



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
Underground Storage Tanks Program Office  
75 Hawthorne Street (WST-8)  
San Francisco, CA 94105

JAN 26 2015

CERTIFIED MAIL  
7003 3110 0006 1998 6637

Ms. Diane Malone  
Environmental Department Director  
Waste Regulatory and Compliance Department  
Navajo Nation Environmental Protection  
Agency  
P.O. Box 339  
Window Rock, AZ 86515

Ms. Dana Bahar, Chief  
Petroleum Storage Tank Bureau  
New Mexico Environmental Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe NM, 87505

Subject: No Further Action  
Former Buckhorn Trading Post UST site  
Smith Lake, New Mexico  
(EPA SITE ID: NAV180)

Dear Ms. Malone and Ms. Bahar,

The U.S. Environmental Protection Agency (EPA) has completed the review of the report entitled "*Summary Report, Assessment of Abandoned USTs in Tribal Lands*" dated November 5, 2014. The report described activities conducted in August 2014 to verify the content and condition of abandoned underground storage tank (UST) systems and determine if there was a petroleum release to the soil below the tank system at three sites which included the former Buckhorn Trading Post UST site. The work was performed by the U.S. Army Corps of Engineers' (USACE) contractor, Environmental Compliance Solutions, Inc. (ECS) of Tustin, CA and was funded by the federal LUST Trust Fund.

Included in the report are findings from the site assessment, analytical results of soil samples, and photo documentation of the field work. Both EPA Region 9 and the Navajo Nation EPA (NNEPA) were provided draft of the report for their review and comments prior to finalizing the report. A summary of the report of the findings for the former Buckhorn Trading Post UST site (NAV180) is found in Enclosure A.

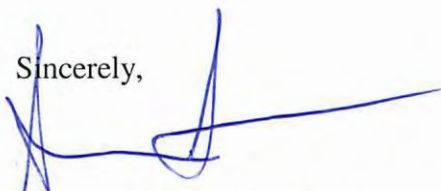
As this site has been identified as a LUST site potentially impacted by the *Hydro Resources, Inc. (HRI) vs. United States EPA, 577 F.3d 1254, 2009 U.S. App. LEXIS 19567 (10th Cir., 2009)* decision, we are providing notice to both of your Agencies that EPA will take No Further Action (NFA) on this site. NNEPA concurred to EPA's NFA determination in their *FY2014 LUST Agreement 2<sup>nd</sup> Semi-Annual Report* to EPA dated December 2014.

**However, the presence of two abandoned USTs at the site will warrant a proper UST closure in accordance with 40 CFR 280 Subpart G 280.71-73. The USTs are estimated at approximately 1,000 and 3,000 gallons in size. We recommend that the Agency with jurisdiction over this property work with the property owner ~~and former operator~~ to properly close the USTs.**

If additional information becomes available in the future regarding hydrocarbon contamination in soil and/or groundwater at this site that may pose a threat to the environment, the U.S. EPA 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 feel free to contact me at 415-972-3369 or at [linder.steven@epa.gov](mailto:linder.steven@epa.gov).

Sincerely,



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

Enclosure: Summary- Assessment of Abandoned USTs- Former Buckhorn Trading Post (NAV180)

cc: (via email)  
Henry Haven, NNEPA  
Pam Maples, NNEPA  
Frances Verhalen/Christine Cherrett, EPA Region 6  
Dhananjay Rawal, ECS, Inc.  
Glen Mitchell, USACE  
Sharon Pinto, BIA Navajo Region

## **ENCLOSURE**

### **SUMMARY**

#### **Assessment of Abandoned USTs in Navajo Nation Former Buckhorn Trading Post UST Site (NAV180) August 2014**

##### **Site Background**

The former Buckhorn Trading Post is located on the east side of Highway 371, south of Smith Lake, New Mexico. The trading post was built in the late 1950's by Ollie and Grace Morris. A service garage was added sometime after. The trading post and service garage was closed in 1973 and the dispensers were removed and fuel emptied from the USTs. The property was then sold to Emerson Lawrence and was left dormant until his retirement. The trading post and garage burned at unknown date, leaving only the foundation and the trading post Hogan walls on the site. Currently, the site is being used as home care service which operates from a trailer on the property. The fuel dispenser foundation sits on the north side of the site. The property is enclosed with a chain link fence.

##### **2008 Geophysical Investigation**

The NNEPA contracted with iina'ba in 2008 to conduct a geophysical survey to confirm the UST(s) at the site. Sunbelt Geophysics of Albuquerque, NM conducted the field work on September 4, 2008. The survey was done on the south side of the dispenser foundation where the filler ports were visible on the ground. Two relic pump pedestals were located at the west of the foundation bracketing a sign/canopy post. The survey found two USTs directly below the filler ports. Product pipelines were seen running from the USTs to the relic pump pedestals. The USTs were estimated at 1,200 and 4,000 gallons in size and buried at approximately 4 feet below ground surface. The results of the survey can be found in the report- *Geophysical Investigation, Former Buckhorn Trading Post, Smith Lake, New Mexico, October 2008, iina'ba.*

##### **Tank Assessment Results**

The tank assessment, which included assessment of tanks' contents and tanks' integrity and soil sampling underneath the UST system, was performed by ECS on the week of August 22, 2014. Staff from the USACE provided oversight of the field work. ECS excavated the area of the suspected UST(s) and uncovered two USTs in good condition with no visible holes. The tanks were approximately 1,000 and 3,000 gallons in size. The tanks did not contain any product or liquid. There were two-19 feet of pipelines running from the pump pedestal to the USTs. No evidence of petroleum contamination was observed during the excavation. ECS collected soil samples below the USTs, underneath the pipeline coupling and in between the fill ports. The analytical results indicated detection of low level of diesel and oil-range organics, benzene, toluene and xylenes in soil. The results were all below EPA regional screening levels (RSLs).

### **Sampling of the On-site Private Well**

A private drinking water well which is actively used was found behind the trailer on the east side of the site. The wellhead is enclosed in corrugated metal sheet. The wellhead construction and operational information was not available. On October 13, 2014, ECS took a water sample from the spigot in the wellhead and analyzed for petroleum constituents and the 8 RCRA metals. Petroleum hydrocarbons and volatile and semi-volatile organic compounds were not detected in the water sample. Only barium and selenium were detected, at levels below the federal drinking water maximum contaminant levels (MCLs).

A more detailed discussion of the findings is in the final report- "*Summary Report, Assessment of Abandoned USTs in Tribal Lands*" dated November 5, 2014. A copy of this report is available upon request.