



Indian Country Update: Fiscal Year 2010

A Note From: Carolyn Hoskinson, Director
 EPA's Office of Underground Storage Tanks

The primary objective of the 2005 EPA UST Tribal Strategy agreed upon by Tribes and EPA, was to strengthen relationships, communication, and collaboration. In keeping this commitment, I was pleased to begin EPA's fiscal year 2010 with the Annual Tribal-EPA Underground Storage Tank (UST) meeting in Miami, Florida, hosted by the Miccosukee Tribe of Florida. Approximately 55 people representing 20 tribes and EPA nationwide attended this meeting. Some participants also attended a leaking UST(LUST) training, which was held following the meeting. I was told by several participants that the discussions at the meeting were the best yet.

This year, we continued an aggressive effort to assess contamination and clean up releases from federally-regulated USTs in Indian country. With the



Sunset near Miccosukee Resort and Gaming, October 2009

additional, one-time funds from the 2009 American Recovery and Reinvestment Act (Recovery Act), EPA was able to assess and clean up 53 sites benefiting 23 tribes. We are very pleased that together we exceed our cleanup goal for the sixth straight year. Also, for the first time ever, we exceeded the national goal for the percentage of UST facilities in Indian country that are in significant operational compliance with release detection and release prevention requirements.

August 2010 marked five years of progress implementing the Energy Policy Act, which included developing the UST tribal strategy. I am proud of the work we did together to develop the strategy, and of the accomplishments we have made to fulfill the strategy's commitments. I am also pleased at the progress we made toward fulfilling the Energy Policy Act requirement to inspect all USTs in Indian country once every three years. I hope that you share in my enthusiasm and respect for all that we have accomplished to implement the Energy Policy Act in Indian country through our close partnership and collaboration.

We ended FY 2010 together with a productive meeting at our 22nd National Tanks Conference and Exposition, September 20-22, 2010, in Boston, MA. We discussed the upcoming regulations that will apply in Indian country; training for UST owners, operators and inspectors; lessons learned from inspections; and green remediation.

In the next few pages, I share some of our key accomplishments and progress to date, upcoming news, and plans for continuing our partnership to improve the UST/LUST program in Indian country. I also identify some of the challenges facing the program.

I look forward to continue working together to address these challenges and to plan our Spring 2011 Tribal-EPA UST Meeting in Oneida, WI hosted by the Oneida Tribe of Indians of Wisconsin.

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- ✓ Brownfields Conference

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www.recovery.gov

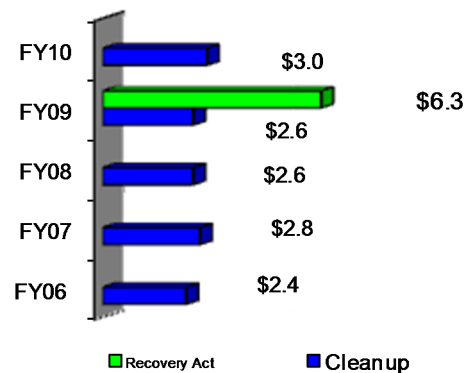
\$6.3 Million Of Recovery Act Money For Cleaning Up Tank Releases In Indian Country

In 2010, EPA continued its work to clean up sites in Indian country using an additional \$6.3 million of 2009 Recovery Act funds. EPA allocated this money to existing EPA cleanup contracts with Alaska Native and Native American firms. This one-time addition substantially increased EPA's ability to assess and clean up leaking underground storage tank sites in Indian country. It is supporting work at 53 sites in Indian country benefiting 23 tribal communities.



Remediation work at Winnebago Tribe of Nebraska

EPA's Funding For Cleanup Of UST Releases In Indian Country (in millions)



Tribes With LUST Recovery Act Sites (By EPA Region)

Region 2

- ✓ Onondaga Nation of New York

Region 5

- ✓ Menominee Indian Tribe of Wisconsin
- ✓ White Earth Tribal Nation

Region 6

- ✓ Pueblo of Laguna
- ✓ Pueblo of Picuris
- ✓ Kewa Pueblo (formerly Pueblo of Santo Domingo)
- ✓ Pueblo Santa Clara

Region 7

- ✓ Winnebago Tribe on Nebraska

Region 8

- ✓ Assinboine and Sioux Tribes
- ✓ Blackfeet Tribe
- ✓ Cheyenne River Sioux
- ✓ Confederated Salish and Kootenai Tribes

Region 8

- ✓ Crow Creek Sioux Tribe
- ✓ Ogalala Sioux Tribe
- ✓ Northern Cheyenne Tribe
- ✓ Standing Rock Sioux Tribe of North and South Dakota

Region 9

- ✓ Colorado River Indian Tribes
- ✓ Hopi Tribe of Arizona
- ✓ Navajo Nation
- ✓ San Carlos Apache Tribe
- ✓ Yurok Tribe of California

Region 10

- ✓ Makah Reservation
- ✓ Nez Perce Tribe of Idaho

For information about EPA's leaking underground storage tank program and the American Recovery and Reinvestment Act:

<http://www.epa.gov/oust/eparecovery/index.htm>



www.recovery.gov

An Inside Look At Recovery Act Cleanup Sites

Winnebago Tribe of Nebraska, Former Skelly Gas Station:

EPA Region 7's UST program worked in partnership with the Winnebago Tribe of Nebraska to use Recovery Act money to clean up the former Skelly Gas Station site. Work included assessing the site, removing underground storage tanks in conjunction with contaminated soil, and addressing petroleum vapor exposure that affected the tribal courthouse. The former Skelly Gas Station was abandoned in the 1960s. The remediation activities reduced the risk to human health and the environment from petroleum vapor and soil contamination, and improved the neighborhood environment for the nearby elderly community center and boys and girls club. This cleanup created several jobs on the reservation and will facilitate the reuse of this site for commercial purposes.



Remediation work at Winnebago Tribe of Nebraska



Remediation work on Cheyenne River Indian Reservation, South Dakota

Cheyenne River Indian Reservation Lantry, South Dakota: On the Cheyenne River Indian Reservation in South Dakota, EPA Region 8's UST program is working in partnership with the Cheyenne River Sioux Tribe to use Recovery Act money to clean up the Lantry Oil site. Work includes operating and maintaining an air sparge/soil vapor extraction system, conducting two injection events of in-situ chemical oxidation, and reducing the dissolved groundwater plume by over 60 percent. Originally a mixed use property which housed a gas station, auto repair facility, and plumbing business, the Lantry Oil site was abandoned approximately six years ago. The remediation activities are instrumental in helping facilitate a property transfer of this site, which will foster productive reuse of the property.

Navajo Nation, Former Painted Desert Inn Gas Station: EPA Region 9's UST program is working in partnership with the Navajo Nation Tribe to use Recovery Act money to clean up the former Painted Desert Inn Gas Station. This gas station originally operated two 10,000 gallon and two 2,000 gallon USTs, which were removed in August 1991. The remediation activities have been instrumental in helping determine the extent of soil and groundwater contamination. Navajo Nation plans to improve the drinking and wastewater system for the residents in the area and revitalize the site for potential commercial purposes.



Remediation work at Navajo Nation, Arizona



Preventing Releases In Indian Country

Tribes and EPA continue to work to prevent releases and improve UST compliance in Indian country by:

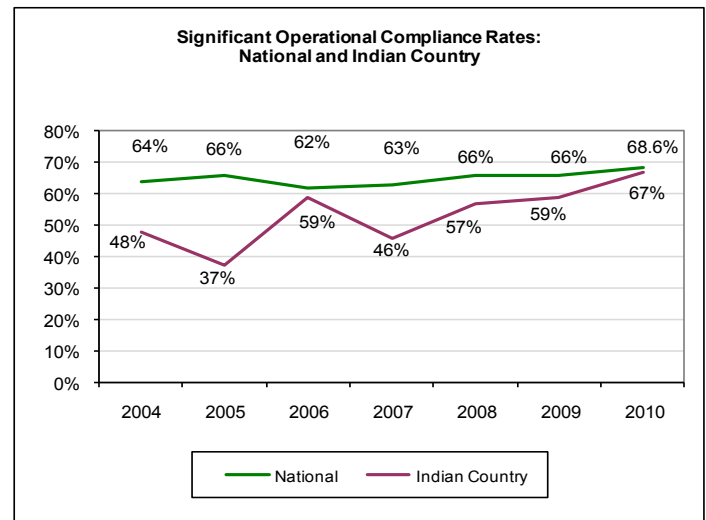
- ✓ inspecting UST facilities at least once every three years;
- ✓ issuing and using federal credentials to inspect facilities;
- ✓ developing additional compliance-focused assistance agreements with tribes;
- ✓ developing compliance assistance material;
- ✓ providing training to tribal environmental professionals, facility owners and operators; and
- ✓ working to develop regulations to implement provisions of the Energy Policy Act.

UST Universe FY2010

	Indian Country	States
Active Tanks	2,668	597,333
Closed Tanks	5,705	1,748,204

Status Of Significant Operational Compliance At UST Facilities

Significant operational compliance (SOC) is a key element to preventing releases because it means that a facility has the equipment required by regulations and performs operation and maintenance to prevent and detect releases. SOC rates in Indian country have varied considerably from year to year due to the relatively small number of USTs. Between 2006-2010, SOC in Indian country has been on average about 8 percent below the national rate. However, at the end of FY2010, the gap was reduced to 1.6 percent and the SOC rate for Indian country exceeded the national goal of 66.5 percent for the first time ever. Increased compliance assistance by EPA staff and particularly tribal compliance assistance officers who are often located closer to regulated facilities, play an invaluable role in educating owners and operators and thus promoting compliance. Furthermore, training for tribal environmental staff and UST owners and operators is important to help maintain and improve SOC. EPA, in partnership with tribes, will continue to identify ways to improve SOC in Indian country.



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. It also helps enhance relationships and increase the capabilities of tribal inspectors. Since EPA's commitment in 2006 to issue federal credentials for tribal inspectors, a total of six inspectors have received credentials. Currently only four hold credentials due to changes in tribal staff responsibilities and turnover. In FY2010, these federally-credentialed tribal inspectors contributed significantly to meeting the inspection requirements of the Energy Policy Act having completed 63 inspections. EPA anticipates that at least two additional tribal staff will receive federal credentials in FY2011.

	FY2007	FY2008	FY2009	2010
Tribal Inspectors	0	2	6	4
Tribal Inspections	0	4	85	63



Completing Cleanups In Indian Country

EPA has primary responsibility for ensuring cleanup of UST releases in Indian country. EPA works actively with tribes to identify, assess, and clean up these releases by:

- ✓ addressing the backlog of cleanups yet to be completed;
- ✓ using additional funds provided by the American Recovery and Reinvestment Act;
- ✓ identifying Leaking Underground Storage Tank Trust Fund eligible sites;
- ✓ continuing use of national and regional cleanup contracts;
- ✓ providing cleanup grant funding directly to tribes; and
- ✓ providing corrective action training to tribes.

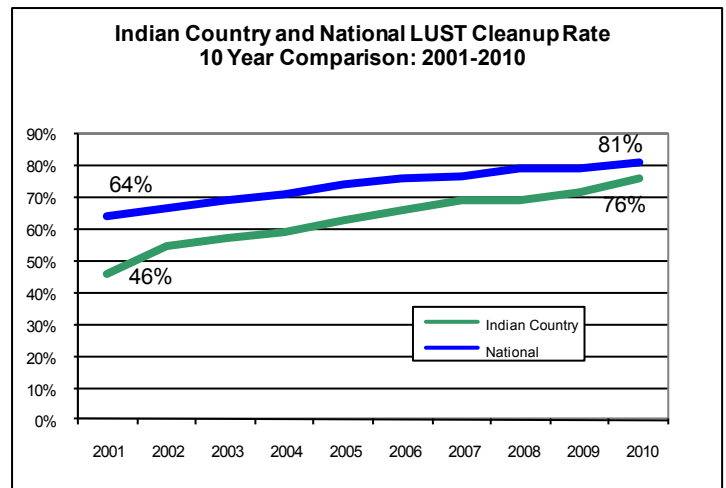
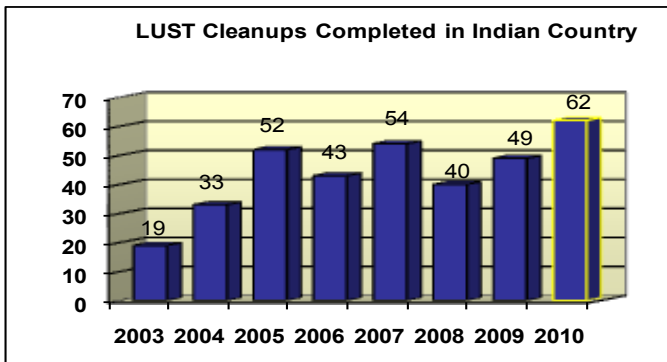


Remediation work at Domingo Trading Post, Kewa Pueblo, New Mexico

LUST Cleanups Completed In Indian Country

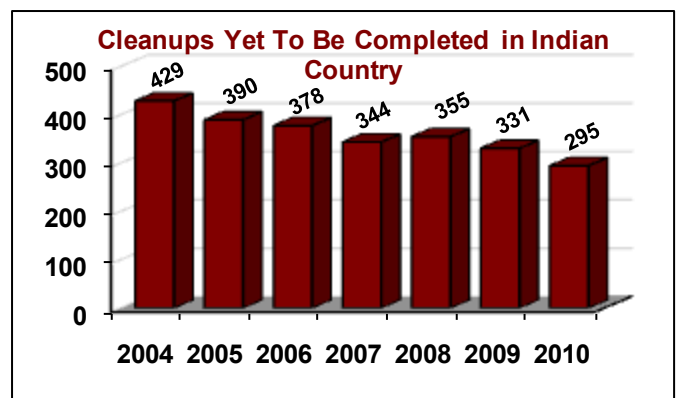
EPA's annual goal for completing cleanups in Indian country has been 30. In FY2010, 62 cleanups were completed in Indian country. This success is due partly to increased use of the Indian country cleanup contracts maintained by EPA and funded with the LUST Trust Fund for cleanup activities in Indian country. In FY2011, EPA's annual goal for completing cleanups in Indian country is 38.

For several years the cleanup rate in Indian country lagged behind the national rate by 15-20 percent. In FY2010, the gap was reduced to 5 percent.



Cleanups Yet To Be Completed In Indian Country

Over the past seven years, the LUST cleanup backlog in Indian country declined by 31 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. These contracts help assess LUST Trust Fund eligible sites; design corrective action plans; and remediate contaminated sites. However, completing cleanups and reducing the backlog of sites in Indian country is likely to become more difficult because of two factors. Some EPA regions are conducting comprehensive surveys to identify abandoned tanks which may have unreported releases that add to the backlog of sites. Also, EPA is addressing more sites which require complex cleanups and take more time to complete.





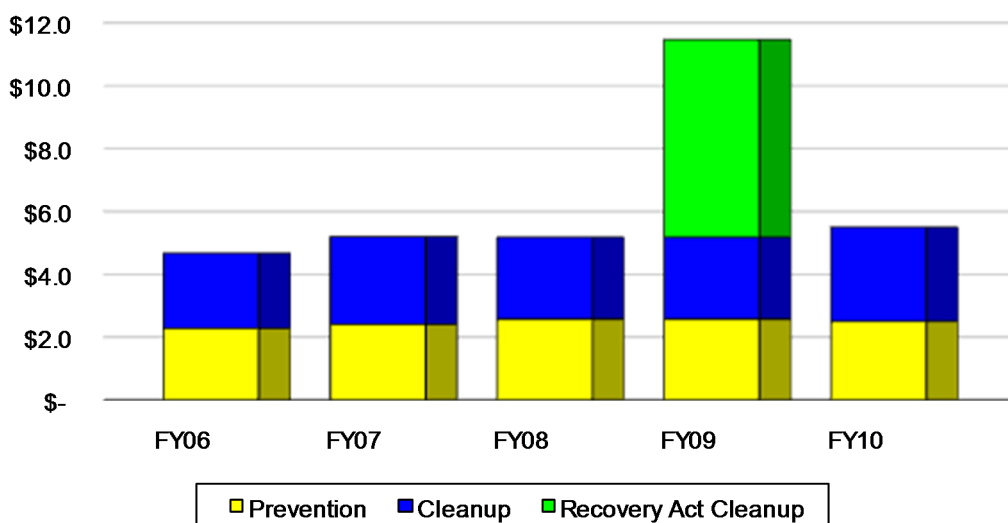
Funding

EPA provided \$2.6 million in FY2010 for the UST Indian country prevention program.

EPA provided \$3 million in FY2010 for LUST cleanups in Indian country.

The American Recovery and Reinvestment Act provided an additional one-time \$6.3 million in 2009 which is being used to clean up sites in Indian country.

EPA's Underground Storage Tank Budget For Indian Country (in millions)



Grants

National Tribal Grant For Compliance Assistance And Inspector Training

EPA awarded a grant worth up to \$2 million to the Inter Tribal Council of Arizona, Inc. (ITCA) for UST compliance assistance and training support nationwide in Indian country. Under the five-year agreement, which is in place through March 2014, ITCA will provide:

- ✓ targeted compliance assistance to owners and operators of UST facilities in Indian country;
- ✓ basic UST compliance training for tribal personnel;
- ✓ tribal UST compliance inspector training; and
- ✓ tribal UST compliance working group meetings.

EPA is enthusiastic about the support ITCA provides in improving UST facility compliance throughout Indian country.

To schedule or attend upcoming trainings, please visit: http://www.itcaonline.com/program_ust.html or contact Roland Chester of ITCA at 602-258-4822.

Grants Directly To Tribes

In FY2010, EPA provided over \$2.3 million in LUST prevention and LUST cleanup grants directly to 25 tribes. The LUST prevention grants are used by tribes to help owners and operators prevent releases and mitigate environmental damage when releases do occur. The LUST cleanup grants are used by tribes to develop and manage their cleanup programs and clean up UST releases remaining in Indian country.



On The Horizon

IMPORTANT DATES

TRIBAL- EPA UST MEETING
 May 3-5, 2011
 Oneida Tribe of Indians
 of Wisconsin

BROWNFIELDS CONFERENCE
 April 3-5, 2011, Philadelphia, PA
<http://www.epa.gov/brownfields/bfconf.htm>

ONGOING COMPLIANCE ASSISTANCE TRAINING
 contact Roland Chester of ITCA at 602-258-4822.

Update On Development Of Regulations

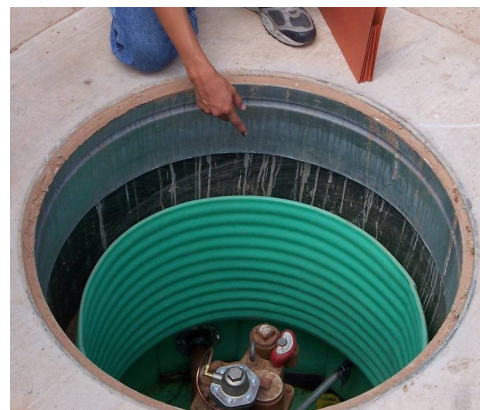
OUST is revising the 1988 federal UST regulations to require that the Energy Policy Act provisions apply to USTs in Indian country and in states that do not have state program approval. OUST is also considering changes to the original 1988 regulations to increase protection of human health and the environment and prevent UST releases and detect them quickly.

Proposed changes include: adding secondary containment requirements for new and replaced USTs and piping; adding operator training requirements for UST system owners and operators; adding periodic operation and maintenance requirements for UST systems; removing certain deferrals; adding new release prevention and detection technologies; updating codes of practice; making editorial and technical corrections; and updating state program approval requirements to incorporate these new changes.

OUST worked closely with states, tribes, industry, and other stakeholders to obtain their early input; we plan to issue a proposed rule in summer 2011.



UST system operation and maintenance:
 examining a dispenser



Contained submersible turbine pump



Energy Policy Act: Five Years Of Progress

EPA UST Tribal Strategy: Tribal And EPA Accomplishments And Continuing Commitments

Commitment: *Strengthen Relationships, Communication, And Collaboration*

Accomplishments:

- ✓ Developed web site <http://www.epa.gov/oust/tribes/index.htm>.
- ✓ Developed UST Program Directory <http://www.epa.gov/swerust1/pubs/usinctrdir.htm>.
- ✓ Held Annual Tribal-EPA Meetings in Albuquerque, NM (2007), Rapid City, SD (2008), Miami, FL (2009) and quarterly conference calls.
- ✓ Increased tribal role in national conference.
- ✓ Developed chat room http://tech.groups.yahoo.com/group/Tribal_UST/ and http://groups.yahoo.com/group/Tribal-EPA_UST_Workgroup/.
- ✓ EPA Administrator Jackson reaffirmed [EPA's 1984 Indian Policy](#) on July 27, 2009.

Commitment: *Improve Information Sharing*

Accomplishments:

- ✓ Developed and implemented communication and outreach plan.
- ✓ Enhanced EPA's Indian country funding process to provide a more open understanding of program resources available to tribes.
- ✓ Provided information about EPA's Petroleum Brownfields Grant Funding <http://www.epa.gov/swerust1/petroleumbrownfields/pbgrants.htm>.
- ✓ Provide mid-and end-of-year program performance reports <http://www.epa.gov/oust/cat/camarchv.htm>.
- ✓ Use national and regional tribal operations committees to disseminate information.

Commitment: *Implement New UST Provisions Of The Energy Policy Act*

Accomplishments:

- ✓ Developing regulations to require provisions (such as delivery prohibition, operator training and secondary containment) apply to USTs in Indian country and in states that do not have state program approval.
- ✓ Performing mandatory on-site inspections of all USTs in Indian country once every three years.
- ✓ Awarded grant to provide owner/operator training for Indian country http://www.itcaonline.com/program_ust.html.
- ✓ Provided information on the status of federal and state agency compliance.
 - ✓ <http://www.epa.gov/oust/fedlaws/ffreport.htm>
 - ✓ <http://www.epa.gov/oust/fedlaws/staterpt.htm>



Energy Policy Act: Five Years Of Progress

EPA UST Tribal Strategy: Tribal And EPA Accomplishments And Continuing Commitments

Commitment: *Implement UST Prevention Activities Through EPA And Tribal UST Programs*

Accomplishments:

- ✓ Working to improve significant operational compliance (SOC) at UST facilities in Indian country to prevent and detect releases.
- ✓ Issued federal credentials to six tribal inspectors.
- ✓ Provided about \$2.6 million annually to prevent UST releases in Indian country.
- ✓ Provided grant funding directly to tribes to help owners and operators prevent releases from USTs.

Commitment: *Implement LUST Cleanup Activities Through EPA And LUST Tribal Programs*

Accomplishments:

- ✓ Implementing the American Reinvestment and Recovery Act, which provided an additional \$6.3 million for cleanup in Indian country.
- ✓ Worked to reduce the backlog of cleanups not yet completed in Indian country.
- ✓ Expanded efforts to identify abandoned tank sites in Indian country.
- ✓ Provided sustained annual budget of about \$2.6 million to assess and clean up sites in Indian country where the owner or operator is unknown, unwilling, or unable to perform the cleanup.
- ✓ Provided LUST funds directly to tribes to conduct cleanups.
- ✓ Provided LUST corrective action training for tribes.



Remediation work at Navajo Nation, Arizona