March 14, 2016

Superfund Division

TRIBAL CONSULTATION AND COORDINATION

VARIOUS REMOVAL/REMEDIAL ISSUES

Anadarko Tank Battery: This site is an abandoned petroleum refueling station located in Anadarko, Oklahoma. Property ownership is being researched by enforcement. Tribal interest is significant. EPA is working with BIA and ITEC (Point of Contact with all Tribal Nations at this time) to track down ownership for site access and get historical information and site status. *Adam Adams, 214-665-2779*

Delaware Drum: EPA assessed 22 drums and containers located in the Delaware Nation Economic Development Authority Greentech Center. EPA disposed of one 5-gallon bucket and two 55-gallon drums that were determined to be RCRA characteristic hazardous wastes based on corrosivity. This site was completed September 2015. *Brandi Todd 214-665-2233*

Jackpile-Paguate Uranium Mine: Superfund staff will be meeting with the Laguna Pueblo Council on March 18, 2016, to discuss the April 6, Community Kick-Off Meeting. The purpose for meeting with the Council will be to present the information EPA will be sharing with the community on April 6th, regarding the start of a Remedial Investigation/Feasibility Study (RI/FS). EPA tribal program representatives expect to be at the April 6th Community meeting. A general technical overview of the Superfund process will be shared with the Council and the Community. Information Guide folders will be provided to kick-off the RI/FS start and to encourage community participation. *Petra Sanchez, 214-665-6686*

Quapaw Tribe: The Quapaw Tribe Environmental Office is conducting a pilot project using soil amendments which have been applied to impacted soils to reduce the bioavailability of the metals of concern. The application of technical performance measures and long-term monitoring will determine whether the amendments are functioning as designed. The Tribe has performed the remedial action at another portion of tribal lands known as Beaver Creek North (CP060) and is currently performing the remedial action at Distal 13. *Rafael Casanova 214-665-7437*

Quapaw Tribe: An amendment to the cooperative agreement with the Quapaw Tribe is currently in process for the amount of $3,700,000. This award is to fund the Tribe to remove contamination from the Restricted Land Area of Tar Creek, Distal 13. *Kathy Gibson 214-665-7196*

Tar Creek: On February 24 and 25, 2016, the EPA met with all stakeholders to discuss issues related to OU5 and OU4, respectively. The EPA continues to coordinate with the tribal groups interested in the Tar Creek Site through periodic meetings and conference calls that provide updates and discussion opportunities related to progress and schedule for remedial action (OU2 and OU4) and Remedial Investigation (OU5). The interested parties include ITEC, Cherokee Nation, Eastern Shawnee, Miami Tribe, Modoc tribe, Quapaw Tribe, Ottawa Tribe, Peoria Tribe, Seneca-Cayuga Tribe, Shawnee Tribe, Wyandotte Tribe, and BIA. The next scheduled stakeholder conference call is scheduled for March 2016. *Rafael Casanova 214-665-7437*

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Wilcox Oil Company: Katrina Higgins-Coltrain (Remedial Project Manager) and Todd Downham (Oklahoma Department of Environmental Quality Project Manager) continue to coordinate with the tribal groups interested in the Wilcox Site. The ITEC, Sac and Fox Nation, Muscogee (Creek) Nation, Cherokee Nation, BIA, and IHS, are interested in the site and participate in the site meetings and visits. Update meetings and discussion related to the Remedial Investigation/Feasibility Study process, current status and progress, and schedule of future activities were held in April and March 2015. A meeting was held August 26, 2015, to discuss and identify areas of cultural and historical significance that could be impacted by site related activities. On September 24, 2015, a follow-up site visit with the Muscogee (Creek) Nation cultural and historical preservation departments and Sac and Fox Nation was conducted. In addition, interested persons visited the site during field work conducted December 2015. Currently EPA is working to review field data from September and December 2015 and develop site plans that are tentatively scheduled to be shared with the team in April 2016. Also, the April/May timeframe is tentative for the next open house with the community. *Katrina Higgins-Coltrain 214-665-8143*

NM Abandoned Uranium Mines - Tronox Settlement: Tronox was created in 2005 as a spinout of Kerr McGee and was saddled with massive environmental and legal liabilities. Tronox filed bankruptcy and filed a fraudulent conveyance suit against Kerr McGee and its successor, Anadarko. The U.S. Department of Justice finalized a $5.2 billion settlement with Kerr McGee and Anadarko on January 23, 2015. EPA received $985 million of the settlement to address legacy human health and environmental impacts at uranium mine sites in NM and on the Navajo Nation. The $985 million will be used to fund the cleanup of approximately 50 abandoned uranium mines in NM and on the Navajo Nation. Of the 50 mines, 22 mines in NM were identified in the Tronox Settlement. EPA Regions 6 and 9, along with the Navajo Nation EPA and New Mexico Environmental Department (NMED) and New Mexico Energy, Minerals and Natural Resources Department (NMEMNRD) have established quarterly meetings to identify project activities and goals at the abandoned uranium mines. Investigations into the impacts on groundwater from legacy mining and milling with the potential risk to residents using groundwater as their domestic water supply continue as EPA Region 6 develops a conceptual site model tentatively scheduled to be released in FY18. Drilling of additional monitoring wells to assess water quality in the alluvial and bedrock aquifers began in July 2015 and was completed in February 2016. A non-time critical removal assessment on the Tronox NAUM East Geographic Subarea and associated areas in Ambrosia Lake began in July 2015 and is projected to be completed in completed in March. The data will be utilized to prepare an EE/CA Report for the site. A meeting will be held in March with Region 6, Region 9, Navajo Nation, NMED, and NMEMNRD to discuss priorities for FY 2016. *Chris Villarreal 214-665-6758, Kevin Shade 214-665-2708, Jon Rinehart 214-665-6789, Warren Zehner 281-983-2229*

Grants Mining District – Draft Five-Year Plan: On October 9, 2015, Region 6 released the draft 2015-2020 Grants Mining District Five-Year Plan to the public, tribal, state and federal agencies for review and input. An offer of consultation was also extended to the Pueblo of Acoma and the Pueblo of Laguna on the draft plan. The draft plan can be downloaded from the Grants Mining District webpage (http://www2.epa.gov/grants-mining-district). Input was requested on the draft plan by November 13, 2015. The final Five-Year Plan is expected to be released in March 2016. *Kevin Shade 214-665-2708, LaDonna Turner 214-665-6666*

BROWNFIELDS

128A Tribal Response Program Updates:

- Region 6 received FY16 Funding Requests from four FY16 128a Tribal Response Programs. All four requests were from existing 128a Tribal Response Programs: The Inter-Tribal Environmental Council (ITEC), Eight Northern Indian Pueblo Councils **(**ENIPC), Absentee Shawnee Tribe and the Kickapoo Tribe of Oklahoma. The national budget for 128a funding remained at $47.7M this year.
- The Region 6 Brownfields Program is partnering with the Region 6 GAP program to identify areas to better coordinate to promote grant efficiencies and effectiveness.
- The Tribal Lands and Environment Forum will be held in Uncasville, CT August 15-18.

ITEC administers a 128a Tribal Response Program, building capacity since 2000. ITEC provides outreach to its 41 member tribes by traveling to the tribes' offices and informing them of what the Brownfields Program is, how it can be used and the services ITEC can provide (such as training, inventories and site assessments). ITEC's Brownfields Program has a page on the ITEC website that also provides information about Brownfields, including services offered and an inventory of brownfields sites that have been addressed with its program. ITEC emails member tribes information about the Brownfields Program. During the Tribal Environmental Summit and ITEC Conference, ITEC's Brownfields Team has a booth to promote their Brownfields Program and answer questions any tribe might have about potential Brownfields Sites.

ITEC recently began the process of rewriting, amending, editing, and ultimately developing a new set of environmental statutes and regulations to assist with implementation of its Brownfields Program. ITEC is considering addressing vapor encroachment through its Brownfields Program. ITEC is also providing ASTM training to member tribes and hosts and annual Environmental Summit.

Recent results from past assessment and technical assistance provided by ITEC include:

- The Delaware Nation Drum site has been referred to the EPA Removal program for a limited cleanup action. While conducting Phase I Environmental Assessment activities, ITEC encountered a room of unlabeled drums, many of which were unlabeled and appeared to be leaking. ITEC contacted EPA for assistance. The removal activities are currently underway. *Amber Howard 214-665-3172*

Absentee Shawnee Tribe: The Absentee Shawnee Tribe (AST) reopened its 128a Tribal Response Program in 2013. AST continues to promote sustainable and livable rural communities by establishing, maintaining and enhancing our Tribal Brownfield Response Program to protect disproportionately impacted low-income, minority, and our Tribal community. The Tribe continues to use the Tribal Response Program to preserve land and prevent land contamination by preparing for and responding to accidental or intentional releases of contaminants; ensuring clean up and restoration of polluted sites for reuse; reducing waste generation; and reviewing the Tribal Solid Waste Code for necessary updates to ensure proper management of waste and petroleum products. The AST Tribal Response Program has

partnered with the Oklahoma Department of Environmental Quality (ODEQ) and the Inter-Tribal Environmental Council's Brownfields Program to secure Phase II site assessments and Certificates of Completion to further the reuse of Brownfields properties.

Current and upcoming environmental projects overseen by AST are:

- Walls Building – AST completed a Phase I and ODEQ has completed a Phase II Targeted Brownfield Assessment on a former TG&Y retail center and automotive service center located in Tecumseh, OK.
- Roadside Motel – AST completed a Phase I on a 21-room motel with living quarters and an office. The building contains asbestos. AST is partnering with ODEQ to secure a Phase II assessment of the property.
- Youth Camp – AST cleaned up a 5 acre open dump site near Norman, OK. The site is part of a 200 acre wooded property planned for the development of a Tribal Youth Camp, funded by the HUD-ICBG Program.
- Housing Authority property - The AST is currently working with the Absentee Shawnee Housing Authority (ASHA) on a U.S. Department of Housing and Urban Development (HUD) Housing project. AST completed the NEPA Environmental Assessment, Finding of No Significant Impact and Request for Release of Funds documents. The AST is assisting the ASHA with the removal of 2 underground storage tanks and the capping a water well on the proposed housing addition site. The ASHA plans for the construction of 25 low income housing units located on the proposed site. *Amber Howard 214-665-3172*

ENIPC: The ENIPC administers a 128a Tribal Response Program, building capacity since 2010. ENIPC finalized the Picuris Pueblo Phase I ESA on closed gym. In FY 2015, site specific work completed by ENIPC included:

- Phase I ESA on private property (agriculture land) for the Pojoaque Pueblo that the Pueblo will acquire for conversion of acquired property into tribal trust through Bureau of Indian Affairs (BIA).
- Phase I ESA on abandoned gravel mine on Cochiti Pueblo.
- After receiving petroleum eligibility determination for closed gas station from NMED, ENIPC is in the process of completing Phase I ESA on closed gas station for Pojoaque – that will also be converted to tribal trust through the BIA.

ENIPC hosted ASTM Phase I and II ESA training for tribes in New Mexico in March 2015. ENIPC will work with ASTM to develop an interview guide for tribes to gather information about uses and operations on brownfields properties on tribal lands through interviews required by ASTM for Phase I ESAs. ENIPC also hosted HAZWOPER training for tribes in north New Mexico in FY 2015. Additionally, ENIPC staff completed mold, lead-based paint and asbestos abatement inspector training in FY 2015. With the XRF equipment purchase in FY 2014, ENIPC will be able to assist tribes in New Mexico with screening for lead-based paint using XRF on tribal structures or "loaning" XRF equipment to tribes to undertake screening.

Results from past assessment and technical assistance provided by ENIPC include:

- Acoma Pueblo – McCarty School burnt building materials properly collected and disposed using GAP funding. Acoma was able to move forward with securing GAP funding to address McCarty School burnt building materials after ENIPC's Phase I ESA.
- Picuris Pueblo – Gym roof was repaired by Picuris after securing USDA funding of $70,000. This included molded batting material identified in Phase I ESA provided by ENIPC. The gym is now and operational. *Amber Howard 214-665-3172*

Kickapoo Tribe of Oklahoma: The Kickapoo Tribe of Oklahoma received FY16 128a Tribal Response Program funding. This is the Tribe's first request for 128a program assistance to develop a Tribal Response Program. With the addition of a 128(a) program, the Kickapoo Tribe will complement existing services by the following goals:

- Develop a brownfields site inventory on tribal lands
- Strengthen the Tribe's capacity to respond to contaminated sites
- Foster public participation and awareness through outreach and education
- Develop cleanup standards applicable to brownfields projects

Amber Howard 214-665-3172

BROWNFIELDS ASSESSMENT ACTIVITIES:

ENIPC: Gave tour of Valmora tract (70-acres) to EPA staff (Karen Peycke and LaDonna Turner) and NMED staff (Ali Furmall and Rebecca Cook) on March 8, 2016. EPA suggested inventorying salvageable contraction and architectural materials out of the 11 buildings on Valmora tract using Deconstruction Tool designed under Land Revitalization. Materials inside of buildings that are potentially salvageable are vigas, brick, Saltillo floor tile, decorative Mexican tile. *Karen Peycke 214-665-7273*

Laguna Pueblo:
No new information regarding Laguna Pueblo "school bus barn" site in first two quarters of FY 2016
Karen Peycke 214-665-7273

Zuni Pueblo: NMED undertook cleanup activities at closed Malco gas station at request and on behalf of Zuni Pueblo in FY 2016. *Karen Peycke 214-665-7273*

Santa Clara Pueblo: Santa Clara Pueblo hired contractor to abate asbestos in the judicial building but contractor discovered more asbestos within walls of building that was originally projected in NMED's Phase I ESA/Asbestos & Lead-based Paint Survey. EPA approached NMED to request additional assistance with survey and abatement plan for remaining asbestos in judicial building on March 9, 2016, on behalf of Santa Clara Pueblo. Additionally, NMED offered potential financial assistance with abatement costs through the NMED Brownfields RLF. Santa Clara planned to request assistance from BIA for abatement and construction of new judicial complex on March 10, 2016.

Santa Clara Pueblo expressed interest in requesting a no further action letter from Superfund Site Assessment for the Bridge Radiator Shop in Espanola, NM on March 7, 2016. Upon issuance of

Superfund Site Assessment no further action letter, Brownfields assistance can be offered to Santa Clara Pueblo in the form of environmental site assessment – Phase I and II ESA. Santa Clara Pueblo will evaluate what the reuse options are for Bridge Radiator Shop.
Karen Peycke 214-665-7273

Taos Pueblo: ENIPC is completing an Analysis for Brownfields Cleanup Alternatives for Taos Community and Health Services Building and former doctor office/residence burnt structure. EPA Brownfields will complete a cleanup plan for this site and include an option (estimated costs) to address septic tank fields by April 2016. NMED will assist with cleanup on behalf of Taos Pueblo through NMED Brownfields RLF upon receipt of ABCA and cleanup plant. *Karen Peycke 214-665-7273*

Santa Domingo Pueblo: No new information about CC Housing Site in first two quarters of FY 2016.
Karen Peycke 214-665-7273

Cochiti Pueblo: Region 6 nominated Cochiti Pueblo as a "Making a Difference to Communities" community for Green Infrastructure in FY 2015.

Cochiti Pueblo started working with EPA, NMED, BIA and Pena Blanca Water Authority to address the potential impacts from abandoned Cochiti Gravel Mine on area including drinking water well located in Pena Blanca but adjacent to mine in August 2013. EPA Brownfields Program coordinated with Emergency Response Branch, Tribal Office Site Assessment Section within EPA Region 6 and outside of EPA with NMED's Drinking Water Bureau and NMED's Brownfields Program to identify resources available to assist Cochiti Pueblo with identifying and confirming impacts from abandoned mine operations. The EPA Targeted Brownfields Assessment Program set aside funding to undertake a Phase I and II ESA in FY 2014. NMED's Drinking Water Bureau is working with Pena Blanca Water Authority to develop a second source for drinking water well in area and noted that Pena Blanca drinking water well will be sampled in 2014. Note, Cochiti Pueblo governor office is a one year term, the new Governor entered office in January 2014 and a new Governor will enter office in January 2015. EPA TBA Program received requests for Phase I and II ESA at the abandoned gravel mine in February 2014. ENIPC finalized Phase I ESA on Cochiti's abandoned gravel. EPA TBA Program completed soil gas survey of the mine staging area and sampled the single source drinking water well operated by Pena Blanca Water Board – adjacent to staging area of abandoned gravel mine. In September 2015, the Cochiti Pueblo Council and Governor were briefed about Targeted Brownfields Assessment assistance completed (soil gas survey and sample of drinking water well) and follow-up Phase II ESA planned for the Cochiti's abandoned gravel mine planned. Note – the drinking water well sample results did not indicate contamination of water from heavy metals or petroleum products.

Using the completed soil gas survey results, EPA briefed the Cochiti Pueblo staff and consultant; and the Pena Blanca Water Board on survey results of the Cochiti's abandoned gravel mine staging area. At request of Cochiti Pueblo and Pena Blanca Water Board, EPA provided sample approach for next Phase II ESA to sample surface and sub-surface soils of the mine staging area for comments/input from Cochiti Pueblo and Pena Blanca Water Board. Additionally, NMED asked to split sub-surface soil sampling with EPA to collect data at a difference depth. EPA will also extend surface and sub-surface soil sampling to the perimeter of the mine in the Phase II ESA sampling plan. EPA incorporated Cochiti Pueblo, Pena Blanca Water Board and NMED comments to sample approach and will complete Phase II ESA sampling plan by November 2015.

NMED has offered to sample private water wells located on residences that are adjacent to Cochiti's abandoned gravel mine. Additionally, NMED has offered to undertake quarterly sampling of single source drinking water well at the request of the Pena Blanca Water Board – as follow-up to EPA's TBA sampling of well.

EPA coordinated with Cochiti Pueblo, Pena Blanca Drinking Water Board, Rural Waters (non-profit) and NMED to design sampling plan to confirm presence of solvents, hydrocarbons and heavy metals in surface soils, below surface ground soils (6 feet interval NMED will sample and 12 feet interval EPA TBA contractor will sample) for a follow-up Phase II ESA. The field work for the follow-up Phase II ESA will start the week of March 14, 2016. Next steps will be to go over follow-up Phase II ESA results with Cochiti Pueblo, Pena Blanca Water Board through a conference call. Additionally, Region 6 will write a scope of work for Land Revitalization contract to provide visioning/planning assistance on abandoned gravel mine. *Karen Peycke 214-665-7273*

Pueblo of Isleta: EPA, ENIPC and NMED visited shooting range with Pueblo of Isleta on March 7, 2016. The Pueblo of Isleta expressed concerns about lead levels in shooting range. ENIPC offered to screen soils in shooting range to confirm presence and concentration levels of lead in shooting range. The Pueblo of Isleta will follow with spot cleanup of hot spots identified through XRF screening by ENIPC. The shooting range is used by hunters of Pueblo of Isleta and is an important tribal resource for Pueblo of Isleta. *Karen Peycke 214-665-7273*

LAND REVITALIZATION

Choctaw Nations Promise Zone: Region 6 is coordinating with Choctaw Nation to host a Brownfields 101 webinar in FY 2016. *Karen Peycke 214-665-7273*

Deconstruction Tools: Provided Deconstruction Tools to Acoma and Taos Pueblos for consideration and application when evaluating demolition of obsolete structures on tribal lands in April 2014.
Karen Peycke 214-665-7273

TRIBAL TRAINING

Proposed Rule to Add a Subsurface Intrusion Component to the HRS: The Office of Federal Register has confirmed an FR publication date of Monday, February 29, 2016. Publication will start the clock on the 60-day public comment period which should end approximately April 29, 2016. As part of outreach efforts for the proposed rule, OSRTI held a formal tribal consultation webinar on February 16, 2016, which attracted approximately 3 tribal participants. *Brenda Cook 214-665-7436*

Brownfields Grant Writing Workshop held in Addison, TX on October 6-8, 2015 was open to the public. Santa Domingo Pueblo and ENIPC sent staff to workshop.
Karen Peycke 214-665-7273