

**MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
AND  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
TO IMPROVE OPEN DUMP DATA, SOLID WASTE PROJECTS AND PROGRAMS IN  
INDIAN COUNTRY**

**Whereas**, The U.S. Environmental Protection Agency (EPA) and the Department of Health and Human Services, represented by the Indian Health Service (IHS), are both signatories to the 2013 MOU *Memorandum of Understanding to better coordinate the Federal Government Efforts in Providing Infrastructure and Promoting Sustainable Practices to Support the Provision of Safe Drinking Water and Basic Sanitation in American Indian and Alaska Native Communities* and,

**Whereas**, through this MOU, EPA and IHS agree to reaffirm and clarify their joint roles as they relate to improving open dump data, solid waste projects, and programs in Indian country;

**Now Therefore**, EPA and IHS mutually agree through this MOU to the following:

**I. Focus Areas**

- A. IHS commits to continued review and update of the open dump inventory data included in the Operation and Maintenance Data System (OMDS) with a goal of improving the accuracy and completeness of the data to better characterize the public health and environmental risks of open dumps.
- B. IHS and EPA commit to collaborate on the development and delivery of open dump assessment training for IHS, EPA, and tribal staff to improve the skills of these staff in assessing open dumps and accurately entering data into OMDS.
- C. EPA commits to regular assessments, evaluations and reporting on tribal government solid waste management programs, including effectiveness to reduce open dumping activities in Indian country.
- D. IHS commits to incorporate into the IHS Sanitation Deficiency System the results of EPA-conducted evaluations and assessments of tribal government solid waste management programs to assist with identifying projects that are ready to be funded.
- E. IHS and EPA commit to collaborate on the development and delivery of trainings and other technical assistance that will assist tribes in improving the effectiveness of tribal solid waste management programs.
- F. IHS and EPA commit to continue to encourage tribal governments to take action on cleaning up and closing open dumps through tribally-directed initiatives.

## **II. Authorities**

The EPA is authorized to make grants and provide technical assistance to federally recognized Indian tribes and tribal consortia for developing and implementing sustainable solid waste management programs.

- Resource Conservation and Recovery Act of 1976, (42 U.S.C. 321 *et seq.*), specifically Section 8001
- Indian General Assistance Program Act of 1992, Public Law 102-497, (42 U.S.C. 4368b)
- Indian Lands Open Dump Cleanup Act of 1994, Public Law 103-399, (25 U.S.C. 3901 *et seq.*)

The IHS is authorized to provide a comprehensive primary and preventative health services delivery system for American Indians and Alaska Natives. The Office of Environmental Health and Engineering is the environmental health/engineering component of IHS, and it assists tribal communities in the development/construction of health care facilities and sanitation facilities infrastructure (water, wastewater, solid waste, and technical assistance on operation and maintenance). IHS is authorized to provide American Indian and Alaska Native homes and communities with the necessary sanitation facilities, health care and associated facilities, and related services under the following statutes.

- Snyder Act, 25 U.S.C. 13
- "Transfer Act", 42 U.S.C. 2001 *et seq.*
- Public Law 86-121, 42 U.S.C. 2004a (Section 7 of the Transfer Act)
- Indian Self-Determination and Educational Assistance Act, Public Law 93-638, as amended (25 U.S.C. 450 *et seq.*)
- Indian Health Care Improvement Act, Public Law 94-437, as amended (25 U.S.C. 1601 *et seq.*)
- Indian Lands Open Dump Cleanup Act of 1994, Public Law 103-399, (25 U.S.C. 3901 *et seq.*)

## **III. Limitations**

- A. All commitments made pursuant to this MOU are subject to the availability of appropriated funds and each party's budget authorities and priorities. Nothing in this MOU, in and of itself, requires the parties to commit, obligate, or expend their appropriations.
- B. Any endeavor involving the transfer of funds between the parties to this MOU will be executed in separate agreements between or among the participating parties.

- C. This MOU does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity against any of the parties, their officers or employees, or any other person. This MOU does not direct or apply to any person outside of the named parties.

This Memorandum of Understanding is signed FOR:

/Mathy Stanislaus/

12/22/16

Mathy Stanislaus

Date

Assistant Administrator, Office of Land and Emergency Management  
U.S. Environmental Protection Agency

/Jane Nashida/

12/30/16

Jane Nishida

Date

Principal Deputy Assistant Administrator, Office of International and Tribal Affairs  
U.S. Environmental Protection Agency

/Mary Smith/

JAN 16 2017

Mary Smith

Date

Principal Deputy Director, Indian Health Service  
Department of Health and Human Services