

# Circle Speaker

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Aaniiih & Nakoda Environmental Newsletter

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*Environmental mitigation crews overseen by the U.S. Environmental Protection Agency have begun work in Black Eagle removing soils contaminated with lead and arsenic.*

## Decades of industrial waste to be cleaned up in Montana following years of negotiations

By David Murray, Great Falls Tribune | Thu, May 23, 2024 at 4:46 PM

<https://www.yahoo.com/news/decades-industrial-waste-cleaned-montana-224650994.html?guccounter=1>

After more than 40 years of investigations, testing, and legal maneuvering, work has now begun in Black Eagle to remove lead and arsenic contaminated soils from nearly 200 homes.

The contamination, which in some isolated lots is more than 10 times the U.S. Environmental Protection Agency's (EPA) standard for residential areas, is a legacy of the Anaconda Copper Mining Com-

pany's (ACM) refining and smelting works that once dominated the north shore of the Missouri River.

Crews under the direction of the U.S. Environmental Protection Agency (EPA) have already begun peeling back the sod at homes along the southwestern edge of town. The work is close in, navigating shrubs and flower beds in neigh-

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borhoods where many of the houses are nearly 100 years old. Hand shoveling keeps the damage to trees and fragile foundations down to a minimum.

Environmental mitigation crews overseen by the U.S. Environmental Protection Agency have begun work in Black Eagle removing soils contaminated with lead and arsenic.

According to the EPA the work is expected to take the next two summers to complete. The work is being paid for the Atlantic Richfield Company, a subsidiary of British Petroleum, which purchased the former Anaconda smelter in 1977 operating it for only three years before it finally closed for good in 1980. Last year Atlantic Richfield signed a Consent Decree with the U.S. Justice Department agreeing to complete cleanups in Black Eagle at an estimated cost of \$3.9 million.

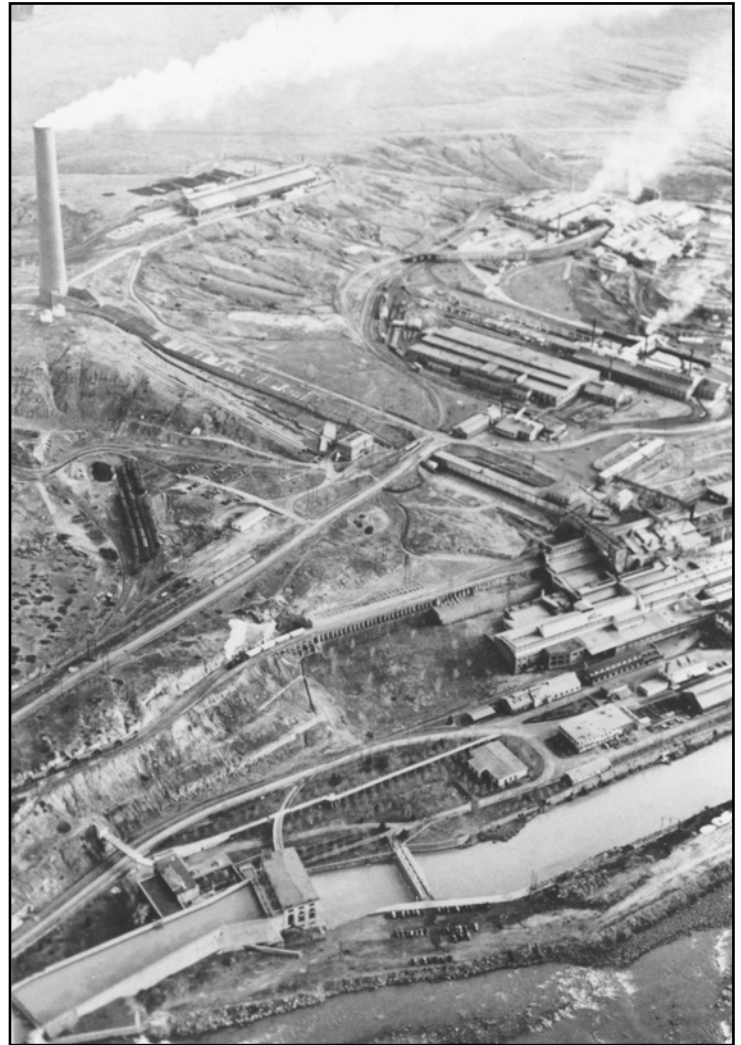
However, the cleanup itself is only a final chapter to the story of the Anaconda Copper Mining Company. It's legacy has been both good and bad to the people of Black Eagle.

### A community defined by the copper industry

In its day the Anaconda Copper Mining Company was a titan of industry. From the 1920s through the 1960s ACM dominated copper production, not only in the U.S. but with mines in Chile, Mexico, and Poland. The cornerstone of the company's history and culture lay in Montana, founded upon the copper mines in Butte, smelted in the mills of Anaconda, processed and wrought pure within the plants at Great Falls – more specifically, the community of Black Eagle.

During peak production before the Great Depression the plants in Black Eagle employed more than 2,000 men. The ACM copper works were producing as much as 27 million pounds of copper a month – wire and rod used to electrify America and the bombshell casings that helped to win two world wars. The Black Eagle plant also became the largest producer of zinc in the United States, an element critical to the production of paints, rubber, plastics, inks, batteries, textiles, and electrical equipment.

The town of Black Eagle never grew much beyond the nearly 1,000 people who live there now. Most ACM employees simply commuted across the river from their tree-lined neighborhoods in Great Falls. Black Eagle was and remains a working class, unincorporated and fiercely independent blue-collar town. Many of its original citizens emigrated from Italy or Croatia, with a healthy sprinkling of Swedes, Norwegians, Finns, Germans, and Poles.



*The Anaconda Copper Mining Company's refining and production works in 1935*

The ACM, which most people simply referred to as "The Company," had a dark legacy too. Throughout most of its history the men who made the decisions at ACM's paid only cursory attention to the environmental damage their operations were wreaking. According to the EPA, waste material containing lead, arsenic, cadmium, antimony, and zinc were for a long

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time simply pushed into the Missouri River, a practice that only stopped following the completion of Rainbow Dam in 1915 which blocked the flow of waste further downstream.

“It is likely that dumping of waste into the Missouri River continued at a reduced rate after 1915 until the facility closed in the 1970s,” the EPA concludes.

In total its believed that more than 30 million cubic yards of toxic mine waste was shoved into the river. Elevated levels of lead and arsenic have been detected in sediments as far away as Fort Benton, 40 miles downstream from where the old ACM reduction works once stood.

In town the primary means to protect adjacent neighborhoods from contamination was to build an enormous smokestack. In Black Eagle “The Stack” stood 501 feet high, intended to propel toxic gases, smelter wastes and flue dusts high above the ground to drift harmlessly away across an unpopulated area.

It was good in theory, but in practice there were multiple smaller smokestacks scattered across ACM’s industrial grounds, each spewing out its own blend of toxins at a much lower level. And there were frequent days when there was either no wind at all, or it came in from an opposing direction making the big stack’s height irrelevant. Black Eagle could be a very smokey place.

“It wasn’t very fresh air,” recalled Sarah Peck, a lifelong resident of Black Eagle and the current Director of the Black Eagle Technical Advisory Group (BETAG). “When I was little, you’d have the stack smoking and the refinery smelling. It could be pretty awful.”

“You could even taste it,” Monte Marzetta said.

Marzetta, 84, is current President of the Black Eagle Civic Club and a longtime activist with the BETAG. He worked for 23 years as an electrician at the Anaconda Copper Mine Company, visiting every building within the hillside complex within his three decades at ACM.

“I was raised on the lower north side, and when we were kids, we’d go down and play by the river,” he recalled of his childhood. “All the raw sewage used to

dump directly into the Missouri River. Great Falls did it and so did Black Eagle.”



*Monte Marzetta, President of the Black Eagle Civic Club, and Sarah Peck, Director of the Black Eagle Technical Advisory Group, have both worked for more than 15 years to have lead and arsenic contaminated soils removed from the community's neighborhoods*

Liquid wastes like process solutions, acids and rinsate from historical facility operations were frequently spilled or intentionally dumped in lots or on undeveloped drainages. The ACM’s industrial grounds could be a hazardous place to work.

“I spent the last few years at the wire mill, which wasn’t too bad,” Marzetta said of working conditions within the ACM complex. “But if you got down to the lower part of the zinc plant there were some pretty bad areas down there.”

And so it went for more than 60 years. By the 1970s most of the richest copper and zinc deposits in Butte had already played out. In 1977 the oil and gas giant Atlantic Richfield bought ACM hoping to diversify its corporate portfolio. Political turmoil, a crash in global copper prices, and a nationwide strike sealed the fate of the reduction works in Black Eagle, which closed permanently in 1980. Atlantic Richfield was bought by British Petroleum (BP) in 2000, making the European energy company the second largest in the world.

“The ‘Stack’ blew the contaminants out and they landed on the roofs,” Peck explained. “Then the rain and snow washed them down off the houses, so now most of it is concentrated on the drip lines.”

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## The realization that Black Eagle had a problem

However, the environmental impacts of eight decades of heavy metals production could not be wiped away with a single multi-billion-dollar contract. From the very beginning both the EPA and Atlantic Richfield knew there were likely going to be problems in Black Eagle.

The EPA's Record of Decision released in August 2021 records that within a year of the ACM refinery's closure in 1980, 27 "areas of concern" on the former refinery site had been identified, and that areas of ground and surface-water contamination were documented by 1983.

Still nothing was done. It took ACM 17 years to file a voluntary clean-up plan for the site. Once submitted Montana's Department of Environmental Quality found ACM's plan to be "incomplete" and subsequently asked the EPA to review any of ACM's clean-up activities.

In 2003 the EPA conducted site inspections focusing upon residential areas in Black Eagle and the north-

ern tier of Great Falls facing the Missouri River. The results of the 2003 investigation found 375 residences in Black Eagle with elevated levels of lead and arsenic contamination. It's believed that most of this contamination came from the regular mix of smoke, gasses and dust that regularly rained down across the town.

Other factors played into the contamination. ACM was well known for supplying perks to its employees like cigarettes and lottery tickets, and free firewood gleaned from the railroad ties and demolished buildings ACM disposed of. There was also a ubiquitous supply of lead-based green paint that nearly every house in Black Eagle was slathered in.

Lead, which can cause irreversible brain damage in children and damage to the kidneys and nervous system in adults, is now a common contaminant in most of Black Eagle's yards. But the risk to residents was never only a matter of smoke and paint.

Take a look at a map of where the highest concentrations of lead and arsenic lie and you'll discover a patchwork of contamination. Yards lying directly adjacent to each other in Black Eagle often range between levels that are undetectable to those more

than 10-times greater than EPA guidelines. This, in large part, is due to the once common practice of property owners bringing in refinery slag to fill in low spots in their yards and surrounding grounds.

"They'd bring in the slag to fill it in because it was cheap," Peck explained. "There were different slag deposits they'd bring in to landscape their yards."

"My land is clean, but the guy right next door to me – they hauled in a bunch to use as backfill," Marzetta said. "I'm sure it

Figure 2 – Southern Community Soils Area of Interest PRG Exceedances



The extent of soil contamination in Black Eagle is shown in this map. Areas of lead contamination are highlighted in red, arsenic contamination is represented by cross-hatching

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all came from the slag piles. They just wanted something to fill in there, so they hauled it up and dumped it. Now that's contaminated, so they're going to have to tear all that out."

### Finding an ally in Cascade County leadership

Serious concerns about lead and arsenic contamination in Black Eagle was not a clear community concern until after an EPA investigation in the early 2000s. The first alarm was sounded by Herb Sobczek, a Black Eagle resident who became a regular presence at Cascade County Commission meetings in the mid-2000s.

"Herb was the guy who went to all the commission meetings," Peck recalled. "In the early 2000s he started to challenge the county commission. He's the one who really got it going."

Herb's appeals to take some action in Black Eagle initially fell on deaf ears, but he found an ally in Cascade County Commissioner Joe Briggs, who first took office in January of 2005.

"My mother was born in Black Eagle, and I had four uncles on my mother's side who all worked at ACM," Briggs explained. "The old house at 1511 Smelter Avenue was my grandmother's house when I was little, and it became my aunt's house later on, so I knew Black Eagle. I think Herb found a sympathetic ear, perhaps, to start working the issue at the commission level."

In the same year as the copper refinery closed in Black Eagle the federal government created an environmental remediation program as the Superfund. Sites that make it on to the Superfund's National Priorities List are considered the most highly contaminated sites in the nation and are eligible for court-ordered cleanup funds from violators and/or federal funding if no violators can be found.

In 2007 the EPA conducted a Superfund Site assessment focusing upon residential areas within Black Eagle and a northern slice of Great Falls adjacent to the Missouri River. In total more than 7,200 individual soil samples were analyzed for arsenic, cadmium,

copper, lead, and zinc. Almost no significant contamination was found in Great Falls, but in Black Eagle a large area was found with elevated levels of arsenic and lead.

However, whether the community of Black Eagle would or would not be designated as a Superfund site was a political decision and would only come if a majority of the residents believed such a designation was in their best interests. According to Briggs, it wasn't an easy decision to make.

"There was a lot of the public that lived up there who weren't too concerned about the contamination and really didn't want to be designated as a Superfund site," he explained. "They asked some very legitimate questions like, if I want to sell my property what happens if it's a Superfund site?"

"We had some people who were genuinely afraid of what was going to happen to them financially, but we also had a group of people who were concerned about the long-term health impacts."

Briggs noted that the residents of Black Eagle have a long-time historical connection to gardening. For many people the prospect of having work crews tearing out flower beds was an unpleasant one, but the alternative was nearly equally unappealing.



Environmental mitigation crews overseen by the U.S. Environmental Protection Agency have begun work in Black Eagle removing soils contaminated with lead and arsenic.

"When the issue first came up a lot of the questions we were getting revolved around 'Am I safe to eat the vegetables out of my garden?'" he said. "You also

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have little kids up there and then you add to it the age of some of the houses and the lead paint that was on them. It made it a complex issue, but at the end of the day we decided becoming a Superfund site was the only way things were going to get moved forward.”

With an appeal from then Gov. Brian Schweitzer and the support of Montana’s Congressional delegation, Black Eagle was added to the Superfund National Priorities List in 2011. Both Atlantic Richfield and the Burlington Northern Santa Fe railroad (BNSF) were identified as potentially responsible parties and thus liable for the cleanup costs.

The expectation was that the work at Black Eagle would be completed in a timely fashion. That was nearly 12 years ago.

### Legal wranglings and future expectations

The EPA has divided the area around the old Anaconda Copper industrial works into three categories, identified as OU1 for residential areas, OU2 for the smelter and refinery site, and OU3 for the Missouri River itself. The current cleanup project only addresses soil contamination in Black Eagle’s residential neighborhoods.

Atlantic Richfield launched a new round of testing in 2011. The testing was free and optional to Black Eagle’s residents. Over two years more than 8,750 soil samples were taken across approximately 500 properties. While Atlantic Richfield tested for a wide range of contaminants, lead and arsenic were of the greatest concern. Contamination levels ranged from undetectable to 7,200 parts-per-million (ppm) for lead and 1,850 ppm for arsenic. The EPA guidelines for residential soils call for no more than 400 ppm of lead and 175 ppm for arsenic.

“To address immediate threats to human health and the environment, EPA removed approximately 1,200 cubic yards of contaminated soil from the Moose Lodge property in Black Eagle in November 2011,” an EPA news release states. The soil was disposed of at the High Plains landfill.



ACM employee Bill Linn, standing above, recovers leach material from an overflow tank in 1955

“From September through November of 2020, EPA conducted second time-critical removal of approximately 3,200 cubic yards of soils contaminated with lead and arsenic in advance of a Black Eagle Water and Sewer District’s construction project to replace aging water and sewer lines. The soil was placed in the former smelter site area.”

Many of the most contaminated sites are along what was once the BNSF’s rail bed leading to the smelter. Marzetta recalled how that rail line was the main route for the transport of partially refined zinc, a crushed and smelted ore with a consistency somewhat akin to a heavy clay.

“They brought all their concentrate in by rail for the zinc plant,” he said. “It was brought in in ‘gondola cars’, and then they’d run it through a process out here to make regular zinc. That’s where most of the contamination came in – on the railroad bed.”

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“The area with the highest concentrations of arsenic and lead in soil and dust was from the oldest parts of Black Eagle,” a 2019 EPA publication states. “The area is also downwind from the railroad corridor. It is believed that the residences in this area were exposed to the aerial emissions from the historical smelter stack as well as to ongoing fugitive dust from the railroad corridor.”

While BNSF did complete a contaminated soils clean-up at Art Higgins Memorial Park in Black Eagle in 2014, the corporation has yet to agree to its share of remedial actions for the rest of the railroad corridor. Peck said that in her opinion the railroad has dug in its heels due to concerns over a possible larger legal liability.

“You have the whole rail line from Anaconda to Great Falls,” she noted of the 170-mile route that weaves through the Beaverhead-Deerlodge and Helena National Forests. “If they take responsibility in Black Eagle, are they going to have to take responsibility clear to Anaconda?”

In August 2021 a Record of Decision was issued jointly by the EPA and Montana Department of Environmental Quality (DEQ) detailing the environmental findings and plan of action for cleanup of Black Eagle’s residential areas. In most cases the excavations will take away the top six inches of topsoil, storing it at a site within the closed industrial grounds before a permanent sealed repository is constructed.



The ACM's zinc casting building in 1926

## Cleanup options now available to

## Black Eagle homeowners

There is no cost to residents to participate. Those who agree to the mediation efforts will receive \$1,000 for their inconvenience. Residents have been assured that new topsoil and sod will be transplanted to their homes. The care extends down to preserving any perennial flower bulbs a homeowner might want to save.

“If they dig up your garden or lawn, they’ll replace it with sod and put it back the way it was or better,” Marzetta avowed.

“Black Eagle and the county aren’t pushing for the old smelter site to be cleaned to a residential standard because it would be too much work,” Peck said. “They (BP) could ultimately do nothing and fence it off forever with it off limits to everybody, but they’re working with us to make it a recreation area, so it will be cleaned up to recreation levels.”

Monte Marzetta noted that several schemes have been posited to turn the old refinery into a money-making venture.

“George Willet from Showdown was up here and talking about putting a ski run on it,” Marzetta said. “Then there was going to be an amphitheater and a replica of the old stack. I don’t think any of it will ever happen. You might see some trails or something like that, but that’s about it.”

Whether any substantial cleanup effort ever takes place on the ACMs industrial grounds or for the Missouri River is still an open question. The old industrial site alone covers more than 5,000 acres and the cost to restore it to residential soil contamination standards would be enormous.

As for the Missouri River, it seems highly unlikely that any effort to dredge 40 miles of river bottom will ever take place, and if it did wouldn’t it actually hurt the riverine environment more that it would help it?

“There is still testing planned for the other sections of the Superfund site,” Commissioner Briggs said, “which includes the actual industrial plant area and the river. The testing in OU2 which is the industrial

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plant has been underway for a year or so, but there's been no Record of Decision from the EPA as to how to handle it. The testing in the river has barely begun."

What can be said with certainty is that the citizens of Black Eagle will soon be able to buy, sell, and accurately describe their individual properties as complying with federal contamination levels. Getting to this point has been the work of generations.

"I'm really glad to see it get cleaned up, but it wasn't

a slam-dunk," Briggs commented. "This has been a long haul. We're on our third representative from the EPA on this, and the project has gone through two managers who have both since retired."

"From the standpoint of the citizens of Black Eagle, they can see the end of the tunnel," Briggs added, "but from the whole project standpoint I wouldn't want to guess how far away we are on the whole thing."

*This article originally appeared on Great Falls Tribune: 80 years of lead, arsenic contamination to be removed in Black Eagle*



## EPA Publishes Final Rule to Protect Water Quality Where Tribes have Treaty and Reserved Rights

EPA has published a final rule to amend the federal water quality standards (WQS) regulation to explicitly address how the EPA and states must consider applicable Tribal reserved rights – defined in this rule as rights to Clean Water Act-protected aquatic and/or aquatic-dependent resources reserved to Tribes through treaties, statutes, and Executive orders – in establishing WQS, where Tribes assert those rights for consideration. This rule creates a regulatory framework that will be applied consistently to help

ensure that future WQS reflect consideration of and provide protection for applicable Tribal reserved rights, such as the right to fish for subsistence or gather wild rice.

Additional information, including a link to the final rule, has been posted to the EPA's website at <https://www.epa.gov/wqs-tech/protecting-tribal-reserved-rights-in-wqs>. The rule will be effective on June 3, 2024.

### FACT SHEET

## Final Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights

April 2024

The U.S. Environmental Protection Agency is finalizing a rule to help protect water quality where Tribes hold and assert rights to aquatic and aquatic-dependent resources. Specifically, the agency is revising the federal water quality standards (WQS) regulation to describe how EPA and states must consider applicable

Tribal reserved rights when establishing WQS. For the first time, this action establishes a clear and consistent national framework for EPA and states to follow. When implemented, this final rule will better protect waters that Tribes depend on for various uses,

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# Final Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights

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including fishing, gathering wild rice, and cultural practices.

## How does this action support Tribes?

Clean water is essential to Tribes, but diminished water quality prevents many Tribes from maintaining traditional ways of life. By clearly describing how EPA will review state-set WQS that impact water and water-dependent resources reserved to Tribes, this rule will enhance protection of those resources. The final regulatory framework will also provide transparency and predictability for Tribes, states, regulated industries, municipalities, and the public.

## What are water quality standards?

WQS define the goals for a water body by designating its uses (such as fishing), setting criteria (pollutant levels or conditions) that support those uses, and establishing policies to protect existing water quality from degradation. Section 303(c) of the Clean Water Act (CWA) directs states<sup>1</sup> to establish WQS for rivers, lakes, estuaries, and other waters of the U. S. within their jurisdictions. States must review their WQS at least every three years and, if appropriate, revise or establish new standards. Any new or revised WQS must be submitted to EPA for review. EPA's regulation that implements CWA section 303(c) specifies requirements for states to develop WQS that are consistent with the Act.

## What are Tribal reserved rights?

This rule defines Tribal reserved rights, for purposes of the federal WQS regulation at Title 40, Part 131 of the Code of Federal Regulations, as "any rights to CWA-protected aquatic and/or aquatic-dependent resources reserved by right holders, either expressly or implicitly, through Federal treaties, statutes, or Executive orders." The U.S. Constitution defines treaties as the supreme law of the land. Many Tribes hold rights to resources in waters where states establish WQS. In implementing CWA section 303(c), EPA has an obligation to ensure that its WQS approvals and disapprovals are consistent with federal laws reflect-

ing Tribal reserved rights.

## What does the final rule require?

The rule requires that if a Tribe asserts a Tribal reserved right in writing to a state and EPA for consideration in establishment of WQS, the state must, to the extent supported by available data and information:

- 1) Take into consideration the use and value of its waters for protecting the Tribal reserved right in adopting or revising designated uses.
- 2) Take into consideration the anticipated future exercise of the Tribal reserved right unsupported by water quality in establishing relevant WQS.
- 3) Establish water quality criteria to protect the Tribal reserved right where the state has adopted designated uses that either expressly incorporate protection of the Tribal reserved right or encompass the right. This latter requirement includes developing criteria to protect right holders using at least the same risk level as the state would otherwise use to develop criteria to protect the state's general population (i.e., non-right holders).

The rule requires that EPA:

- 1) Provide assistance with evaluating Tribal reserved rights upon request by states or right holders, to the extent practicable.
- 2) Review WQS adopted by states and authorized Tribes to determine whether they appropriately considered applicable Tribal reserved rights.
- 3) Initiate the Tribal consultation process with the right holders to inform this review.

## Where can I find more information?

Contact Erica Fleisig at (202) 566-1057, [fleisig.eric@epa.gov](mailto:fleisig.eric@epa.gov) or Kelly Gravuer at (202) 566-2946, [gravuer.kelly@epa.gov](mailto:gravuer.kelly@epa.gov). To access the Federal Register notice and supporting documents, visit EPA's Water Quality Standards website. <https://www.epa.gov/wqs-tech/revising-federal-water-quality-standards-regulation-protect-tribal-reserved-rights>

<sup>1</sup>Pursuant to 40 CFR 131.3(j), "states" include the 50 states, the District of Columbia, Guam, the Commonwealth of Puerto Rico, Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and Indian tribes that the EPA determines to be eligible for purposes of the WQS program.



# Chauncey Means, NTWC's Newly Appointed Vice Chair

Excerpted from NTWC Newsletter, March 2024 Volume 6, Issue 3 (Page 2)  
[https://www7.nau.edu/itep/main/About/itep\\_Newsletters](https://www7.nau.edu/itep/main/About/itep_Newsletters)

In February 2024, National Tribal Water Council (NTWC) members selected Chauncey Means as the Vice Chair. He is the Water Quality Administrator for the Confederated Salish and Kootenai Tribes on the Flathead Indian Reservation. Chauncey joined the NTWC in 2022 as the Region 8 representative.

## National Tribal Water Council (NTWC) Members

Excerpted from NTWC Newsletter, March 2024 Volume 6, Issue 3 (Page 6)



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For more information on members, visit "Meet the Council": [http://www7.nau.edu/itep/main/ntwc/About/Meet\\_The\\_Council](http://www7.nau.edu/itep/main/ntwc/About/Meet_The_Council)





[https://www7.nau.edu/itep/main/About/itep\\_Newsletters](https://www7.nau.edu/itep/main/About/itep_Newsletters)

## TRIBAL CONSULTATION OPPORTUNITIES

*Excerpted from National Tribal Water Council Newsletter, May 2024, Volume 6, Issue 5—Page 5*

### Proposed Restructuring of the National Tribal Caucus (NTC) Under the Federal Advisory Committee Act

**Deadline: August 9, 2024**

The U.S. EPA has proposed to restructure the National Tribal Caucus (NTC) as a Federal Advisory Committee (FAC) under the Federal Advisory Committee Act (FACA) and to increase the proportion of elected or traditionally appointed Tribal leaders that serve on the group.

In conjunction with this proposal, EPA is reviewing the characteristics of the NTC to strengthen the operations of the group and increase collaboration with the other EPA Tribal Partnership Groups. These proposed changes will clarify the process by which EPA receives Tribal leadership recommendations on technical programs and budget planning, elevate the NTC as the preeminent group of Tribal representatives that provides advice directly to EPA leadership on items of national significance under EPA's purview, and strengthen EPA's ongoing commitment to collaboration and partnership with Tribes and the government-to-government relationship. Learn more about the current NTC, including the current 2012 Charter on the **NTC website** (<https://www.epa.gov/tribal-national-tribal-caucus>). Learn more about the Federal Advisory Committee Act on **EPA's FACA website** (<https://www.epa.gov/faca>).

Please reach out to Daniel Vaught, AIEO, at [vaught.daniel@epa.gov](mailto:vaught.daniel@epa.gov), if you have any questions regarding this Tribal consultation opportunity, would like to request government-to-government consultation with EPA on this matter, or if you would like to provide written input to EPA. The deadline to request for a consultation meeting is July 17, 2024.

The deadline to submit a comment is August 9, 2024. Consultation materials are available on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) website located at: <https://tcots.epa.gov>.

## COLLABORATION OPPORTUNITY

*Excerpted from National Tribal Water Council Newsletter, May 2024, Volume 6, Issue 5—Page 8*

### USDA Natural Resources Conservation Service: Source Water Protection

The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) announced the opportunity to work with NRCS to identify high priority source water protection (SWP) areas and priority agricultural and forestry practices land owners can implement to get up to 90 percent cost-share incentive payments to protect drinking water sources. These funds will support farmers who implement conservation practices that provide water quality benefits to sources of drinking water. EPA is committed to protecting source water and helping to promote available funds to effectively protect drinking water and public health.

*(Continued on page 12)*

## TRIBAL CONSULTATION OPPORTUNITIES continued

(Continued from page 11)

The national bulletin requires NRCS State Conservationists to refine local source water protection priority areas by August 23, 2024 in accordance with the 2018 Farm Bill. The Inflation Reduction Act (IRA) increases the funding for the NRCS conservation programs subject to the SWP Farm Bill provision to \$18 billion dollars to implement ClimateSmart Mitigation Activities (<https://www.nrcs.usda.gov/conservation-basics/natural-resource-concerns/climate/climate-smart-mitigation-activities>) that reduce greenhouse gas emissions and/or sequester carbon. Many Climate-Smart Mitigation Activities can provide a water quality benefit to source water as well, which means that **\$1.8 billion is available to perform SWP now through 2031**, when IRA funds expire.

There is no limit to the number of selected priority conservation practices to protect source water in the selected priority SWP areas. The 2018 Farm Bill authorizes NRCS State Conservationists to provide a higher cost-share reimbursement (up to 90% of the cost) for the selected priority conservation practices that will benefit source water.

You can contact your NRCS State Conservation Offices here (<https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/state-offices>) and learn more about engaging with your local USDA Service Center here. For more information on NRCS' source water protection efforts click here (<https://www.nrcs.usda.gov/programs-initiatives/source-water-protection>).

# Governor Gianforte Announces Leadership Changes at Department of Transportation and Environmental Quality

Governor's Office | June 06 2024

<https://news.mt.gov/Governors-Office/>

[https://news.mt.gov/Governors-Office/Governor-Gianforte-Announces-Leadership-Changes-at-Department-of-Transportation-and-Environmental-Quality#:~:text=HELENA%2C%20Mont%20%E2%80%93%20Governor%20Greg%20Gianforte.of%20Environmental%20Quality%20\(DEQ\)](https://news.mt.gov/Governors-Office/Governor-Gianforte-Announces-Leadership-Changes-at-Department-of-Transportation-and-Environmental-Quality#:~:text=HELENA%2C%20Mont%20%E2%80%93%20Governor%20Greg%20Gianforte.of%20Environmental%20Quality%20(DEQ))

HELENA, Mont – Governor Greg Gianforte today announced the appointments of Chris Dorrington as director of the Montana Department of Transportation (MDT) and of Sonja Nowakowski as director of the Montana Department of Environmental Quality (DEQ).

“Chris Dorrington is a changemaker,” Gov. Gianforte said. “Bringing his previous experience at the agency and exceptional ability to lead, I have total confidence in him as he takes the reins at MDT. I appreciate his willingness to serve in this new capacity after his successful tenure at DEQ.”

Dorrington currently serves as the director of DEQ and as chair of the governor's Housing Task Force.

“I am grateful to Governor Gianforte for this new opportunity,” Dorrington said. “While I have enjoyed my time at DEQ, right now I can make the biggest difference at MDT, where I first started my career. I look forward to continuing to serve Montana in this new role.”

Prior to his service as DEQ director, Dorrington led DEQ's Air, Energy, and Mining Division for four-and-a-half years. Prior to that, from 2006 to 2016, he led the MDT Planning Division. Dorrington holds a Bachelor of Science in Mechanical Engineering from Gonzaga University, and a master's degree in Transportation Policy, Operations and Logistics from George Mason University.

Gov. Gianforte has named Sonja Nowakowski as the new director of DEQ. A leader in the energy and environmental policy space for 20 years, Nowakowski currently serves as DEQ's Division Administrator of Air, Energy, and Mining since 2021.

“Sonja is the right person to lead DEQ,” Gov. Gianforte said. “With her vast experience at the agency and with the legislature, she will be ready for the job on day one. I'm grateful to Sonja for stepping up to serve as the head of this important agency.”

(Continued on page 13)



## Governor Gianforte Announces Leadership Changes...

(Continued from page 12)

Nowakowski added, "I am honored to step into this role to serve Montanans. My life experience is reinforced by the laws that govern natural resources, protect Montana's environment, and our way of life. I look forward to working with our staff to deliver the high-quality customer service Montanans expect."

Prior to DEQ, she spent 15 years with the Legislative

Services Division, including five years as a research director where she focused on natural resources and energy policy, writing legislation and advising legislators.

A native Montanan, Nowakowski grew up in north central Montana. She holds a Bachelor of Arts in journalism from the University of Montana.

## Results of the Aluminum and Metal Can Drive

By Ina Nez Perce, Environmental Manager



The Fort Belknap Environmental Protection Department held an Aluminum and Metal Can Drive on June 12th, 2024 (was postponed from May 30th).

### Winners Include:

- 1st Place - Wendy Maratita
- 2nd Place - Snell/Walls team  
(Raymond, Raelle, Weston, Kyra)
- 3rd Place - Lillian Alvernaz

There were 7 participants in the can drive. We received 114.5 lbs. of cans, both aluminum and metal.

Participants collected and dropped off the following amount of cans.

Aluminum cans: (Total of 104.7 lbs. received)

- 1-13 gallon bag
- 3-30 gallon bags
- 3-39 gallon bags
- 5-49 gallon bags

Metal Cans: (Total of 9.8 lbs. received)

- 1-13 gallon bag
- 2-supermarket size bags (grocery store)

Our next Aluminum & Metal Can Drive will be held this Fall (September/October).

**Save your cans for the next Drive!!**



**Help us reduce recyclable materials going to our landfills, and help us recycle these items.**

# TESTER CALLS ON HOUSE TO PASS HIS FORT BELKNAP WATER COMPACT, DELIVER CRITICAL RELIEF AFTER ST. MARY SIPHON FAILURE

06.24.2024 | <https://www.testersenate.gov/newsroom/press-releases/tester-calls-on-house-to-pass-his-fort-belknap-water-compact-deliver-critical-relief-after-st-mary-siphon-failure/>

## **SENATOR IN LETTER TO SPEAKER JOHNSON AND LEADER JEFFRIES: “WHEN DISASTER STRIKES, AMERICANS EXPECT THEIR LEADERS TO PUT ASIDE DIFFERENCES, ROLL-UP THEIR SLEEVES AND GO TO WORK TO ADDRESS THE CRISIS”**

U.S. Senator Jon Tester today called on the House of Representatives to immediately take up and pass his bipartisan Fort Belknap Indian Community (FBIC) Water Rights Settlement Act to provide critical funding for repairs on the Milk River Project following a major siphon burst near Babb, Montana. Tester successfully passed his bipartisan bill through the Senate last week, which specifically includes \$275 million to rehabilitate the St. Mary’s canal.

Writing to House Speaker Mike Johnson and Leader Hakeem Jeffries, Tester called on the House to swiftly take up the Senate-passed compact and send it to the President’s desk: “When disaster strikes, Americans expect their leaders to put aside differences, roll-up their sleeves and go to work to address the crisis. That’s exactly what the Senate did last week and exactly what is now required of the House of Representatives to get the Fort Belknap Indian Community Water Rights Settlement of 2024 to the President’s desk. Today, I write to urge the House of Representatives to immediately take up and pass this critically important bipartisan legislation without any further delay.”

Tester specifically noted in his letter that the House has had ample time to review the legislation and should not delay passage any further in order to provide critical relief for North Central Montana water users: “The Fort Belknap Indian Community Water Rights Settlement of 2024 has passed the Senate with unanimous support on two separate occasions over the last 11 months. Congressman Matt Rosendale introduced a companion bill nearly a year ago on July 28, 2023. During this period, the House of Representatives has had ample time to review the legislation, examine the hearing record, and confirm support with stakeholders. With this timeline in mind, I believe it is appropriate for the House to immediately

schedule a vote for the Fort Belknap Indian Community Water Rights Settlement of 2024 and send it to the President’s desk.”

Tester concluded: “The thousands of impacted Montanans living in rural Montana can’t wait any longer.”

Following the burst of a major siphon on the Milk River Project, Tester last week took to the Senate floor to successfully pass his bipartisan Fort Belknap Indian Community (FBIC) Water Rights Settlement Act which would provide critical funding for repairs on the Milk River Project.

Tester’s Fort Belknap Indian Community (FBIC) Water Rights Settlement Act will provide \$1.3 billion to improve infrastructure and economic development for the Fort Belknap Indian Community and improve the efficiency of the U.S. Bureau of Reclamation Milk River Project, which furnishes water for the irrigation of about 121,000 acres of Tribal and non-Tribal land. The bill specifically includes \$275 million to rehabilitate the St. Mary’s canal. The bill will also restore Tribal management to 38,462 acres of state and federal land for the FBIC. Tester successfully passed the FBIC Water Compact through the Senate earlier this Congress as an amendment to the National Defense Authorization Act (NDAA), but Speaker Mike Johnson and House Republicans stripped it from the final package.

In addition to passing his FBIC Water Rights Settlement Act, Senator Tester called on the Biden Administration to provide immediate support for the local community, small businesses, and irrigators impacted by the siphon failure, which caused thousands of gallons of water to flood the surrounding area. The siphon burst has already caused extensive damage

*(Continued on page 15)*



*(Continued from page 14)*

to local businesses, and will impact vital irrigation to farmland in the surrounding area. Tester also called on President Biden to include the Milk River Project in his Administration’s domestic supplemental package, which would make federal funding available to assist in the reconstruction of the St. Mary’s canal.

Tester has led the charge to fund the Milk River Project and water infrastructure projects across the state. Earlier this month, Tester announced that a more than \$88 million contract was awarded to Montana-based NW Construction to complete the St. Mary Diversion Dam Replacement project. The con-

tract is part of the up to \$100 million Tester secured for the Milk River Project through his bipartisan Infrastructure Investment and Jobs Act, which he negotiated and helped pass into law. Tester was the only member of Montana’s Congressional delegation to support the legislation, and to support additional improvements to the St. Mary’s canal.

You can read the Senator’s full letter to House leadership HERE: <https://www.testersenate.gov/wp-content/uploads/2024-06-24-Letter-to-House-Leadership-on-S.-1987.pdf>.

# EARTH Day 2024 in the Little Rockies

By Kermit Snow Jr, BTRP Compliance Officer

Wahey Neetine, hello my relatives. One of my favorite times of the year, not only is it Earth Day, but we get to do activities with the 4-6<sup>th</sup> grade students of Harlem, Hays-Lodge Pole, Dodson, and the White Clay Immersion Schools. This year’s Earth Day is in the beautiful Mission Canyon in the Little Rocky Mountains (Fur Cap Mountains) and the Hays Pow-Wow grounds. It was a beautiful clear sunny day for all who attended, although it was a bit windy, but we all persevered and had fun with all the stations and activities. We had a slow start to Earth Day this year, which led to only eight stations, but they all did an excellent job in providing information and fun activities for the kids. We had kids doing Putt Putt after learning what is going on at the Brownfield station from Adrian Kulbeck (BTRP Coordinator) to learning about flowers & pollination and making mud/clay structures at the NAEDC station. Kids were learning about air quality sonification & natures superpowers at the University of Montana Spectrum station. The ANC Buffalo Project was on hand to tell the kids what they were doing

*(Continued on page 16)*







## EARTH Day 2024 in the Little Rockies

(Continued from page 15)



with the Buffalo, along with the ANC Water Center. Val Ricker was there to tell the kids all about Nutrition and healthy living. Hilary Maxwell, Liz Werk, Chris Kulbeck, and MSU-Extension were there to recruit for 4H and showed the kids how to make seed bombs. Jeremy Walker from Water Quality took the kids on a long nature walk of the area to get them worked up for the rest of the stations. We definitely have to see how all this comes together and that is with our Administrative Assistant, Lonette Blackcrow, who gets everyone signed up and organizes everything from sign in to gifts for the students. It is fun to watch when you first arrive, you get a look at what the stations begin to look like, as they all start to put their stations together. Then the buses from all the schools, slowly start arriving and parking, with all the kids anxiously waiting to unload and let all their pent up energy loose in the Mission Canyon. As stations are still getting set up, you can see the kids wanting to let loose, as they sit and wait. They then line up to sign in with Lonette and get a peek at all the prizes waiting to be given out at the end of the day. As the morning moves

on, the kids are getting signed in and grabbing their bag of goodies, and then back to the waiting area before the festivities began. It is always good to see the kids anxious to go, as they sit and wait for the stations to open up. The first lucky ones, are the ones that get started with a nature walk of the area by Jeremy, taking them exploring into the woods and beaver dams surrounding the pow-wow grounds, as their classmates and fellow students from other schools await their turn. You can see the eagerness in their faces as they sit on the ground in groups, laughing and talking about who knows what, maybe that they got out of class to enjoy Earth Day in the mountains. This is an adventure for all the kids for three years, until they graduate to the 7<sup>th</sup> grade, so they make the most of these years to have fun and learn about Mother Earth. I like strolling around and seeing how the kids are doing at each of the stations and take pictures. You can also see how invested the presenters are in their stations and watch them interact with the students. We always take care of our presenters when it comes to lunch, we have kind

(Continued on page 17)







## EARTH Day 2024 in the Little Rockies

(Continued from page 16)

of a potluck, and make sure they're all fed. The school provides their students with sack lunches and then you can watch them all run around after eating, waiting for us to start up again. At that same time, you can see the chaperones sitting around visiting and also enjoying the weather and the beautiful scenery. After all students have run through all the stations, we are getting close to handing out prizes, but before that there is still some fun to be had. For the schools that stuck around, the boys had some games for all to participate in while they wait for the ending of Earth Day. It is fun watching them compete against their classmates and students from the other schools. Hearing all the laughter from the kids, always makes me feel good knowing we have put on another Great Earth Day on the Fort Belknap Indian Reservation for the surrounding schools. A lot of the information the kids have learned, they then take back to their homes and tell their parents and siblings what they learned and all the fun they had, and show off the prizes they won. It takes a lot to put these on every year, you have to think how you can present your program so the kids can understand and

also have fun with it. We cannot pull this off, without the help of the surrounding area businesses, who help by donating door prizes for all the kids. We thank you for your continued support of our Program and the students. The kids that have made this trip since the 4<sup>th</sup> grade have no doubt told the new kids what they have to look forward to and what to expect. When the day winds down and the kids are all loaded up on their buses and heading back to their schools, we can reflect back on what has transpired on this Earth Day and know that we have done our jobs on not only providing good information, but also seeing all the smiles on the kid's faces. We will all see most of you back next year in Lodge Pole at their pow-wow grounds, Wasay Wakpa. It was a good day. A'HO







**We would like to acknowledge  
all the businesses that helped  
make the kids happy and again,  
your continued support of our  
Program and Earth Day.**

- |  |                                |
|--|--------------------------------|
| <b>Bank of Harlem</b>                          | <b>Kermit Snow, Jr.</b>        |
| <b>Ben Franklins/Havre</b>                     | <b>Liz McClain</b>             |
| <b>Bing &amp; Bobs/Havre</b>                   | <b>Master Sports/Havre</b>     |
| <b>Cottonwood Cinemas/<br/>Havre</b>           | <b>Nalivkas/Havre</b>          |
| <b>Creative Leisure/Yummy<br/>Yogurt/Havre</b> | <b>Pizza Hut/Havre</b>         |
| <b>Credit/FBIC</b>                             | <b>Rod's Drive In/Havre</b>    |
| <b>Dairy Queen/Havre</b>                       | <b>Sage &amp; Spur/Harlem</b>  |
| <b>Dennis Longknife Family</b>                 | <b>Subway/Havre</b>            |
| <b>Domino's Pizza/Havre</b>                    | <b>Taco Johns/Havre</b>        |
| <b>Dyllan's Pizza/Havre</b>                    | <b>Taco Treat/Havre</b>        |
| <b>FBEPD/FBIC</b>                              | <b>TERO</b>                    |
| <b>FB Head Start</b>                           | <b>Tobacco Prevention/FBIC</b> |
| <b>IGA/Havre</b>                               | <b>Tribal Health</b>           |

**THANK YOU  
SO MUCH**  
YOU ARE VERY MUCH APPRECIATED!







# Prevent Heat Illness at Work

Outdoor and indoor heat exposure can be dangerous.

## Ways to Protect Yourself and Others



### Ease into Work

Nearly 3 out of 4 fatalities from heat illness happen during the first week of work.

- ✓ New and returning workers need to build tolerance to heat (acclimatize) and take frequent breaks.
- ✓ Follow the 20% Rule. On the first day, work no more than 20% of the shift's duration at full intensity in the heat. Increase the duration of time at full intensity by no more than 20% a day until workers are used to working in the heat.



### Drink Cool Water

Drink cool water even if you are not thirsty — at least 1 cup every 20 minutes.



### Dress for the Heat

Wear a hat and light-colored, loose-fitting, and breathable clothing if possible.



### Take Rest Breaks

Take enough time to recover from heat given the temperature, humidity, and conditions.



### Watch Out for Each Other

Monitor yourself and others for signs of heat illness.



### Find Shade or a Cool Area

Take breaks in a designated shady or cool location.



### If Wearing a Face Covering

Change your face covering if it gets wet or soiled. Verbally check on others frequently.

## First Aid for Heat Illness

The following are signs of a medical emergency!



- Abnormal thinking or behavior
- Slurred speech
- Seizures
- Loss of consciousness

1

» CALL 911 IMMEDIATELY

2

» COOL THE WORKER RIGHT AWAY WITH WATER OR ICE

3

» STAY WITH THE WORKER UNTIL HELP ARRIVES



Watch for any other signs of heat illness and act quickly. When in doubt, call 911.

If a worker experiences:

- Headache or nausea
- Weakness or dizziness
- Heavy sweating or hot, dry skin
- Elevated body temperature
- Thirst
- Decreased urine output



Take these actions:

- » Give water to drink
- » Remove unnecessary clothing
- » Move to a cooler area
- » Cool with water, ice, or a fan
- » Do not leave alone
- » Seek medical care if needed



**OSHA** Occupational Safety and Health Administration

For more information: 1-800-321-OSHA (6742)

TTY 1-877-889-5627 [www.osha.gov/heat](http://www.osha.gov/heat)

Federal law entitles you to a safe workplace. You have the right to speak up about hazards without fear of retaliation. See <https://www.osha.gov/workers> for information about how to file a confidential complaint with OSHA and ask for an inspection.

OSHA 309 (08-17)

# **Biden-Harris Administration Announces \$7 Billion Solar for All Grants to Deliver Residential Solar, Saving Low-Income Americans \$350 Million Annually and Advancing Environmental Justice Across America**

**EPA announces 60 selectees under Greenhouse Gas Reduction Fund grant competition to deliver solar to more than 900,000 low-income and disadvantaged households nationwide through the President's Investing in America agenda**

Contact Information: EPA Press Office ([press@epa.gov](mailto:press@epa.gov)) | April 22, 2024

<https://www.epa.gov/newsreleases/biden-harris-administration-announces-7-billion-solar-all-grants-deliver-residential>

Washington – Today, April 22, as the Biden-Harris Administration celebrates Earth Day, the U.S. Environmental Protection Agency announced 60 selectees that will receive \$7 billion in grant awards through the Solar for All grant competition to deliver residential solar projects to over 900,000 households nationwide. The grant competition is funded by President Biden's Investing in America agenda through the Inflation Reduction Act, which created EPA's \$27 billion Greenhouse Gas Reduction Fund. The 60 selections under the \$7 billion Solar for All program will provide funds to states, territories, Tribal governments, municipalities, and nonprofits across the country to develop long-lasting solar programs that enable low-income and disadvantaged communities to deploy and benefit from distributed residential solar, lowering energy costs for families, creating good-quality jobs in communities that have been left behind, advancing environmental justice and tackling climate change.

"Today we're delivering on President Biden's promise that no community is left behind by investing \$7 billion in solar energy projects for over 900,000 households in low-income and disadvantaged communities," said EPA Administrator Michael S. Regan. "The selectees will advance solar energy initiatives across the country, creating hundreds of thousands of good-paying jobs, saving \$8 billion in energy costs for families, delivering cleaner air, and combating climate change."

"Solar is the cheapest form of electricity—and one of the best ways to lower energy costs for American families," said John Podesta, Senior Advisor to the President for International Climate Policy. "Today's announcement of EPA's Solar for All awards will

mean that low-income communities, and not just well-off communities, will feel the cost-saving benefits of solar thanks to this investment."

"Residential solar electricity leads to reduced monthly utility bills, reduced levels of air pollution in neighborhoods, and ultimately healthier communities, but too often low-income and disadvantaged communities have been left out. Today's announcement will invest billions to ensure that affordable housing across the U.S. can access solar and increase energy efficiency and climate resilience," said U.S. Department of Housing and Urban Development (HUD) Acting Secretary Adrienne Todman. "HUD is honored to have played a key role in today's monumental announcement, which will provide meaningful household savings to households in low-income and disadvantaged communities, reduce both greenhouse gas emissions and energy costs, and deliver electricity during grid outages for low-income households."

"Sunlight is powering millions of homes across the nation, and we're working hard to ensure Americans everywhere can benefit from this affordable clean energy resource," said U.S. Secretary of Energy Jennifer M. Granholm. "DOE is proud to work alongside our partners at EPA and across the Federal government to help communities access the limitless energy of the sun to light their homes and power their businesses."

"The United States can and must lead the world in transforming our energy systems away from fossil fuels," said U.S. Senator Bernie Sanders (VT). "The Solar for All program – legislation that I successfully introduced – will not only combat the existential

*(Continued on page 21)*



## Biden-Harris Administration Announces \$7 Billion Solar for All Grants...

(Continued from page 20)

threat of climate change by making solar energy available to working class families, it will also substantially lower the electric bills of Americans and create thousands of good-paying jobs. This is a win for the environment, a win for consumers, and a win for the economy.”

EPA estimates that the 60 Solar for All recipients will enable over 900,000 households in low-income and disadvantaged communities to deploy and benefit from distributed solar energy. This \$7 billion investment will generate over \$350 million in annual savings on electric bills for overburdened households. The program will reduce 30 million metric tons of carbon dioxide equivalent emissions cumulatively, from over four gigawatts of solar energy capacity unlocked for low-income communities over five years. Solar and distributed energy resources help improve electric grid reliability and climate resilience, which is especially important in disadvantaged communities that have long been underserved.

Solar for All will deliver on the Biden-Harris Administration’s commitment to creating high-quality jobs with the free and fair choice to join a union for workers across the United States. This \$7 billion investment in clean energy will generate an estimated 200,000 jobs across the country. All selected applicants intend to invest in local, clean energy workforce development programs to expand equitable pathways into family-sustaining jobs for the communities they are designed to serve. At least 35% of selected applicants have already engaged local or national unions, demonstrating how these programs will contribute to the foundation of a clean energy economy built on strong labor standards and inclusive economic opportunity for all American communities.

The Solar for All program also advances President Biden’s Justice40 Initiative, which set the goal that 40% of the overall benefits of certain federal climate, clean energy, affordable and sustainable housing, and other investments flow to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution. All of the funds awarded through the Solar for All program will be invested in low-income and disadvantaged communities. The program will also help meet the President’s goal of achieving a carbon pollution-free power sector by 2035 and net-zero emissions economy by no later

than 2050.

Solar for All will expand existing low-income solar programs and launch new ones. The 60 selected applicants will serve households in all 50 states, the District of Columbia, Puerto Rico, and territories, as well as increase access to solar for Tribes. EPA has selected 49 state-level awards totaling approximately \$5.5 billion, six awards to serve Tribes totaling over \$500 million, and five multistate awards totaling approximately \$1 billion. Solar for All will deploy residential solar for households nationwide by not only providing grants and low-cost financing to overcome financial barriers to deployment but also by providing services to communities to overcome other barriers such as siting, permitting, and interconnection. A complete list of the selected applicants can be found on EPA’s Greenhouse Gas Reduction Fund Solar for All website.

The 60 selected applicants have committed to delivering on the three objectives of the Greenhouse Gas Reduction Fund: reducing climate and air pollution; delivering benefits to low-income and disadvantaged communities; and mobilizing financing to spur additional deployment of affordable solar energy. Solar for All selected applicants are expanding existing low-income solar programs and launching new programs. In at least 25 states and territories nationwide, Solar for All is launching new programs where there has never been a substantial low-income solar program before. In these geographies, Solar for All selected applicants will open new markets for distributed solar by funding new programs that provide grants and low-cost financing for low-income, residential solar.

To date, many of the 60 selected Solar for All applicants have supported low-income and underserved communities in installing innovative residential solar projects. With this new funding, selectees can launch thousands more projects like these throughout every state and territory in the nation:

- The threat of storms is a major reason Athens, Georgia resident Delmira Jennings and her husband John used selected applicant **Capital Good Fund's** Georgia BRIGHT leasing program to install a 13-kilowatt solar and 10-kilowatt-hour battery system in February. “Last year, we spent two days

(Continued on page 22)

## Biden-Harris Administration Announces \$7 Billion Solar for All Grants...

(Continued from page 21)

without power after what seemed like a mini tornado,” Jennings said. After a recent outage, Jennings noted that she didn't even know she lost power. “The batteries kicked in and all the power items we were using were on battery backup.”

- Last year, the Northern Cheyenne Tribe, whose successful pilot initiative served as the basis for selected applicant **Mandan, Hidatsa, Arikara (MHA) Nation's** Northern Plains Tribal Solar for All program, took major steps toward a clean energy future with the completion of the first phase of the White River Community Solar project. This project will deploy 15 solar systems at the homes of elders while piloting a groundbreaking approach to solar ownership and management that is intended to set an example for Tribes across the nation.
- Through its existing Solar on Multifamily Affordable Housing (SOMAH) program — a model for equitably providing solar to low-income renters in disadvantaged communities — selected applicant **GRID Alternatives'** team in San Diego installed a solar energy system at Trolley Trestle, home to youth transitioning out of the foster care system. Energy cost savings estimated at over \$600k over ten years, will be reinvested to provide additional services to those who call Trolley Trestle home, including more job and life skills training.

## Review and Selection Process Information

The 60 applicants selected for funding were chosen through a competition review process. This multi-stage process included review from hundreds of experts in climate, power markets, environmental justice, labor, and consumer protection from EPA, Department of Energy, the Department of Housing and Urban Development, Department of Treasury, Department of Agriculture, the Federal Emergency Management Agency, Department of Labor, Department of Defense, Consumer Financial Protection Bureau, and the Department of Energy's National Labs – all screened through ethics and conflict of interest checks and trained on the program requirements and evaluation criteria. Applications were scored and selected through dozens of review panels and an inter-agency senior review team.

EPA anticipates that awards to the selected applicants will be finalized in the summer of 2024, and selected applicants will begin funding projects through existing programs and begin expansive community outreach programs to launch new programs in the fall and winter of this year. Selections are contingent on the resolution of all administrative disputes related to the competitions.

## 2024 Torch Run

<https://www.somt.org/torch-run/torch-run/>

The mission of Law Enforcement Torch Run (LETR) is to raise funds and awareness of the Special Olympics Movement worldwide. Special Olympics is a program that reaffirms our beliefs that with hope, love, and dedication, we can see achievement and self-worth realized by any individual. It is the belief of LETR that persons with intellectual disabilities, by their involvement in Special Olympics, show the community at large the true meaning of sports and a pure joy towards life.

*Pictured is our very own Jeremy Walker (Environmental Specialist) and Phillips County Officer Corcoran. Jeremy rode his bike from route 8 to the Little River Trading Post leg of the run.*





# A New Look for FEMA.gov

<https://www.fema.gov/blog/new-look-fema-gov>

Release Date | January 18, 2024



# FEMA

The FEMA.gov homepage is ringing in 2024 with a new look.

We're excited to share a new look for the homepage of FEMA.gov that highlights important work being done across the nation by communities every day to become more resilient and to help those affected by disasters.

Our redesigned homepage will let us get information out in a more engaging format that helps you know your risk, be more prepared for a disaster, and jumpstart your recovery after disaster strikes.

- At the top, you can find the most timely and important news and stories in eye-catching banners.
- The new How Can FEMA Help? section makes it easier for you to access the most popular topics and services direct from the homepage.
- A new Featured News section also brings you the latest announcements and stories from across the agency that help show the full scope of our work and the impact we are making in communities.
- In the Priorities section, you can quickly learn about our strategic plan focus areas.

Although the entrance to FEMA.gov looks a little different, the mission and purpose of FEMA and FEMA.gov remains the same: to assist survivors and communities before, during, and after disasters.



## Circle Speaker

AANIHH & NAKODA ENVIRONMENTAL

### VOLUME 28; ISSUE 4

### Deadline for Articles is

### Friday, September 6th, 2024 @ 5pm

### Articles can be emailed to: [lonettebc@ftbelknap.org](mailto:lonettebc@ftbelknap.org)

To allow time for editing and layout of the newsletter, articles must be submitted on time in order to be considered for publication. Articles received after this deadline will be considered for the following issue. All articles submitted are subject to review and approval.



*Austin & Lonette*

Both Celebrated in April

# FEMA Reforms Disaster Assistance to Help Disaster Survivors across Indian Country

[https://www.fema.gov/sites/default/files/documents/fema\\_ia-reform-one-pager\\_tribal.pdf](https://www.fema.gov/sites/default/files/documents/fema_ia-reform-one-pager_tribal.pdf)

To help disaster survivors across Indian Country recover faster, FEMA implemented the most significant updates to disaster assistance in the last 20 years. These program updates will help all survivors, including tribal community members, whether they receive assistance under a Tribal Nation Disaster Declaration or State Disaster Declaration. These updates apply to Tribal and State Presidentially declared disasters on or after March 22, 2024 and include:



## Establish New Benefits

- **Standardizing Serious Needs Assistance**  
FEMA is standardizing assistance for serious needs by making a \$750 payment available in all disasters receiving Individual Assistance, for eligible households to access essential items like, food, water, baby formula and other emergency supplies.
- **Create Displacement Assistance**  
This new form of assistance is designed for tribal community members that cannot return to their home following a disaster and provides them financial assistance they can use flexibly to pay for their immediate housing needs. It provides eligible tribal community members with up-front funds to assist with immediate housing options of their choice until they are able to secure a rental option to focus on their long-term recovery.



## Cut Red Tape and Expand Eligibility

- **Simplify Other Needs Assistance**  
FEMA no longer requires tribal community members to apply for a U.S. Small Business Administration (SBA) loan before being considered for certain types of assistance. Tribal community members now have the option to apply for a low-interest SBA loan at the same time they apply for FEMA assistance.
- **Help Underinsured Tribal Community Members**  
Tribal community members who receive an insurance payment for damage to their home may be eligible to receive assistance from FEMA, even if their insurance payment is more than the congressionally established maximums (\$42,500 for Fiscal Year 2024) for Housing Assistance or Other Needs Assistance.
- **Expand Habitability Criteria**  
Tribal community members who need to fix a disaster-damaged area of their home may qualify for FEMA support, so the home is in a safe and sanitary condition, to include home repair regardless of pre-existing conditions of the disaster-damaged area. For example, if an already leaky roof was further damaged by a disaster, it may be eligible for repairs required to bring it back to a working condition.
- **Make Accessibility Improvements**  
Tribal community members with disabilities or medical conditions may now use FEMA funding to make certain accessibility improvements to homes damaged by a declared disaster, even if the improvements were not present prior to the disaster.
- **Simplifying Assistance for Self-Employed Tribal Community Members**  
FEMA may provide self-employed tribal community members with some initial financial support to replace disaster-damaged tools and equipment, or other items required for a specific trade or profession.
- **Expanding Assistance for Computing Devices**  
Eligible tribal community members may now receive assistance for a personal or family computer that is damaged by a disaster. They may also receive assistance for additional computers required for work, school or access and functional needs.



## Simplify the Application Process

- **Streamline Temporary Housing Assistance Applications**  
FEMA is reducing documentation requirements for applicants seeking continued temporary housing assistance. Individual caseworkers will engage closely with tribal community members to offer support and increase transparency.
- **Remove Barriers for Late Applicants**  
Tribal community members requesting approval for a late application no longer have to provide documentation supporting the reason for their late application.
- **Simplify the Process for Appeals**  
Tribal Community Members who choose to appeal the type or amount of FEMA assistance offered, no longer are required to submit a signed, written appeal letter to accompany supporting documentation.





# Indigenous peoples rush to stop ‘false climate solutions’ ahead of next international climate meeting

**COP29 could make carbon markets permanent. Indigenous leaders are calling for a moratorium before it's too late.**

Maria Parazo Rose, Spatial Data Analyst | Published Apr 22, 2024

<https://grist.org/global-indigenous-affairs-desk/indigenous-peoples-rush-to-stop-false-climate-solutions-ahead-of-next-international-climate-meeting/>

*This story is published as part of the Global Indigenous Affairs Desk, an Indigenous-led collaboration between Grist, High Country News, ICT, Mongabay, Native News Online, and APTN.*

For more than 20 years, Tom Goldtooth has listened to conversations about the negative impacts fossil fuels and carbon markets have on Indigenous peoples. On Wednesday, Goldtooth and the Indigenous Environmental Network, or IEN, called for a permanent end to carbon markets. Beyond being an ineffective tool for mitigating climate change, the organization argues; they harm, exploit, and divide Native communities around the world.

The recommendation was delivered to a crowd of Indigenous activists, policymakers, and leaders at the U.N. Permanent Forum on Indigenous Issues, or UN-PFII, and is the most comprehensive moratorium on the issue the panel has ever heard. If adopted, the position would pressure other United Nations agencies — like the U.N.

Framework Convention on Climate Change, or UNFCCC — to take a similar stance. The heightened urgency stems from the COP29 gathering planned later this year, when provisions in the 2015 Paris Climate Agreement on carbon market structures are expected to be finalized.

“We are long overdue for a moratorium on false climate solutions like carbon markets,” said Goldtooth, who is Diné and Dakota and executive director of IEN. “It’s a life and death situation with our people related to the mitigation solutions that are being negotiated,

especially under Article 6 of the Paris Agreement. Article 6 is all about carbon markets, which is a smokescreen, which is a loophole [that keeps] fossil fuel polluters from agreeing to phase out carbon.”

The network’s language on “false climate solutions” is intentional. Tamra Gilbertson, the organization’s climate justice program coordinator and researcher, said a false climate solution is anything that looks like

a tool for reducing emissions or fighting climate change but allows extractive companies to continue profiting from the fossil fuels driving the crisis.

“Carbon markets have been set up by the polluting industries,” Gilbertson said.

“The premise of carbon markets as a good mitigation outcome or a good mitigation program for

the UNFCCC is in and of itself a flawed concept. And we know that because of who’s put it together.”

The carbon market moratorium the network called for would end carbon dioxide removal projects like carbon capture and storage; forest, soil, and ocean offsets; nature-based solutions; debt-for-nature swaps; biodiversity offsets; and other geoengineering technologies.

This year’s moratorium recommendation builds on a



Emilie Holtet / NTB / AFP via Getty Images

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similar proposal the IEN offered at last year’s forum, when it called for a stop to carbon markets until Indigenous communities could “thoroughly investigate the impacts and make appropriate demands.” That call led to an international meeting in January, where Native experts discussed the impacts a green economy has and would have on their communities. Ultimately, the participants produced a report detailing how green economy projects and initiatives can create a new way to colonize Indigenous Peoples’ lands and territories.

Darío José Mejía Montalvo, of the Zenú Tribe in Colombia, participated in the January meeting and has chaired a previous UNPFII. He highlighted the report during a U.N. session last week.

“The transition toward a green economy [keeps] starting from the same extractivist-based logic that prioritizes the private sector, which is guided by national economic interests of multinationals, which ignores the fights of Indigenous people, the fight against climate change, and the fight against poverty,” Montalvo said, according to a U.N. translation of a speech he delivered in Spanish.

Goldtooth and Gilbertson say that, while the January report established wider consensus around the negative impacts of the green economy, the IEN felt that the report’s recommendations were unclear and did not go far enough to discourage the growth of carbon markets — which is why the organization is calling for a permanent moratorium.

“We have to do everything that we can from every direction we possibly can in this climate emergency that we’re in, because we don’t have a lot more time,” Gilbertson said. If carbon markets are enshrined in Article 6 of the Paris Agreement as they are currently written and become a more powerful international network, “we are in a whole new era of linked-up global carbon markets like we’ve never seen before. And then we’re stuck with it.”



Tom Goldtooth delivers a speech during the “The vision of indigenous peoples to climate change” event in December 2015. Dominique Faget / AFP via Getty Images

Under the Paris Agreement, countries submit plans detailing how they will reduce emissions or increase carbon sequestration. Article 6 provides pathways for nations to cooperate on a voluntary basis and trade emissions to achieve their climate goals. More specifically, paragraph 6.4 would create a centralized market and lead to large-scale implementation of emission reductions trading. The nuances of these structures and how carbon markets are presented in Article 6 has far-reaching impacts: A report released in November by the International Emissions Trading Association, or IETA, showed that 80 percent of all countries indicate they will or would use carbon markets to meet their climate goals.

In its current form, carbon offset projects as described in Article 6 of the Paris Agreement would further threaten Indigenous land tenure and access to resources. If finalized in November, pilot projects are expected to start as soon as January 2025.

At this year’s forum, organizations like the United Nations Development Program, Climate Focus, Forests Peoples Programme, and Rainforest U.S. discussed new initiatives to protect Indigenous peoples’ rights within a carbon market. In particular, there’s increased attention on policies that would more effectively incorporate free, prior, and informed consent, or FPIC, into carbon offset operations. But Kimaren Riamit, executive director of ILEPA-Kenya, an Indigenous-led nonprofit, said the foundation that must be established even before FPIC is better recognized Indigenous self-determination — agency for tribes to decide for themselves if they want to engage in carbon market projects at all.

“FPIC without enablers of self determination is useless because what do you give consent over when your land rights are not there? What do you give consent of if you are not part of the decision governance arrangement?” said Riamit, who is of the Maasai tribe in Kenya. Enablers of self-determination include

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protections for Indigenous land sovereignty and land tenure security.

Riamit says that, in carbon market projects, free, prior, and informed consent has become a strategic tool and a confusing exercise in disseminating information rather than a way of obtaining meaningful consent from tribes. There must be a deliberate and full disclosure to tribes of what they are agreeing to when engaging in a carbon market pro-



Dario Jose Mejia Montalvo speaks during an interview with AFP at the Amazon Dialogues Seminar on August 6, 2023. Evaristo Sa / AFP via Getty Images

ject, and time for them to digest the information, consult internally, provide feedback, and — critically — “be able to say no.”

It’s notable to Riamit that carbon offset companies don’t advocate strongly, if at all, for improved self-determination of the Indigenous communities they work with.

“They don’t sharpen a knife to slaughter themselves,” he said.

# Biden-Harris Administration Finalizes Suite of Standards to Reduce Pollution from Fossil Fuel-Fired Power Plants

## Four final rules deliver on the Biden-Harris Administration’s day-one commitment to lead on climate action and to protect all communities from pollution

Contact Information: EPA Press Office ([press@epa.gov](mailto:press@epa.gov)) | April 25, 2024

<https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-suite-standards-reduce-pollution-fossil-fuel#:~:text=The%20suite%20of%20final%20rules,percent%20of%20their%20carbon%20pollution>

WASHINGTON – Today, April 25, the U.S. Environmental Protection Agency announced a suite of final rules to reduce pollution from fossil fuel-fired power plants in order to protect all communities from pollution and improve public health without disrupting the delivery of reliable electricity. These rules, finalized under separate authorities including the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act, will significantly reduce climate, air, water, and land pollution from the power sector, delivering on the Biden-Harris Administration’s commitment to protect public health, advance environmental justice, and confront the climate crisis.

By announcing these final rules at the same time, EPA is following through on the commitment that Administrator Michael S. Regan made to industry stakeholders at CERAWEEK 2022 to provide regulatory certainty as the power sector makes long-term invest-

ments in the transition to a clean energy economy. The standards are designed to work with the power sector’s planning processes, providing compliance timelines that enable power companies to plan in advance to meet electricity demand while reducing dangerous pollution.

“Today, EPA is proud to make good on the Biden-Harris Administration’s vision to tackle climate change and to protect all communities from pollution in our air, water, and in our neighborhoods,” said EPA Administrator Michael S. Regan. “By developing these standards in a clear, transparent, inclusive manner, EPA is cutting pollution while ensuring that power companies can make smart investments and continue to deliver reliable electricity for all Americans.”

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“This year, the United States is projected to build more new electric generation capacity than we have in two decades – and 96 percent of that will be clean,” said **President Biden’s National Climate Advisor Ali Zaidi**. “President Biden’s leadership has not only sparked an unprecedented expansion in clean electricity generation, his leadership has also launched an American manufacturing renaissance. America is now a magnet for private investment, with hundreds of billions of dollars committed and 270,000 new clean energy jobs created. This is how we win the future, by harnessing new technologies to grow our economy, deliver environmental justice, and save the planet for future generations.”

The suite of final rules includes:

- A final rule for existing coal-fired and new natural gas-fired power plants that would ensure that all coal-fired plants that plan to run in the long-term and all new baseload gas-fired plants control 90 percent of their carbon pollution.
- A final rule strengthening and updating the Mercury and Air Toxics Standards (MATS) for coal-fired power plants, tightening the emissions standard for toxic metals by 67 percent and finalizing a 70 percent reduction in the emissions standard for mercury from existing lignite-fired sources.
- A final rule to reduce pollutants discharged through wastewater from coal-fired power plants by more than 660 million pounds per year, ensuring cleaner water for affected communities, including communities with environmental justice concerns that are disproportionately impacted.
- A final rule that will require the safe management of coal ash that is placed in areas that were unregulated at the federal level until now, including at previously used disposal areas that may leak and contaminate groundwater.

### **Delivering Public Health Protections for Communities, Providing Regulatory Certainty for the Industry, and Ensuring the Power Sector Can Provide Reliable Electricity for Consumers**

Finalizing these four rules delivers on the Administra-

tion’s commitment to providing health protections for all communities, including communities with environmental justice concerns, many of which are located near power plants. At the same time, EPA is providing a predictable regulatory outlook for power companies, including opportunities to reduce compliance complexity, and clear signals to create market and price stability. Administrator Regan outlined this approach in 2022 when he committed to transparency and open dialogue so that state and federal energy regulators, power companies, and grid operators have clear information on which to base decisions.

EPA conducted regulatory impact analyses for each rule, showing that this suite of standards will deliver hundreds of billions of dollars in net benefits. EPA also performed a sensitivity analysis exploring the combined effect on the power sector of the carbon pollution, air toxics, and water rules, as well as EPA’s recent rules for the transportation sector. The projections regarding changes in electricity supply and demand align with recent reports from the Department of Energy (DOE) and National Renewable Energy Laboratory and peer-reviewed research in showing that the sector can meet growing demand for electricity and provide reliable, affordable electricity at the same time as it reduces pollution in accordance with these rules to protect health and the planet.

With the announcement today, the power sector can make planning decisions with a full array of information. In fact, the agency’s analysis indicates that issuing these rules at the same time is likely to create more efficiency for facilities that are now able to evaluate compliance steps together rather than only for each rule in isolation. Therefore, adding the cost of the rules modeled independently would likely reflect an overestimate of total costs.

“The new rules to clean up air pollution from power plants are good news for everyone, especially if there is a power plant near where you work, live or study. The American Lung Association applauds Administrator Regan and the entire team of professionals at the EPA for their resolute commitment to public health and environmental justice,” said **Harold Wimmer, President and CEO of the American Lung Association**. “Burning fossil fuels in power plants harms people’s lungs, makes kids sick and accelerates the climate

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crisis. The stronger clean air and climate protections will save lives.”

“These rules call on utilities and states to be full partners in making this transition fair for energy workers and communities,” said **BlueGreen Alliance Executive Director Jason Walsh**. “It also complements the historic federal investments made by the Biden-Harris administration and the previous Congress, which provide a toolbox of critical investments targeted to the workers and communities experiencing the economic impacts of energy transition.”

### Stronger Carbon Pollution Standards for New Gas and Existing Coal Power Plants

EPA’s final Clean Air Act standards for existing coal-fired and new natural gas-fired power plants limit the amount of carbon pollution covered sources can emit, based on proven and cost-effective control technologies that can be applied directly to power plants. The regulatory impact analysis projects reductions of 1.38 billion metric tons of carbon pollution overall through 2047, which is equivalent to preventing the annual emissions of 328 million gasoline cars, or to nearly an entire year of emissions from the entire U.S. electric power sector. It also projects up to \$370 billion in climate and public health net benefits over the next two decades.

The rule addresses existing coal-fired power plants, which continue to be the largest source of greenhouse gas emissions from the power sector, and ensures that new natural gas combustion turbines, some of the largest new sources of greenhouse gases being built today, are designed using modern technologies to reduce climate pollution.

The climate and health benefits of this rule substantially outweigh the compliance costs. In 2035 alone, the regulatory impact analysis estimates substantial health co-benefits including:

- Up to 1,200 avoided premature deaths
- 870 avoided hospital and emergency room visits
- 1,900 avoided cases of asthma onset
- 360,000 avoided cases of asthma symptoms

- 48,000 avoided school absence days
- 57,000 lost workdays

The final emission standards and guidelines will achieve substantial reductions in carbon pollution at reasonable cost. The best system of emission reduction for the longest-running existing coal units and most heavily utilized new gas turbines is based on carbon capture and sequestration/storage (CCS) – an available and cost-reasonable emission control technology that can be applied directly to power plants and can reduce 90 percent of carbon dioxide emissions from the plants.

Lower costs and continued improvements in CCS technology, alongside tax incentives from President Biden’s Inflation Reduction Act that allow companies to largely offset the cost of CCS, represent recent developments in emissions controls that informed EPA’s determination of what is technically feasible and cost-reasonable. The Bipartisan Infrastructure Law also includes billions of dollars to advance and deploy CCS technology and infrastructure. EPA projects that the sector can comply with the standards with negligible impact on electricity prices, thanks to cost declines in CCS and other emissions-reducing technologies. EPA analysis also finds that power companies can comply with the standards while meeting grid reliability, even when considering increased load growth.

The final rule includes requirements to help ensure meaningful engagement with affected stakeholders, including communities with environmental justice concerns, overburdened by pollution and climate change impacts, as well as the energy communities and workers who have powered our nation for generations. The standard also requires states to provide transparent data on compliance pathways and timelines through the state planning process, ensuring that workers and communities have the best-available information to plan for changes in the sector. President Biden’s Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization has identified historic resources for energy communities to invest in infrastructure, deploy new technologies that can help clean up the electric power sector, support energy workers, and spur long-term economic revitalization. The final rule also fol-

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lows guidance from the Council on Environmental Quality to ensure that deployment of CCS technologies is done in a responsible manner that incorporates the input of communities and reflects the best available science.

In addition to finalizing these rules, EPA has opened a non-regulatory docket and issued framing questions to gather input about a comprehensive approach to reduce GHG emissions from the entire fleet of existing gas combustion turbines in the power sector. EPA is committed to expeditiously proposing GHG emission guidelines for these units, as part of a comprehensive approach to the regulation of climate, toxic and air pollution from combustion turbines.

### Strengthening Mercury and Air Toxics Standards

EPA is strengthening and updating the Mercury and Air Toxics Standards (MATS) for coal-fired power plants, achieving important hazardous air pollutant (HAP) emissions reductions and ensuring that the standards reflect the latest advancement in pollution control technologies. This final rule under the Clean Air Act is the most significant update since MATS was first issued in February 2012, building on highly successful and cost-effective protections.

EPA projects the final rule will reduce emissions of mercury and non-mercury metal HAPs, such as nickel, arsenic, and lead. Controlling these emissions from power plants improves public health for all Americans by reducing the risk of fatal heart attacks, cancer, developmental delays in children, and also reduces adverse environmental impacts. The final rule will also result in substantial co-benefits, including reductions in emissions of fine particulate matter (“soot”), sulfur dioxide, nitrogen oxides, and carbon dioxide nationwide. These public health improvements are especially important for children and communities with environmental justice concerns and others who regularly consume fish that accumulate high levels of pollutants from power plants.

The final rule reduces the mercury emissions limit by 70 percent for lignite-fired units and reduces the emissions limit that controls for toxic metals by 67 percent for all coal plants—while also requiring the

use of continuous emission monitoring systems to provide real-time, accurate data to regulators, facility operators, and the public to ensure that plants are meeting these lower limits and that communities are protected year-round from pollution exposure.

EPA projects that the final MATS limits will result in the following emissions reductions in the year 2028:

- 1,000 pounds of mercury
- At least 7 tons of non-mercury HAP metals
- 770 tons of fine particulate matter (PM2.5)
- 280 tons of nitrogen oxides (NOx)
- 65,000 tons of carbon dioxide (CO2)

EPA’s final rule projects \$300 million in health benefits and \$130 million in climate benefits over the 10-year period from 2028-2037. Reductions in non-mercury HAP metal emissions are expected to reduce exposure to carcinogens such as nickel, arsenic, and hexavalent chromium, for residents living in the vicinity of these facilities.

### Stronger Limits on Water Pollution from Power Plants

EPA is strengthening wastewater discharge standards that apply to coal-fired power plants, finalizing a rule that follows the latest science and applies EPA’s longstanding authority under the Clean Water Act to reduce discharges of toxic metals and other pollutants from these power plants into lakes, streams, and other waterbodies. When implemented, this action will annually prevent more than 660 million pounds of pollution per year from being discharged to our nation’s waters—protecting freshwater resources that provide sources of drinking water for communities, support economic development, enhance outdoor recreation, and sustain vibrant ecosystems.

Power plants that burn coal to create electricity use large volumes of water. When this water is returned to lakes, streams, and other waterbodies it can carry pollutants, including mercury, arsenic, selenium, nickel, bromide, chloride, and iodide, and nutrient pollution. Exposure to these pollutants can harm people and ecosystems by contaminating drinking water sources, recreational waters, and aquatic life.

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EPA's final rule establishes technology-based discharge standards—known as Effluent Limitation Guidelines (ELGs)—that will apply to four types of wastewater:

- Flue gas desulfurization wastewater
- Bottom ash transport water
- Combustion residual leachate
- “Legacy wastewater” that is stored in surface impoundments (for example, coal ash ponds)

The agency's final rule includes implementation flexibilities for power plants. For example, the final rule creates a new compliance path for electricity generating units that permanently stop burning coal by 2034. These units will be able to continue meeting existing requirements instead of the requirements contained in this final regulation. In a separate action finalized last year, EPA updated but maintained an existing provision allowing units to comply with less stringent standards if they will permanently stop burning coal by 2028.

Following rigorous analysis, EPA has determined that this final rule will have minimal effects on electricity prices. EPA's analysis shows that the final rule will provide billions of dollars in health and environmental benefits each year. These water quality, health, and environmental improvements will benefit environmental justice communities that are disproportionately affected by pollution from coal-fired power plants.

### **Latest Action to Protect Communities from Coal Ash Contamination**

Under the Resource Conservation and Recovery Act, EPA is finalizing a rule to protect communities and hold polluters accountable for controlling and cleaning up the contamination created by the disposal of coal combustion residuals (CCR or coal ash), which can cause serious public health risks. The agency is finalizing regulations that require the safe management of coal ash at inactive surface impoundments at inactive power plants and historical coal ash disposal areas.

Coal ash is a byproduct of burning coal in power plants that, without proper management, can pollute

waterways, groundwater, drinking water, and the air. Coal ash contains contaminants like mercury, cadmium, chromium, and arsenic which are associated with cancer and various other serious health effects. EPA's final rule expands protections for the communities and ecosystems near active and inactive coal burning power plants, ensuring that groundwater contamination, surface water contamination, fugitive dust, floods and impoundment overflows, and threats to wildlife are all addressed.

Inactive coal ash surface impoundments at inactive facilities, referred to as “legacy CCR surface impoundments,” are more likely to be unlined and unmonitored, making them more prone to leaks and structural problems than units at facilities that are currently in service. To address these concerns, EPA established safeguards for legacy coal ash surface impoundments that largely mirror those for inactive impoundments at active facilities, including requiring the proper closure of the impoundments and remediating coal ash contamination in groundwater. EPA analysis shows the final rule will reduce existing disproportionate and adverse effects on communities with environmental justice concerns.

In addition, through implementation of the 2015 CCR rule, EPA found “historic” disposal units that are leaking and contaminating groundwater at currently regulated power plants, but which were exempt under the original 2015 regulations. These are areas where coal ash was placed directly on the land, such as coal ash in surface impoundments and landfills that closed prior to the effective date of the 2015 CCR Rule and inactive CCR landfills. This final rule extends a subset of EPA's existing CCR requirements to these historic disposal units that will ensure any contamination from these areas is remediated, and will prevent further contamination. These requirements will apply to all active CCR facilities and inactive facilities with legacy CCR surface impoundments.

EPA does not expect this rule to affect the current operations of power plants, and therefore anticipates no impacts to electricity generation or grid reliability. This rule reflects the Administration's commitment to reduce pollution from the power sector while providing long-term regulatory certainty and operational flexibility.



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# Earth Day Pledge

**I pledge to make everyday earth day  
by doing the following:**



**I promise to do my part to take care of the earth by  
picking up litter when I see it.**



**I promise to reduce, reuse, and recycle.**



**I promise to help care for growing things like trees and  
flowers.**



**I promise to encourage my family members, friends,  
and co-workers to learn about ways to get involved  
and to take action by taking care of our community!**



**KEEP FORT BELKNAP  
BEAUTIFUL**

Fort Belknap Environmental Protection Department