Navajo Nation Comprehensive Environmental Response, Compensation, and Liability Act (NNCERCLA)

Navajo Superfund Program (NSP)
Navajo Nation Environmental Protection Agency (NNEPA)

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Navajo Nation EPA Organization

- ADMINISTRATION
- CRIMINAL ENFORCEMENT DEPARTMENT
- AIR & TOXICS DEPARTMENT
- WASTE REGULATORY & COMPLIANCE DEPARTMENT
- SURFACE GROUNDWATER PROTECTION DEPARTMENT

The Navajo Environmental Protection Commission was established in 1972 and in 1995 became the NNEPA through legislation.
FULL-TIME STAFF:
- 1 FTE – Environmental Program Supervisor
- 4 FTEs – Support Staff (Sr. Office Specialist, Accounting Clerk, Geographic Info. Specialist, Sr. Public Information Officer)
- 4 FTEs – Technical Staff (Health Physicist, Chemist, Sr. Environmental Engineer, Sr. Environmental Specialist)

FULL-TIME ASSISTANCE (Non-NSP Staff):
- 2 FTEs – U.S. EPA IPAs (1 Attorney – started 3/14/11, 1 Environmental Scientist – started 4 Yr Term from 1/18/09)

OTHER Assistance:
- NNDOJ Attorney, Contract Attorney
- Radon Personnel
Navajo Nation Response Program

ACCOMPLISHMENTS/STATUS of DEVELOPMENT – Law, Policies, Regulations:

- **NNCERCLA Law** – enacted March 10, 2008
  - includes petroleum as a hazardous substance,
  - allows cultural as well as natural resource damage claims,
  - used successfully to enforce RPs to characterize a site

- **Fund Management Plan** – completed legislation in January 2012
  - Hazardous Substance Fund – Tronox Settlement specific to one site

- **Partial Settlement Agreement** – completed in February 2012 after negotiations with stakeholders representative of Oil and Gas Industries who challenged the NNCERCLA and its Tariff

- **GAP Policy** – completed

- **Public Record** – completed
Navajo Nation Response Program

STATUS:

Five Documents to Undergo Public Hearing and Rulemaking:
- Proposed Release Reporting Regulations
- Proposed Voluntary Cleanup Program Regulations
- Proposed Regulations Governing Notice of Intent to Bring a Citizen Suit
- Proposed Regulations Governing the Preservation of Records
- Proposed Fees for Environmental Review Services

Other Documents:
- MOU for EPCRA Responsibilities
- Oversight of all projects – ongoing drafted Oversight Manual

Future:
- Cleanup Standards
- Other regulations
Navajo Nation Response Program

Inventory and Identification of Potential Brownfields Sites:

- Completed remediation of 19 Sheep Dip Vats under Pilot Study
- Completed targeted brownfields assessment at Pinon AZ site
- Old Church Rock Mine
- Navajo Agricultural Products Industries
- Navajo Forest Products Industries
- Sawmill

GOAL: Build from Pre-remedial to Remedial Capacity

PARTNERS: USEPA Region 9 and 6, Contractors, New Mexico State, Arizona State, NN Departments and Programs
COMMUNITY INVOLVEMENT:

- Notification & Scheduling with Chapter officials
  1) Schedule and attend Planning Meeting to give Synopsis to Chapter Officials of planned presentation for community chapter meeting; Upon Approval, Step 2 follows
  2) Give presentation at Community Chapter Meeting
  3) Notify Chapter of ongoing work, alerting of workers presence

- Work with affected local residents to obtain Access Agreements and/or meet at family homes
- Receive requests from local residents
- Work with grassroots organizations
- Conduct Annual Stakeholder Meetings
Section 17 Site
(includes Old Church Rock Mine site)
Church Rock Chapter, Navajo Nation

Settling (dry) Ponds

Former Ion Exchange Building

Staging Area: closed shafts, former stock piles, etc.
Old Church Rock Mine Site

HISTORY:
- Reopened 1976–’77, 1979–’81 by United Nuclear Corporation (UNC)
- Underground mining (800–900 ft. shafts) with on-site processing
- Ore production was 77,965 tons
- Uranium Resources Inc. (URI) now owns the subsurface mineral rights

ISSUES/CONCERNS:
- Radioactive contaminants being transported off-site by way of surface water and air
- On-site dry ponds have heavy metals in them
- Still have mined ore at scattered areas
- Residences are nearby and a regional drainage a mile downstream of the site
- Adjacent land used for agricultural purposes
OCRM site Today

Former Ion Exchange Building

View to northwest from St. Hwy. 566
Day After Heavy Rain

August 2, 2006
White Waste Material in Bank
(Stratum: 3’ thick & 30’ length)

Dry Ponds On-site
(unreclaimed)

320 µR/hr
Flood mark

Waste Material:
Height: 8-12 feet
Length: 370 feet
Exposure Results (microRoentgens per hour)

Old Church Rock Mine Site
Counts per minute at Waist Level
Exposure Rate, uR/hr = (0.000665 X cpm) + 5.1

Exposure Rate uR/hr Level Code

Area (inside perimeter Fence)
- Green is less than Background of 14.15
- Yellow is Above and up to Two times Background
- Red is Above Three times Background

Outside Perimeter Fence
- Green is less than Background of 14.15
- Yellow is Above and up to Two times Background
- Red is Above Three times Background

Arroyo
- Green is less than Background of 14.15
- Yellow is Above and up to Two times Background
- Red is Above Three times Background

Readings:

In Arroyo
79% >2x background

Inside the Compound
94% >2x background

Outside the Fence Line
95% >2x background
For Upcoming Characterization Work
Week of May 18th, 2009

Bureau of Land Management

Navajo Trust Land

Residences

SITE

Township 16 North, Range 16 West

Residence

Navajo Trust

Sec. 8
Sec. 9
Sec. 16

State Land

Residences

Hwy. 566
Survey Area

Dug Pits with direct-push borings
Just So Happened … 60+ MPH Winds That Day
Residences downwind (east) of Section 17 site and Highway N-11-49 had their homes screened inside and outside.