

US EPA ARCHIVE DOCUMENT



## Indian Country Update: Fiscal Year 2013



### Inside This Issue

Communication,  
Collaboration,  
Commitment 2-4

Working Together To  
Improve Compliance 5

Working Together To  
Get Cleanups  
Completed 6

EPA's Investment In  
Indian Country 7





## Communication, Collaboration, Commitment

### Santa Anna Pueblo's Proactive Steps to Ensure Good Tank Management

Santa Ana Pueblo in Bernalillo, New Mexico, was proactive in designing and installing a state-of-the-art new UST facility which opened in Spring 2013. The tribe's economic development entity worked closely with the Eight Northern Indian Pueblo Office of Environmental Technical Assistance to design an UST system protective of people and the environment. The tribe installed a double-walled UST system with a leak prevention monitoring system, such as sump sensors. To protect customers during refueling, the tank pit is located away from the traffic flow. This location also reduces wear and tear to the UST system. The tribe incorporated green architecture (including xeriscaping) and Energy Star equipment into the facility design. Their efforts resulted in a safe and protective UST facility that serves the Santa Ana Pueblo and the population of Bernalillo.



Tank pit located away from traffic flow to assure safety and reduce wear and tear, Santa Ana Pueblo Station

*Photograph courtesy of Leonard Sabatino Eight Northern Indian Pueblos Council, Inc*

### Ohkay Owingeh Tribe's Compliance Assistance Pays Off

Naomi Archuleta, Environmental Programs Manager of Ohkay Owingeh Tribe in Espanola, New Mexico, is credited with her leadership and persistence over several years to ensure the tribe's UST facilities attained significant levels of operational compliance. Her efforts to inform the tribal corporation, which owns and operates the UST facilities, about the compliance requirements and their willingness to improve compliance resulted in hiring Martin Monroe, an excellent UST facility manager. Mr. Monroe and Ms. Archuleta's work and the Ohkay Owingeh's desire to take appropriate steps to protect human health and the environment put these UST facilities on a solid path to ongoing compliance.



Martin Monroe, UST Facility Manager and Naomi Archuleta, Environmental Program Manager, Ohkay Owingeh Tribe

*Photograph courtesy of Greg Pashia, EPA Region 6*

Cover photographs courtesy of Greg Pashia, EPA Region 6. Top and left side: views of Sandia Mountains from the Inn at Taymaya, Santa Ana Pueblo, Bernalillo, NM and Cannon de Chelly National Park, AZ within the boundaries of the Navajo Nation. Top right: Santa Ana Pueblo gas station, truck stop tank pit, investigating a flapper valve on the Picirus Pueblo, NM



## Communication, Collaboration, Commitment

### Nez Perce Tribe Investigates and Cleans up McCoy LUST Site, Kooskia, Idaho

The Water Resources Division of the Nez Perce Tribe in Kooskia, Idaho recently completed a decade-long site investigation and cleanup at the former McCoy's Cash Grocery facility located in Kooskia, Idaho. The site was discovered in 2000, when a gasoline-related soil fire was ignited by a spark from an excavator bucket during a sewer line installation. With grant money from EPA, the tribe led multiple phases of site investigation and cleanup including:

- UST and petroleum-contaminated soil removal;
- A surface geophysical survey (electromagnetic and ground-penetrating radar) to identify a total of six on-site USTs, four of which were previously unknown;
- A passive soil gas survey to delineate the extent of off-site petroleum contamination; and
- A subsurface soil and groundwater investigation to quantify contaminant concentrations at areas of concern identified by the soil vapor study.



Installing AGI soil vapor samplers at McCoy LUST site, Kooskia, ID. From left, Kevin Brackney, Jerrod Rickman, Judy Goodson, and Melvin Rickman, 2013

*Photograph courtesy of Rob Rau, EPA Region 10*

Results of these investigations indicate that while gasoline contamination on the McCoy site has been remediated, concentrations of both gasoline and diesel are present off-site beneath the city streets at concentrations exceeding risk-based screening concentrations. However, the results of the soil vapor survey indicate that the source of this off-site contamination is not the McCoy property, but rather from currently unidentified sources. The tribe is currently undertaking an abandoned tank survey, which may identify possible sources of contamination surrounding the McCoy site. However, the McCoy site itself is ready for closure and a no-further-action determination.

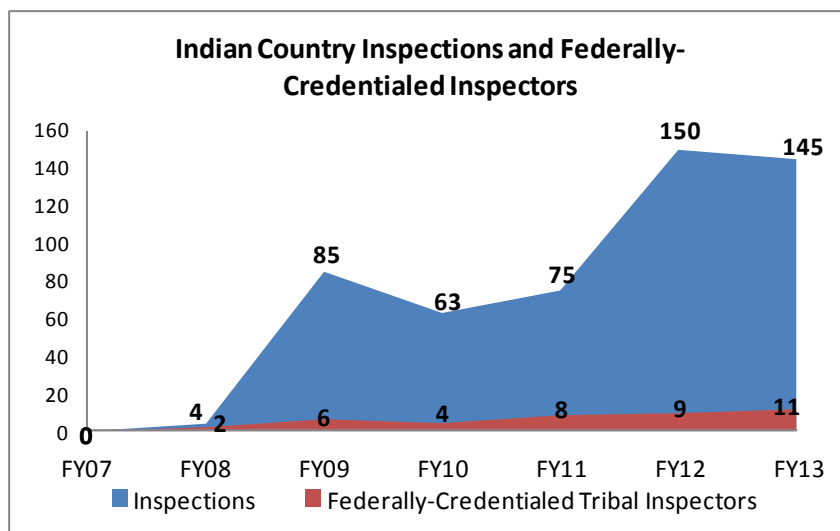


## Communication, Collaboration, Commitment

**New Training Requirement For All Inspectors:** In September 2013, EPA instituted a new mandatory annual refresher training for all inspectors. This new requirement applies to current inspectors and must be fulfilled by new inspectors applying for credentials. For more information, please contact: Tim Smith in EPA's Office of Underground Storage Tanks at [smith.timr@epa.gov](mailto:smith.timr@epa.gov), or 703-603-7158.

### Tribal Inspectors Authorized To Conduct Federal UST Inspections

Since EPA's effort in 2006 to issue federal credentials for tribal inspectors, 16 inspectors received credentials, although 11 held active credentials in 2013 as a result of changes in tribal staff responsibilities and turnover. These federally-credentialed tribal inspectors contributed significantly to meeting the inspection requirements of the Energy Policy Act by completing 145 inspections. EPA anticipates that as many as four additional tribal staff may receive federal credentials in FY 2014.



### EPA Is Working Toward A Final Regulation To:

- Create UST release protection in Indian country (for 2005 Energy Policy Act) equal to protection in states.
- Close regulatory gaps, accommodate new technologies, focus on properly operating and maintaining existing UST systems.
- Improve UST release prevention and detection, a leading source of groundwater contamination. (See: [www.epa.gov/oust/fedlaws/proposedregs](http://www.epa.gov/oust/fedlaws/proposedregs))

**6th Annual Tribal Tanks Meeting:** In August 2013, the Tamaya Indian Reservation, Santa Ana Pueblo, NM hosted our Tribal-EPA underground storage tank meeting, in conjunction with the Institute for Tribal Environmental Professionals' (ITEP) Tribal Lands Forum on Solid Waste, Emergency Response, Contaminated Sites, and Underground Storage Tanks; see [http://www4.nau.edu/itep/conferences/confr\\_tlf.asp](http://www4.nau.edu/itep/conferences/confr_tlf.asp).



## Working Together To Improve Compliance

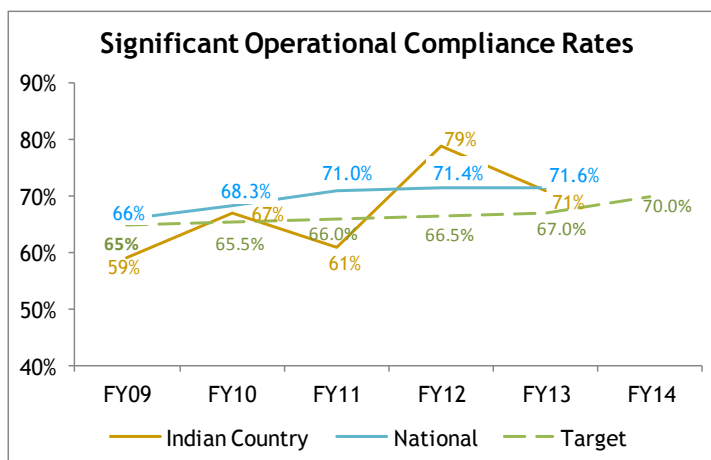
Significant operational compliance (SOC) is key to preventing releases. Having SOC means that a facility has the equipment required by federal regulations and is operated and maintained to prevent and detect releases.

In FY 2013, the Indian country SOC rate was 71 percent, which:

- Exceeds the national SOC target of 67 percent;
- Is about the same as the national rate of compliance (71.6 percent); and
- Supports an overall trend of improved compliance over the past five years.

This trend of improved compliance reflects a joint EPA and tribal investment in intensive compliance assistance, including:

- Good tank management practices;
- Working to improve owners and operators knowledge of the UST regulations;
- Frequent presence of federally credentialed tribal inspectors;
- Working with owners and operators and environmental managers to help them be informed and willing to assure compliance and;
- Clarifying for owners and operator, through compliance assistance, what to expect from an inspection, which proved effective in helping to achieve the FY2013 compliance rate.



EPA, in consultation with Office of Management and Budget, modified the SOC target for FY 2014 from 67.5 percent to 70 percent, with an annual increase of 0.5 percent planned for each year through FY 2018.

SOC rates in Indian country vary from year to year due to the relatively small number of USTs. Therefore, although the FY 2013 Indian country SOC rate is lower than in FY 2012, it is an important achievement because it exceeds the national target by 4 percent. However, SOC rates for Indian country may continue to vary substantially in years to come.

### 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						
		2009	2010	2011	2012	2013	2014
	Target	65%	65.5%	66%	66.5%	67%	70%
	Actual Rate In Indian Country	59%	67%	61%	79%	71%	
	Actual Rate Nationally	66%	68.3%	71%	71.4%	71.6 %	

**EPA Best Management Practices Brochures For Owners And Operators:** EPA developed a series of compliance assistance brochures that provide best management practices to help UST owners and operators in Indian country comply with federal UST regulations.

(See: [www.epa.gov/oust/pubs/ustbmps.html](http://www.epa.gov/oust/pubs/ustbmps.html))

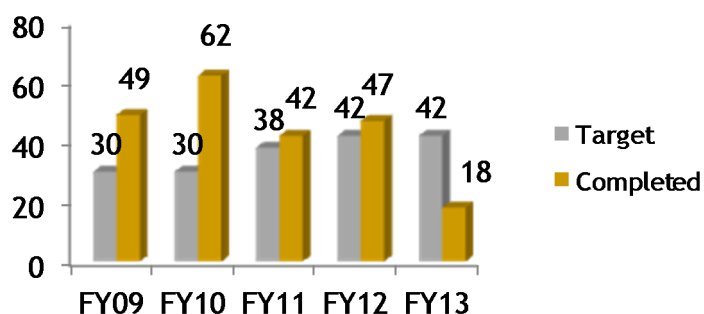


## Working Together To Get Cleanups Completed

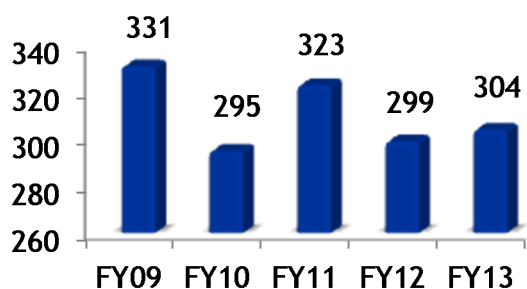
EPA actively works with tribes to identify, assess, and clean up UST releases. In FY 2013, EPA completed 18 cleanups in Indian country, which is a substantial decrease from previous years and a far reach from meeting EPA's strategic planning target of 42.

This substantial decrease reflects the fact that we have been strategically targeting more complex sites and have fewer resources. There are a number of difficult and costly LUST sites with substantial releases in Indian country. In 2009, EPA received a one-time \$6.3 million increase from the LUST Recovery Act that until recently helped make substantial progress remediating Indian country sites. But that money is now spent. EPA has become even more vigilant about ensuring remediation plans are optimized. This increased scrutiny adds time, and sometimes adds steps to the process. But we believe it will lead to more cost effective and efficient cleanups in the future.

**LUST Cleanups Completed In Indian Country**



**LUST Cleanup Backlog In Indian Country**



The FY 2013 decrease in cleanups completed contributed to a slight increase in the backlog of cleanups that have yet to be completed. Completing cleanups and reducing the backlog of sites in Indian country will continue to become more difficult because EPA is addressing sites that require more complex cleanups and take more time and resources to complete. EPA's FY 2014 goal of completing 37 cleanups in Indian country is challenging as resources tighten and complex sites continue to place a demand on our resources.

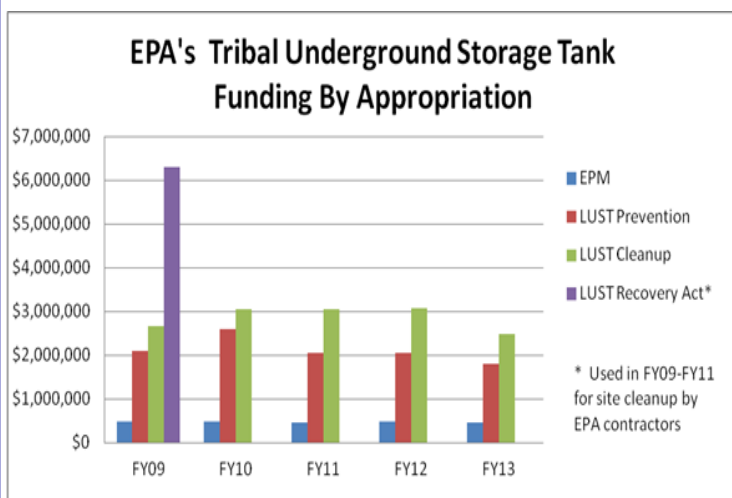
### LUST Performance Measures

Goal	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						
3.2.2		2009	2010	2001	2012	2013	2014
	Target	30	30	38	42	42	37
	Actual Cleanups Completed In Indian Country	49	62	42	47	18	

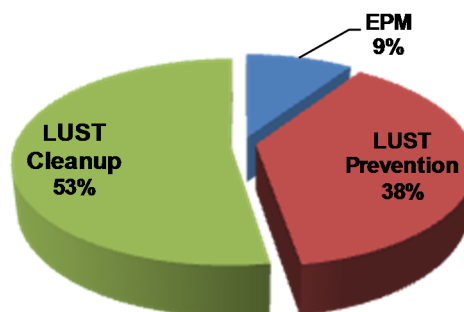


## EPA's Investment In Indian Country

Congress appropriates money to the Environmental Protection Agency (EPA) to fund its programs each fiscal year, which begins October 1. EPA's Underground Storage Tank (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; Leaking Underground Storage Tank (LUST) Trust Fund prevention money, which funds primarily state and tribal assistance agreements to prevent releases; and LUST Trust Fund cleanup money, which funds EPA's cleanup program in addition to state and tribal cleanup cooperative agreements. EPA has typically received approximately \$5 million for the UST Indian country program (about \$2 million to prevent releases and \$3 million to cleanup LUST sites in Indian country) each fiscal year. However, in FY 2009, EPA received an additional one-time appropriation of \$6.3 million of LUST Recovery Act money which paid for additional cleanups over several years. In FY 2013, the UST program's total tribal budget was \$4.75 million, a decrease of 15 percent from FY 2012.



**2013 Total UST Tribal Budget  
\$4.75 million**



## Grants To Tribal Governments And Consortia

In FY 2013, EPA provided approximately \$2.5 million in assistance agreements to over 25 tribes and tribal consortia. These assistance agreements were funded with either LUST prevention or LUST cleanup money. Tribes use LUST prevention money to develop capacity to help owners and operators prevent releases and mitigate environmental damage when releases 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.

## 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 2013, ITCA supported this goal by:

- Training approximately 136 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.



Jacoby Murdock from the Ute Indian Tribe and Darla Hohman, EPA Region 8 looking in the sumps, August 2013