



ENVIRONMENTAL PROTECTION AGENCY
WASTE REGULATORY COMPLIANCE DEPARTMENT

P.O. BOX 3089, WINDOW ROCK, NAVAJO NATION, AZ 86515
TEL. (928) 871-7993 ~ FAX. (928) 871-7783



Date

[Name]

[Title]

[Address]

Ref: Tank Pull NAV

Dear

This letter is intended to bring to your attention requirements in the Navajo Nation Storage Tank Act (NNSTA) and the federal regulations pertaining to above and underground storage tank removals. It also recommends certain procedures and other policies related to storage tank removals.

Storage Tank Closure Guide and Reporting Requirements

1. Before you undertake to remove an Aboveground (AST) or Underground (UST) Storage Tank, NNSTA § 1540 and § 1542(C)(7) require that you provide at least a 30-day written notice of the proposed removal to the Navajo Nation Environmental Protection Agency (NNEPA). You or your authorized contractor should then schedule with me a mutually convenient date for the tank removal, and any change in the date must be discussed directly with NNEPA.
2. Additional requirements pertaining to Storage Tank removals and associated activities are as follows:
 - § 1542(C)(3) requires you to notify NNEPA in writing as to the circumstances when a consultant may speak directly to NNEPA on your behalf.
 - § 1542(C)(4) prohibits any excavation or drilling until you or your authorized representative notify and obtain a clearance, if necessary, from the Navajo Nation Historic Preservation Department. If a clearance is required, a copy should be provided to NNEPA.
 - § 1542(C)(5) requires you to make arrangements in advance of the tank pull to obtain clean fill material from a permitted facility if fill material is taken from Navajo lands.

However, NNEPA will accept documentation for clean fill material from a permitted source located off Navajo land.

- § 1542(C)(6) requires you to provide NNEPA with a site-specific health and safety plan prior to the tank pull, and to conduct a health and safety meeting each day prior to commencing activity at the site.
 - § 1542(A) requires you to also comply with all applicable federal law and regulations regarding USTs.
 - § 1547 requires you to undertake corrective action with respect to any releases.
3. Collect two soil samples for laboratory analyses from native soil at the ends of each tank immediately at the base of the excavation. Product line pipe runs shall be sampled every 20 feet; preferably at joints. Document the exact sample locations and submit the analytical results on a map showing the property boundaries and all new UST/AST installations. The following analytical federal EPA Methods shall apply:
 - EPA Method 8015 modified for gasoline (TPH-gasoline) and EPA Method 8021 for gasoline (BTEX).
 - EPA Method 8015 modified for diesel (TPH-diesel).
 - EPA Method 413.1 (oil) for product oil, used oil and waste oil. Used oil containing greater than 1000 parts per million (ppm) Total Halogens is presumed to be hazardous waste, must be managed as hazardous waste pursuant to 40 CFR §279.21, and shall require the test for Toxicity Characteristic pursuant to 40 CFR §261.24.
 - EPA Method 8010 (solvents) in addition to EPA Method 418.1.
 - EPA Method 7421 if the tanks were installed prior to 1980 or stored leaded gasoline.
 4. If a release has been confirmed at the site, whether before or during a tank removal, you must perform corrective actions pursuant to § 1547 and 40 CFR § 280.52(b)(1) and § 280.60. Corrective action may require additional activities, including further investigation to define the vertical and lateral extent of the release, see § 280.62(a)(5). Submit a planning report summarizing these activities within 20 days of confirmation of the release, see § 280.62(b); and submit a report detailing these activities within 45 days of confirmation of the release, see § 280.63(b). The "further investigation" may include additional excavation and sampling, see § 280.62(a).
 5. To ensure compliance with the Navajo Nation Solid Waste Act and regulations, all concrete and other construction debris shall be transported and disposed of at a state-permitted landfill. NNEPA recommends that you arrange in advance for trucks to be available at the site. Please also provide trash bins on site for discarded equipment, such as auxiliary tank parts, product lines, dispensers, and submersible pumps. NNEPA requests compliance with these procedures to avoid any improper use of these potentially contaminated materials. In addition, no metal, soil, piping, or construction debris shall be offered to any local Navajo Chapter or individual.
 6. The Resource Conservation and Recovery Act (RCRA) Section 9005 (42 U.S.C. §6991d) authorizes the USEPA to require a UST owner or operator to furnish information in the context of enforcing the provisions of Subtitle I and its implementing regulations. The following shall be documented in a Storage Tank Closure Report pursuant to this letter, NNSTA §1551(A)(2), and RCRA §9005.

- A report shall be prepared for all tank removals and submitted to NNEPA Leaking Storage Tank Program and USEPA within thirty (30) days of the tank removal.
 - The following is a list of information to use as a guide for preparing tank closure reports as required by NNEPA/USEPA:
 1. The Navajo Nation Storage Tank Information Form (with current owner telephone number and address) and USEPA UST Notification Form Number 7530-1.
 2. Manifests for disposal of USTs and/or documentation on the recycling of the USTs by a certified and qualified facility.
 3. Manifests for disposal of petroleum-contaminated soil at a state-permitted landfill and/or landfarm facility.
 4. A map of the area identifying adjoining property ownership.
 5. A map of the site identifying surface and subsurface utilities, all existing tank locations, locations of previously removed tanks, and tanks that were taken out of service that remain in-place. Number each tank and piping connections and identify the exact sample locations and depths. List materials historically stored in each tank.
 6. Specify the type and source of the clean material used to backfill the excavated tank nest and provide documentation from the permitted source located on or off the Navajo Nation. (Laboratory analytical results may need to accompany each truck-load.)
 7. Provide photographs showing the condition of the removed tanks, the excavation sidewalls, and the excavated soil.
 8. Provide validated laboratory analytical results for all samples; identify the EPA Methods for each sample, the Quality Assurance/Quality Control Plan, and Chain of Custody.
 9. Provide documentation of the contractor's qualifications; the types, model, and serial numbers of air monitoring equipment used to measure LEL, oxygen, soil conditions, etc.; and attesting to the calibration of each monitoring instrument.
 10. Site conditions may dictate the need for additional requirements, if necessary.
7. Reports are to be furnished to the regulatory agencies in the numbers indicated within 30 days of the removal and/or remediation activities:
- Three hard copies and two CDs to NNEPA:
 Mr. Henry Haven, Jr., Principal Geologist
 NNEPA Leaking Storage Tank Program
 P.O. Box 3089
 Window Rock, AZ 86515
 - A hard copy to USEPA Region IX:
 Ms. Rebecca Jamison
 USEPA Region IX UST Program Office
 75 Hawthorne Street (WST-8)
 San Francisco, CA 94105

8. Additional reports should be furnished to the following:
- Navajo Nation Regional Department of Economic Development (one hard copy):
Ms. Elaine Young, Department Manager
NNDED Regional Business Development Office
P.O. Box 663
Window Rock, AZ 86515
 - The local chapter and/or township of the area where the tank pull was conducted (one hard copy).
 - The following individuals (one hard copy each):
Ms. Diane Malone, Department Manager
NNEPA WRCD
P.O. Box 3089
Window Rock, AZ 86515
- Mr. Stephen Etsitty, Executive Director
NNEPA P.O. Box 339
Window Rock, AZ 86515

As always, should you like to discuss this matter further, please, call me at 928-871-7993.

Sincerely,

[name]

[title]

NNEPA Leaking Storage Tank Program

Attachment: CC'd individuals