



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

April 30, 2019

Dennis Patch, Chairman
Colorado River Indian Tribal Council
2600 Mohave Road
Parker, Arizona 85344
Via email
dennis.patch@crit-nsn.gov
tashina.harper@crit-nsn.gov

Subject: No Further Action
CRIT Farms Location Leaking Underground Storage Tank (LUST) Site
Nez and Mohave Roads
Parker, Arizona (EPA ID# CRIT014)

Dear Mr. Patch:

The U.S. Environmental Protection Agency ("EPA") has completed its review of documents pertaining to the CRIT Farms leaking underground storage tank ("LUST") cleanup site referenced above. Based on the residual contaminant concentrations at the Site, the Tribe's continued agricultural and industrial operations at the Site, and no current or anticipated planned future usage of the groundwater beneath the Site, EPA and the Colorado River Indian Tribe's Environmental Protection Office ("CRIT-EPO") are not requiring further action for the Site at this time. However, this no further action ("NFA") determination acknowledges that low levels of residual soil and groundwater contamination remain at the Site and is adopted with the following acknowledgements:

1. The Tribal Council implemented a measure on December 24, 2018 establishing an Institutional Control on the Site for the next fifty years which,
 - a. prohibits the use of groundwater within 0.25 miles of the Site,
 - b. decrees the Site will remain used for agricultural purposes only, and
 - c. that the drainage canal adjacent to the Site will not be used for irrigation.

Also, EPA's NFA determination is based on knowledge that the nearest public drinking water wells are over six miles west of the Site.

EPA will place this site on a LUST 5-year Review list and will reach out to the Tribe every five years to re-confirm the land use designation. If additional information becomes available in the future regarding hydrocarbon contamination in soil and/or groundwater at the Site, EPA may determine that additional site assessment and/or corrective action is warranted.

If you have any questions regarding the information contained in this letter, please contact Wilfred Nabahe of the CRIT-EPO at 928-662-4336, Rebecca Jamison of my staff at (415) 972-3365, or you can contact me directly at (415)-972-3369.

Sincerely,

Robert Pallarino for

Steven C. Linder, P.E., Manager
Underground Storage Tanks Program

Cc (via email):

Vice Chairman: Keith
Moses

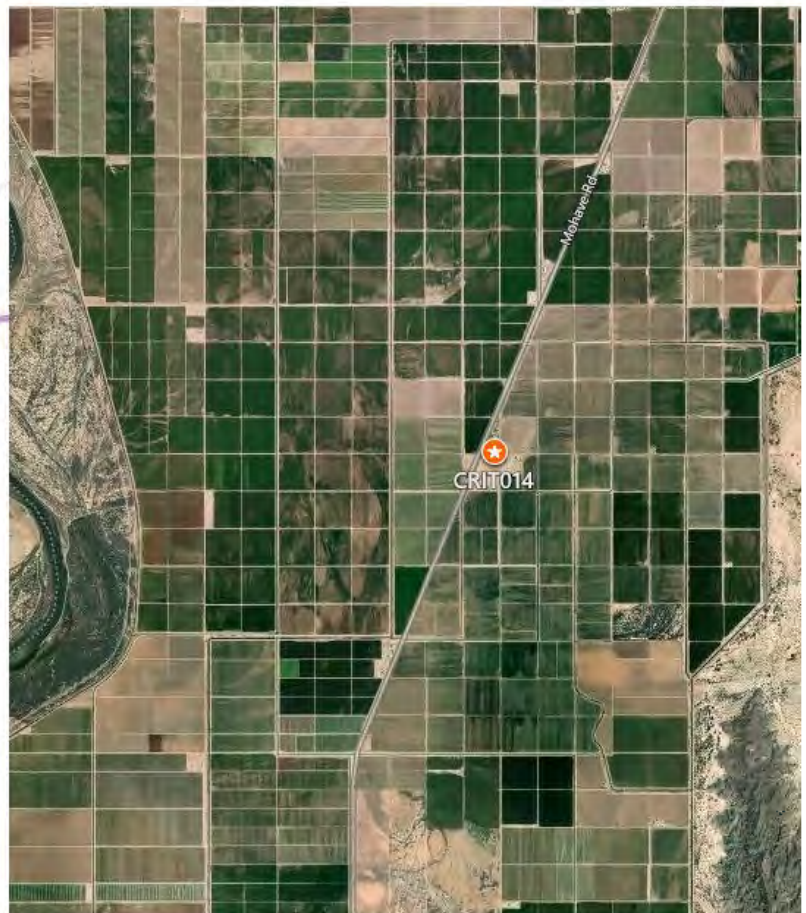
W. Nabahe, CRIT EPO
A. Flora, CRIT DOJ

Councilmembers:
Johnny Hill, Jr. Herman
"T.J." Laffoon Robert
"Bobby" Page
Granthum Stevens
Johnson "J.D." Fisher
Tommy Drennan

Enclosure A

**CRIT014 - CRIT Farms
NEZ and MOHAVE Roads
Parker, Arizona, La Paz County**

Latitude 33.883338 N, Longitude - 14.452011 W



Background

The CRIT Farms location at Nez and Mohave Roads had one 15,000-gallon diesel UST with associated above pipelines and dispenser. The UST was permanently removed in November 1999. UST Closure soil samples indicated gasoline range organics (GRO), diesel range organics (DRO) and oil range organics (ORO) in two samples collected from the UST excavation. Groundwater was not encountered during the UST removal activities. Subsequently, a limited site investigation was undertaken in August 2000, one soil sample was collected at 9 feet below grade. Groundwater was encountered at 9 to 10 feet bgs. No groundwater sample was taken.

ACTech's Report to the Tribe dated September 7, 2000 noted the following soil sample results:

ATTACHMENT II

SUMMARY OF ANALYTICAL RESULTS GEO-PROBE SAMPLING CRIT FARMS

SAMPLE #/Depth	BENZENE	TOLUENE	E-BENZENE	XYLENE	TPH
CGP-1/9'	<0.050	<0.10	0.30	<0.15	16,200
ARIZONA GPLs	0.71	400	120	2,200	NA

ARIZONA GPLs - Ground Water Protection levels. Maximum concentrations allowed in soil if ground water is within 30 feet.

NA - Not Applicable

Units are in mg/Kg

While noting the presence of several individual hydrocarbon compounds, all detected concentrations were below minimum groundwater protection levels as established by Arizona (used for comparison by the contractor).

Current Status

In 2014, CRIT-EPO and EPA discussed the appropriateness of issuing a No Further Action for the site based on its continued agricultural and industrial use. Groundwater under the Site is not used at this time nor are there anticipated changes in land use. The Tribe relies on a public water supply with wells located twenty-three miles north of the Site. Though there are public wells nearer to the site, they are situated on the west bank of the Colorado River, approximately six miles west of the Site. The Site poses no known risk to the community through traditional avenues, specifically ingestion, inhalation or contact. Nor is there a petroleum vapor intrusion risk from the Site.

On Monday, December 24, 2018, the CRIT Tribal Council passed a resolution supporting No Further Action (See Enclosure C). The Resolution committed the Tribe to ensuring appropriate land use and ensuring groundwater beneath the Site is not utilized for irrigation.

No Further Action

Based on the above noted factors, EPA has concluded that No Further Action is appropriate for the CRIT Farms Site.

RESOLUTION
COLORADO RIVER TRIBAL COUNCIL

**A Resolution to Approve the Colorado River Indian Tribes' Institutional Control of CRIT Farms
EPA Site ID# CRIT 014 Former UST Facility.**

Be it resolved by the Tribal Council of the Colorado River Indian Tribes of the Colorado River Indian Reservation, in *special* meeting assembled on December 24, 2018

WHEREAS, the Colorado River Indian Tribes (hereinafter "CRIT" or "Tribes") is a federally recognized Indian Tribe, duly organized with a tribal governing body known as the Tribal Council according to the provisions contained in the Indian Reorganization Act of June 18, 1934; and

WHEREAS, Article VI, Section 1(a) of the Constitution of the Colorado River Indian Tribes authorizes the Tribal Council to negotiate and/or contract with Federal governments, on behalf of the tribes, and to advise and consult with representatives of Federal agencies on all activities of the Department or such agencies that may affect the Colorado River Indian Tribes; and


WHEREAS, CRIT is subject to certain federal laws and regulations pertaining to leaking underground storage tanks ("USTs"), namely the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), and the applicable regulations at Title 40 of the Code of Federal Regulations (40 CFR) Part 280, and the Clean Water Act ("CWA") of 1972 (33 U.S.C. §1251 et seq.) and the applicable regulations at 40 CFR Part 22; and


WHEREAS, the United States Environmental Protection Agency ("EPA") in correspondence dated December 16, 2013 and August 7, 2014 has determined that the Tribes, pursuant to 40 CFR Part 280, are responsible for investigating potential soil and water contamination resulting from the excavation of leaking underground storage tanks at CRIT Farms EPA ID# CRIT 014 located at Latitude 33°53'00"N, Longitude 114°27'06"W and the former UST site known as CRIT

The foregoing resolution was on December 24, 2018 duly approved by a vote of 5 for, 0 against and 0 abstaining, by the Tribal Council of the Colorado River Indian Tribes, pursuant to authority vested in it by Sections 1.a., Article VI of the Constitution and By laws of the Tribes, ratified by the Tribes on March 1, 1975 and approved by the Secretary of the Interior on May 29, 1975, pursuant to Section 16 of the Act of June 18, 1934, (46 Stat. 984). This resolution is effective as of the date of its adoption.

COLORADO RIVER TRIBAL COUNCIL

Bv

 ACTING
Chairman

 ACTING
Secretary

RESOLUTION NO. R- 543-18
DECEMBER 24, 2018
PAGE 2

Farms is adjacent to agricultural fields and no drinking water wells are within a one mile radius; and

WHEREAS, the EPA recommends a prohibition against the installation of drinking water or agricultural wells within 1/4 mile of the former CRIT Farms UST site for fifty years, through the year 2068, in order to ensure compliance with the CWA and the Safe Drinking water Act; and

WHEREAS, the CRIT Environmental Protection Office ("EPO") has reviewed the Report of Limited Site Assessment completed June 14, 2016 for CRIT Farms EPA ID#014 by Environmental Technology, Inc. citing petroleum soil and groundwater contamination confined to the area immediately surrounding the former UST excavated site; and

WHEREAS, EPA's Tribal Leaking UST Coordinator communicated with EPO's Director via electronic mail on February 16, 2018, recommending that the Tribes submit a no further action letter based on the following: 1) Contamination remains at the Site, 2) The Site continues to be an equipment location where heavy machinery is utilized/stored, 3) Groundwater (shallow or deep) at the Site is not utilized for drinking water or irrigation, and 4) The nearby canal is a drainage canal and the water is not used for irrigation; and

WHEREAS, the Site will be posted on EPA's Leaking UST 5-year Review Schedule until EPA and CRIT agree it should be removed from the list; and

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council concurs with the findings of the CRIT Farms CRIT ID#014 Limited Site Assessment and the recommendation of EPA's UST Land Division; whereby, the Tribes will impose an institutional control for the next fifty years until 2068 prohibiting the installation of drinking/agricultural wells with 1/4 mile of the said UST Site; the Site will remain an agricultural use site only, and the drainage canal water will not be used for irrigation purposes; and

BE IT FURTHER AND FINALLY RESOLVED that the Tribal Council Chairman and Secretary, or their designated representatives, are hereby authorized and directed to execute any and all documents necessary to implement this action.