

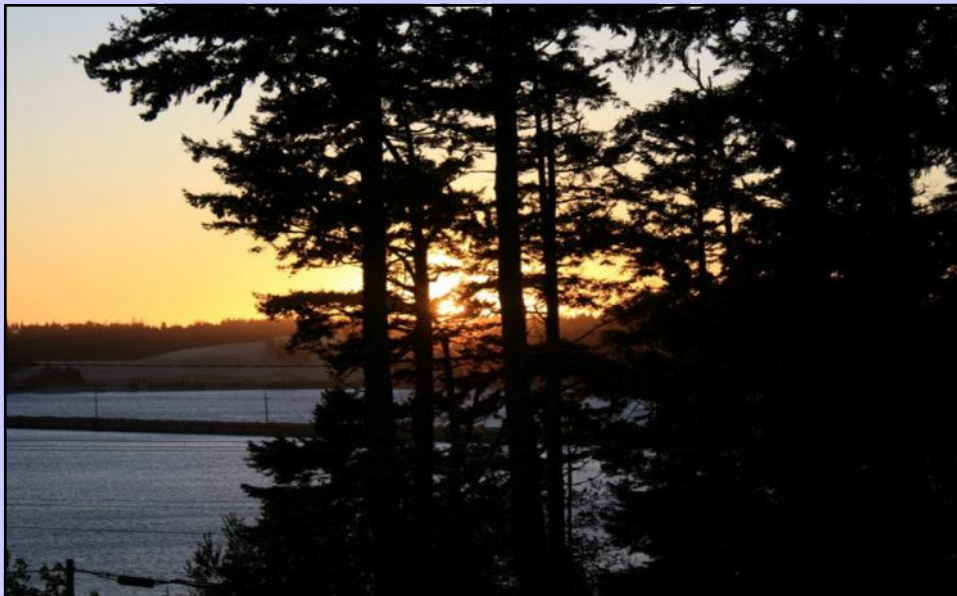
US EPA ARCHIVE DOCUMENT



**U.S. Environmental Protection Agency  
Office of Underground Storage Tanks**

[www.epa.gov/oust](http://www.epa.gov/oust)

## Indian Country Update: Fiscal Year 2012



### Inside This Issue

Program Summary..... 2

Indian Country  
Investment..... 3

Results:  
UST Compliance..... 4-5

Results:  
LUST Site Cleanup..... 6

Continued Challenge:  
LUST Site Cleanup..... 7

Success Story:  
Choctaw Nation's  
Commitment to  
Improve and Sustain  
Compliance..... 8





## Program Summary

Tribes and EPA 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
- Developing regulations to implement the provisions of the 2005 Energy Policy Act.



Tribal EPA inspection on Uintah and Ouray Reservation



Sampling at a LUST site, Oglala Sioux Tribe of the Pine Ridge Reservation

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

- 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;
- Analyzing the backlog of cleanups yet to be completed;
- Using national and regional cleanup contracts;
- Providing cleanup grant funding directly to tribes; and
- Providing corrective action training to tribes.

*Cover: Photographs taken at the 2012 Tribal Lands Forum in Coos Bay, OR*

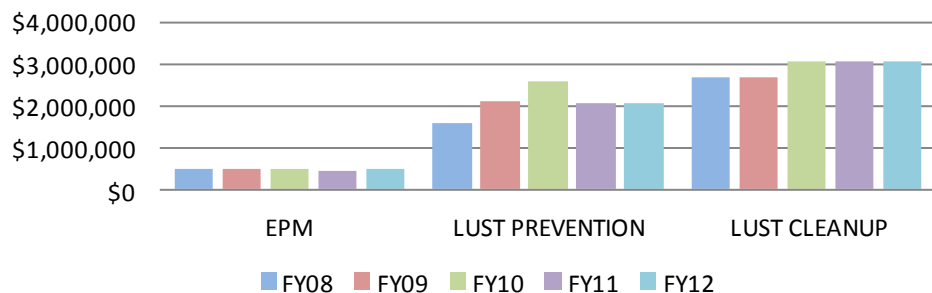




## Indian Country Investment

Congress appropriates money to EPA to fund its programs each fiscal year, which begins October 1. EPA's UST program receives three types of money from Congress to manage different parts of the tribal UST program: environmental program management (EPM) money which funds EPA's UST prevention program; LUST prevention money which funds primarily state and tribal assistance agreements to prevent releases; and LUST cleanup money which funds EPA's cleanup program in addition to state and tribal cleanup cooperative agreements. EPA invests approximately \$5 million in the UST LUST Indian country program each fiscal year.

### Tribal Funding by Appropriation



EPA invests approximately \$5 million in the UST and LUST Indian country programs each fiscal year.

EPA typically spends about \$2 million to prevent releases and \$3 million to clean up LUST sites in Indian country.

## Grants To Tribes For Prevention And Cleanup

In FY 2012, EPA provided approximately \$2.7 million in LUST prevention and LUST cleanup money to 28 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 to reduce the number of remaining cleanups in Indian country.

## Tribal And EPA Communication

In August 2012, the Coquille Indian Tribe of Coos Bay, OR hosted our fifth Tribal-EPA underground storage tank meeting, held in conjunction with the 2012 Tribal Lands Forum on Solid Waste, Emergency Response, Contaminated Sites, and Underground Storage Tanks. The Institute for Tribal Environmental Professionals (ITEP) coordinated this annual forum for environmental professionals from tribes; EPA; state, local, and federal agencies; and other interested parties. It provided an opportunity for attendees to meet, share knowledge, and learn from one another about managing and protecting tribal lands and human health. The forum included discussions on budget and policy issues as well as technical updates, training, and educational outreach projects.

### Multi-year Grant To Improve Compliance

EPA's five-year assistance agreement with the [Inter Tribal Council of Arizona, Inc. \(ITCA\)](#) provides UST compliance assistance training to tribal personnel and owners and operators in Indian country. The goal of this effort is to improve UST facility compliance throughout Indian country. In FY 2012, ITCA supported this goal by:

- Training approximately 246 tribal representatives in UST issues, such as compliance with prevention regulations; tank installations, removal, and operation and maintenance; and
- Fostering communication and opportunities for collaboration among tribes and with EPA on UST issues.



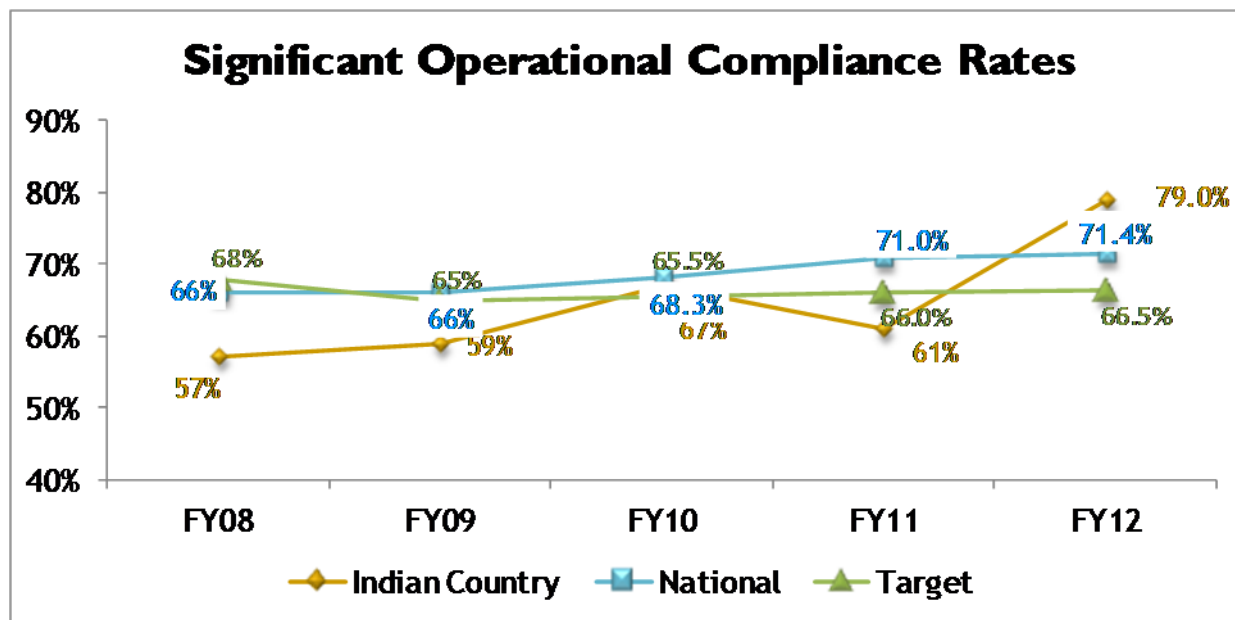


## Results: UST Compliance

### Significant Operational Compliance

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.

Historically, there has been a gap between the national and Indian country SOC rates. In FY 2012, the SOC rate for Indian country increased significantly, to an unprecedented 79 percent which exceeded the national rate by 7.6 percent. This increase was the result of intensive compliance assistance and the types of facilities inspected. Many inspections were conducted at larger facilities, which tend to have better compliance practices. One-on-one and classroom compliance instruction also proved effective. However, SOC rates in Indian country vary from year to year due to the relatively small number of USTs. Therefore, although the 2012 Indian country SOC rate was a significant achievement, SOC rates for Indian country may continue to vary substantially in years to come.



EPA, in consultation with Office of Management and Budget, modified the SOC target for FY 2009 to 65%, with an annual increase of 0.5% 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.						
		2008	2009	2010	2011	2012	2013
	Target	68%	65%	65.5%	66%	66.5%	67%
	Actual Rate In Indian Country	57%	59%	67%	61%	79%	
	Actual Rate Nationally	66%	66%	68.3%	71%	71.4%	



## Results: UST Compliance

### Tribal Inspectors Authorized To Conduct Federal UST Inspections

Since EPA's commitment in 2006 to issue federal credentials for tribal inspectors, 14 inspectors received credentials, although nine held credentials in 2012 as a result of changes in tribal staff responsibilities and turnover. In FY 2012, the number of inspections conducted by tribal inspectors with federal credentials doubled from FY 2011. These federally-credentialed tribal inspectors contributed significantly to meeting the inspection requirements of the Energy Policy Act by completing 150 inspections. EPA anticipates that four additional tribal staff will receive federal credentials in FY 2013.

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

	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Tribal Inspectors	0	2	6	4	8	9
Tribal Inspections	0	4	85	63	75	150

EPA developed seven [compliance assistance brochures](#) that provide best management practices to help Indian country UST owners and operators comply with federal UST regulations.

### Proposed Regulations To Improve Consistency In Implementing EPA's UST Program

EPA published proposed changes to the underground storage tank (UST) regulations in the Federal Register on November 18, 2011. The public comment period ended on April 16, 2012. This was the first time EPA proposed significant revisions to the federal UST regulations since they were first promulgated in 1988. EPA has been reviewing the comments they received during the public comment period and is working toward publication of a final rule. For more information, see EPA's underground storage tank website at [www.epa.gov/oust](http://www.epa.gov/oust). For the complete proposed regulation, see [www.epa.gov/oust/fedlaws/proposedregs](http://www.epa.gov/oust/fedlaws/proposedregs).

The proposed revisions to the regulations would:

- Create equal UST release protection in Indian country relative to that provided by the Energy Policy Act of 2005 in the states.
- Improve the 1988 UST regulations by closing some regulatory gaps, accommodating new technologies, and focusing on properly operating and maintaining existing UST systems.
- Improve prevention and detection of UST releases, which are one of the leading sources of groundwater contamination.

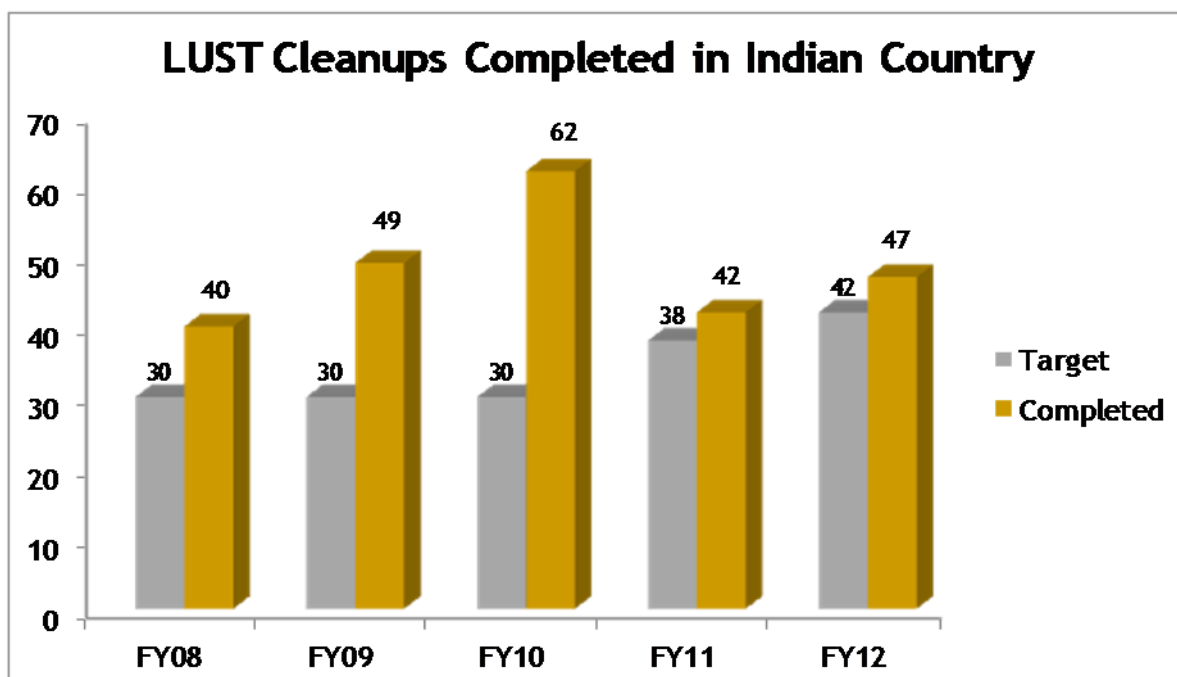


## Results: LUST Site Clean Up

### 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 2012, EPA completed 47 cleanups in Indian country, exceeding our goal of 42 cleanups.

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.



### LUST Performance Measures

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).						
		2008	2009	2010	2011	2012	2013
	Target	30	30	30	38	42	42
	Actual Cleanups Completed in Indian country	40	49	62	42	47	

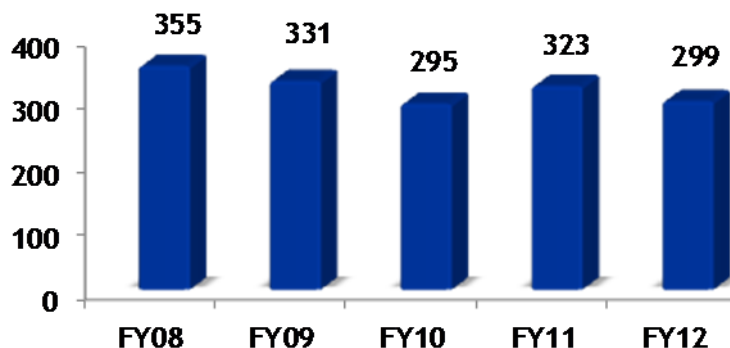


## Continued Challenge: LUST Site Clean Up

### Backlog Of LUST Cleanups Yet To Be Completed In Indian Country

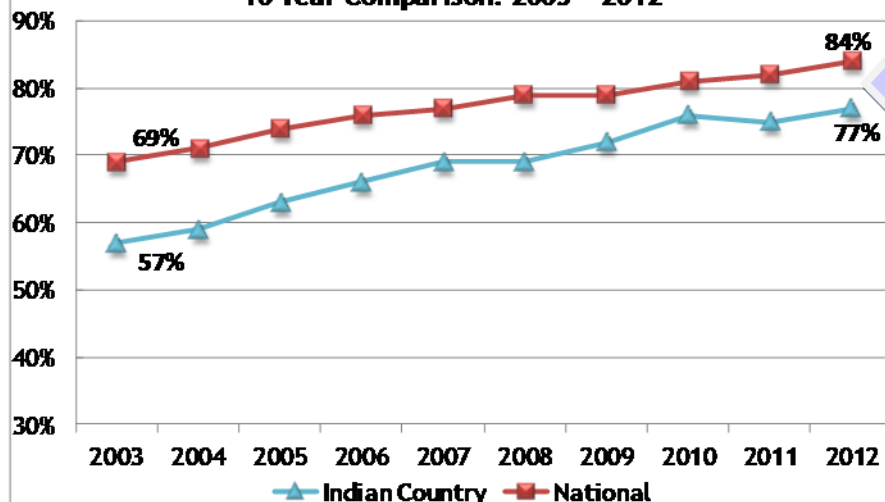
Over the past five years, the LUST cleanup backlog in Indian country has remained relatively steady.

**LUST Cleanup Backlog in Indian Country**



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 more 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 2013 goal of completing 42 cleanups in Indian country.

**Indian Country and National LUST Cleanup Rate  
10 Year Comparison: 2003 - 2012**



For the last decade, the cleanup rate in Indian country has lagged behind the national rate by about 9 percent. However, this gap has been reduced to approximately 7 percent over the past five years. 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.





## Choctaw Nation's Commitment To Improve And Sustain UST Compliance

*Proper underground storage tank management, including compliance with UST regulations, is essential to protecting the environment. Here is a story the Choctaw Nation provided about their efforts to manage their UST facilities properly.*

The Choctaw Nation has made a commitment to be stewards of the land. The task of achieving UST compliance and sustaining it has been the result of a dedication by all parties (from the Chief and Assistant Chief to the Executive Directors, Business Committee and to the Tribal Council) to be proactive in making investment to improve our facilities.

In short, what has made us successful is our:

- Commitment to the land, tribal members, and the customers of our stores;
- Effort to not just be a convenience store but to be a destination stop by offering quality fuel and tribal heritage to customers; and
- Ability to see financial gains by achieving compliance and maintaining compliance.

The Choctaw Nation does not look at compliance as an obstacle but another means to achieve financial gains for the Choctaw Nation.

What we have tried to do is to stay knowledgeable about the field of UST equipment and practices. We accomplished this by building a partnership with EPA that includes open dialog and sharing knowledge. Continued education from trainings and conferences is also a large part of our success. It provides us with a better understanding of the future of fueling operations and what equipment may be needed to continue the growth and success of the Choctaw Travel Plazas.



Opening a fill port to examine the spill bucket.

*"The Choctaw Nation does not look at compliance as an obstacle but another means to achieve financial gains for the Choctaw Nation."*

We have not only tried to tackle the task of compliance by just saying "this is required", but also by pointing out the financial gains to the tribe by achieving compliance and being at the forefront of the convenience store fueling business. This starts at the fuel islands and continues into the store. The Choctaw Travel Plazas have become more profitable through these efforts.



New Tank Installation

Our Choctaw Travel Plazas have been using an automated fuel management system called Intellifuel to schedule and receive fuel deliveries. To improve operation and maintenance, we will incorporate this system into our Point of Sale data to run Statistical Inventory Reconciliation and Business Inventory Reconciliation without utilizing our staff. The system will then be able to monitor the ATG and alert us by email of any alarms. An additional benefit is that we will have the ability to monitor and detect fuel thefts as they occur. In addition, we plan to order equipment to calibrate our dispensers. Proper fuel management along with calibrated dispensers will help ensure the financial profitability of our stores.

*Courtesy of Chief Greg Pyle, Assistant Chief Gary Batton, and Chuck Tillman, Environmental Specialist, Choctaw Nation Environmental Program*