



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

May 6, 1999

Harrison Talgo, Sr.
Tribal Administrator
San Carlos Apache Tribe
P.O. Box O
San Carlos, AZ 85550

★ Note about SANCOO1
on page 5.

Dear Mr. Talgo:

We are following up from our last correspondence to you on February 5, 1999, when we apprised you of upcoming underground storage tanks (UST) activities on the San Carlos Apache Tribe reservation, and from the debriefing on February 18, 1999 provided by my staff—Jennifer Bravinder, Bobby Ojha, and Walter Guggenheimer—for several members of the Tribal Council at the end of our visit. During the trip, we accomplished numerous objectives: overseeing UST closures, conducting UST facility inspections, and conducting fact-finding at abandoned or out-of-use UST sites. The results and findings of our activities are documented below, beginning with our inspection of the Tribe-owned UST facilities, followed by inspections and investigations at the other existing UST facilities, and ending with UST closure activities undertaken by the Bureau of Indian Affairs (BIA).

UST Facilities Owned or Operated by the San Carlos Apache Tribe

EPA staff conducted compliance assistance inspections at five UST facilities that are owned or operated by the Tribe: (1) Recreation & Wildlife Department; (2) San Carlos Lake Development Corporation Store; (3) Bylas Texaco (formerly Haralson's Tire Company); (4) Bill Connor Automotive; and (5) Seneca Trading Post. The objective was to determine compliance with the federal UST requirements for operating or temporarily closed UST systems. We found all the UST facilities to be in temporary closure. We documented our findings at each UST facility in a "Notice of Inspection." Copies were provided to Loretta Stone at the trip debriefing on February 18, 1999. For your convenience, we have attached typed copies (see attachment 1).

The significant findings for these facilities and action items for the Tribal Government are summarized below. We request that the Tribe provide EPA with a written statement on its intentions to meet the federal UST requirements at each facility, including the targeted date for compliance. Please provide this statement within 30 days of the date of receipt of this correspondence. Failure to comply with the regulations may result in penalties assessed against the Tribe.

- The Bylas Texaco facility may pose a high health and safety risk which needs to be addressed as soon as possible. We are concerned that vandals could easily access the unlocked fill pipes and accidentally or intentionally cause an explosion due to the presence of gasoline in the spill buckets and a significant amount of gasoline remaining in the tanks themselves. The spill buckets should be emptied immediately and the fill pipes locked down. In addition to these actions, the federal regulations for temporary closure require the Tribe to (a) empty the tanks to less than 1 inch of product or monitor the product level each day with a measuring stick, (b) cap and secure the dispenser hoses, and (c) leave the vent lines open. If this gas station is returned to operation, leak detection must begin immediately.
- All five of the UST facilities named above must be upgraded, replaced, or permanently closed by no later than December 22, 1999. The Tribe has met the December 22, 1998 deadline by placing these facilities in temporary closure. However, the federal regulations only allow a maximum of 12 months of temporary closure, after which the USTs must be upgraded, replaced, or permanently closed. For more information on meeting these requirements, please refer to the enclosed EPA publications, "Don't Wait Until 1998" with the inserted flyer "Options & Costs for '98" (enclosure 1), "Musts for USTs" (enclosure 2) and "Are You Upgrading an Underground Storage Tank System?" (enclosure 3).
- Only one facility—the Recreation & Wildlife Department—was found in compliance with the temporary closure requirements. However, the Department must measure the product level daily or empty the tanks to less than 1 inch of liquid product.

The remaining four facilities all require that actions be taken to achieve compliance with the temporary closure requirements: empty the tanks or monitor the product level daily with a measuring stick, cap and secure the fill pipes and dispenser hoses, and leave the vent lines open. For more information on meeting the temporary closure requirements, please refer to the enclosed EPA publications "Closing Underground Storage Tanks: Brief Facts" (enclosure 4) and "Musts for USTs."
- For the San Carlos Lake Development Corporation Store, the Tribe must submit to EPA certain documents addressing the upgrading of the tanks and lines with corrosion protection. The required corrosion protection documents are listed in the Notice of Inspection for this facility dated February 17, 1999 (refer to attachment 1). For more information on meeting the pressurized piping leak detection requirements, please refer to the enclosed EPA publication "Musts for USTs."
- For all five of the UST facilities named above, the Tribe must submit documentation that demonstrates compliance with the financial responsibility requirements. The deadline for Tribes to comply with the financial responsibility requirements was December 22, 1998. For more information on meeting the requirements, please refer to the enclosed EPA publication "Dollars and Sense: Financial Responsibility Requirements for Underground Storage Tanks" (enclosure 5).

- The Tribe must submit the federal "Notification for Underground Storage Tanks" form for all five facilities (blank forms for the Tribe's use may be found in enclosure 6).
 - New forms are needed for Seneca Lake Store and Bylas Texaco. If the Bylas Texaco gas station is re-opened, an amended form must then be submitted within 30 days of returning the USTs to operating status.
 - Amended forms must be submitted for the Recreation & Wildlife Department, San Carlos Lake Development Corporation Store, and Bill Connor Automotive to officially notify EPA of the change in status from operating to temporarily closed. Please note that Bill Connor Automotive has two USTs, in addition to the two USTs recently taken out of service, that have been reported to EPA; all four USTs should be included on the amended notification form.
 - Another amended form must be submitted for the San Carlos Lake Development Corporation Store within 30 days of returning the upgraded UST systems to operating status.
- The Bill Connor Automotive facility has two above-ground storage tanks (ASTs) and several 55-gallon drums containing used oil and possibly wastes which may be hazardous. In addition, the soil is heavily stained with fuel and used oil. We recommend that the Tribe take steps to identify any hazardous wastes and ensure that they are properly stored or disposed. If you have questions regarding the federal hazardous waste requirements, you may contact Cameron McDonald, EPA Region 9 Hazardous Waste Inspector at (415) 744-2124. For better management of the ASTs, we recommend that the Tribe establish spill prevention procedures in compliance with the federal Oil Pollution Act, which requires the preparation of a Spill Prevention, Control and Countermeasure (SPCC) plan. We have included SPCC guidance materials in enclosure 7. If you have questions regarding the requirements of the Oil Pollution Act or SPCC plans, you may contact Kostoula Vallianos in the EPA Region 9 Oil Program at (415) 744-2313.

Abandoned UST Facilities

We visited two sites where USTs may still exist, as indicated on the Tribe's UST inventory submitted to our office by the Tribal EPA Director on November 13, 1998: (1) Wheech Store and (2) Old Peridot Store (also known as Rumpkee Store). Our objective was to locate any physical evidence that USTs still exist and to identify any sensitive environmental receptors in the vicinity. We documented our findings at each UST facility in a "Notice of Inspection." Copies were provided to Loretta Stone at the trip debriefing on February 18, 1999. For your convenience, we have attached typed copies of the Notices (see attachment 2). At the Wheech Store site we did not find visible evidence of USTs. However, we did note the presence of an old sign that is typical of older service stations. At the Old Peridot/Rumpkee Store site we found

visible evidence of USTs, specifically the former dispenser island and vertical piping that appeared to be the vent lines. The following actions should be taken by the Tribe:

- Submit the federal "Notification for Underground Storage Tanks" form for these facilities with as much information as can be obtained from local sources (see enclosure 6 for blank forms).
- Determine whether any sensitive environmental receptors are in the vicinity, particularly any drinking water wells. We have some information from BIA that one drinking water well is located 30 to 40 feet west of the Wheech Store site and that another drinking water well is located about 75 feet north of the Old Peridot/Rumpkee Store site.
- Gather information on previous ownership or past operators of the service stations at these sites. If no parties are identified or if the known parties are unwilling or unable to permanently close the USTs, then the Tribe must assume this responsibility.

UST Facilities Owned or Operated by Other Entities

We conducted compliance inspections at three UST facilities that are owned or operated by entities other than the Tribal Government: (1) San Carlos Airport (formerly the Globe Air Facility/Cutter Airport); (2) Noline's Country Store, and (3) Peridot Texaco. The objective was to determine compliance with the federal UST requirements for operating or temporarily closed UST systems. We found the first two UST facilities to be in temporary closure (Noline's Country Store was undergoing a piping upgrade and construction project), and the third UST facility in operation. We also conducted a fact-finding inspection at the State School Bus Facility with the objective of documenting visible evidence of any USTs. We documented our findings at these UST facilities in a "Notice of Inspection," except for Peridot Texaco (due to the facility representative being absent for the inspection, EPA did not prepare a Notice of Inspection). Copies were provided to Loretta Stone at the trip debriefing on February 18, 1999. For your convenience, we have attached typed copies of the Notices (see attachment 3). The following is a summary of our findings and follow-up actions to date:

- We found the San Carlos Airport and Noline's Country Store to be in compliance with the temporary closure requirements. We received documentation from Robert Mace, owner of the San Carlos Airport, indicating that he intends to permanently close the USTs in the near future (he had already requested a contract proposal). At Noline's Country Store we reviewed the upgrading work being done and discussed options for leak detection with the owner, Ray Bell Oil Company of Arizona, and the site contractor. We will need some further documentation concerning leak detection compliance from the operator, Lambert Noline, who was not present for the inspection, as well as some additional facility information from the owner. We will correspond with them directly on this matter, and we will provide a copy of our correspondence to your Tribal EPA Director, as is our normal procedure. We understand from the contractor that Noline's Country Store was returned to operation upon completion of the construction work.

- We found Peridot Texaco to be out of compliance with several operating requirements. We will correspond directly with the UST facility owner Lambert Noline regarding steps he must take to return to compliance, and we will provide a copy of our correspondence to your Tribal EPA Director.
- At the State School Bus Facility, while we did not find visible evidence on the ground surface of any USTs, we did note the presence of one vent line, which indicates that one UST may remain in the ground. We also observed potential problems with fuel spillage around the two ASTs, the presence of at least forty 55-gallon drums and smaller containers both open and closed with used oil and/or potentially hazardous waste, and stacks of used batteries. We have consulted with the EPA Region 9 Oil Spill Program and Hazardous Waste Enforcement Program to determine next steps that should be taken regarding the ASTs, surface containers, and spent batteries. Our correspondence to the State School system will request that EPA receive confirmation of the existence of one or more USTs, and, if applicable, a plan of action for permanent removal. It will also include actions required to achieve compliance with the federal hazardous waste and oil spill prevention regulations. We will correspond directly with the School Superintendent on these matters, and we will provide a copy of our correspondence to your Tribal EPA Director.

USTs Closed by the BIA

The BIA contracted with two separate companies to remove a total of 7 USTs at 5 different sites: (1) Natural Resource Building, (2) BIA airstrip, (3) Peridot Marketing Building (also known as the "Old BIA Fire Station"), (4) Police Department, and (5) Point of Pines Camp. None of the excavated sites showed signs of significant soil contamination, and all of the USTs appeared to have little or no corrosion or pitting. A more detailed summary of each UST site is provided in attachment 4.

We recently completed reviewing final closure reports from the BIA and their contractors, which include the results of laboratory analyses of the soil samples taken at each site. We have determined that the BIA has met the federal requirements for permanent closure of the USTs, including proper site assessment. All laboratory analyses of the soil samples showed no petroleum constituents present above EPA action levels. We have issued letters to the BIA for each site stating that no further action is required at this time.

* * *

We are pleased to report that we have now inspected every known UST facility or site on the San Carlos Apache reservation. We have updated the San Carlos Apache Tribe UST inventory in our database and have attached a copy of the facility inventory summary (see attachment 5). We typically find minor errors in our database, so if you or your staff have updated information concerning these facilities, we would like to receive it as soon as possible. We have attached a copy of the list of attendees and facilities reviewed at the trip debriefing for members of the Tribal Council (attachment 6). We have mapped most of the UST facilities, past and present,

using a global positioning system. We are providing a copy of our most recent map (enclosure 8). Lastly, we are providing information on how small governments can manage UST compliance and how to order EPA materials and guidance on USTs (enclosures 9 and 10).

In closing, we thank you for your cooperation, and we would like to acknowledge the special assistance provided by Loretta Stone. She was extremely responsive to our questions and suggestions about the scheduling of trip activities and helped us iron out the logistical details. She accompanied us to all the UST sites, assisted in our collection of geographical position data (we have enclosed a map for your use), and arranged and participated in pre- and post-trip meetings with members of the Tribal Council. The trip could not have been a success without the support given by you, your staff, and the Tribal Council.

If you or other members of the Tribal Government have questions about this report, please contact me or Jennifer Bravinder at (415) 744-2077.

Sincerely,



Lester Kaufman, Chief
Underground Storage Tanks Program Office

attachments (6)
enclosures (10)

cc: Loretta Stone, Tribal EPA Director, San Carlos Apache Tribe
Charles Russell, Acting Tribal Planning Department Director, San Carlos Apache Tribe
(with attachments, without enclosures)