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Superfund and Tribes

Enrique Manzanilla, Division Director, Superfund Division
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What Superfund Can Do

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- Emergency Response – Time Critical Removal Actions, Disasters and Emergencies
- Site Assessment – Should Sites be on the National Priorities List (NPL)?
- Clean up Sites on the NPL
- Emergency Planning and Community Right to Know Act (EPCRA)
- Brownfields

Emergency Response

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- Conduct removal actions at contaminated sites that pose an immediate threat to human health or the environment.



Site Assessment

- Assess and rank hazardous waste sites to determine whether they qualify for listing on the Superfund National Priorities List (NPL).
- Conduct site visits, review records, interview people and conduct sampling to determine if people or sensitive species are exposed to hazardous substances.

Clean Up Sites on the NPL

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- Several R9 Tribes are affected by Superfund sites on the NPL.



Leviathan Creek
and clean tributary

Emergency Planning & Community Right To Know Act (EPCRA)

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- Superfund can provide emergency planning and preparedness technical assistance to Tribes
- EPA recognizes a role for tribes similar to states in planning for responding to chemical emergencies. EPA regulations under EPCRA Section 313 establish requirements for covered facilities located in Indian Country to report TRI information to the appropriate tribes.
- Contact: Kay Lawrence, Lawrence.Kathryn@epa.gov, (415) 972-3039

Brownfields Program Helping Tribal Communities

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Targeted
Brownfields
Assessments

Assessment,
Cleanup &
Revolving Loan Fund
Grants

Job Training
Grants

128(a)
State & Tribal
Response Program

Brownfields Assessments & Cleanups

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- Guidelines and FAQs available at: www.epa.gov/brownfields
- RPF was released **September 15**. Application deadline is **November 16**,
- Please contact Noemi Emeric-Ford before applying emeric-ford.noemi@epa.gov or (213) 244-1821

Former Feedlot
Salt River Pima-Maricopa
Indian Community, AZ



Targeted Brownfields Assessments (TBAs)

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- Technical assistance provided to Tribes by EPA
- Assessments and cleanup plans only – separate grant needed to perform cleanup
- Contact: Lisa Hanusiak at (415) 972-3152 or Hanusiak.lisa@epa.gov

Groundwater sampling at a
mining site—
Tohono O'odham Nation, AZ



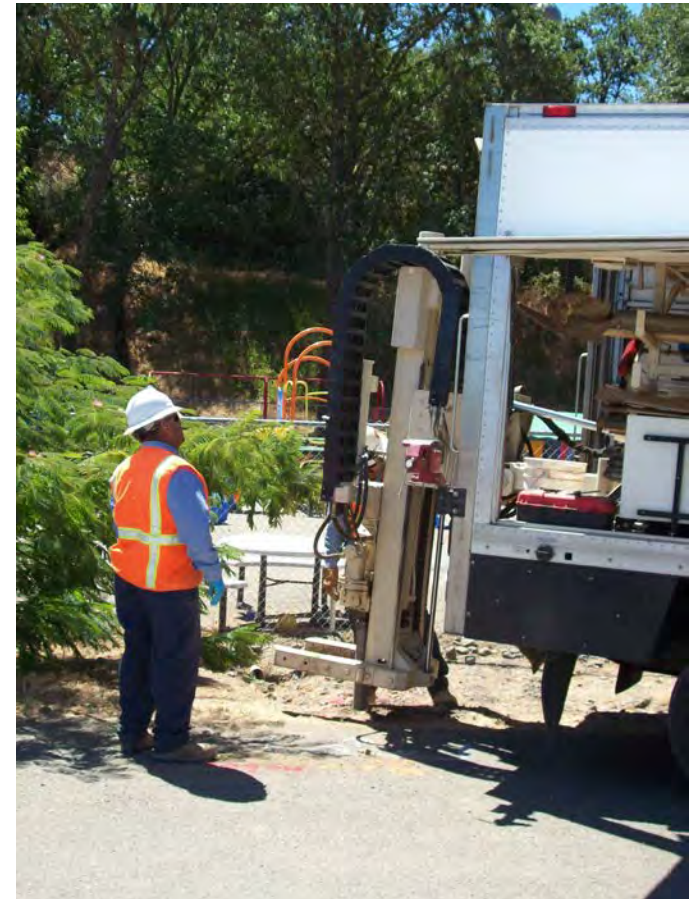
Pinoleville Targeted Brownfield Assessment

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□ Soil Sample Collection



□ Groundwater Sample Collection



Pinoleville Community Garden

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128(a) Response Programs

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- CERCLA 128(a) for States and federally recognized tribes only
- Help build and enhance a Tribal response program to address contaminated sites
- Eligible activities include, but are not limited to:
 - ▣ Developing regulations, guidance, etc. that establish or enhance the administrative or legal structure of their response program
 - ▣ Establishing and maintaining the required public record of BF work
 - ▣ Operation, maintenance and long-term monitoring of institutional/engineering controls
 - ▣ Conducting site-specific activities (i.e. assessments and/or cleanups)
 - ▣ Staff salaries, equipment, supplies, vehicle leases, services and training
- Annual non-competitive grant
- Fifteen Tribes in R9 receive 128(a) grants
- For success stories, see www.epa.gov/brownfields/brownfields-comprehensive-environmental-response-compensation-and-liability-act-cercla

128(a) Grants

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- Not competitive
- Requests for Funding announced early October, applications and work plans due December 15th
- Information available at www.epa.gov/brownfields/brownfields-comprehensive-environmental-response-compensation-and-liability-act-cercla
- EPA Contact: Jose Garcia, (213) 244-1811, garcia.jose@epa.gov

Elk Valley Rancheria Cleanup Grant

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- The tribe received five Targeted Brownfields Assessments (TBA) to investigate several properties
- They used the info from the TBAs to prioritize two sites and applied for two Brownfields Cleanup Grants
- They receive the two grants in FY16 totaling \$352,000



Ocean Way Motel

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Wagon Wheel Motel

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EPA Consultation with Tribes

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- Superfund consults with tribal partners, states, and communities early and often throughout cleanup process.
- Formal consultation policy that went into effect in 2011.
- Designed to ensure that Tribes have a meaningful and timely opportunity to provide input on actions that may affect their interests.

Superfund and the Navajo Nation

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- Key cleanups to date:
 - remediated 51 homes
 - provided safe drinking water to 3,013 families
 - conducted field screening of 523 mines
 - Performed stabilization or cleanup work at 9 mines and a transfer station
 - EPA brought enforcement against 11 PRPs for mines assessment and cleanup
- ~\$1B settlement with Anadarko Petroleum provides funds for cleanup of 10% of the mines on the Navajo Nation Reservation
- EPA awarded \$85M to Tetra Tech Inc. to assess uranium contamination at 30 abandoned uranium mines in and around the Navajo Nation
- In 2017, a historic settlement with Cyprus Amax and Western Nuclear, Inc. for the cleanup of 94 mines on the Navajo Nation.
- Phase 2 Settlement between the Navajo Nation and U.S. DOJ provides funds to cleanup 16 priority mines and assess 30 more

National Historic Protection Act and EPA Consultation with Tribes

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- ❑ EPA Region 9 is building a stronger NHPA Section 106 compliance program:
 - Annual NHPA 106 training program with Tribal Historic Preservation Office presentation as part of the training to give a tribal perspective.
 - Interagency Agreement with the US Army Corps of Engineers for cultural resource technical assistance to EPA on NHPA issues.
 - Consultation with tribes and the Office of Historic Preservation on Removal, Remedial and Brownfields projects.

Recent EPA R9 and Tribal Consultations on NHPA

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- Navajo Nation Legacy Uranium Contamination
- Yellowstone River Oil Spill, MT
- Sulphur Bank Mercury Mine, Lake County, CA
- Santa Susana Field Laboratory site, Simi Hills, CA
- Fort Lowell, Tucson, AZ

Sulphur Bank Mercury Mine
waste removal project, 2010



Related Presentations at the Tribal Conference

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□ Thursday, November 2nd

8:00AM – 9:00AM Willow 1 Room
Navajo Abandoned Uranium Mines and Culture Sensitivity –
Michele Dineyazhe, Navajo Nation Environmental Protection Agency

8:00AM – 9:00AM Oak Ballroom A Room
U.S. EPA Brownfields Funding Opportunities and Technical Assistance –
Jose Garcia, U.S. EPA, Region 9 and
Mike Henry, Tohono O'odham Nation Environmental Protection Office

Questions & Feedback?

Enrique Manzanilla

Division Director, Superfund Division

Manzanilla.Enrique@epa.gov

(415) 972-3843