

State and Tribal Response Program Highlights



EPA Funding Provided to States and Tribes to Address Contaminated Land in their Communities

REGION 1

MASSACHUSETTS – The Massachusetts Department of Environmental Protection (MassDEP) Bureau of Waste Site Cleanup (BWSC) used Section 128(a) Response Program funding to update and release its Final Vapor Intrusion Guidance in October of 2016. The updated guidance reflects more recent science and professional practice and the June 2014 Massachusetts Contingency Plan (MCP) amendments related to vapor intrusion site assessment, mitigation and closure. The guidance provides a clear and comprehensive presentation of MCP requirements and acceptable technical approaches for the assessment, mitigation and closure of vapor intrusion sites and allows for professional discretion in applying best practices to a range of disposal site conditions and scenarios. The updated guidance and related training will greatly enhance BWSC's efforts to ensure the adequate assessment and mitigation of vapor intrusion sites and support PRPs and LSPs/environmental professionals in meeting MCP requirements and bringing these sites to successful closure. The updated guidance can be viewed on the MassDEP website at: www.mass.gov/eea/docs/dep/cleanup/vapor-intrusion-guidance-10-14-2016.pdf.

REGION 2

NEW YORK – In 2015, an underground storage tank failure at the Abraham Wing Elementary School in Glens Falls caused the subsurface release of an estimated 500 gallons of fuel oil. The Glens Falls Fire Company responded and reported the spill to the New York State Department of Environmental Conservation (NYSDEC) after oil was found in a neighbor's basement sump and petroleum odors were noticed in the school. The NYSDEC used Section 128(a) Response Program funding to oversee the spill response, and the removal of a 1,000 gallon underground storage tank and excavation of contaminated soil. A groundwater treatment and vapor mitigation system was installed at the impacted residential property and a vapor mitigation system was installed in the school. In addition, a multi-well groundwater treatment system was established on the school property to gain further control of and remediate the oil plume. Today, the site is in operation and maintenance status. Through the response and cleanup, the school's children and employees were protected.

REGION 3

MARYLAND – The Maryland Department of the Environment's (MDE) Land Restoration Program (LRP) uses the Section 128(a) Response Program grant to partially fund the ongoing land use control inspections throughout Maryland. In 2015, the LRP established a process for conducting land use control inspections by using the LRP Mapping site database to prepare a summary report of sites in a specific county with land use controls. LRP personnel review the list and check the property on the Maryland State Department of Assessment and Taxation (MD SDAT) website to determine ownership status. LRP personnel also review the Maryland Land Recordation website (MDLANDREC.NET) to confirm that the required land use control documents are recorded in the land records. Next, LRP personnel select a subset of the sites to perform land use control (LUC) inspections. If compliance with the LUCs is found to be an issue, the employee prepares a letter to the property owner/operator informing them and providing notice of potential enforcement actions. LRP personnel then perform a follow-up inspection to ensure the required corrections have been made. Between June 30, 2015 and July 1, 2016, the LRP performed 187 LUC inspections and conducted six notifications and follow-up inspections.

REGION 4

KENTUCKY – About 250 individuals gathered in Charleston, West Virginia, on September 7 and 8, 2016, to discuss ways to revitalize brownfields at the inaugural Central Appalachian Regional Brownfields Summit. The Kentucky Brownfield Redevelopment Program used Section 128(a) Response Program funding to partner in the organization and promotion of the event. Panelists discussed funding sources, the reuse of mine-scarred lands, and how to harness the power of youth. Of particular interest was a discussion on building community resilience, which was especially relevant in view of recent floods and the area's continuing economic disruptions. In order to continue the conversation, summit planners are developing the Central Appalachian Brownfields Innovation Network (CABIN), which will have three main components:

- The Redevelopment Expert Exchange will match up communities working on projects with mentor communities that have successfully completed similar projects.
- The Front Porch will be an online platform to hold discussions.
- The Campfire will facilitate broad educational opportunities, traditional training and educational approaches.

To learn more about CABIN, go to <http://brownfieldsinnovation.com/>.



Central Appalachian Brownfields Innovation Network (CABIN) members.

REGION 5

MILLE LACS BAND OF OJIBWE – The Mille Lacs Band of Ojibwe is converting former tribally owned wastewater lagoons in Onamia, Minnesota, into a walleye fish hatchery. The 45-acre property includes six former wastewater treatment lagoons which had not been in use since 2004. The tribe used Section 128(a) Response Program funding to provide oversight of environmental assessment activities and a feasibility analysis to determine if the lagoons could support fish rearing. The assessment determined that no cleanup was required; however, structural and water quality enhancements were made to meet the needs of a fish hatchery. In February 2016, Mille Lacs initiated a pilot hatchery project with assistance from the U.S. Fish and Wildlife Service. By the summer of 2016, the hatchery produced 1.3 million walleye fry (young fish) to be released into the lagoons. In late summer 2016, 12,000 walleyes fingerlings were netted and used to stock tribe-owned lakes and other lakes around Minnesota. The pilot allowed the tribe to gain valuable information and experience to move forward to a full scale hatchery, while establishing a valuable relationship with the U.S. Fish and Wildlife Service. Fishing on Mille Lacs Lake and other stocked lakes in the region attracts visitors from across the country, and is a source of food and economic vitality for the tribe and the region.

REGION 6

OKLAHOMA – Built in 1925, the 28,000 square foot former Gates Hardware Store building is being redeveloped in Tulsa's Greenwood Historic District. The Oklahoma Corporation Commission (OCC) used Section 128(a) Response Program funding to provide oversight of assessment and cleanup activities. During site investigations, the new landowner discovered two buried 1920s-era tanker rail cars filled with water and crude oil. In August 2016, rail cars and contaminated soil were removed from the property through the OCC Petroleum Storage Tank Division and the landowner received a site closure letter with a no further remediation requirement. Half of the Gates Building is currently occupied by an architecture firm with 47 staff members, on the second floor. The first floor of the property is under renovation and will be the future home to the Elgin Park Brew Pub.



The redeveloped Gates Building.

REGION 7

KANSAS – A former zinc smelter facility is being redeveloped into the Pittsburg Town Center through tax increment financing (TIF) to revitalize a brownfields area in one of the city's key commercial districts. The city conducted an environmental assessment that revealed lead and cadmium impacts to the soil. In 2016, the Kansas Department of Health and Environment Voluntary Cleanup Program used Section 128(a) Response Program funding to provide technical assistance and oversight of cleanup activities. Concentrated waste pockets and smelter foundations were unearthed during excavation of the property. Over 50,000 tons of contaminated soil were removed and environmental use controls were placed on the property to prevent future excavation. Redevelopment includes a Home Depot as the anchor store, and several other retail establishments.

REGION 8

SPIRIT LAKE NATION – On October 20, 2016, the Spirit Lake Tribe used Section 128(s) Response Program funding to conduct cleanup activities at five abandoned homes in Sheyenne, North Dakota. The former residential structures are part of a larger complex known as the Sheyenne Relocatable Homes, which were vacated due to asbestos-containing materials and their overall poor condition. After the asbestos was properly disposed of, the homes were demolished to provide space for much needed new and safe housing. Prior to cleanup activities, EPA provided technical Targeted Brownfields Assessment (TBA) support to characterize the buildings and estimate cleanup costs. The Tribe is now considering applying for an EPA Brownfields Cleanup grant to address the 20 remaining homes in the area.

REGION 9

YUROK TRIBE – In Northern California, the Yurok Tribe is witnessing extensive environmental degradation from illegal marijuana cultivation on its Reservation lands. The illegal marijuana cultivation has resulted in unpermitted water diversion, lack of proper sanitation facilities, pesticide use and/or misuse, illegal road building and land clearing, and improper disposal of solid and hazardous wastes. The Yurok Tribe Environmental Program (YTEP) is using Section 128(a) Response Program funding to document these negative effects, assist in the prosecution of offenders and protect the environment of the Reservation. The Tribe, along with multiple other law enforcement and regulatory agencies including the U.S. Fish and Wildlife Service and CA State Water Resources Control Board, conducts annual marijuana eradication efforts on the Reservation. The YTEP hired a dedicated Environmental Enforcement Officer to enforce tribal ordinances and conduct water quality sampling on affected waterways.

REGION 10

TANANA CHIEFS CONFERENCE (TCC) – Tanana Chiefs Conference (TCC) is an Alaska Native non-profit corporation dedicated to meeting the health and social service needs of tribal members throughout Alaska's interior. Since receiving Section 128(a) Response Program funding in 2015, TCC has built significant capacity among its membership, including support for training and site-specific work in their region. TCC's Tribal Response Program (TRP) helps tribes address brownfields in their community or move brownfields projects along, and is open to all member tribes within TCC's service region. The TCC brownfields web page (www.tanachiefs.org/health/environmental-health/brownfields/) hosts the public record for 29 communities and contains over 150 entries. TCC collaborated with partners to develop brownfield/contaminated site outreach specifically for village and regional corporations (the tribal land owners), and assisted the villages of Hughes and Northway as they learned how to navigate site-specific work in coordination with the state and EPA. TCC also hosted a Small Community Emergency Response Plan (SCERP) training with participants from eight villages. By making environmental health an important part of its mission, TCC is helping to restore healthier environments for all.



TCC environmental health specialist prepares sediment samples at Skate Lake in Northway, Alaska.