



# Identification and Initial Assessment of Mobile METH Labs On Tribal Lands

**March 10-11, 2009**  
**Quinault Beach Resort**  
**Ocean Shores, WA**

Be sure to mention TSWAN when making  
RESERVATIONS to receive our room rate.

Call 360-289-9466 by Feb. 27th!



The Tribal Solid Waste Advisory Network (TSWAN) and the University of Washington Department of Environmental and Occupational Health Sciences will be presenting a Mobile Meth Lab ID training with mock scenes by a recognized expert and former Washington State Patrol Drug Task Force member.

This training includes 8 hours of classroom instruction in lab types, hazards, chemicals, and toxicology. Day 2 of the training includes mock meth labs that take the classroom into the real world.

**Class is limited to 25 attendees so do not wait to register!**

The TSWAN Spring meeting will be held March 12-13, 2009 following the training. TSWAN Members planning to attend BOTH the Meth Training AND the TSWAN meeting please contact: Kami Snowden, [ksnowden@tswan.org](mailto:ksnowden@tswan.org), 509-235-6007; FAX 509-235-2105. Or, contact [ewelk@tswan.org](mailto:ewelk@tswan.org), 509-701-0772.

FAX or Email Registration to TSWAN by February 20th!

Name: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Email: \_\_\_\_\_

**TSWAN Meeting Minutes**  
**December 4, 2008**  
**Lacey, WA**

**ATTENDANCE:** Glen Connelly, *Chehalis Tribe*; Bill Denton, *Coeur d'Alene Tribe*; Danny Joe Stensgar, Don Hurst, *Colville Confederated Tribes*; Lewis Younger, *Confederated Tribes of the Grand Ronde*; Don Hudson, *Kalispel Tribe*; Hans Apokedak, *Levelock Village*; Steve Pendleton, Marge Sawyer, *Makah Tribe*; Heidi Shepard, *Eklutna Village*; Ron Wassillie, *Newhalen Tribal Council*; Karl Braden, *Quinault Indian Nation*; Dennis Lancaster, *Siletz Tribe*; Cindy Spiry, *Snoqualmie Tribe*; David Ernst, *Spokane Tribe*; Bonnie Burke, *Umatilla Tribe*; Derald Ortloff, Loretta Zammarchi, *Yakama Nation*; Kami Snowden, Anne Bailey, Elaine Welk, TSWAN.

**Absent Tribes:** AVCP; *Cheesh-Na*; *Chignik*; *Kootenai Tribe*; *Larson Bay*; *Muckleshoot*; *Nez Perce*; *Nunakuyarmiut*; *Old Harbor Village*; *Port Lions*; *Shoshone-Bannock*; *Sun'aq*; *Tulalip*; and *Warm Spring*.

**Guests in Attendance:** Cindy Marchand, Virgil Seymour, Miguel Perez, *Colville Tribe*; Vince Cooke, *Makah Tribe*; Adam Osbekoff, *Snoqualmie Tribe*; Kristin Hall, Melissa Winters, Jack Boller, and Wenona Wilson, *USEPA*; Mike Willis and Steven Hecker of the *University of Washington*; Gene Eckhardt, *WUTC*; Megan Becby, *WSDOT*; Janine Bogeir, Kara Steward, Laurie Davies, *DOE*; Lawrence Hawk, *Trellis Earth Products*.

Kami Snowden of TSWAN welcomed the members present and the representatives who were in attendance from Washington State Agencies and Federal Agencies including EPA, WUTC, WSDOT and DOE. She explained the purpose of this meeting is to open a line of communications with the agencies and the tribes per the Washington State Governor's Centennial Accord.

The floor was opened to general presentation and discussion of issues by the tribes with the idea of more in-depth questions and answers afterward.

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Derald Ortloff of the Yakama Nation posed the question to EPA and DOE to please explain a) why the tribes have, to date, been excluded from SWAC and; b) also excluded from funding that is awarded to the County. The question arises as the Yakama Nation is used in the count for land and population base, in fact accounts for over half of the county land area, and contributes a sizeable amount of the population base, yet they receive no financial consideration when the county is awarded state grants. Although these tribal numbers are included in the counties numbers for payment qualifications, the tribes are excluded from receiving any of the funds.

Loretta Zammarchi from the Yakama Nation asked the 'formula' used for county grants CLCP = population and CLCP = land area? She noted that the RCWs requires funds to be

used “efficiently and effectively” and questions how this can be done when tribes are left out of the process.

Steve Pendleton of the Makah Tribe said they also had some questions for the EPA, including:

- How to qualify for “special funding” EPA refers to as “innovative grants.”
- How to have more interaction from the ‘Tribal Liaisons.’ The Makah would like to close their landfill as they have been ordered to do and they have done all they can do with pieced together funding, but they need to get into funding that will really make the close of the landfill possible.

The Colville Tribe, covering more than one county, stated they have one representative on one county SWAC, and that seat included voting rights. However, the Colville Tribal representative in an adjoining county has no vote. It was pointed out that there seems to be a lack of tribal representation on many of the county SWAC s state wide. Also, there seems to be no effort to notify tribes of upcoming SWAC meetings.

Kami Snowden asked DOE representatives if there wasn’t a legal obligation to notify tribes of grant opportunities; e.g., CPG Funds. At present, they are not receiving that notification.

Steven Pendleton of the Makah Tribe said that because CPG funds require “matching funds,” it is just too difficult for the most tribes to qualify. He also said that although the Makah landfill was mandated to be close in 1997, the ‘mandate’ came without funding. It is also an hour and a half to a county facility that the Makah may use, but the cost of transportation and fees is a problem.

After the general round table discussion of these issues, items were outlined as follows for follow up:

1. Why are tribes not included in SWAC voting? This would include State SWAC.
2. Tribes need to know more about funding for projects under Special Programs/ Innovative Grants.
3. Who are the Tribal Liaisons in each department? Why are they not present at this meeting specifically for tribes?
4. County Communications: Tribes would like to be notified of meetings or available grants. Is there county responsibility to tribes when a) crossing county boundaries; b) tribes not notified of grant opportunities; c) grant distribution formulas – per capita \$ whenever counties clearly use reservation population and land area?
5. Why are tribes excluded from CPG?
6. PPG - Tribes ARE eligible for education/recycling.

Question on long haul issues regarding the transportation and disposal of tribal solid waste streams was directed to the DOT and WUTC. Gene Eckerd of the WUTC gave an explanation of the way in which rates are set by the utilities commission. He explained that these rates only affect limited jurisdictions, and that reservations and tribes are not included

in the WUTC area of control. He explained how specific the jurisdictions were and how this tied the hands of the WUTC in this matter.

Kristin Hall of EPA Region 10 said they would like to take a role wherever possible in facilitating a resolution to some of these issues. Winona Wilson also said that EPA is revising the consultation process and seeking input from the tribes for this.

Kami Snowden provided the group with an overview of the history of TSWAN and its purpose in bringing tribes together and sharing information on solid waste planning and issues.

After the period of general issues and questions presented by the various tribes present, Miguel Perez, lobbyist for the Colville Confederated Tribes, suggested that the issues being brought up could not be resolved at this level. At present, state legislative statute treats tribes as “municipalities” rather than the “sovereign nations” status given them by the Federal Government. He recommended the tribes partner with the states in intergovernmental relationships, and the tribe’s involvement in state funding needs to be required. He proposed a State/Tribal work session to better leverage tribal nation’s government status. It was suggested that this issue could be leveraged through ATNI – NCAI.

Loretta Zammarchi of the Yakama Nation said tribes would like agencies to present:

- I. Participation and Transparency
- II. Funding
- III. Accountability

She also noted that since RCWs require funds to be used “efficiently and effectively” she felt this could only be achieved whenever tribes are included in the process.

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Agencies attempted to answer as many questions and issues as they could to tribes present.

Laurie Davies with the Department of Ecology said that counties have the lead on SWAC/ Utilities and the DOE does not dictate how the counties set this up. Some counties have tribal representation and some do not. At present, Ferry County has no viable SWAC. She said she will take this issue back to Jim Wavada, Tribal Liaison, as an action item, since the RCW states SWAC must represent a “balance of interests” and there is apparently no true balance at present.

The Yakama Nation said they cannot get their county SWAC to give them a “intergovernmental agreement” which gives them adequate representation. They have been working on this to no avail for some time.

Davies said since this is different from county to county in each of the 39 counties, they are trying to get good, working SWACs in each county. This led to questions about why DOE guide lines are not being followed and how this can be resolved. DOE has to work through County Commissioners. DOE CAN provide: 1) financial assistance; 2) technical assistance for plans,

but not approval for plans; 3) and can appeal permits. DOE CANNOT override county commissioner authority. In some cases, they CAN withhold funding.

This issue should be elevated to a State Legislative level, with suggestions that it be taken to Tom Laurie, Tribal Liaison, as part of a Government to Government issue. Included in topic: State SWAC to have tribal representation; County SWACs to include tribal representation; Regional DOE offices to take on this SWAC issue.

WSDOT representative, Megan Beeby was new to the DOT and didn't know about tribal issues. She talked briefly about the Adopt-a-Highway program. Tribes were concerned over who would put up the signs for the program and who would haul the refuse from such a program? Beeby left brochures on that topic before leaving for other commitments.

Gene Eckhardt of the WUTC discussed how the WUTC regulates the collection of solid waste by privately held companies only. They do not regulate tribes or private haulers on reservations. For disposal issues, they have no regulations because that is covered by local governments. When waste is hauled off reservations for disposal, tribes must comply with state and federal rules and laws. DOT would have these regulations. Rates are not set by WUTC; rather, rates are set by county decision makers or private firms if sites are privately owned (Title 81, Chapter 77). WUTC does set rates for collection hauling. WUTC gives private haulers 1) authority as to who can collect waste; 2) authority how it can be collected. The WUTC cannot issue new licenses unless: 1) incumbent doesn't care OR 2) does not perform a satisfactory job. They can regulate a private entity as to: reasonable rates & return and have a staff of auditors for different classes and different services.

Eckhardt said Title 35 is for cities and they can 1) negotiate private disposal; or, 2) enter franchise agreement for 7 or more years.

Title 36 is for counties and is more limited. They can litigate "flow control." Regarding the state refuse tax, it is part of the "revolving fund" and the majority of it goes to water programs under the State Public Trust Fund. Only 3% of this fund goes to solid waste.

As we prepared to adjourn for lunch, tribal reps outlined some items for caucus meeting:

Revisit tribes treatment as States.

Tribal representation on State SWAC

TSWAN presence on Centennial Accord in Washington State.

How to access DOE funding for "innovative grants."

How to coordinate Prevention grants with HHSW plans.

Accountability on CPG funding.

How formulas work to include census numbers and area from tribes.

SUMMARY:

1. How to bring tribes to levels of other governmental programs?
2. State & Tribal Governments need new legislative partnership.
3. TSWAN Presence at Centennial Accord meetings.

## LUNCH

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Public Participation Grants – PPG have approximately \$3M in funds. They can be granted to: Any three non-related people; are to be used to provide education on clean-up; or may be used for waste reduction programs.

Information was requested through DOE representatives that TSWAN receive feedback on how the monies spent through DOE are formulated.

Kara Steward of DOE Tire Fund gave an overview of the funding she has available and how she has been able to use it to clean up some of the sizeable tire piles in WA State. She said they did a study in 2005 in which 172 tire piles were identified in this state for clean-up. To date they have been able to clean up 72 of the worst piles, with 100 to go. She said she has some discretion in how the funding gets spent and is always available to discuss possible clean-up sites tribes may have.

Kirstin Hall of EPA talked on how to get into EPA innovative projects funding. Tribes said they need more notification of funds available. They also asked how EPA can hand down mandates without funding. Hall said EPA cannot fund construction projects, and suggested USDA Urban Renewal Program or possibly working through the Department of Defense on some applicable instances. She also said EPA provides training on applying for GAP and other grants. She said the CPG funds go to eligible “local health jurisdictions” and IHS takes the lead with EPA on these grants. The funds are used for permitting and enforcement.

Virgil Seymour of the Colville Confederated Tribes spoke and endorsed TSWAN’s efforts in setting up communications for the tribes with the government agencies. He said the Colville Tribe has written a letter of endorsement to Craig Bill in the Governor’s office and would like to see TSWAN have a role in the Centennial Accord. He said on the Governor’s Office webpage that “Consultation” is defined as “respectful, effectual communications...” and the lack of communication is the primary problem here. Tribal issues must be elevated and communication and consultation with tribes must come before decisions are made. He thanked TSWAN for this opportunity and the Agencies for their attendance.

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Kami Snowden noted that further discussions on resolutions and action items would be continued at the tribal caucus meeting to be held the following morning. The TSWAN meeting moved onto the Tribal updates from member tribes present.

### TRIBAL UPDATES

Bill Denton of the Coeur d’Alene Tribe – reported that they are continuing with the two training grants they won for Household Hazardous Waste and Green Hotel Practices. He noted that Kami Snowden of TSWAN will be helping the educational events.

Dennis Lancaster of the Siletz Tribe – reported that nothing has changed with their programs since our last meeting. Kami Snowden thanked him for his organizations help in putting this program together.

Glen Connelly of the Chehalis Tribe – reported that their tribe has completed convenience stations for the tribal use. He said they have also hired a maintenance manager and a weekend person to oversee these stations. They are working on a budget for a chipper for brush which people deliver to these stations. He said it really builds up and they could benefit from the use of the chips also. He also reports that the tribe is trying to work with two local transfer stations to get permission to take tribal HHZ more often. Kami Snowden suggested if their quantity is under the limitation, they could request a ‘satellite’ pickup site.

Heidi Shepard of the Native Village of Eklutna – reported they are closing out their four year IGAP. They are working on a recycling incentive program with the city of Anchorage. The idea is to provide a coupon or tax incentive to the tribal people. They are working with EPA, modifying the budget to clean up 20 vehicles. Some business owners are helping. Also, a group is developing a Rural Burning Facility across the road from their village and on tribal ground. They can tap into the heat generated by this facility for home heating use, but have no funds to build the infrastructure needed to access this. Loretta Zammarchi of the Yakama suggested they look into Environmental Justice Grants.

David Ernst of the Spokane Tribe – Thanked TSWAN for the nice article in the newsletter. He reported they are looking for containers for their transfer site. That is their last big item and then they will be operable in the spring. Danny Joe Stensgar of the Colville suggested they contact Western Fabrication in Spokane. He also recommended they be sure to put domes on the boxes for bears. David said they are still working on where to haul the garbage.

Don Hurst of the Colville Confederated Tribes – reported their IWMP is in the final phase. They are dealing with some illegal dump sites: 1) a federal site near Grand Coulee Dam; and 2) a tribal site with C & D waste, including asbestos, approximately 1600 C. yards.

Cindy Marchand reported that the recycling program has a one year budget with the use of a modular office and warehouse space. They have purchased a compactor. They have storage in an IPOD.

Danny Joe Stensgar said they are dealing with a 10% budget cut. They have vehicles that are older and need replacing and are considering a lease program. The tribe is working with Keys as consultants on their waste plan. He also reported that he and Cindy had done a recycling presentation for the Tulalip Tribe.

Bonnie Burke of the Umatilla Confederated Tribes – reported that they are working on re-writing their codes for a 2009 deadline. They have a new attorney on board working with them. They are working on some codes for Electronic waste. They would like to be collectors of E-Waste by the time the 2010 deadline which will ban electronic waste streams comes on line. MRM of Portland did a training for them on E-Waste. This included training on how to prepare electronic waste; how much time is involved; what parts are NOT electronic and can be recycled through other means. She is waiting for some answers from

Oregon DEQ. Cindy Marchand of the Colville suggested that Bonnie check with E-Waste, LLC in Lynnwood, WA for further information also. Bonnie reported construction and demolition is underway on the Arrowhead Truck Plaza and Cody's Restaurant. A three story Tribal Services Building will be constructed. D.J. Stensgar offered to help with the D & C codes and suggested Bonnie talk to Pete Palmer with the Colville Tribe. As the TERF manager for the tribe, Bonnie has a goal of landscaping their facility with native plants this next summer. It is a green site and they have many tours and she would like to have the exterior of the facilities reflect the award winning program they have going.

Steve Pendleton of the Makah Tribe – reported the tribe has a USDA-RDA grant still pending. They have a co-mingled recycling offer on the table. They are doing a recycling awareness program. They have a grant pending for further outreach and education. They have a scrap iron recycling project underway with Peninsula Recycling, and receive a 50/50 split on sale. Steve and Vince Cooke have taken a trip to Washington DC to share information on their transfer station. They have requested \$35,000 from Puget Sound Partnership to help with cleanup and closure of some sites. EPA will mediate a meeting with the responsible parties, including the air force, navy, weather bureau and coast guard. They have been invited to the Whidbey Island Navy Base. They are also planning to attend the SWANA workshop in Portland. They are trying to think outside the box with some of the solutions to the problems they face.

Cindy Spiry of the Snoqualmie Tribe – reported the tribal casino is open! Their plan to recycle kitchen canola oil for their vehicles doesn't have enough oil generated yet, but the plan is underway. They are having a staff training on their composting program so employees can be prepared next spring. They will receive the funding for their SWMP this month. Adam Osbekoff is working on a waste stream analysis. Anne Bailey of TSWAN will be helping with this project. Kami Snowden may help with the hotel planning stage.

Loretta Zammarchi of the Yakama Nation – reported that they have finished their second sort in their waste stream project. They will do the final one in January. They are re-writing SW codes with their attorneys. They have kicked off their co-mingled Recycling Bin Project and are working with Yakima Waste Systems. Loretta has sent a letter to Jay Manning of DOE. She also told the group of a composting facilities tour she and Derald Ortloff took of the Silver Springs Organics at Tenino, WA. They say the facility is well worth visiting and quit impressive. It is a way to create an income stream. Tours can be arranged by calling Samantha Howells at 360-446-7645.

Hans Apokedak of Levelock Village – reported that temps have been at -21 at their office and things are a little slow right now. They have shipped out four "toats" of car batteries to Bellingham. They have also closed their burn pit and opened a new one. He has cut out the burn boxes so they can be shoveled out. Their two dumpsters are locked. They haul the garbage twice per week. They are draining the fluids from some vehicles they are preparing to ship out. They will also be shipping out the used oil from their power plants.

Ron Wassillie of the New Halen Tribal Council – reported they have a MOA to manage the Newhalen city dump for three years. They are monitoring three wells. They have a MOA

with the mining company to ship white goods and cars out for recycling. They have also finished insulating the tribal building and installed an oil burner.

Karl Braden of the Quinault Nation – reported that they are working with TSWAN to do a version of the Meth Lab Training which was presented in conjunction with UW and WSP Drug Task Force. This is planned for March preceding a TSWAN quarterly meeting. The Meth Lab Training will contain a “community education” component regarding the mock scenes. Mike Willis, UW says the classroom has been cut to one day, but will still meet the certifications with 8 hours. The mock scenes will be for the classroom benefit and also opened to the community for their training. Anyone interested can contact Kami Snowden at TSWAN.

Don Hudson of the Kalispel Tribe – introduced himself as the new Utilities Manager with the tribe. He reported that the tribe is small and has a simple transfer station and hazardous waste station, all of which is operated by contractors. He said they have two commercial properties, the Northern Quest Casino and the property on the Ponderay River where they have a business park. There is no recycling onsite of the reservation. They also operate a wellness center there.

Lewis Younger of the Grand Ronde Tribe – reported nothing new at this time. They would still like to host a TSWAN meeting in the future.

Kami Snowden reported that Roger Stwyer of the Warm Springs Tribe is still interested in working with TSWAN. They have to get their TSWAN Resolution through the council there in order to remain in the TSWAN membership.

After thanking all of the agency people for their attendance, the TSWAN meeting closed, with plans for the Tribal caucus meeting the following morning.

## **December 5, 2008 TRIBAL CAUCUS**

The meeting was called to order at 9:00 am.

Subsequent to the previous day’s session, and in accordance with a request by the Washington State Department of Ecology, the general membership nominated two representatives to be submitted for seats on the State SWAC to serve as representation of tribal interests. Snowden will contact DOE to provide the names of Danny Joe Stensgar and Steve Pendleton as our recommendation for State SWAC. The group believes these individuals represent a balance of not only tribal interests, but of Eastern Washington and Western Washington.

The remainder of the morning was spent in tribal caucus.

Then next TSWAN meeting is tentatively scheduled for March 13, 14, 2009 in Ocean Shores, WA, hosted by the Quinault Indian Nation. Confirmation and further details will be forthcoming.