

“Strategy for a U.S. EPA/Tribal Partnership to Implement Section 1529 of the Energy Policy Act of 2005”

Many federal statutes provide U.S. EPA tools that may present greater opportunities for tribal involvement in the underground storage tank program. In 2005, the Energy Policy Act was enacted. One requirement under Section 9013(a) of the Act requires U.S. EPA, in coordination with Indian tribes, to develop and implement an underground storage tank program strategy in Indian country. As a result, U.S. EPA and tribal representatives developed an underground storage tank program strategy in Indian Country.

The Primary goal of the tribal strategy is to improve human health and the environment in Indian Country by working with tribes and U.S. EPA.

This strategy specifically identifies key issues and actions for improving implementation of the underground storage tank program in Indian Country. In particular, this strategy identifies additional steps that U.S. EPA and tribes can take to further the cleanup and compliance of underground storage tanks in Indian Country by strengthening relationships between U.S. EPA and tribes, by improving information sharing and by building tribal capacity to improve the implementation of the underground storage tank prevention and cleanup programs.

NAEPC has received grant funding from the U.S. EPA, Region 9 to assist NAEPC Member Tribes with improving human health and the environment in Indian Country through a pilot UST Inspection Program. NAEPC will implement the coalition program and conduct inspections on behalf of the U.S. EPA, Region 9, which will increase the geographic coverage, increase the frequency of inspections in California Indian Country, and will reduce the carbon footprint, thereby assisting Tribal facilities to achieve and maintain compliance with federal environmental requirements.

For a copy of “Strategy for an EPA/Tribal Partnership to implement Section 1529 of the Energy Policy Act of 2005” go to: www.epa.gov/oust (EPA Document: EPA-510-R-06-005, Aug. 2006)

Meet our proposed Federally Credentialed Inspector:

Jill Sherman Warne: Jill is working on her credential and has been training tribal owner/operators on federal UST Compliance since 2016. She is an enrolled member of the Hoopa Tribe.



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QUESTIONS?

- **What is the UST Program?**

U.S. EPA published the final technical and financial responsibility regulations for underground storage tanks (UST) in 1988 (40 CFR Part 280 and 281). These comprehensive regulations, which continue to provide the foundation for the UST Program today, were designed to achieve the following goals:

Preventing leaks by requiring owners and operators to close or upgrade old substandard tanks or install new, improved, and safer tanks that will not easily corrode and leak.

Detecting leaks quickly by requiring owners to put in place one of several leak detection methods, such as automatic tank gauging, interstitial monitoring and vapor or groundwater monitoring.

Cleaning up leaks quickly and safely by requiring tank owners to have the financial resources to clean up a site if a release occurs.

- **Why is an UST inspection program important?**

To ensure that your USTs are properly equipped, monitored and maintained to avoid costly contamination to the environment.

- **Who will inspect our USTs under the Tribal Program?**

Native American Environmental Protection Coalition (NAEPC) will conduct UST inspections on behalf of U.S. EPA of NAEPC Member Tribes participating in the UST inspection project.



QUESTIONS?

- **Under what authority will NAEPC conduct inspections on behalf of U.S. EPA?**

The federal Resources Conservation Recovery Act (RCRA) enables U.S. EPA to authorize Tribal government representatives to conduct inspections on behalf of the U.S. EPA. This statute allows U.S. EPA to authorize inspections on behalf of U.S. EPA by non-EPA employees via language regarding inspections conducted by “duly designated agents.”

- **How will this inspection project mutually benefit NAEPC Tribes and U.S. EPA?**

U.S. EPA’s designation of tribal inspectors as authorized agents of the Agency for UST inspection purposes can increase the geographic coverage and frequency of inspections in Indian Country. This in turn helps ensure that regular inspections are conducted and that facilities are offered individual compliance assistance so they can remain in or return to compliance.

New Certifications for UST OPERATORS

2015 UST requires that designated operators demonstrate knowledge by completing the online certification.

October 13, 2018 is the deadline for designated operators to verify compliance with Class A or B Exam Certification;

<https://www.epa.gov/ust/class-a-and-class-b-ust-operator>.



QUESTIONS?

- **What will NAEPC UST inspectors do for participating Member Tribes?**

- * Provide certified inspectors to conduct UST compliance inspections on behalf of the U.S. EPA

- * Conduct follow up inspections as needed

- * Work cooperatively with the Tribe and U.S. EPA to achieve compliance through a written compliance plan

- * Work with the Tribe and U.S. EPA to find funding sources needed to assist the Tribe with achieving compliance

- * Provide compliance assistance training to help Tribes build their UST expertise

- * Provide outreach to encourage effective program development suitable to tribal needs and capabilities.

- **Who will oversee compliance enforcement?**

As the implementing authority, U.S. EPA enforces the UST program requirements in Indian Country. U.S. EPA, Region 9, will:

- * Assess violations observed on inspection report submitted by the NAEPC inspector

- * Issue citations, if necessary, based on U.S. EPA, Region 9, review

- * Develop and monitor (as needed) a written compliance plan that communicates to the facility and the tribal government the identified noncompliance at the facility and the steps to bring the facility to compliance

Note: NAEPC inspectors will be available to assist Tribes throughout this process.

- **Who should participate?**

NAEPC Member Tribes with petroleum or hazardous substances USTs that meet the definition of an UST per Code of Federal Regulations, 40 CFR Part 280 (certain USTs are exempt).