

Understanding Developing and Utilizing ETEPs

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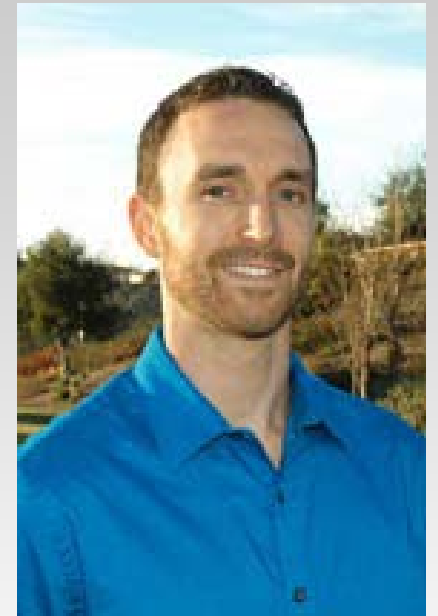
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Please sign in



Presenter Introduction

Joshua M. Simmons



➤ **Founding President of Prosper Sustainably**

- Assist individuals, organizations, and tribes develop and implement lasting solutions to meet environmental and sustainability needs
 - ETEP Development, Strategic Planning, Grant Writing, Program Development
 - Project Management, Environmental Codes Drafting, Feasibility Studies, Plans

➤ **Former SYCEO Director (2007 – 2014)**

- Transformed the Santa Ynez Chumash Environmental Office (SYCEO) into a nation leading tribal environmental agency
- Secured 42 grants for \$4.3 million in funding

➤ **Training Instructor – ETEPs, Grants Writing, Codes**

- Instructed on behalf of ITEP, ITCA, OVIWC, etc.



ETEP Experience

➤ ETEP Consulting Projects

- Rincon Band of Luiseño Indians
- Pala Band of Mission Indians
- La Jolla Band of Luiseño Indians
- Buena Vista Rancheria

➤ ETEP Trainings

- 2014 Tribal-EPA Annual Conference Session
- ETEP Training Webinar
- OVIWC Full Day Workshop
- ITCA Half Day Workshop
- Understanding Your ETEP Rights Webinar
- **2015 Tribal-EPA Annual Conference Session**

Session Agenda

- **Introduction to an EPA-Tribal Environmental Plan (ETEP)**
 - What is an ETEP? What is its purpose? What are its benefits?
- **ETEP Components, Elements, Requirements, and Format**
- **ETEP Goals, Functions, and Benefits**
- **Steps for Developing an ETEP / La Jolla Case Study**
 - Sample Templates
 - ETEP Strategic Work Plan Example

Session Objectives

- **Understand ETEP (purpose, requirements, benefits)**
- **Develop capability to prepare a high quality ETEP**
- **Maximize ETEP development & implementation processes**

ETEP Background & Context

- **OIG Audit determinations (2008):**
 - Tribes don't have plans w/ goals for building environmental capacity
 - Where tribes have plans, progress toward meeting goals not tracked
 - Unclear how GAP is helping tribes meet environmental program goals
 - No framework had been provided by the EPA to develop goals and track progress
- **GAP Guidance developed by EPA headquarters (May 2013)**
 - Provides ETEP purpose, goals, and requirements
- **ETEPs being developed and implemented by Regions and Tribes**
 - EPA HQ (AIEO) to provide ETEP technical assistance to regions
 - **Tribes and Regions going through challenge of understanding ETEPs**

What is an ETEP?

2013 GAP Guidance

- **EPA-Tribal Environmental Plan (ETEP)**
- **ETEP Purpose and Goals**
 - Define mutual roles and responsibilities for program implementation
 - Establish a joint EPA-tribal planning process to address tribal environmental priorities and ensure federal programs are fully implemented
 - Identify tribal plans to manage authorized environmental programs
 - Identify need for environmental programs assistance and resources
 - Establish intermediate and long-term goals
 - Track GAP progress against long-term goals
 - Ensure linkage of GAP work plan tasks to long-term goals

Purpose of an ETEP

2013 GAP Guidance

- Improve alignment of GAP work plan activities with long-term goals and priorities
- Better position tribes and EPA to effectively build environmental program capacity through GAP
- Streamlined approach for a long-term planning tool that can be modified as needed
- Intended to be living, usable documents for both tribes and EPA as environmental partners to use in planning and guiding work
- ETEP = Strategic Planning Documents **(Strategic Work Plan)**

ETEP Functions & Benefits

- **Powerful strategic planning & management system for all staff**
 - Manage and implement all programs more efficiently and effectively
 - Keeps all major Environmental Dept activities in easy view at all times
- **Set Goals; Create and Maintain Alignment of Efforts w/ Goals**
- **Be proactive rather than reactive with issues and opportunities**
 - Avoid chasing funding opportunities that don't meet your highest needs
 - Evaluate issues, opportunities, and activities in proper context
- **Develop grant and program work plans using ETEP**
- **Protection against setbacks due to turnover**
 - Helps to retain staff and easier transition when staff goes
- **Utilize as a communications tool to gain support**
 - Leadership, staff, partners, stakeholders, etc.



ETEP Requirements / Format

2013 GAP Guidance

➤ Four (4) Required Components:

1. Identification of tribal environmental program priorities, including capacity building and program implementation goals
2. Identification of EPA program priorities and management requirements
3. Inventory of regulated entities
4. Identification of mutual roles and responsibilities

➤ ETEP development and format options are flexible

- Must address four (4) required components
- Length, level of detail, and format will vary
 - “Maximum flexibility is provided as to how the ETEPs are developed”

➤ Timeframe

- No more than 5 year timeframe is recommended by EPA
 - 4 year ETEP may be best to align with GAP funding cycles
 - May want to develop a living and continuous 4 year plan

➤ ETEPs to be jointly reviewed at least annually and updated as needed

- Jointly reviewed by tribe and EPA (don't wait for EPA)



#1 - Tribal Program Priorities

MAIN ELEMENTS REQUIRED:

1. Short description of priority
 - **Recommendation: Use program areas as priorities**
2. Tribe's long-term environmental program goals
 - That address or support priority / **priority program area**
 - GAP Work Plans must be aligned with ETEP-long-term goals
3. Intermediate program development milestones / **objectives**
 - To be accomplished with ETEP timeframe
4. Tribe's plans to manage authorized environmental programs
 - **This means plans to assume authority(ies) to manage EPA regulatory programs**
 - E.g. CAA or CWA TAS (each authority must be officially approved by the EPA)
5. Needed Assistance to achieve goals and milestones/objectives
 - E.g. training, technical assistance, EPA direct implementation actions, financial, etc.

Plans to Manage Authorized Environmental Programs

OPTIONS (in general)

➤ EPA Direct Implementation

- EPA retains responsibility for administering federal environmental laws
- Tribal participation is optional
 - E.g. participate in consultations, review and comment on actions (such as permit applications), participate in EPA inspections, community education & outreach

➤ Delegation

- Tribe assumes EPA authority to administer federal environmental laws
 - Subject to EPA approval
 - Delegation requirements may be similar to TAS requirements

➤ Tribal Direct Implementation (TAS authority)

- Tribe assumes direct authority to administer federal environmental laws
 - Subject to EPA approval

***To learn more about these in the context of CAA NSR, see:**

<http://www.epa.gov/air/tribal/tribalnsrmanual.html>



Plans to Manage Authorized Environmental Programs

Which Environmental Programs? What authorities can be assumed/managed?

- CAA ➤ AAQS, Designations, FIPS, Permitting (major, minor), etc.
- CWA ➤ WQS, 401 Certification, Permitting (NPDES, dredge & fill), etc.
- CERCLA ➤ Emergency Response, Site Remediation, Inspections, etc.
- EPCRA ➤ Emergency Planning, Inspections, Compliance Assistance, etc.
- FIFRA ➤ Certification Program, Inspections, Compliance Assistance, etc.
- RCRA ➤ Inspections, Compliance, (USTs, solid waste facilities) etc.
- SDWA ➤ Monitoring, Compliance Assistance (drinking water, UICs), etc.
- TSCA ➤ Inspections, Compliance Assistance (lead, asbestos), etc.

*This list is limited **Many of these are TAS authorities

Recommendation: discuss options with EPA Project Officer(s)



#1 - Tribal Programs & Priorities

- Discuss with EPA regional office staff to identify:
 1. Connections between priorities and implementation of the federal environmental programs, and
 2. Potential EPA assistance that could be provided to help the tribe
- Can include non-federal environmental/EPA programs in ETEP
- EPA should review and provide feedback on where they can and cannot provide assistance
 - **RECOMMENDATION:** Ask the EPA to identify which goals and objectives are GAP eligible (or eligible for other EPA funding)

#2 - EPA Program Priorities

- EPA will review and document tribal status, intentions, and activities with respect to federal environmental programs
- Federal Statutory Programs are EPA's responsibility by default
 - If a tribe has not assumed the responsibility to manage the program
 - CAA, CWA, CERCLA, EPCRA, FIFRA, RCRA, SDWA, TSCA
- Reviewing(?) program implementation activities, including:
 - “Permitting, compliance assurance and enforcement, developing inventories of regulated entities, issuing identification numbers for regulated entities, issuing certifications, and other activities.”
 - Will the ETEP define what the EPA will be doing to fulfill these responsibilities?
- To be done by Regions in coordination with tribes and EPA HQs
 - Request EPA Headquarters involvement and support as needed

#3 - Inventories of Regulated Entities

- **EPA** will provide a list of known regulated entities to Tribe
 - Regulated under Federal Environmental Statutory Program
 - Can look up facilities using Facility Registry System: www.epa.gov/enviro/html/fii/index.html
 - Can enter as objective in ETEP as EPA responsibility
- Tribe will update with additional regulated entities
 - Can enter as objective in ETEP as tribal responsibility
- Tribes may want to have a broader inventory
 - That goes beyond Federal Environmental Statutory Regulations
 - E.g. Septic tanks, individual household wells, off-reservation facilities
- Inventory should be update as appropriate
 - Operating Status Changes, New Facilities, etc.
- Presence of regulated entities determines which federal environmental statutes are applicable

#4 - Mutual Roles & Responsibilities

- Define activities to be conducted by tribe and EPA, including:
 - What tribe will do to support EPA direct implementation of federal environmental programs
 - What EPA will do to support tribal program development and implementation
 - EPA to determine
 - What tribes will do to either:
 - Apply for program approval/delegation, and/or
 - Build capacities to partner with EPA to implement applicable federal programs
 - Determine through discussion between EPA and tribal staff
 - Once these activities are determined, add as objective(s) into ETEP
- Include Env Program capacity indicators to be established
 - Plus a general time line for establishing each capacity indicator
 - Add Capacity Indicators (CIs) as objectives; Can include CI#s from Guidance
- Include role for each objective/milestone in the ETEP

Additional ETEP Requirements

- **Completion Dates for tribal and EPA activities**
 - To allow progress to be measured
- **Annual work plan joint evaluation to include EPA's activities**
- **Alignment of GAP work plans w/ ETEP program priorities and mutual roles and responsibilities**
- **Living document to be actively used by Tribe and EPA**
 - Revise as conditions change (e.g. staff turnover, changed tribal priorities, etc.)
- **Support of senior officials of tribe and EPA**

Authorizing an ETEP

- “The ETEP should have the support of senior officials in both EPA and the tribal government, as they will be used to help prioritize the work that is funded under GAP and the work that EPA is conducting in the tribal area.”
- Concerns:
 - May need a Tribal Council resolution (can be difficult to obtain)
 - This is not required by the GAP Guidance
 - Senior officials vary from tribe to tribe
 - ❖ Determine who is authorized to provide this support
 - Signed document means a commitment to complete specific milestones
 - Recommend focusing commitment on joint planning process rather than the plan
 - Signed document produces a static, inflexible ETEP
 - GAP Guidance requires “support,” not commitment

Before Preparing an ETEP

- **Consider completing an Environmental Needs Assessment**
 - This overlaps the ETEP development process
- **Gather information and data on environmental issues**
- **Analyze information/data to identify issues, needs, priorities**
 - Include the need to gather additional information
- **Prepare Environmental Needs Assessment Report**
 - Summarize information findings and analysis

Steps for Developing an ETEP

1. Identify and Select Priority Program Areas (PPA)

- **Optional: Include all program areas, goals, and objectives for your department (including non-environmental)**
 - E.g. THPO, Emergency Planning, Landscaping, Land Use, etc.

Steps for Developing an ETEP

1. Identify and Select Priority Program Areas (PPA)
2. Identify and Select Long-Term Goals
 - For each Priority Program Area (separately)
 - GAP Work Plans must be aligned with ETEP-long-term goals
 - GAP Work Plan progress will be measured in terms of ETEP goals
 - **Recommendation: Develop broad/general, high-level goals**

Steps for Developing an ETEP

1. Identify and Select Priority Program Areas (PPA)
2. Identify and Select Long-Term Goals
3. Identify and Select Intermediate Objectives/Milestone
 - For each Priority Program Area (separately)
 - These must be in alignment with the long-term goals for that PPA

Goals v. Objectives

Long-Term Goals v. Intermediate Objectives/Milestones

- **Goals – A Significant Aim or Desired Result**
 - **General and ambitious, but more specific than a mission or vision**
 - Goals should relate to a department/organization's mission and vision
 - **Don't have to be achievable within strategic plan timeframe**
 - **Overall v. Program Area Specific**
 - Overall goal – eliminate/reduce environmental impacts
 - Program area goal – eliminate/reduce water pollution
- **Objectives – What Must be Done to Achieve a Goal (progress)**
 - **Major Steps / Activities (or sub-goals)**
 - A series of smaller steps/activities/tasks may be required to achieve an objective
 - **SMART – Specific, Measureable, Achievable, Relevant, Time-based**
 - Developed and organized by program area
 - **E.g. Prepare a resources management plan; Complete restoration; etc.**

Sources of Priority Program Areas, Goals, and Objectives

➤ Research and Scoping (for Steps 1-3)

- Gather, review, and extract information from relevant internal documents, including (but not limited to):
 - TEPs, TEAs, Environmental Inventories, Strategic Plans, Policies
 - Grant Narratives, Work Plans, Budgets, and Reports (past, current, future)
 - ❖ Including recent (or relevant) unsuccessful grant proposals
 - Program Narratives, Work Plans, Budgets, and Reports (past, current, future)
 - Plans, Assessments, Feasibility Studies, Surveys, and related reports
 - ❖ Can include plans from other departments where there is overlap with Env Dept
 - Environmental Codes, Regulations, Resolutions, and Compliance Documents
 - General Tribal Strategy and Land Use documents
 - Interviews and discussion with staff, leaders, and other internal stakeholders
 - **Review and record internal staff knowledge**

Sources of Priority Program Areas, Goals, and Objectives

- **Research and Scoping (for Steps 1-3) continued...**
 - **Gather, review, and extract information from relevant external documents, including (but not limited to):**
 - **May 2013 GAP Guidance – focusing on Capacity Indicators**
 - ❖ **Record relevant capacity indicators number**
 - **Environmental Grant Funding Announcements**
 - **Environmental Agency Guidance Documents**
 - **Interviews and discussion with agency representatives, external stakeholders, etc.**
 - **Prosper Sustainably knowledge base (from past projects, experience, and ideas)**

GAP Guidance Capacity Indicators

Appendix I

- Valuable source of potential priority program areas & objectives
- GAP Program Areas → ETEP Priority Program Areas
 - Example: E. Solid Waste, Hazardous Waste, and USTs
 - This can be split into multiple, separate program areas
- GAP Capacity Indicators → ETEP Objectives/Milestones
 - Example: C.3.10 Tribe has completed an indoor air quality (IAQ) assessment and report → Complete an IAQ assessment and report of...
 - **Record Capacity Indicator numbers for objectives wherever applicable**

Steps for Developing an ETEP

1. Identify and Select Priority Program Areas (PPA)
2. Identify and Select Long-Term Goals
3. Identify and Select Intermediate Objectives/Milestone
4. Prepare ETEP Framework
 - **Mandatory Elements for Initial ETEP Draft:**
 - Short description of priority **program area**
 - Long-term program area goals
 - Intermediate milestones/**objectives**
 - Completion dates for activities (**milestones/objectives**)
 - Identification of roles and responsibilities
 - Plans to Manage Federal Environmental Programs
 - Indicators of Capacity
 - **Other Mandatory Elements (to be added later)**
 - EPA Program Priorities and Management Requirements
 - Inventory of Regulated Entities
 - Support of Tribal and EPA Senior Officials

Steps for Developing an ETEP

1. Identify and Select Priority Program Areas (PPA)
2. Identify and Select Long-Term Goals
3. Identify and Select Intermediate Objectives/Milestone
4. Prepare ETEP Framework
5. Prepare Initial Draft of ETEP Strategic Work Plan

Steps for Developing an ETEP

1. Identify and Select Priority Program Areas (PPA)
2. Identify and Select Long-Term Goals
3. Identify and Select Intermediate Objectives/Milestone
4. Prepare ETEP Framework
5. Prepare Initial Draft of ETEP Strategic Work Plan
6. Finalize & Add Inventory of Regulated Entities
7. Obtain Support of Senior Tribal & EPA Officials

ETEP Templates

- ETEP development and format options are flexible
 - Length, level of detail, and format will vary
 - Must address four (4) required components
- Maximum flexibility provided in how the ETEPs are developed
- Prosper's templates are an option, but not the only way
 - Templates are completely customizable
 - Templates are constantly improved (based on tribal & EPA feedback)
- Template #1 – ETEP Spreadsheet (preferred)
- Template #2 – ETEP Document

ETEP Requirements / Format

2013 GAP Guidance

➤ Four (4) Required Components:

1. Identification of tribal environmental program priorities, including capacity building and program implementation goals
 - Short description of priority
 - Tribe's long-term environmental program goals
 - GAP Work Plans must be aligned with ETEP-long-term goals
 - Intermediate program development milestones / objectives
 - Tribe's plans to manage authorized environmental programs
 - Needed Assistance to achieve goals and milestones/objectives
2. Identification of EPA program priorities and management requirements (**determined by EPA**)
3. Inventory of regulated entities (**initially provided by EPA**)
4. Identification of mutual roles and responsibilities

ETEP Format – A Living Tool

- “ETEPs are intended to be living, usable documents for both tribes and EPA as environmental partners to use in planning and guiding our work”
- “The ETEP should be a living document that is actively used as a management tool by both EPA and the tribe to ensure work is being done in support of agreed upon priorities and that progress is being made over time”
- “EPA has developed this streamlined approach for a long-term planning tool that can be modified as needed”
- “Capacity development indicators and completion dates should be revised as appropriate when a tribe’s needs and priorities change”

ETEP Format – Maximum Flexibility

- “The specific format and approach to developing ETEPs may vary from tribe to tribe and region to region”
- “Maximum flexibility is provided as to how the ETEPs are developed”
- “FOR EXAMPLE,”
 - a tribe and region may decide to develop a streamlined document that succinctly addresses the four components of an ETEP
 - TEAs may be developed, or modified if necessary, to ensure the four components are addressed
 - “tribes and regions may update existing documents...to ensure they address the four ETEP components, and memorialize in a written memo or through specific correspondence, the shared understanding of how those documents comprise the ETEP”
 - (examples of some existing documents include Tribal Environmental Plans, Tribal Environmental Agreements (TEAs), Tribal Strategic Environmental Plans, etc.)”
- **Concerns? → Involve GAP Program Manager, EPA Headquarters**

Thank You! Questions?

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Ongoing Capacity Building

- Concern – GAP (mainly) funds capacity building. If capacity is built (the purpose of an ETEP), tribes will lose GAP funding
- “Capacity Development is a Continuing Programmatic Need”
 - “Developing, establishing, and maintaining environmental program capacities is an on-going effort requiring capacities to evolve as the tribal environmental program itself expands and undertakes additional challenges.”
 - “EPA also recognizes that GAP resources provide a significant foundation for maintaining tribal environmental program capacities over time.”
 - “Tribes that have successfully developed capacity in a given area can continue to receive GAP funding to expand, enhance, or evolve their capacity.”
 - “GAP Guidance establishes...ETEPs...to document the tribe’s program development goals...Tribes should reevaluate their program capacity development goals on a regular basis to ensure that their systems, procedures, and policies are still appropriate...and to determine if additional capacities are needed...”

Examples of Evolving Capacity

➤ GAP Guidance Examples

- “A tribe with a community education program may continue to receive GAP funds to expand the program by adding new features, such as outreach strategies for vulnerable groups (i.e., children, the elderly, people in poor health, and expectant mothers) or identifying new media outlets to reach target audiences.”
- “A tribe with basic water program capacity may continue to receive GAP funds to expand their water program by adding new baseline data to their existing program, developing additional laboratory analysis quality assurance plans, or adding capacity to share additional water quality data across multiple data platforms.”

Examples of Evolving Capacity

- **Prosper Sustainably Example – Waste Management E&O**
 - 2016 – Develop and test E&O focused on composting
 - 2017 – Develop and test E&O focused on illegal dumping
 - 2018 – Develop and test E&O focused on source reduction
 - 2019 – Develop and test E&O focused on recycling
 - 2020 – Develop and test E&O focused on HHW
- **Waste Mgmt E&O is outdated after 5 years and must be updated**
 - 2021 – Develop and test E&O focused on composting
 - 2022 – Develop and test E&O focused on illegal dumping
 - 2023 – Develop and test E&O focused on source reduction
 -