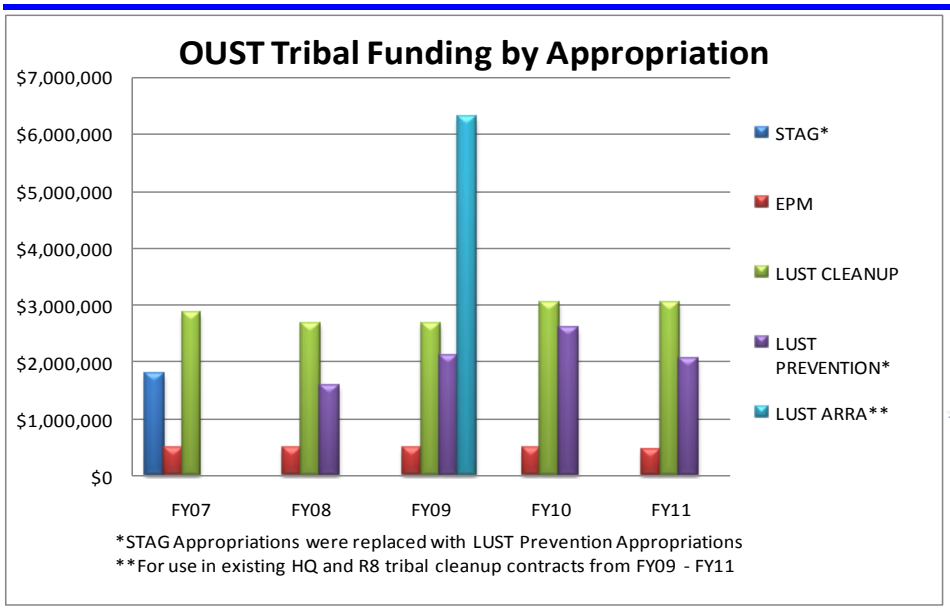
Indian Country Update: Fiscal Year 2011

Tribes and EPA continue to work to prevent releases and improve underground storage tanks (UST) compliance with federal regulations in Indian country by:

- ⇒ Inspecting UST facilities at least once every three years;
- ⇒ Issuing federal credentials to tribal inspectors;
- ⇒ Developing additional compliance-focused assistance agreements with tribes;
- ⇒ Providing training to tribal environmental professionals and facility owners and operators; and
- ⇒ Working to develop regulations to implement the provisions of the 2005 Energy Policy Act.

EPA is responsible for ensuring UST releases in Indian country are cleaned up and actively works with tribes to identify, assess, and ensure UST releases are cleaned up by:

- ⇒ Analyzing the backlog of cleanups yet to be completed;
- ⇒ Conducting searches to identify owners and operators who are potentially responsible for cleaning up UST releases;
- ⇒ Identifying Leaking Underground Storage Tank (LUST) Trust Fund eligible sites;
- ⇒ Using national and regional cleanup contracts;
- ⇒ Providing cleanup grant funding directly to tribes; and
- ⇒ Providing corrective action training to tribes.



EPA provided $2.0 million in FY 2011 for the UST Indian country prevention program.

EPA provided $3.0 million in FY 2011 for LUST cleanups in Indian country.

Grants to Tribes for Prevention and Cleanup

In FY 2011, EPA provided approximately $1.8 million in LUST prevention and LUST cleanup money to 30 tribes, including tribal consortia. The LUST prevention money is used by tribes to develop capacity to help owners and operators prevent releases and mitigate environmental damage when releases do occur. The LUST cleanup money is used by tribes to further their capacity to develop and manage their cleanup programs and reduce the number of remaining cleanups in Indian country.

National Tribal Grant for Compliance Assistance

In April 2009, EPA awarded a $2.0 million, five-year grant to the Inter-Tribal Council of Arizona (ITCA) to provide training in Indian country. ITCA provides compliance assistance training to owners and operators, UST awareness training to tribal government personnel and inspector training to tribal UST employees. In 2011, ITCA conducted 22 training courses and trained 275 people.

Tribal Inspectors Authorized to Conduct Federal UST Inspections

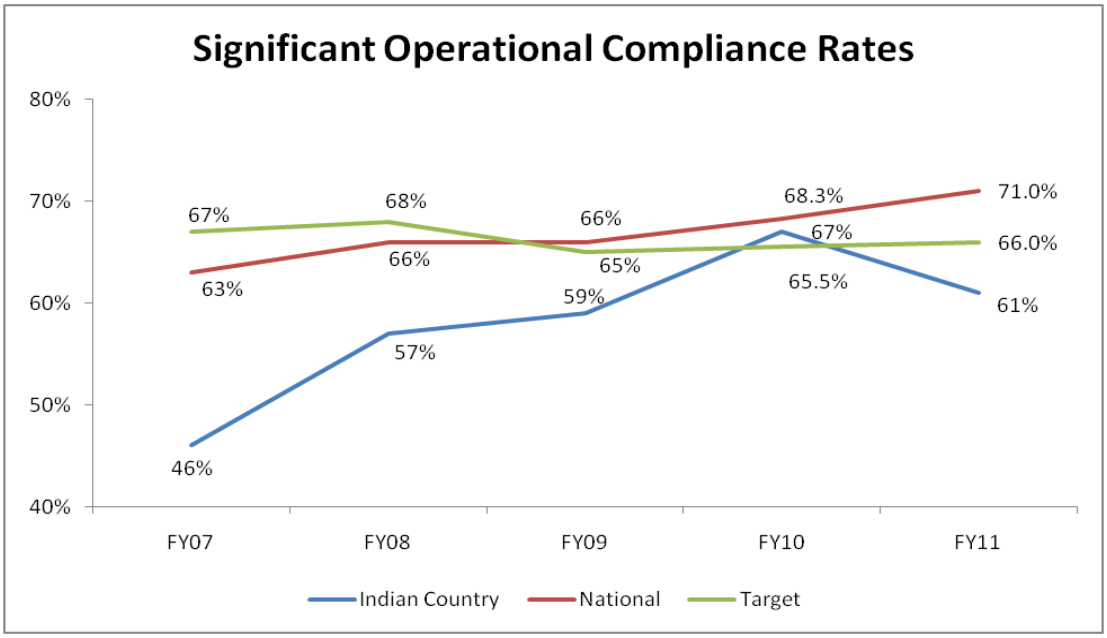
Designating tribal inspectors as authorized representatives of EPA to inspect USTs can help increase the geographic coverage and frequency of inspections in Indian country. Since 2006, when EPA committed to issue federal credentials to tribal inspectors, a total of 11 inspectors have received credentials. Currently only eight inspectors hold credentials due to changes in tribal staff responsibilities and turnover. Having completed 75 inspections, these federally credentialed tribal inspectors contributed significantly to the number of inspections conducted in FY 2011. EPA anticipates at least two additional tribal staff will receive federal credentials in FY 2012.

Number of Tribal Inspectors with Federal Credentials and Number of Inspections Performed

	FY2007	FY2008	FY2009	FY2010	FY2011
Tribal Inspectors	0	2	6	4	8
Tribal Inspections	0	4	85	63	75

Significant Operational Compliance Rates

Significant operational compliance (SOC) is a key element to preventing releases. Having SOC means that a facility has the equipment required by federal regulations and is operated and maintained to prevent and detect releases. Between 2007 and 2011, SOC in Indian country has been on average about 9 percent below the national rate. At the end of FY 2011, the SOC rate for Indian country was 61 percent, which is 5 percent below the national goal of 66 percent and 10 percent below the national SOC rate. SOC rates in Indian country vary from year to year due to the relatively small number of USTs. EPA, in partnership with tribes will continue to identify ways to improve SOC in Indian country.



EPA, in consultation with the Office of Management and Budget, modified the SOC target for FY 2009 to 65 percent, with an annual increase of 0.5 percent planned for each year through FY 2015.

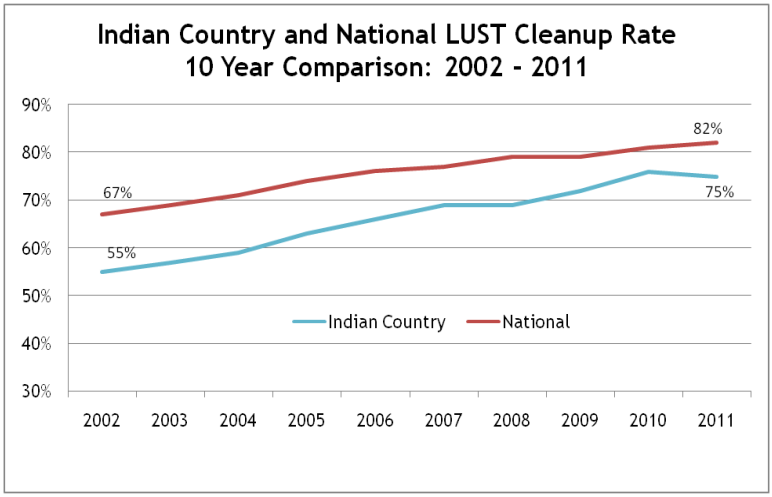
OUST Performance Measures							
Goal 3.1.2	Percentage of UST facilities in Indian country that are in significant operational compliance with both release detection and release prevention (spill, overfill, and corrosion protection) requirements.						
		2007	**2008**	**2009**	**2010**	**2011**	**2012**
	Target	67%	68%	65%	65.5%	66%	66.5%
	Actual Rate in Indian country	46%	57%	59%	67%	61%	
	Actual Rate Nationally	63%	66%	66%	68.3%	71%	
Goal 3.2.2	The number of LUST cleanups in Indian country that meet risk-based standards for human exposure and groundwater migration (tracked as the number of LUST cleanups completed).						
	Target	30	30	30	30	38	42
	Actual Cleanups Completed in Indian country	54	40	49	62	42	

LUST Cleanups Completed in Indian Country

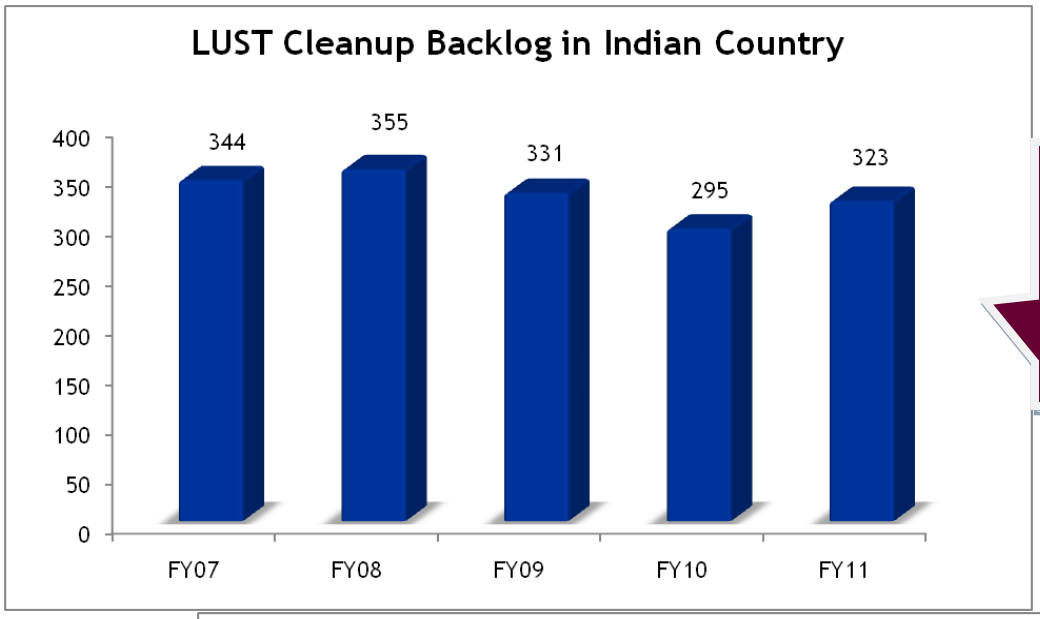
EPA has primary responsibility for implementing the LUST program in Indian country and actively works with tribes to identify, assess, and clean up UST releases. In FY 2011, EPA exceeded its goal of 38 cleanups by completing 42 in Indian country.

This success is partly a result of focused efforts to complete the remaining cleanups at older sites and the increased use of national and regional Indian country cleanup contracts. For nearly a decade, these contracts have been supported by LUST Trust Fund money and maintained by EPA for cleanup activities in Indian country. These contracts help: identify owners and operators who may be responsible for UST releases, assess LUST Trust Fund eligible sites; design corrective action plans; and remediate contaminated sites.

Over the past five years, the LUST cleanup backlog in Indian country has remained relatively steady. Completing cleanups and reducing the backlog of sites in Indian country has become more difficult because EPA is addressing sites that require complex cleanups and take more time and resources to complete. In addition, some EPA regions are conducting comprehensive surveys to identify abandoned tanks; some of these tanks may have unreported releases that will add to the backlog of sites. We will need to continue working diligently in order to reach our FY 2012 goal of completing 42 cleanups in Indian country.



For the last decade the cleanup rate in Indian country has lagged behind the national rate by about 10 percent. By FY 2011, the gap was reduced to 7 percent. This success is due partly to focused efforts by EPA and tribes to complete the remaining cleanups necessary at older sites and to the increased use of the national and regional Indian country cleanup contracts.



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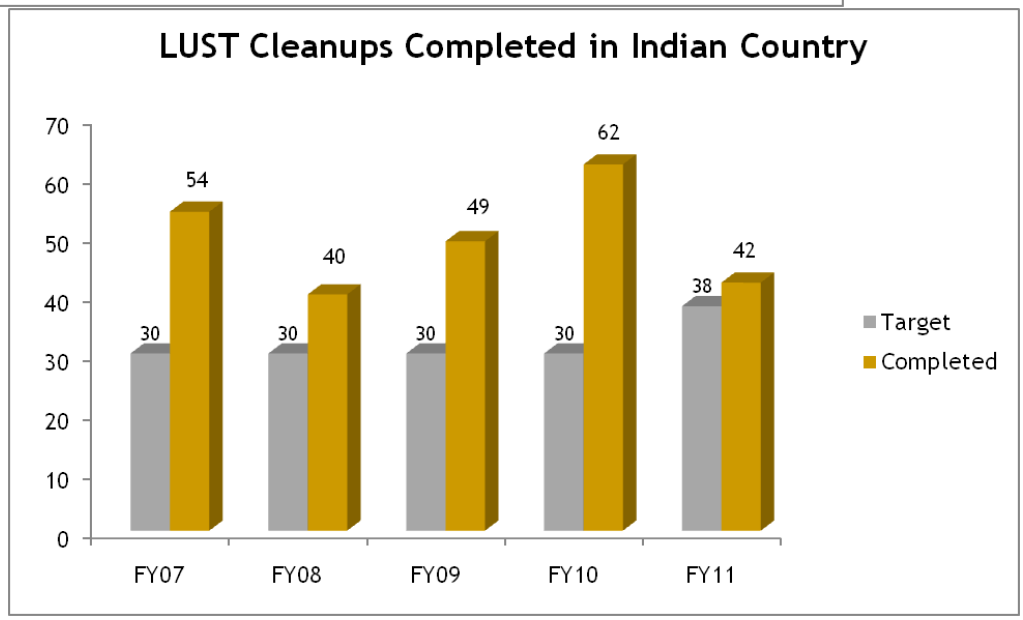

Tribal-EPA Underground Storage Tank meeting at Oneida Nation

In May 2011, the Oneida Tribe of Indians of Wisconsin hosted our fourth Tribal-EPA underground storage tank meeting in Oneida, Wisconsin. Meeting participants worked together to identify tribal issues, build relationships, and continue partnerships and improvements in the UST program in Indian country.

Meeting participants visit a Tribal UST facility

Inspecting a gasoline dispenser

LUST Site on Crow Creek Indian Reservation is Transformed into Boys and Girls Club

The former Rank's Service Station is a leaking underground storage tank site located on the Crow Creek Indian Reservation in Fort Thompson, South Dakota. The South Dakota Department of Environment and Natural Resources conducted a limited site assessment in 2000. The results showed elevated concentrations of petroleum hydrocarbons. At that time Harvest Initiative, an organization that facilitates economic investment in the Crow Creek Sioux Indian Reservation, contacted EPA to express interest in constructing a Boys and Girls Club and office space at the site. EPA Region 8 worked closely with all involved parties to expedite clean up of the site; including removing approximately 1,800 cubic yards of contaminated soil and incorporating a vapor barrier into the construction design. The barrier will prevent petroleum vapors from the groundwater contamination from entering the Boys and Girls Club and ensure the site will be safe for reuse. EPA is continuing remediation at the site and anticipates completing clean up by 2014.

Former Rank's Service Station

New Boys and Girls Club

Proposed Regulations to Improve Consistency in Implementing EPA's UST Program

On November 18, 2011, EPA published proposed changes to the underground storage tank (UST) regulations in the Federal Register. This is the first time EPA is proposing significant revisions to the federal UST regulations since they were first promulgated in 1988.

These revisions will create equal UST release protection in Indian country relative to that provided by the Energy Policy Act of 2005 in the rest of the country. The proposal will also improve the 1988 UST regulations by closing some regulatory gaps, accommodating new technologies, and focusing on properly operating and maintaining existing UST systems. This proposal improves prevention and detection of UST releases, which are one of the leading sources of groundwater contamination.

In developing the proposed revisions, EPA reached out extensively to affected and interested UST stakeholders. This included tribes, environmentalists, community groups, states, owners and operators, equipment manufacturers, federal facilities and small businesses. In addition, EPA invited consultation with tribal government regarding proposed changes to the regulations.

For more information, see EPA's underground storage tank website at www.epa.gov/oust. For the complete proposed regulation, see www.epa.gov/oust/fedlaws/proposedregs.html.

Laguna Pueblo Route 66 Travel Center Takes Prompt Action to Respond to a Release

This success story demonstrates the exemplary management and coordination of the Laguna Development Corporation (LDC), the Laguna Environmental Office, and EPA Region 6 in responding to and ensuring the responsible and expedited clean up of a large diesel fuel release at one of the LDC's major truck stops.

Laguna Pueblo Route 66 Travel Center

Travel Center with new fuel dispenser systems that automatically shut down pumps if there is a release.

The Laguna Pueblo Route 66 Travel Center is a major truck stop located about 30 miles west of Albuquerque, New Mexico. The center is operated by the LDC which is an entity of the Pueblo of Laguna. During a routine facility check, the security staff discovered a release from the large diesel tank system. Diesel fuel was coming out of a manhole and through the cracks near the asphalt, spilling onto the parking lot. The LDC security staff quickly notified the manager on duty, who immediately shut off the power to the tank fuel pumps. LDC took immediate action to contain the emergency including contacting the Risk Management Department, Laguna Police, and New Mexico State Police. The next morning, the LDC notified the Laguna Environmental Office of the release and prevented fuel from migrating and adversely impacting two nearby drinking water wells. The wells supply water to the truck stop and to adjacent entertainment, restaurant and hotel facilities. EPA Region 6 UST staff corresponded and met with the LDC and the Laguna Environmental Office shortly after this incident to provide guidance on how to respond to the incident and to confirm the release of petroleum product.

About 2,200 gallons of diesel fuel had been released as a result of an improperly installed new fueling system that the LDC had recently added to their facility. The LDC hired several remediation and UST equipment companies to complete the emergency response, clean up the release, dispose of contaminated spill absorbents properly, and fix the fueling system. The LDC takes pride in their proactive, preventative management approach to minimizing future releases from their UST systems. Therefore, they went beyond the required response by upgrading the equipment in the tank pit and at the dispenser fueling area in order to try to prevent future releases. In addition, they installed three wells to monitor their water in the future. During January 2012, the LDC, Laguna Environmental Office, and EPA Region 6 met to verify that no contamination from this release affected the drinking water supply and agree that the cleanup was completed. This is a great example of a responsible party taking prompt action to respond to a release and to pay for a cleanup.

Tank pit where 2000 gallons of diesel had been released in about 15 minutes and flowed along the piping to the dispenser islands.

Trench where contaminated soil and free product were removed.