Tribal Environmental Programs and Underground Storage Tanks

Utilizing Existing Resources to Protect the Environment
Purpose

- How underground storage tank (UST) regulations interface with other environmental programs.
- Present ideas about how other program areas may become involved.
- Resources that current tribal environmental programs may have.
- Identify opportunities for developing the capacity to address UST issues.
Purpose

- Encourage long range thinking as Tribal programs are being developed/revamped.
- Promote increase awareness of the abilities of Tribes to ensure federal primacy of UST regulations with Reservations.
- Exchange ideas about programs that further the sovereign rights of Tribes to manage Tribal lands in way that reflects their cultural values.
Outline

- Summary of Oneida’s experience and lessons learned
- Fundamentals of tanks (broad overview)
- Setting priorities
- Potential program areas for collaboration
- Capacity building opportunities
- Other tribe’s experiences
- Summary
Oneida Reservation is about 65,400 acres (approximately 100 square miles)

Tribe currently owns 37% of the land base

~16,000 members, 7200 tribal members live on or near the Reservation (2011)

Multi-jurisdictional issues- Counties, Cities, Villages, and Towns within the Reservation
Oneida Facts

• Oneida employs ~2,900 people (second largest employer in Northeastern Wisconsin)

• 156 commercial leases including Thornberry Creek at Oneida (golf course) Walmart, Home Depot, Sam’s Club and other commercial businesses.

• Main Casino & Bingo, Mason Street Casino, and five “One-Stop” gas stations.

• The Oneida Nation supports surrounding communities with sponsorships that allow the Oneida Nation to connect to worthy causes in the area.
Oneida’s Environmental, Health and Safety Division

- **Consists of Four Areas of Focus**
  - Environmental Quality
  - Eco-services
  - Health and Industrial Services
  - Conservation

Each area has a distinct focus, but the services and skills are complementary and we form cross-functional teams.
The Environmental Quality Area (EQ), is generally the first to receive community complaints of gas smells, accidental overfills and general environmental contamination concerns.
What we do

- EQ “generally” is focused around EPA regulations and programs related to:
  - Water (Clean Water Act)
  - Solid and Hazardous waste (Resource Conservation and Recovery Act (RCRA) subtitles C & D)
  - Underground storage tanks (RCRA subtitle I)
  - Brownfields (CERCLA 128(a))
Oneida’s UST Program

- Grant received to provide Compliance Assistance (CA) to “ALL” federally regulated UST facilities within the Oneida Reservation Boundaries.
  - Create an inventory of sites (17 locations/total of 40 tanks)
  - Receive training to perform compliance assistance visits
  - Obtain federal UST Inspector Credentials
    - (Shawn received his at the National Tribal Tanks Conference in April 2011)
What does Compliance Assistance do?

- Provides twice a year CA visits to all facilities
- Conducts once a year inspections

Results

- Achieved 100% compliance rate (3 years in a row!)
- Developing A, B & C operator training that will be compliant with EPA regulations
The “must” of UST and LUST

- **What is an UST?**
  - *any tank (including connected underground pipes) containing regulated substances that is 10% or more beneath the surface of the ground.*
The “must” of UST and LUST

- Except in Indian country, States are co-regulators in implementing UST programs

- Leaking USTs (with BTEX, MTBE and other chemicals) are a leading source of ground water contamination.

Lost Lake Resort Cleans Up Leaking Underground Tank – YouTube
Federal Program Interaction

- So how do underground storage tank (UST) regulations interface with Tribal environmental programs?
  - Establishes a “duty” correct an impact to the environment.

- How do other federal environmental program areas get involved?
  - Surface water - Clean Water Act
  - Groundwater Safe - Drinking Water Act
  - RCRA subtitle D (solid waste law)
  - Brownfields
Tribal Environmental Program Interaction

- Resources that current tribal environmental programs may have.
  - CWA delegated programs
  - Capacity developed through solid waste or 128(a) funding
  - Indian General Assistance Program (GAP)
Tribal Environmental Program Interaction

- Identify opportunities for developing the capacity to address UST issues.
  - On-line training
  - National Tribal Tanks Conference
  - National Brownfields Conference
  - ITEPs Tribal Environmental Lands Forum
  - Tribal Environmental Program Management Conferences (Region Specific)

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Oneida Environmental, Health & Safety Division

UST 101 Training
2012 Tribal Lands Forum
Coos Bay, OR
A Path Forward

- Tribal environmental departments can take simple steps to improve UST compliance by:
  - Identifying active and abandoned gas stations and tanks
  - Identify a staff member to become familiar USTs and compliance issues
  - Establish a chain of command
  - Identify resources to respond to a release
  - Provide station owners with information to be in compliance
  - Request Compliance Assistance
Summary

- The federal government has the responsibility for implementing UST regulations in Indian Country.

- Tribal environmental programs may have some tools available to encourage and ensure compliance and/or corrective action in response to a release.

- Compliance Assistance is available to Tribal environmental departments and facility owners.
Questions?

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