



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

August 10, 2009

Ms. Diane Malone, Director  
Executive Office  
Navajo Nation Environmental Protection Agency  
P.O. Box 339  
Window Rock, AZ 86515

Subject: Recommendation for No Further Action for the Underground Storage Tank Site  
at the Former Kirk Center, Shiprock, NM (NAV-123)

Dear Ms. Malone:

The United States Environmental Protection Agency (USEPA), Region 9 has completed our review of the report – *Site Characterization Report, Kirk Store, dated March 2009*. The report describes the site closure activities which included the removal of the underground storage tank (UST) system and the site characterization. These activities were undertaken in August, November and December, 2008 and were funded by the Federal LUST Trust Fund. The work was performed by the EPA national contractor, Bristol Environmental Remediation Services, LLC.

**Site Assessment History**

The Kirk Center (aka Thriftway #301) facility is located on U.S. Highway 64 in Shiprock, New Mexico, on Navajo Nation trust lands. The former owner abandoned the site in 2003 without removing the USTs, and possibly leaving product inside the tanks. The USTs were over 30 years old. EPA Region 9 Underground Storage Tank Program Office (USTPO) inspectors cited the former facility for violations of UST operational requirements in 2002 and violations of temporary closure requirements in 2003. The combination of tank age, unsafe operation practices, and abandonment with product possibly remaining inside made the site a potential threat to the environment and nearby communities, and an urgent concern for NNEPA (Navajo Nation Environmental Protection Agency).

The UST system, consisting of three, 6,000 gallon- USTs, associated piping, three dispenser islands and four dispensers, were removed from the site in August 2008. The bottoms of the USTs were at or below the water table. The USTs were empty. There was a noticeable fuel odor and staining of soil below one of the tanks but confirmation

soil and grab groundwater sampling did not detect any petroleum constituents above action levels.

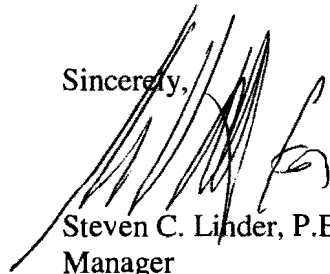
Bristol returned to the site on November 18, 2008 to install monitoring wells at the UST area, downgradient, and upgradient of the UST area to collect more definitive data than the data from the grab groundwater sample taken previously. There were a total of four monitoring wells installed at the site from which groundwater samples were taken in December 5, 2008. The results of the groundwater sampling and analysis confirmed that the petroleum constituents at the site were below action levels and that the low-level contamination detected during the UST removal in August 2008 was limited to the area beneath one of the USTs

### **Conclusions**

Based on the findings presented in the report, EPA Region 9 recommends that this site be closed without additional action. My staff has reviewed the report findings with Mr. Henry Haven of the NNEPA UST program and Mr. Haven concurs with this recommendation. If additional information becomes available in the future regarding hydrocarbon contamination in soil and/or groundwater at this site, EPA or the NNEPA may reopen this site and require additional site assessment and/or corrective action.

If you have any questions regarding the information contained in this letter, please contact Carl Warren of my staff at (415) 972-3355.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Linder', is written over the word 'Sincerely,'.

Steven C. Linder, P.E.  
Manager

Underground Storage Tanks Program Office  
U.S. Environmental Protection Agency – Region IX

cc: Henry Haven, NNEPA  
Warren Roan, NNEPA  
Mimi Newton, Office of Regional Counsel, US EPA Region IX  
Scott Ruth, Bristol ERS  
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