the Federal Davis-Bacon Act; Tribal laws and regulations such as 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

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

1) Compliance

§ Compliance with applicable state and federal regulations.

2) Effectiveness

§ Protectiveness of human health and the environment, including workers during implementation;

§ Reliability for mitigation of risk in the short-term and long-term effectiveness;

§ Reduction of toxicity, mobility, and/or volume of contaminants;

§ Ability to achieve the cleanup goals; and

§ Resiliency to climate change conditions (including extreme weather conditions such as flooding).

3) Implementability

§ Technical feasibility;

§ Availability of required services, materials, and equipment;

§ Administrative feasibility;

§ Construction feasibility; and

§ Maintenance and monitoring requirements.

4) Cost (Conceptual costs for comparative analysis only)

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

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

IV. Cleanup Alternatives

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

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

- **Alternative #1: *No action***
- **Alternative #2: *Traditional Building Demolition and Disposal***
- **Alternative #3: *Demolition and Disposal of All Building Materials as ACM***

ABCA option	Advantages	Disadvantages
1. No action	<ul style="list-style-type: none">· No costs.	<ul style="list-style-type: none">· All 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.· Not compliant with Federal, Tribal and State regulations· No immediate costs, but potential high costs in future due to unlimited liability and

		<p>deteriorating conditions.</p> <ul style="list-style-type: none"> · “No Action” alternative is technically ineffective.
<p>2. Traditional Building Demolition and Disposal</p> <p>(remediation activities prior to and during building demolition)</p>	<ul style="list-style-type: none"> · Will Abate and dispose of all friable ACM prior to demolition to address the ACM concern prior to demolition. · Will Remove and dispose of all mercury-containing thermostat switches to address the mercury concern prior to demolition · Conduct Toxicity Characteristic Leaching Procedure (TCLP) Sampling – Pending disposal requirement of the landfill accepting demolished building materials. · Control Migration of mold spores during the demolition process. · Some clean materials such as metal and concrete will be recycled reducing the disposal costs and amount of debris that needs to go to the landfill. · Removal of some contamination will reduce safety, health and environmental risks. · It will allow for reuse/redevelopment of the 	<ul style="list-style-type: none"> · Protective of Human Health and Community, workers during implementation, environment, and climate change · Effectively meets criteria for short term and long term solution · Provides ability to mitigate environmental impacts · Effectively able to achieve cleanup goals · Overall effective · Alternative would incur a moderate amount of time, effort, labor, and material costs to complete the ACM remediation and demolish and dispose of the remaining buildings. · Estimated cost is \$900,000.00

	site.	
3. Demolish and dispose of all building materials as ACM	<ul style="list-style-type: none"> · Will remove and dispose of all mercury-containing thermostat switches to address the mercury concern prior to building demolition · Will abate and dispose of all ACM as well as additional site specific considerations beyond a typical abatement to address the ACM concern during building demolition. · Conduct Toxicity Characteristic Leaching Procedure (TCLP) Sampling pending disposal requirement of the asbestos landfill accepting demolished building materials during demolition · Control Mold Migration during the demolition process · 	<ul style="list-style-type: none"> · Protective of Human Health and Community, workers during implementation, environment, and climate change · Effectively meets criteria for short term and long term solution · Provides ability to mitigate environmental impacts · Effectively able to achieve cleanup goals · Overall effective · This alternative would require high amounts of effort, labor, and material costs to dispose of all building materials as ACM · Estimated Cost far exceeds \$900,000.00

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

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

Summary Comparison of Potential Alternatives

Cleanup Alternative	Compliance	Effectiveness	Implementability	Cost⁽¹⁾	Retained	Comment
Alternative 1: No Action	Compliant	Not effective	Implementable	Low (3 rd)	No	This alternative does not satisfy the cleanup goals or allow for redevelopment of the site.
Alternative 2: Traditional Building Demolition and Disposal	Compliant	Effective	Implementable	Moderate (2 nd)	Yes	This alternative satisfies the cleanup goals and allows for redevelopment of the Site. All COCs would be permanently mitigated and no ongoing activities would be required after completion.
Alternative 3: Demolition and Disposal of All Building Materials as ACM	Compliant	Effective	Implementable	High (1 st)	Yes	This alternative satisfies the cleanup goals and allows for redevelopment of the Site. All COCs would be permanently mitigated and no ongoing activities would be required after completion. However, this alternative would require additional costs to implement. This is the most expensive alternative evaluated to

						mitigate identified COCs.
--	--	--	--	--	--	------------------------------

⁽¹⁾Costs are ranked from highest to lowest in relation to each other.

c. Recommended Cleanup Alternative

Of the three cleanup alternatives evaluated for selection at the Barnesville Housing Development located at 9818 BIA Road #7 Street 1 in Belcourt, ND, the preferred alternative recommended is:

§ Alternative 2: Traditional Building Demolition and Disposal

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

Based on the results of the Phase II ESA, it is estimated that ACM remediation at the Site will cost approximately \$710,000. This value is an estimate to remove and dispose of the friable ACM, including a 20% contingency.

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

It is estimated that demolition and non-hazardous disposal of the buildings after ACM remediation will cost approximately \$200,000.

It is estimated that remediation of contaminants and redevelopment of the Site will cost approximately **\$900,000**. This value is an estimate to complete the associated tasks presented in the USEPA START contractor conceptual cleanup model.

Based on Tribal government and community input during our public meeting held November 1, 2017 it was suggested that if awarded the grant that we will prioritize each of the 9 structures that need to be remediated and demolished. It is estimated that if a contractor was to remove all the ACM out of the 9 units it will cost approximately \$710,000, therefore it was suggested that we prioritize the structures and determine which ones would be abated and ready for demo with the \$200,000. Also, once the prioritized units are cleaned from contaminants the Tribal EPA 1%, Tribal Roads, Tribal Housing Authority and Solid Waste/Transfer Station will do a joint effort in demolishing the abated structures.

The recommended cleanup alternative is Alternative #2: Traditional Building Demolition and Disposal. Since the Tribe is suggesting another alternative such as Remediation and/or removal

of asbestos, lead, mercury switches and mold or other contaminants prior to demolition it is more cost effective for us than the alternative #2. The alternative suggested will include remediation cleanup prior to demolition, milestones, community outreach component, protection for the environment and public health, and detailed costs. The Cleanup Plan will describe how the cleanup process will need to protect the workers and nearby residents. It will also address correct disposal procedures, so that the environment is protected. The contractor will work with the Tribal Environmental Protection Agency and the EPA Region 8 to assure the safe and required practices will be followed. We estimate the total costs of the prioritized structures to be remediated and ready for demo will be approximately \$200,000.

Attachment G. In-Kind/Justification for Cost Share Waiver

Tribal EPA 1% Fund Fee

To: Ray Reed
From: Cora Champagne, Tribal EPA 1% fund fee Manager
Date: November 8, 2017
Re: Support Letter for Brownfields Cleanup Grant Project

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

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

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

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

Sincerely,



Cora Champagne,
Turtle Mountain Tribal EPA 1% Fund Manager

TURTLE MOUNTAIN TRIBAL SOLID WASTE/TRANSFER STATION PROGRAM

To: Ray Reed
From: Max Defender, Solid Waste Director
Date: November 8, 2017
Re: Support Letter for Brownfields Cleanup Grant Project

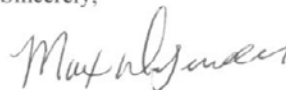
As the Solid Waste Director, including management of the Turtle Mountain Transfer Station, I endorse your efforts to apply for the Brownfields cleanup grant to address the abandoned structures at the L'BelCour Housing site. In order to reduce costs of demolition and transporting debris from the buildings, 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 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 \$37/ton at McDaniel Regional landfill. Additionally, there would be reduced costs in hauling the debris 12 miles to the Transfer Station, versus 120 miles to the McDaniel Regional landfill.
- Use of Front End Loader - Cost \$100.00/hour times 200/hours = \$20,000.00
- Use of roll-offs - Cost of \$500.00/per 25 yard dump times 55/dumps = \$27,500.00

Please contact me at (701) 477-2664 if you have any questions.

Sincerely,



Max Defender, Director
Turtle Mountain Solid Waste Department



TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

Jeff Desjarlais Jr., Natural Resource Director

PO Box 900

Belcourt, North Dakota 58316

Phone (701) 477-2640

TO: Ray Reed, EPA
FROM: Jeff Desjarlais Jr., Director of Natural Resources Department
DATE: 11/13/2017
RE: Support for Project/Available Resources

In regards to the proposed project to demolish and remove the L'Bel Cour Housing structures 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,

Jeff Desjarlais Jr, Director



Turtle Mountain Band of Chippewa Indians
Transportation Department

PO Box 1879 Belcourt, ND 58316 ■ (701) 477-0407

TO: Ray Reed, Tribal EPA Brownfields Coordinator
FROM: Ronald Trottier, Tribal Transportation Program Director
DATE: November 9, 2017
RE: Support/In Kind Resources

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

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

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

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

Respectfully,

A handwritten signature in black ink, appearing to read "Ron Trottier".

Ronald Trottier, Tribal Transportation Program Director
Turtle Mountain Band of Chippewa Indians

HARDSHIP WAIVER REQUEST

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

1. The unemployment rate

According to the 2010 Census data, the available workforce 16+ on the Reservation that is not employed is 63%, in comparison to 3.5% unemployment rate for the State and 9.6% for the Nation. (2013 U.S. Census, Quick facts)

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

The Per Capita Income for the Reservation (\$12,648, City-Data) was more than ½ of the State (\$29,978) and Nation (\$26,530). (State and Nation - 2010 U.S. Census, Quick facts)

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

	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/DTSUBJECTSHOWTABLESServlet?_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>

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

The population has slightly increased from the 2000 - 2010 U.S. Census, from 8,307 to 8,656 respectively.

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

According to the 2009 DOI, Indian Affairs Labor Force Estimate Report for the Turtle Mountain Reservation, 1,351 people were employed part-time and 5,047 were willing and able to work but unable to find work in the past year,

According to the Socio Economic statistics published by the Indian Health Service (IHS), American Indians in the State of South Dakota combat poverty, unemployment, underemployment, and inadequate health care. Poor housing and nutrition, lack of career and job opportunities exacerbate their problems. It further says that the South Dakota American Indian population is in transition: socially, economically, demographically and culturally. Although improvements have been made in high educational attainment, the drop-out rate is still high. High unemployment and underemployment persist as many are employed in the lower paying sectors.

5. Information regarding military base closures or realignments, defense contractor reductions-in-force, or U.S. Department of Energy defense-related funding reductions, if relevant

Not Applicable

6. Local natural or other major disasters or emergencies, if relevant

The Tribe has continually tried to recover from repeated severe weather events and has received 19 Federal Declaration and 1 Emergency Declaration in the past 20 years.

7. Information regarding extraordinary depletion of natural resources, if relevant

Not Applicable

8. 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.

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

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.

10. 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.

11. Whether the proposed project could still proceed if the cost share waiver was not approved.

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

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

11/16/2017

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

Turtle Mountain Band of Chippewa Indians

* b. Employer/Taxpayer Identification Number (EIN/TIN):

45-0223071

* c. Organizational DUNS:

1212034830000

d. Address:

* Street1:

PO Box 900

Street2:

4180 Highway 281 W

* City:

Belcourt

County/Parish:

Rolette

* State:

ND: North Dakota

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

58316-0900

e. Organizational Unit:

Department Name:

Tribal EPA

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Ms.

* First Name:

Cora

Middle Name:

* Last Name:

Champagne

Suffix:

Title:

EPA Director

Organizational Affiliation:

* Telephone Number:

701-477-0407

Fax Number:

701-477-9398

* Email:

corachampagne@hotmail.com

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

I: Indian/Native American Tribal Government (Federally Recognized)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-17-09

* Title:

FY18 GUIDELINES FOR BROWNFIELDS CLEANUP GRANTS

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Tribal Brownfields Grant

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant

ND

* b. Program/Project

ND-00

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

05/01/2018

* b. End Date:

04/30/2021

18. Estimated Funding (\$):

* a. Federal	200,000.00
* b. Applicant	96,080.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	296,080.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☒ c. Program is not covered by E.O. 12372.*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:

Mr.

* First Name:

Wayne

Middle Name:

L

* Last Name:

Keplin

Suffix:

* Title:

Tribal Chairman

* Telephone Number:

701-477-2648

Fax Number:

701-477-2705

* Email:

TMTribalGrants@outlook.com

* Signature of Authorized Representative:

Wayne L Keplin

* Date Signed:

11/16/2017