Pueblo of Zuni
ENVIRONMENTAL PROTECTION PROGRAM

Leaking Underground Storage Tanks

Dowa Yallene
Zuni Reservation, NEW MEXICO

- NW New Mexico
- SW Colorado Plateau
- Reservation 450,000 Acres
- Zuni & Blackrock
- 9,500 Population
Zuni Geography

- Mesas, ephemeral drainage systems
- Semi Arid Climate
- Juniper-lowlands
- Ponderosa Forest
- Largest Pueblo
- Cottage Industry
Zuni Businesses

- Jewelry Stores
- 1 shopping center
- 1 Credit Union
- Government Offices
- Propane Service
- Hardware Store
- 2 gas stations
Current Zuni Gasoline Stations

GIANT STATION

SITE HISTORY:
1970s – 7 TO 11
1980s – Thriftway
1990s – Mustang
2000s – Mustang/Giant*

SITE HISTORY:
1990s – Major Market
2000s – Zuni Express*

Zuni Express

CHEVRON

SITE HISTORY:
1970s Texaco
1980s Texaco
1990s Conoco
2000s Chevron*

SITE HISTORY:
1990s – Major Market
2000s – Zuni Express*
Leaking Storage Tanks – Product Loss

GIANT STATION 2001*

Zuni Express 1989*

Ilfeld Store Early 1900s

Zuni Express 2005

Texaco Station 1996*

Zuni Shopping Ctr Mid 1900’s*
Leaking Underground Storage Tanks

**GIANT STATION**
- 2- 12,000 Gallon USTs (2003)

**TEXACO**
- 2- 4,000 Gallon USTs (1995)

**MALCO**
- 1- 10,000 gallon UST
- 1 – 6,000 gallon UST
- 2 – 4,000 gallon USTs (1989)

**EXTENSIVE CONTAMINATION BUT NO UST LOCATED!**
- (1999)
Product Loss

Zuni Express

2 Cubic Yards Soil
Removed USTs (2005)
LUST Site Activities

MUSTANG & MALCO

- UST Removal
- Site Assessments
- Soil Abatement
- Monitoring well Installation
- Ground Water Monitoring

NEW MEXICO WATER QUALITY CONTROL COMMISSION
Pueblo of Zuni

Capacity

Environmental Oversight

Businesses Lease Management

Cleanup to Standards
Pueblo of Zuni

(Zuni) Indian Owned Business

Vs.

Private Non-Indian Owned Business

- New Mexico Corrective Action Fund—Taxes
- NM State—Zuni Tribal Roles
- Zuni Property Ownership
- Role of EPA
- Jurisdiction Issues
ADDRESSING THE PROBLEM

COOPERATIVE AGREEMENT

COOPERATIVE AGREEMENT AMONG
THE NEW MEXICO ENVIRONMENT DEPARTMENT,
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND
THE ZUNI ENVIRONMENTAL PROTECTION AGENCY
OF THE PUEBLO OF ZUNI

The New Mexico Environment Department ("NMED"), the United States Environmental Protection Agency ("EPA") and the Zuni Environmental Protection Agency ("ZEPA") of the Zuni Pueblo ("Pueblo") officially known as the Zuni Tribe of the Zuni Indian Reservation, are entering into this Cooperative Agreement ("Agreement") to provide joint exercise of regulatory authority for underground storage tanks ("USTs") at the former Malco No. 184 R/Zuni-Thriftway site located on the south side of Rt. 53 in the Pueblo of Zuni, New Mexico ("Malco site").

The parties agree as follows:

1. Identification of Parties. NMED is an executive agency of the State of New Mexico ("State"). EPA is an executive agency of the United States. The Pueblo is a federally recognized Pueblo Indian tribe located within New Mexico. ZEPA is the environmental protection agency of the Pueblo. ZEPA is the agency of the Pueblo charged with environmental management within the jurisdiction of the Pueblo.

2. Identification of Site. The Malco site is within the Pueblo boundaries and on Pueblo land. The Malco site is a former UST site that was operated by Thriftway Marketing Corporation ("Thriftway"), a private non-Indian business. NMED has confirmed a UST release at the Malco site that will require investigation, possible remediation and closure.

3. Authority for Entering into Agreement. NMED is authorized to enter into this Agreement by the New Mexico Environmental Improvement Act, NMSA 1978 §§ 74-1-1 to 74-1-10, in fulfillment of its regulatory authority under the New Mexico Hazardous Waste and Groundwater Protection Acts. EPA is authorized to enter into this Agreement by 42 U.S.C. § 6908. The Pueblo is authorized to enter into the Agreement by the Pueblo of Zuni Tribal Council Resolution No. ______. Nothing in this Agreement will be construed to restrict EPA's authority to fulfill its responsibilities under any statute or regulation, including both Subtitle I of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6991 et. seq. and the regulations promulgated thereunder. Additionally, nothing in this agreement will be construed to contravene any provision of 40 C.F.R. Part 280.
New Mexico Corrective Action Fund

• Zuni pays into the New Mexico State underground storage tank trust fund, but do not have access to those funds.
• New Mexico can not enforce or impose their clean up standards within Indian country
• Zuni Tribe has no Corrective Action Fund
  – Insurance
  – Liability
Active Compliance Checks

- US EPA
- ENIPC-OETA
- ZEPP

Giant Station

Zuni Express
Pueblo of Zuni UST Projects 2012

Brownfields Revitalization Project:
Evaluation Toolkit
(EPA)

PHASE 1:
MALCO STATION
CHEVRON STATION
(Northwest NM COG)

PHASE 2:
ZUNI AIRPORT
(Northwest NM COG)

Zuni Airport
Malco
Chevron