



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 9

**75 Hawthorne Street
San Francisco, CA 94105-3901**

June 18, 2007

In reply, refer to: WST-8
Certified mail 7000 0520 0021 6109 8979

Mr. Kyle Prior, Chairman
Shoshone-Paiute Tribes of Duck Valley Reservation
P.O. Box 219
Owyhee, NV 89832

Re: No Further Action for the Underground Storage Tank (UST) Site at the Former Manning's Texaco (DUCV-004), Owyhee, Nevada

Dear Chairman Prior:

The U.S. Environmental Protection Agency (EPA) Region 9, Underground Storage Tanks Program Office (USTPO) has reviewed the case file for the former Manning's Texaco (DUCV-004). This is part of the national effort to review all outstanding underground storage tank (UST) case files and close out open UST sites, where warranted.

My office has reviewed this case file and determined that there were four underground storage tanks (USTs) on the site – two 2,000-gallon gasoline USTs, one 1,000-gallon gasoline UST and one 10,000 gallon diesel UST. Mr. Larry Manning, a former operator of Manning's Texaco, submitted a self-certification letter of compliance to EPA on December 23, 1992 which stated that the three gasoline USTs were last used in 1983 and were removed from the site in November of 1999. It was also stated in the letter that the 10,000-gallon diesel UST was never used and was closed in-place in November 1999.

EPA has not been able to locate a copy of the UST closure report to document the condition of the tanks or the open pit at the time of removal/closure. There had been several failed attempts by EPA to get a copy of the UST closure report from the Tribe. Our record of communication between Larry Manning and Arthur Boone, a former EPA circuit rider, in November 1999 indicated that Marcie Hunter-Philips of the Tribal EPA oversaw the removal. The records indicated that there was minor soil staining in the area of UST excavation, and that the stained soil was removed before backfilling the excavation with clean fill material.

Ms. Hunter-Philips, in a telephone conversation with Tess Salire of my staff on March 19, 2007, stated that this site is clean and should be closed. She also stated that her computer hard drive had recently crashed destroying all of her files pertaining to this case and other cases. Ms. Hunter-

Philips reiterated that site should be closed without further investigation because of her personal observations at the time of UST removal that indicated no noticeable evidence of contamination beyond the minor soil staining. She stated that the minor stained soil was removed during the site assessment and removal operation.

After reviewing all the available site information including tank use history and discussions with Ms. Hunter-Philips, EPA has determined that this site does not appear to pose a threat to human health and the environment at this time. Therefore, EPA requires no further action at this time. If additional information is found in the future indicating that contamination at the site is above regulatory levels, EPA will reopen this case file and work with the Tribe to resolve the issues. If you have any questions regarding the information contained in this letter, please contact Ms. Salire of my staff at (415) 972-3376.

Sincerely,

Steven C. Linder, Manager
Underground Storage Tanks Program Office

Cc: Marcie Hunter-Philips, Director, Tribal Environmental Protection Program
USTPO file DUCV-004

SYMBOL	WST-8	WST-8	WST-8			
SURNAME	Salire	CWarne	CWarne			
DATE	6/14/07	6/14/02	6/16/02			

U.S. EPA CONCURRENCES

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