



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

75 Hawthorne Street  
San Francisco, CA 94105-3901

DEC 11 2015

CERTIFIED MAIL: 7015 0640 0002 3033 4176  
RETURN RECEIPT REQUESTED

Ms. Brenda Begay, Director  
Environmental Protection Office  
White Mountain Apache Tribe  
P.O. Box 700  
Whiteriver, Arizona 85941

Subject: Clarification for EPA's February 23, 2000 No Further Action letter for  
Fort Apache Timber Company, Whiteriver, Arizona (EPA ID# WMAP-014)  
**Please submit any comments within 30 days of your receipt of this letter**

Dear Ms. Begay:

The U.S. Environmental Protection Agency ("EPA") is sending this letter as part of a file review to clarify conclusions reached in EPA's no further action ("NFA") determination for three underground storage tanks ("USTs") formerly located at the Fort Apache Timber Company ("FATCO") UST Site ("Site"). On February 23, 2000, EPA sent a letter to Jose Yado, formerly with FATCO, notifying Mr. Yado that EPA was not requiring any further work related to the three USTs removed by FATCO's contractor in April 1997 (please see Enclosure A).

During a recent review of files for many closed UST cleanup sites on Tribal Lands, my staff noticed that the enclosed NFA letter for the Site contained inaccuracies regarding the number of USTs removed, the date of their removal and the volume for one of the USTs. Despite these inaccuracies, EPA's NFA letter for these three former USTs at FATCO remains appropriate based on the data contained within the "Closure Report for Underground Storage Tank Removal" ("Closure Report"), dated August 29, 1997. Enclosure B to this letter contains background information on the USTs and documentation from the Closure Report.

This clarification of EPA's February 23, 2000 NFA letter, as well as the NFA letter itself, will be accessible to the general public through EPA Region 9's electronic map showing UST cleanup sites on Indian Lands. For this reason, we are requesting that you provide any input on this letter within 30 days of receipt. If we do not receive comments from you in that time period, we will assume that you have no comments on this letter and the enclosures.

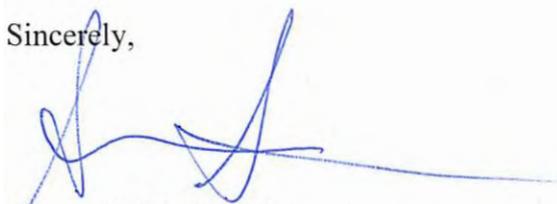
If petroleum contamination in soil and/or groundwater is discovered at the Site in the future, or the land use changes (e.g., from industrial to residential), EPA may reopen the Site and require additional site assessment and/or corrective action. Although the original NFA letter did not specifically contain this language, these scenarios have always applied to the Site. This language is now part of a standard narrative included in all NFA letters.

As you are probably aware, three other USTs are in temporary closure at FATCO and therefore, EPA

considers FATCO to be an operating (i.e., not permanently closed) UST facility. If you have any comments on this letter or the enclosures, please contact Chris Prokop, of my staff, at 415-972-3363, or at [prokop.chris@epa.gov](mailto:prokop.chris@epa.gov).

EPA appreciates your time and attention to this matter, and we look forward to future communications with your office regarding any UST issues that may arise.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Linder", with a long horizontal flourish extending to the right.

Steven C. Linder, Manager  
Underground Storage Tanks Program

Enclosures: A – EPA’s February 23, 2000 NFA letter for three former USTs at FATCO  
B – Site Background and Closure Report Documentation



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

**Underground Storage Tanks Program Office  
75 Hawthorne Street (WST-8)  
San Francisco, CA 94105**

**February 23, 2000**

**REFER TO WST-8  
AND SITE #WMAP-014  
Certified Mail: P 389 854 743**

**Mr. Jose Yado, Acting Resource Manager  
Fort Apache Timber Company  
P. O. Box 1090  
Whiteriver, AZ 85941**

Dear Mr. Yado:

This correspondence refers to the underground storage tank (UST) closure report for one 6,000-gallon UST located at the Fort Apache Timber Company's sawmill in Whiteriver, Arizona, on land of the White Mountain Apache Tribe.

Our review of the closure documents and analytical results for soil samples collected at the UST site indicates no hydrocarbon concentrations above appropriate EPA, Region IX or tribal soil cleanup levels.

The information submitted has assisted EPA in assessing the status of this site, where one UST was removed on June 16, 1999. This site does not appear to pose a current threat to human health and the environment. Therefore, EPA is not requiring further action at this time.

If new USTs are installed at the site, Tank Notification Form #7530-1 must be completed and sent to this office within 30 days after startup of the new UST system.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lester Kaufman".

Lester Kaufman, Chief  
Underground Storage Tanks Program Office

Enclosure

cc: Kirk Massey, Sr., White Mountain Apache Tribe, EPO  
Benjamin Nuvamsa, Bureau of Indian Affairs  
Dennis Williams, Indian Health Service

## **ENCLOSURE B – Site Background and Closure Report Documentation**

### **Background on UST operations**

Based on a letter dated March 31, 1997 from the White Mountain Apache Tribe (“Tribe”) to EPA, three inactive USTs were discovered during grading operations at FATCO. This letter also indicated that there had been no record of these USTs prior to this excavation work. As such, the installation dates and periods of operation for these USTs are unknown.

### **UST removal work as documented in the August 29, 1997 Closure Report**

In April 1997, Red J Environmental Corporation (“RJE”) removed three 3,000-gallon steel USTs from the Site. Two of the USTs had reportedly contained diesel fuel, while the third UST had contained gasoline. Representatives from the Tribe, FATCO and EPA oversaw the UST removal work. Previous hydrocarbon releases were documented by strong gasoline and diesel odors, and staining of soil below the fill port ends of the USTs. The UST system components were transported to Page Steel in Page, Arizona for recycling and disposal. The Closure Report makes no mention of removing petroleum contaminated soil (“PCS”). As such, EPA is assuming that all PCS was returned to the excavation after the UST removals.

### **Soil sampling and analytical results**

Following the UST removal, RJE collected soil samples from below each end of the USTs, and also from a background location. The Closure Report does not state the depth from which these samples were collected but, based on the likely diameters of the USTs, the depth of sample collection is believed to be approximately 7-8 feet. These seven soil samples were analyzed for total recoverable petroleum hydrocarbons (“TRPH”) by Arizona Department of Health Services Method 418.1. In addition, a single soil sample was analyzed for halogenated and aromatic volatile organic compounds (“HAVOCs”) by EPA Method 8010/8020. The Closure Report does not indicate where the soil sample for HAVOC analysis was collected.

The analytical results showed TRPH concentrations ranging from non-detect, at a 20 milligram per kilogram (“mg/kg”) detection level, up to 20,000 mg/kg. The background soil sample had a TRPH concentration of 140 mg/kg. The single soil sample that was analyzed for HAVOCs showed no detections.

### **Current site use, exposure considerations and conclusions**

As of December 2015, the fenced Site is still used for timber processing, and EPA is not aware of any plans by the Tribe to change this usage. The soil that contained elevated TRPH concentrations in 1997 was approximately 7-8 feet below ground surface. This depth of burial means that there is no complete exposure pathway for impacting human receptors under the current Site conditions. In addition, biodegradation over the last 18 years has likely reduced the TRPH concentrations. Lastly, the nearest active drinking water wells to the Site are located in Miner Flats, which is several miles north of the Site. For these reasons, EPA does not believe that the Site poses a threat to human health and the environment at this time. However, if petroleum contamination in soil and/or groundwater is discovered at the Site in the future, or the land use changes (e.g., from industrial to residential), EPA may reopen the Site and require additional site assessment and/or corrective action.

## Prokop, Chris

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**From:** [bbegay@wmat.us](mailto:bbegay@wmat.us)  
**Sent:** Monday, February 01, 2016 10:23 AM  
**To:** Prokop, Chris  
**Subject:** RE: IMPORTANT: RE-SEND of EPA's clarification letter regarding a 16-year-old No Further Action determination for Fort Apache Timber Company (EPA ID# WMAP-014) - Please provide comments by next Friday, February 5

Upon speaking with Paul Kuehl of WMATCO, our office concurs with EPA's clarification of the NFA letter. Thank you.

Brenda

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**Brenda Pusher-Begay, Environmental Manager**

*White Mountain Apache Tribe  
Environmental Protection Office  
P.O. Box 816 Fort Apache, AZ. 85926  
Office Phone Number: (928) 338-4325  
Fax Number: (928) 338-3933  
Email: [bbegay@wmat.us](mailto:bbegay@wmat.us)*

----- Original Message -----

**Subject:** IMPORTANT: RE-SEND of EPA's clarification letter regarding a 16-year-old No Further Action determination for Fort Apache Timber Company (EPA ID# WMAP-014) - Please provide comments by next Friday, February 5  
**From:** "Prokop, Chris" <[Prokop.Chris@EPA.GOV](mailto:Prokop.Chris@EPA.GOV)>  
**Date:** Fri, January 29, 2016 1:04 pm  
**To:** "[bbegay@wmat.us](mailto:bbegay@wmat.us)" <[bbegay@wmat.us](mailto:bbegay@wmat.us)>  
**Cc:** "Jamison, Rebecca" <[Jamison.Rebecca@epa.gov](mailto:Jamison.Rebecca@epa.gov)>, "Linder, Steven" <[Linder.Steven@epa.gov](mailto:Linder.Steven@epa.gov)>

Brenda- In my 12/15/15 email below, I requested comments from you by 1/22/16 on the attached letter clarifying EPA's 2/23/00 No Further Action (NFA) determination for FATCO. I have not heard from you yet. If you concur with EPA's clarification of this NFA letter, please let me know in writing. A simple one-sentence reply to this email will suffice.

Please provide your comments by next Friday, February 5. Thank you.

Chris Prokop  
U.S. EPA Region 9 (LND-4-3)  
75 Hawthorne Street  
San Francisco, CA 94105  
Phone: 415-972-3363

Fax: 415-947-3530

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**From:** Prokop, Chris

**Sent:** Tuesday, December 15, 2015 12:10 PM

**To:** [bbegay@wmat.us](mailto:bbegay@wmat.us)

**Subject:** EPA's clarification of a 15-year-old No Further Action letter for Fort Apache Timber Company (EPA ID# WMAP-014) - Please provide any comments by 1/22/16

Brenda- Attached is EPA's letter clarifying a No Further Action ("NFA") letter that EPA issued to FATCO on 2/23/00 following the removal of 3 former USTs in 1997. As noted in the attachment, EPA's NFA letter in 2000 contained some inaccuracies regarding the UST removal work. Despite these inaccuracies, the data contained in the Closure Report, as well as information regarding potential human and ecological receptors, support closing the Site. EPA is requesting your comments on this clarification letter within 30 days of your receipt of the hard copy letter (by approximately Friday, 1/22/15). If we do not hear from you within that time frame, we will assume you have no comments on the letter. Thank you for your attention to this matter.

Chris Prokop  
U.S. EPA Region 9 (LND-4-3)  
75 Hawthorne Street  
San Francisco, CA 94105  
Phone: 415-972-3363  
Fax: 415-947-3530