



THE NAVAJO NATION

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FY 2016 SECOND Quarter Report
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I. EXECUTIVE SUMMARIES

ADMINISTRATION EXECUTIVE SUMMARY:

The Administration Department (AD) leads and manages four environmental departments that define and solve environmental problems, which impact human health, air, soil, water, natural resources and Diné lifeways. The AD is charged with the administration of the Air & Toxics Department (ATD), Waste Regulatory Compliance Department (WRCD), Surface and Ground Water Protection Department (SGWPD) and the Criminal Enforcement Department (CED) of the Navajo Nation Environmental Protection Agency (NNEPA). The AD was established to oversee and ensure that the ATD and WRCD are upholding the Navajo Nation Air Quality Control Prevention & Control Act, Navajo Nation Open Burn Regulations, Title V operating permits, the Clean Air Act (CAA), Navajo Nation Environmental laws and various other activities like the Superfund program and the storage tank programs. The AD was also established to oversee and ensure that the SGWPD and CED are upholding Section 106 of the Clean Water Act and law enforcement activities, which investigates and enforces environmental laws on the Navajo reservation.

AIR & TOXICS DEPARTMENT EXECUTIVE SUMMARY:

The Air & Toxics Department (ATD) is comprised of the following environmental programs: Air Quality Control Program, Operating Permit Program, Pesticides Program, Radon Program.

All ATD programs are responsible for protecting environment and human health through regulation, public outreach, compliance and technical assistance, monitoring, proposing legislation, assessments, studies and, analysis of proposals with potential to impact the Navajo Nation. The primary laws, rules and regulations that ATD programs are responsible to uphold are the Federal Insecticide Fungicide Rodenticide Act, Navajo Nation Air Quality Control Prevention & Control Act, Operating Permit Regulations, Navajo Nation Open Burn Regulations and, Navajo Nation Pesticide Act. Changes to existing Navajo Nation rules and regulations, including amendments to Title V operating permits, require a process that involves notification to the public. The public notification process is required under the Clean Air Act (CAA) (for operating permits) and the Navajo Nation Uniform Regulations: Permit Review, Administrative Enforcement Orders, Hearings & Rulemakings (NN Environmental Acts).

PESTICIDE PROGRAM EXECUTIVE SUMMARY:

The NNEPA Pesticide Program has a Cooperative Agreement with USEPA Region 9. Through this cooperative agreement, the program continues to monitor and inspect for the safe use and handling of pesticide products under federal authority. In addition, the program responds to pesticide use complaints, compliance assistance and provides pesticide safety outreach to the regulated community. The regulated community consists of agricultural operations including high risk employees such as workers, mixers, and applicators, plus health care providers, forestry, schools, greenhouse operations, and at farm operations. The purpose of all the activities is to promote pesticide safety and prevent pesticide exposure for workers.

RADON PROGRAM EXECUTIVE SUMMARY:

The Radon Program receives federal funds from USEPA and is required to fulfill a match requirement of 40%. The required match is met in-kind through a General Funds position budgeted as an Environmental Technician under the Radon Program (Business Unit #111016) and through in-kind services from other General Funds in the form of Fleet, monthly mileage and, Environmental Department Manager serving as the supervisor for the Radon Program. The work of Program is driven by an approved federal work plan that includes reporting quarterly and annually. The primary tasks for the Program are to conduct outreach education on Radon, Radon health impacts, Radon resistant construction, Radon testing and Radon mitigation; work in collaboration with the Navajo Birth Cohort Study by assisting with Radon testing and exchange of Radon data to support the Program's database; work in partnership with the Contaminated Structures Project under the auspices of the Navajo Superfund Program in testing homes and recommending mitigation.

AIR QUALITY CONTROL PROGRAM/OPERATING PERMITS PROGRAM EXECUTIVE SUMMARY:

The Operating Permit Program has run into some challenges this quarter regarding the renewal of Navajo Generating Station and Four Corners Power Plant's Title V permit. The first issue being the Voluntary Compliance Agreement (VCA) between the two sources and the Navajo Nation. Section 4.2(f) of the VCA states that the VCA expires if the Navajo Nation fails to offer a permit to the operating source within 24 months after the source submits a Part 71 operating permit application. Navajo Generating Station submitted an application on January 3, 2013 and Four Corners Power Plant submitted an application on January 25, 2013. The delay in permit issuance was due to several rule making that occurred during the drafting period such as MATS extension request, the Acid Rain Permit, BART FIP and Technical Work Group Agreements. However, on March 14, 2016 all parties signed off on the first amendment to the VCA, extending the deadline to issue the permit to December 31, 2016.

The second challenge to the issuance of the permits for the power plants is finalizing the Response to Comments, which were received when the draft permits were public noticed. The program is waiting for a response from the U.S. EPA Office of Regional Council regarding a comment for NGS that addresses the startup, shutdown, malfunction (SSM) requirements in the Mercury and Air Toxics Standards (MATS) and the SO₂ absorber module exemptions.

The Supreme Court issued a stay on the Clean Power Plan on February 9, 2016 which has delayed the work being done for states and the sources that must comply with the rule until a decision can be made. The OPP plans to remain an avid participant in the Navajo Carbon Team and Carbon Technical Team by participating in consultation and discussions with U.S. EPA, NGS and FCPP.

As outlined in Fiscal Year 2016 (FY16) Work Plan tasks, the Air Quality Control Program (AQCP) continues to collect ambient air quality data and perform quality assurance (QA) data validation checks before monthly data uploads to USEPA's Air Quality System (AQS) data base.

Instrumentation malfunctions have continued to inhibit coarse particulate (PM₁₀) air monitor data collection and flow rate verifications. The PM₁₀ monitor remains offline and discussions with AQCP staff and EPA Region 9 project officer may result in the removal and reporting of PM₁₀ air data to AQS in FY16. Fine particulate (PM_{2.5}) air monitor data, collocation precision results, field blank and trip blank data have yet to be uploaded to AQS in this quarter due to a change in laboratory gravimetric services and QA procedures. Recent correspondence with an AMEC Foster Wheeler laboratory representative, confirmed that tribal PM_{2.5} data has been evaluated and will soon be provided to tribes in a timely manner. On the other hand, semi-annual gaseous performance audit results, monthly bi-weekly precision results, and collected air data for all active gaseous monitors have been uploaded to AQS. Performance audit recommendations have been implemented to meet instrument measurement quality objectives and accuracy criteria as outlined in the Air Quality Control Program's Quality Assurance Project Plans for monitored criteria pollutants. Currently, all active criteria pollutant monitors are operating within tolerance of specified quality assurance acceptance criteria limits.

Certain FY16 Work Plan tasks were prioritized this quarter. For example, the completion of a semi-annual performance audit, maintenance of air monitors and reporting of collected ambient air data and quality assurance data to AQS. Additional Work Plan tasks completed in the second quarter include: 1) the installation of new meteorological equipment and data logger at the Shiprock air monitoring site, 2) acquisition of indoor air quality (IAQ) monitoring equipment from the Tribal Air Monitoring Support (TAMS) Center and 3) the development of an IAQ Quality Assurance Project Plan and IAQ assessment checklist to support ten (10) in-home IAQ assessments. Updates to the Air Quality Control Program's Quality Assurance Project Plans and Standard Operating Procedures to support the gaseous air monitoring network and recent changes to data collection have been on-going. The air monitoring program also continues to participate and provide outreach opportunities for communities to better understand Open Burn Regulations and how open burning impacts local air quality and human health.

SURFACE AND GROUND WATER PROTECTION DEPARTMENT EXECUTIVE SUMMARY

The Surface and Ground Water Protection Department (SGWP) continued to maximize its protection of human health, land, air and waters of the Navajo Nation.

The August 5, 2015 Gold King Mine spill task and issues have been on-going and all activities related to water quality and sediment samples monitoring of the San Juan River to determine any impacts or non-impacts have been our primacy task.

Also, NNEPA will continue to attend the Navajo Gallup Waterline Project meeting and conduct inspections under our authority of the CWA and SDWA. NNEPA will continue to protect the human health and waters through legislative proposals and actions, seeking and obtaining

funding source, monitoring and data collection, provide public education, and build partnership with NN Department, programs, other tribes, states and federal agencies.

Navajo PWSSP is responsible for ensuring drinking water is safe to drink. Sanitary Survey inspections of facilities are being conducted during the summer months. Staff will conduct 60 inspections during FY2016.

WASTE REGULATORY COMPLIANCE DEPARTMENT EXECUTIVE SUMMARY:

Waste Regulatory Compliance Department (WRCD) is established for the purpose of protecting the public health and the environment of the Navajo Nation through legislative proposals, obtaining funding, monitoring and data collection, permitting and rule making as authorized by Navajo Nation law, public education, and other appropriate means. WRCD oversee the management of four programs to include; Resource Conservation Recovery Program, Navajo Superfund Program, Storage Tank Prevention Program (UST) and Storage Tank Remediation Program (LUST). This report will include all four programs.

CRIMINAL ENFORCEMENT DEPARTMENT EXECUTIVE SUMMARY:

The Navajo Nation Environmental Protection Agency-Criminal Enforcement Department was created to supplement Navajo Nation Environmental Protection Agency-Air & Toxic Department, Water Quality Department and Waste Regulatory Departments to provide law enforcement capabilities to investigate and enforce environmental criminal activities within the territorial jurisdiction of the Navajo reservation. The department also promotes and enhances the quality of public safety through cooperative enforcement, intelligence gathering, training employees of law enforcement agencies, and increase public and the regulated community awareness of environmental criminal activities. Some of the highlight areas pursuing is to maintain our department initiatives by providing outreach to all 110 Navajo Nation chapters, schools and the regulated communities, and foremost activity includes prosecution of individuals or companies, and visible preventive patrols to deter environmental criminal activities.

II. CRITICAL ISSUES

ADMINISTRATION CRITICAL ISSUES:

- A. The farmers along the San Juan River are asking NNEPA for river data, reports and updates.
- B. The Navajo Superfund program has past funding issues that need attention.
Understanding Tronox. The main challenge about understanding Tronox is that Tronox funding is only to be utilized to address Tronox sites.

AIR & TOXICS DEPARTMENT CRITICAL ISSUES

- A. Outside Counsel Contracts were temporarily halted at the beginning of FY 2016 due to NNDOJ's review of contracts and modification of new contract forms. While we have been informed that the contracting will move forward, our plans and schedules to move forward with projects such as development of a minor source permitting program and to obtain partial NESHAP delegation from USEPA to address NESHAP violations on the Navajo Nation have been set back by six (6) months thus far. We were not consulted previous to this NNDOJ action, nor have we, as clients, been provided with information from NNDOJ related to these changes.
- B. Environmental Mitigation Projects (EMPs). There continues to be on-going discussion and updates with APS, FCPP and SCE representatives on the status of the projects. The most recent update is that the wood/coal combination stoves are undergoing testing so that EPA can certify wood/coal combination stoves. Until the USEPA authorizes use of combination stoves, only wood burning stoves are acceptable as replacements. Pending EPA endorsement of combination stoves as a replacement option, the installation project will be delayed for approximately one additional year. The June 24, 2015 a Consent Decree filed in the U.S. District Court, District of New Mexico, requires APS and other owners of FCPP¹ to spend \$6.7 million on three environmental mitigation projects that will be completed within five years at some Navajo Chapters located primarily east, northeast and southeast of the FCPP.

PESTICIDE PROGRAM CRITICAL ISSUES:

The Navajo Pesticide Program has an open and on-going investigation with the Navajo Nation Fish & Wildlife Program regarding a suspected violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The inspection/investigation was forwarded to USEPA Region 9 on September 30, 2015 for further review and possible enforcement action. As of today, the USEPA Region 9 Enforcement Office drafted a consultation letter and is preparing a briefing (next week) for upper management at USEPA Region 9 before sending it to the Navajo Nation Fish and Wildlife Program.

The Pesticide Program received a partial award in the amount of \$130,142 on September 10, 2015. The balance of \$111,858 has not been received by the program, yet. According to USEPA Region 9 project officer, the balance will be awarded by the beginning of the third quarter.

¹ Owners of FCPP are Arizona Public Service Company (APS), Southern California Edison (SCE), El Paso Electric Company (El Paso Electric), Public Service Company of New Mexico (PNM), Salt River Project Agricultural Improvement and Power District (Salt River Project), and Tucson Electric Power Company (Tucson Electric Power), (collectively referred to as Defendants in the Consent Decree).

RADON PROGRAM CRITICAL ISSUES:

Reducing indoor radon levels in homes and schools to minimize occupants' exposure to radon gas to eliminate risks to human health. This involves continuous outreach, encouraging independent testing and, working with other stakeholders to achieve similar goals and objectives.

AIR QUALITY CONTROL PROGRAM/OPERATING PERMITS PROGRAM CRITICAL ISSUES:

Plans to address issues, resources requirements & expected completion date

The critical issues that the Air Quality Control Program are currently facing are as follows:

- A. The Operating Permit Program (OPP) is currently working with U.S.EPA Region 9, Navajo Nation DOJ Attorney April Quinn, Eastern Research Group (ERG), and also NNEPA Contract Attorney Jill Grant to finalize the Response to Comments (RTC) for the Navajo Generating Station (NGS) draft Title V permit. This quarter the program has worked to amend the Voluntary Compliance Agreement with Navajo Generating Station (NGS) and Four Corners Power Plant (FCPP) which was signed by all parties on March 14, 2016. In addition, the program is waiting for a response from the U.S. EPA Office of Regional Council regarding the comment for NGS that addresses the startup, shutdown, malfunction (SSM) requirements in the Mercury and Air Toxics Standards (MATS) and the SO₂ absorber module exemptions.
- B. Consent Decree (CD) regarding the FCPP has been finalized and the compliance schedule of the CD are being incorporated into the draft Title V permit for FCPP. The RTC document for the FCPP draft permit needs to be developed.
- C. On February 9, 2016 the Supreme Court issued a stay on the Clean Power Plan and it is pending judicial review. The program will continue to participate in meetings and calls and remain active participants in the Navajo Carbon Team and the Carbon Technical team with USEPA, NGS and FCPP.
- D. The program has seen an increase in Open Burn registration forms this quarter due to the change in weather. The majority of the registration forms are from Northern Agency, mainly the Chapters of Upper Fruitland, Hogback, Shiprock and Nenahezad. In addition the program met with BIA Forestry on Monday, March 14th to continue the partnership regarding Open Burn activities on the Navajo Nation.
- E. Annual Compliance Inspections have been completed for the following facilities; El Paso Compressor Stations (Leupp, Window Rock, White Rock, Gallup, Navajo, Dilkon), Resolute Aneth, and Western Refinery – Gallup Station (formerly Conco-Phillips). A discrepancy was found regarding the El Paso Window Rock station emission calculations and monitoring reports did not match up. The program is waiting for a clarification from the facility.
- F. Continual data collection of SO₂, NO, NO₂, NO_x, O₃, PM₁₀, PM_{2.5} ambient air data from Nazlini and Shiprock air monitoring sites. All criteria air monitoring data is collected at the end of each month and reported monthly to AQS with supporting QA data reported quarterly.

- G. A comprehensive revision to the QAPP for the AQCP monitoring network is in development to reflect all active gaseous pollutant monitors as outlined in the FY16 Work Plan. QAPP should be completed by May 2016 and submitted to USEPA Region 9 QA Office for approval.
- H. A 2015 performance audit indicated several meteorological parameters as well as met data loggers at the Shiprock and Nazlini monitoring sites to be operating out of tolerance and led to the purchase and installation of new meteorological equipment and data logger at the Shiprock air monitoring station.
 - a. The Nazlini air monitoring met tower is currently under evaluation for replacement/relocation as it does not tilt-over. This evaluation shall be done before a completion date is established for the installation of the new met equipment onto the tower.
- I. Response to Counselor Chapter Resolution requesting ambient air monitoring in the greater Counselor Community has begun with completion of a Memorandum of Understanding (MOU) between Counselor Chapter and NNEPA AQCP and the selection of a monitoring site at a residence of Counselor Chapter.
 - a. Mobile unit NO_x and SO₂ analyzers were calibrated in December 2015 and will undergo an additional multipoint calibration prior to deployment in April 2016.
 - b. The mobile unit electrical connections should be completed by April 2016 followed shortly by deployment of the mobile air monitoring unit.
- J. Schedule Air Resources Specialist, Inc. to conduct semi-annual performance audit on monitoring network.
 - a. All active met monitors at the Shiprock air monitoring site passed February 2016 performance audit/verification.
 - b. A second performance audit shall be scheduled for August 2016.
- K. Ten (10) in-home air quality assessments should begin in March 2016 and completed by May 2016. IAQ assessments are scheduled for the month of March and April 2016 with completion by May 2016. All loaner TAMS Center loaner IAQ monitors will be returned in May 2016.

SURFACE AND GROUND WATER PROTECTION DEPARTMENT CRITICAL ISSUES:

1. WQ and PWS program may not have an increase in federal grant funding for FY 2017 will result in RIF of one program staff.
2. Outstanding documents submitted to NDOJ for review on 9-23-15 PWSSP Regulations for Field Citations; 3-08-16 PWSSP Eastern Agency Primacy Application;

Resources Required:

- 1) Need Supplemental funding from the NN funding.
- 2) NDOJ needs additional attorney assigned specifically to NNEPA

WASTE REGULATORY & COMPLIANCE CRITICAL ISSUES:

- 1) Superfund Budget: During the 2nd quarter, NNEPA continue to work with Navajo OMB, Office of the Control, Office of President /Vice President and US Environmental Protection Agency, Region 9 (funding agency) respond to USEPA Notice of Non Compliance for Federal grants under the Navajo Superfund Program. NNEPA established a working team to include the NN Finance Department (OOC), Contracts and Grants, Department of Justice, addressed the issues outlined by US EPA. Reconciliation of staff time's retro back to 2009 and charged to the correct account was completed. The NSP personnel cost savings from all the federal accounts were carried over as no cost extensions to the end of January 2016. The extensions were then extended to the end of September 2016 as a "no cost extension". At the end of this quarter, the conciliations for all the grants are about 70 to 85% completed.
Recommendations: A Senior Accountant was budgeted to monitor the multi grants from EPA Region 9 and Region 6 which was part of the Corrective Action Plan.
- 2) Navajo EPA has very limited staff to cover the vast land of the Navajo Nation to conduct inspections and provide oversight for Superfund and Resource Compensation and Recovery Program (RCRP). For enforcement travel to sites is important and cannot be performed from desktop and has only on tribal vehicle for both Programs (NSP & RCRP) due to budget constraint placed on this year's budget. To compensate the funds, training and health monitoring, RCRP will transfer the funds from Training and Health Monitoring to compensate the funds. Recommendation: work closely with chapters, communities and industries on environmental awareness.
- 3) Navajo Superfund Program and USEPA Grant Management Meetings, December 2015 through March 2016, NNEPA participated in the grant negotiations with USEPA grant manager. Some highlights were: key technical positions will not be funded this fiscal year FY2016 (Health Physicist, Chemist, Reclamation Specialist). The Engineer position was also proposed to be not funded; however, Dr. Benn insisted that this position not be deleted in the December 16 negotiations. The NNEPA recommended to Yazzie and Yee that these technical positions are highly important for the work that Navajo Superfund performs. If the NN President's priority is to employ Navajo's, and with our unemployment rate so high, why are we accepting the EPA proposal that hiring technical staff in FY16. Navajo EPA Superfund needs Senior Level people now. Additionally, the Navajo Superfund staff are without highly needed equipment to perform our work. These items should be a priority before any money gets swept: computers need to be update, health and safety equipment [boots, hardhats, radiological personal dosimeters, 8-Hour Health and Safety training (OSHA REQUIREMENT), basic office supplies].

Two technical staff left Navajo Superfund Program. These two individual were highly technical staff that were involved in AUM mines remediation projects, Tronox, and AUM

contaminated Structure Program. These individual are Michelle Dineyazhe (USEPA IPA Environmental Remedial Project) and Chandra Mananhar (Environmental Engineer). This leaves Navajo Superfund without high level technical staffs and has hinder ongoing projects in process for AUMs

CRIMINAL ENFORCEMENT DEPARTMENT CRITICAL ISSUES:

a. United States Department of Justice Community Oriented Grant award K120805 in the amount of \$226,886.00 work plan diligently expended. CED upgraded its grant modification for an excess amount of \$62, 150.82 to expedite by the end of August 2016. CED was granted an extension request to FY 2016. CED is in the process of identifying mobile unit radio installation, emergency lights and three law enforcement related certification program and four environmental related trainings. This initiative emphasize the department's strategic plan that would benefit the Navajo communities and preventative illegal environmental related acts.

b. CED has one officer on sick leave due to work related traffic accident. CED is working diligently with Navajo Nation Risk Management to expedite in repairing the assign vehicle. CED is working with local law enforcement agencies to respond to minor incident environmental complaints. However, CED has manage to respond to most complaints with only two officers.

c. CED achieved in purchasing four law enforcement vehicles in FY 2015, however the MVRB had place the blue Navajo Nation Seal decal on the law enforcement vehicles rather than our request to place our own NNEPA law enforcement decals signifying CED as a law enforcement agency. This action greatly declined for the department to enforce and investigate necessary Navajo Nation environmental related complaints and enforcement of the Navajo Nation Traffic/criminal Code. However, CED has worked diligently with NN Department of Justice to conclude and justify CED as a legitimate recognized Arizona Police Officer and Standards Training Board Navajo Division of Public Safety and NNEPA law enforcement department with full law enforcement authority. Current decision by the Navajo Nation Motor Vehicle Board is still outstanding and has greatly decline our environmental enforcement efforts.

III. PROJECT(S) STATUS

ADMINISTRATION PROJECT(S) STATUS:

The San Juan River data shows that the farmers can use the water for farming.

- i. March 15, 2016, the San Juan River Farm Board met to discuss irrigation schedules.

- a. The chapters represented at this meeting were Upper Fruitland, Nenahnezad, San Juan, TseDaKann and Gadiiahi/Tokoi.
 - b. A proposed chapter resolution at this meeting was to support and maintain the Shiprock Irrigation office schedule of turning on the water to the Upper Fruitland and Hogback canals.
 - c. The resolution was passed to turn the water back on.
 - d. There was a request to have NNEPA to serve as a “clearing house” for river data and information about the Gold King Mine Spill.
 - e. The President of the San Juan River Board (farmer) wants to use the water to irrigate his fields and has asked NNEPA to issue response to turn “on” the water.
- ii. March 25, 2015, NNEPA met with President Begaye to report on river data. We reported that according to our own data, the farmers can “utilize the water for farming only, except during storm events and times when the river becomes turbid”.
 - a. OPVP requested that NNEPA coordinate with the University of Arizona on results and issue a response.
 - b. NNEPA also informed the President that the community members requested that this not be put to a vote, because it creates opposition among the farmers. They want the water to be turned “on”. They asked that this be done based on results that NN issues and to keep it from becoming political.
 - iii. March 30, 2016, NNEPA is awaiting an official response from DOJ. NNEPA asked DOJ to communicate with OPVP on providing an official press release.

The status of the Navajo Superfund program is 90% and 80% complete (in two separate cases).

- i. May 8, 2015, USEPA sent a warning letter.
 - a. USEPA was wanting clarification on employee leave charges between accounts
 - b. This is 90% complete.
- ii. Business site issues with Multi-site Cooperative Agreement (MSCA), Support Agency Cooperative Agreement (SACA), Brownsfields and Tribal Response.
 - a. 6 BUs (MSCA), 2 BUs (SACA), 1 BU (Brownfields) and 1 BU (Tribal Response) are in question
 - b. This is 80% complete.
- iii. March 29, 2016, NNDOJ got involved with these two cases mostly due to changes that USEPA makes in this process. Changing the approach

constantly causes more confusion for NNEPA, NNOMB, NNOOC and NNDOJ. NNDOJ stepped in to make sure that USEPA adheres to the original requests.

TRONOX SETTLEMENTS AND NAVAJO ABANDON URANIUM MINES (AUM) IDENTIFIED AS TRONOX SITES.

- i. Uranium 238 is a naturally radioactive: its nucleus is unstable, so the element is in constant state of decay. Uranium 238 decays to Uranium 235, which is enriched uranium that is more of a risk to humans, animals and the environment.
- ii. 2005, Kerr-McGee spins off all of its environmental liabilities to a company called Tronox. Kerr-McGee is eventually bought by Anadarko Petroleum.
- iii. Both Kerr-McGee and the Anadarko Petroleum Corporation mined over 7 million tons of ore on or near the Navajo Nation from the late 1940s through the 1960s. These companies left abandon uranium mine sites, including contaminated waste rock piles in the Lukachukai Mountains, Eastern Agency of the NN and in the Ambrosia Lake/Grants Mining District of New Mexico.
- iv. 2010, the United States announced funds to be received by the NN to perform uranium assessment and cleanup projects under federal and tribal environmental laws.
- v. Tronox agreed to resolve environmental liabilities for past and future response costs under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).
- vi. FIRST TRONOX SETTLEMENT (2010)
 - a. NN Tronox: \$1.2M (deposited into the Navajo Hazardous Substances Fund)
 - b. Federal Tronox: 13.2M (to address the Quivera mine, near North East Church Rock)
- vii. SECOND TRONOX SETTLEMENT (2014)
 - a. NN Tronox: 43M (deposited to use to address the mill site in Shiprock, NM)
 - b. Federal Tronox: 985M (to address 50 AUMs plus mines located in Cove and North East Church Rock)
- viii. The main challenge is to educate and re-educate the general public that Tronox funding is only to be utilized to address Tronox sites.
- ix. Tronox Program Approval Process
 1. Companies and individuals may apply.
 2. The participants need to provide the following: Provide a quick synopsis that describes title, objective, activities, timeframes and budget.
 3. Navajo EPA, USEPA and the state of NM will meet to consult on projects.
 4. Navajo EPA, USEPA and the state of NM will submit comments to reach concurrence on approach to scoping, prioritizing and implementing project/actions
 5. Navajo EPA, USEPA and the state NM will finalize the project/actions and USEPA will provide a funding memo to memorialize concurrence of the projects/actions

6. Once the project is approved, the project team will prepare a detailed work plan, cost estimate, and schedule for the project.

AIR & TOXICS DEPARTMENT PROJECT(S) STATUS:

- A. Attended meeting of the Resources Development Committee (RDC) on March 8, 2016 at LeChee Chapter to provide a consultation report on the draft 1st Amendment of the Voluntary Compliance Agreement (VCA) for Title V Permits. On March 14, 2016 all parties (SRP, APS and the Navajo Nation) had signed off on the first amendment to the VCA, extending the deadline to issue the permits to December 31, 2016.
- B. Completed twelve (12) Qualification Assessments for temporary and permanent positions within the NNEPA.
- C. Completed ten (10) environmental compliance documents for entities to fulfill DHUD requirements. Concurrences were completed for air quality impacts and explosive and toxic materials.
- D. Residential Interventions IAQ Study: Completed indoor monitoring at 24 residences of participating individuals in Fort Defiance Agency. This indoor air quality study is being developed in partnership with the University of Montana and will focus on intervention strategies to reduce exposure to indoor biomass smoke and improve health of Navajo elderly within the Fort Defiance Agency. Baseline data was collected for PM, health measures were completed, data entered into a database and, enrollment of new participants for the winter 2016 second phase study is on-going.
- E. The Air & Toxics Department continues to participate in the internal review and analysis of the Clean Power Plan and its implications for the Navajo Nation, Navajo Generating Station and the Four Corners Power Plant. Internal discussions are on-going with Navajo Nation stakeholders, with some team members from NNDOJ and DNR communicating with NGS and FCPP on carbon reduction and renewable energy projects. On February 9, 2016 the Supreme Court issued a stay on the Clean Power Plan and it is pending judicial review. The program will continue to participate in meetings and calls and remain active participants in the Navajo Carbon Team and the Carbon Technical team with USEPA, NGS and FCPP.

PESTICIDE PROGRAM PROJECT(S) STATUS:

Inspections: Under the Cooperative Agreement, the Pesticide Program staff monitors and conduct inspections on behalf of USEPA using federal credentials. The Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) is enforced through the cooperative agreement.

Inspection reports are forwarded to USEPA Region 9 for reporting purposes. If a potential violation is noted an investigation is conducted and the report is forwarded to USEPA Region 9 for further review and enforcement action. A total of ten (10) inspections were completed during the second quarter. It includes six (6) agriculture and four (4) non-agricultural inspections. There are no potential violations of FIFRA for this quarter.

Outreach presentations: The Pesticide Program staff conducts outreach presentations to the regulated community to ensure the safe use and handling of pesticide products. A total of seven (7) outreach presentations were conducted. The outreach covered the safe use and handling of pesticide products during a bed bug infestation application.

- Steamboat Chapter
- Coyote Canyon Chapter
- Ganado Chapter
- Whitecone Chapter
- Dilkon Chapter
- Indian Wells Senior Center
- Red Rock Park

RADON PROGRAM PROJECT(S) STATUS:

- A. Continue collaboration with the Navajo Head Start Program for training of Head Start personnel conduct Radon testing in centers. The Shiprock Head Start Centers will be tested first, after Radon Program staff train Head Start personnel in testing protocol.
- B. National Radon Action Month: Program staff initiated the following January activities related to National Radon Action Month:
 1. Disseminated Radon information to all 110 Navajo Chapters about Radon, its health effects, testing, and how to obtain a free Radon home test kit from the Radon Program.
 2. Provided a PSA in the Navajo Times about January being National Radon Action Month and where to call for a free home test kit.
 3. Coordinated with the Uranium Collaboration, Community Uranium Exposure – Journey to Healing organization to disseminate Radon information at the Northern Navajo Medical Center at Shiprock, New Mexico. Dr. Linda Knedler is a member of the CUEJH organization and she put us in contact with the hospital to support our Radon outreach work.
 4. In coordination with CUEJH, arranged for dissemination of Radon information at Nenahnezad Chapter on January 21, 2016 where CEUJH will also be conducting community health screenings.
 5. Worked in conjunction with Navajo Nation Office of Broadcast Services to use 10 free minutes to speak about Radon.
 6. In coordination with the Navajo Nation Information Technology Department, disseminated Radon information to all Navajo Nation employees about Radon, its

health effects, testing, and how to obtain a free Radon home test kit from the Radon Program.

C. Provided 169 Radon test kits to the Southwest Research and Information Center (SRIC), the co-investigating entity with the Navajo Birth Cohort Study (NBCS).

D. Radon Outreach in the second quarter at local communities, area schools and at organized events such as health fairs provided information on Radon, radon health effects, radon testing, and radon mitigation at the following locations:

- 1/15/16 Ganado Chapter House, Ganado, AZ – Total Attendees: 6 people
- 1/19/16 Coyote Canyon Chapter House, Coyote Canyon, NM – Total Attendees: 1
- 1/20/16 Steamboat Chapter House, Steamboat, AZ – Total Attendees: 9
- 1/21/16 Wide Ruins Chapter House, Wide Ruins, AZ – Total Attendees: 3
- 1/22/16 Houck Chapter House, Houck, AZ – Total Attendees: 4
- 1/22/16 Office of Dine' Youth, Fort Defiance, AZ – Total Attendees: 63
- 2/2/16 Dilkon Chapter House, Dilkon, AZ – Total Attendees: 8
- 2/2/16 Indian Wells Chapter House, Indian Wells, AZ – Total Attendees: 12
- 2/3/16 Whitecone Chapter House, Whitecone, AZ – Total Attendees: 7
- 1/22/16 Jeddito Chapter House, Jeddito, AZ (Planning Meeting) – Total Attendees: 12
- 1/22/16 Jeddito Chapter House, Jeddito, AZ (CLUPC Meeting) – Total Attendees: 6
- 2/16/16 Oak Springs Chapter House, Oak Springs, AZ - Total Attendees: 14
- 2/23/16 Navajo Nation Science Fair, Gallup, NM – Total Attendees: 49
- 2/24/16 Navajo Nation Science Fair, Gallup, NM – Total Attendees: 26
- 2/25/16 Navajo Nation Science Fair, Gallup, NM – Total Attendees: 16
- 2/29/16 Houck Chapter House, Houck, AZ - Total Attendees: 6
- 3/1/16 Crystal Chapter House, Crystal, NM - Total Attendees: 9
- 3/7/16 St. Michaels Jr. High School, St. Michaels, AZ – Total Attendees: 30
- 3/8/16 St. Michaels Jr. High School, St. Michaels, AZ – Total Attendees: 28
- 3/8/16 St. Michaels Jr. High & High School, St. Michaels, AZ – Total Attendees: 12
- 3/10/16 St. Michaels High School, St. Michaels, AZ – Total Attendees: 24
- 3/18/16 Navajo Pine High School (Chemistry) – Total Attendees: 12
- 3/18/16 Navajo Pine High School (Biology) – Total Attendees: 15
- 3/18/16 Navajo Pine High School (Chemistry) – Total Attendees: 12
- 3/18/16 Navajo Pine High School (Physics) – Total Attendees: 8
- 3/18/16 Navajo Pine High School (Math, Engineering, Science, & Applications) – Total Attendees: 12
- 3/18/16 Navajo Pine High School (Biology) – Total Attendees: 17
- 3/18/16 Navajo Pine High School (Earth Sciences) – Total Attendees: 17
- Private Residence Testing: Testing for radon by request of homeowners.

- 1/13/16 Residence in Window Rock, AZ
 - 1/15/16 Residence in Yatahey, NM
- E. 2/18/16: Assisted Mansel Nelson of the Institute for Tribal Environmental Professionals (ITEP) with radon testing in the Rock Ridge Boarding School. Test results ranged from 0.9 - 4.2 pico curies.

AIR QUALITY CONTROL PROGRAM/OPERATING PERMITS PROGRAM PROJECT(S) STATUS:

Progress and completion/accomplishments

The following projects listed below are ongoing within the Air Quality Control Program

- a) OPP is currently working with ERG, NNDOJ and U.S.EPA Region 9 to finalize the responses to the comments on the draft Title V permit for Navajo Generating Station.
- b) OPP is currently working with ERG on drafting the responses to the comments on the draft Title V permit for FCPP.
- c) Continue to provide technical assistance regarding the Clean Power Plan and the proposed FIP for implementation of the CPP by participating in the Navajo Carbon Team and Carbon Technical Team.
- d) Annual Compliance Inspections has completed and OPP is currently finalizing all inspection reports for the facilities.
- e) OPP is currently working on the draft permits for El Paso Natural Gas Gallup station and White Rock station. OPP hopes on completing the pre-drafts by April 2016 and send it out to the reviewing parties.
- f) OPP has submitted a Request for Proposal to Eastern Research Group for the Resolute Natural Resources Aneth Unit Title V permit. The proposal is due April 1, 2016. The program hopes to start the work on the permit in the 3rd quarter.
- g) Clean Air Act (CAA) Section 105 FY16 1st Quarter Report was submitted to USEPA Region 9 on January 15, 2016.
- h) Finalized MOU between Counselor Chapter and NNEPA to gain residential access to monitor ambient air quality was completed on February 16, 2016.
- i) Completed and submitted FY17 USEPA Clean Air Act (CAA) 105/103 Grant Proposal to EPA Region 9 on February 17, 2016 to include confirmation receipt.
- j) On February 18, 2016, AQCP staff assisted Northern Arizona University (NAU) Institute of Tribal Environmental Professionals (ITEP) staff with a successful completion of an Indoor Air Quality (IAQ) assessment at Rocky Ridge Boarding School.
- k) On February 19, 2016, a request for Very Sharp Cut Cyclone (VSCC) PM_{2.5} inlet adaptors was submitted to EPA's Office of Planning and Standards (OAQPS). VSCC adaptors are recommended to improve PM_{2.5} monitoring bias between routine PM_{2.5} samples and PM_{2.5} audit samples.
- l) Performance audits were conducted February 24 – 26, 2016 with all active criteria monitors passing the performance audit, except for the TEOM PM₁₀ monitor.
- m) ARS performed technical services on February 26, 2016 and AQCP staff assisted with the successful installation of new met equipment and data logger at the Shiprock air monitoring site
 - A new solar radiation sensor, wind monitor and data logger was successfully installed at the Shiprock air monitoring station on February 26, 2016.
- n) A request for TAMS Center loaner IAQ monitors was successfully fulfilled on February 3,

2016.

- o) A draft Quality Assurance Project Plan to support Indoor Air Quality assessments to include an IAQ Assessment Checklist was completed on February 18, 2016. IAQ QAPP will be submitted in May 2016 to USEPA Region 9 QA Office for approval.
- p) On March 3, 2016, a memo was sent to TAMS Center requesting a one year extension to gravimetric services to support continual PM_{2.5} air monitoring on the Navajo Nation.
- q) ARS repaired an ozone lamp within the API 700A Dilution Calibrator and successfully performed an ozone photometer 6x6 certification on March 15, 2016. The API 700A ozone photometer is now designated as a Level 3 transfer standard.
- r) Continual implementation of Open Burn Regulations, Open Burn Registrations (cultural & agricultural/silvicultural) and outreach activities have occurred in the 2nd Quarter.
- s) The following outreaches were completed by both the Operating Permit Program and the Air Quality Control Program.
 - Ganado, AZ – 01/15/16
 - Coyote Canyon, NM – 01/19/16
 - Steamboat, AZ – 01/20/16
 - Wide Ruins, AZ – 01/21/16
 - Houck, AZ – 01/22/16
 - ODY Ft. Defiance, AZ – 01/22/16
 - Dilkon, AZ – 02/02/16
 - Indian Wells, AZ – 02/02/16
 - Whitecone, AZ – 02/03/16
 - Jeddito, AZ – 02/07/16
 - Oak Springs, AZ – 02/22/16
 - Houck, AZ – 02/29/16
 - Crystal, NM – 03/01/16
 - St. Michaels, AZ – 03/07, 03/08, 03/10/16
 - Navajo, NM – 03/18/16

SURFACE AND GROUND WATER PROTECTION DEPARTMENT PROJECTS STATUS:

- 1) NNEPA and USEPA enforcement actions against the NTUA Window Rock WWTF for NPDES permit effluent limit violations. USEPA issued an amended AOC to NTUA. NNEPA issued its own AOC to NTUA. EPA issued the NPDES permit for the new Window Rock WWTP. Review draft O&M Manual.
- 2) NNEPA enforcement action against NTUA for NPDES permit effluent limit violations at Chinle WWTF, Ganado WWTF, Kayenta WWTF, Navajo Townsite WWTF, Pinon WWTF, and Tuba City WWTF. Extended final compliance implementation date by 3 months.
- 3) Working on Gold King Mine spill response: possible additional CWA § 106 funding and meetings with EPA and states on long-term monitoring.
- 4) Submitted NPS proposal (Alamo Chapter NPS Pollution Reduction through the Rehabilitation of Faulty Residential Septic Systems within the Rio Salado Watershed) to EPA.

- 5) Staff was invited to present the NNPWSSP's primacy status and program activities under primacy to the First Nations and the Chiefs of Ontario in Toronto, Ontario, Canada. The First Nations are going to adopt regulations and form their environmental program for drinking water.
- 6) Staff prepared the lead/copper response to a questionnaire and sent to EPA. The questionnaire asks how the NNPWSSP is implementing the lead/copper regulations. Two schools were listed as being in noncompliance with lead. NNPWSSP explained that one school had elevated copper levels not lead. The operator collected samples at the newer infrastructure and not in accordance to a site sampling plan for the school. More samples will be collected in June (the time period within which to sample between June 1 through September 30). Staff continues to provide technical assistance.
- 7) The Revised Total Coliform Rule was prepared and will be reviewed by staff and the contract attorney. These regulations will need to be publicly viewed for 30 days and then through the 164-Review Process for formal adoption by the Resources and Development Committee.
- 8) The Eastern Navajo Agency primacy application was prepared and sent to the Attorney General for signature. A letter from the NN President is needed for sending to the USEPA-Region 9.
- 9) Submitted revised QAPP for sediment sampling to U.S. EPA Region 9 QAMS. This will allow use of CWA funding in the collection and analyses of sediment samples on the San Juan River.
- 10) Submitted comments to U.S. EPA HQ on the proposed rule for Tribal TAS for CWA Section 303(d) which would allow Indian tribes to submit waterbody impairment listings every 2 years and to pursue TMDLs to address impairments. No federal funding associated with this effort.

WASTE REGULATORY COMPLIANCE DEPARTMENT PROJECT(S) STATUS:

1. RCRP Program Projects

- A. During this second quarter, Tuba City Dumpsite (TCOD), Tuba city, AZ. CERCLA (Superfund) process under the Bureau of Indian Affairs (BIA), Western Region due to Hopi Tribe and Navajo Nation impacts to land and groundwater. The feasibility studies (RI/FS) was completed by BIA in January/February 2016. The technical team (BIA, USEPA, BIA Consultants, Hopi Tribe, Navajo Nation EPA and community officials from Tuba City Community) met in December 2015 and in February 2016 to discuss the final RI/FS. Public meeting will resume on April 14, 2016 in Tuba City for public input on eight (8) closure options prior to the Record of Decision (ROD) is issued scheduled in August 2016.
- B. January to March 2016, Request for Proposal for New Mexico Environmental Department Recycling and Illegal Dumpsite grant, Grant no. 16-03, Waste Tire Agreement selected a contractor for the project, and a contract is set to perform the Scope of Work for the grant with expected completion by April 2016 for four Navajo chapters (Red Rock, Tsayatoh, Pinedale and Shiprock). Another contract was made for Waste Management of New Mexico per instructions from the Office of the

Controller instead of using a purchase order for the tipping fees at the San Juan Regional landfill between Farmington and Bloomfield, New Mexico.

- C. January to March 2016, RCRP continued technical assistance with the Tronox Team meetings with the U. S. Environmental Protection Agency and the Trustee (ERT) for 59 abandoned uranium mine sites with the Navajo Nation. Also provided the Navajo Nation Council Walter Phelps with technical assistance for the Cameron Chapter area. A concern from local community member regarding the new road cut completed by ADOT was requested of US Environmental Protection Agency as they stated they sent correspondence to ADOT regarding the same matter but ADOT only provided verbally they are testing the side slopes of the road cut areas. No physical data has been released to assure community members of the results.
- D. January to March 2016, RCRP provided the Navajo Nation Department of Justice with information for other mine sites outside Tronox (Church Rock, Prewitt/Bluewater area and northwest mine near Tohjiilee.
- E. Pine Springs Community Association is assisting in technical and cleanup project with Navajo EPA, RCRP staff for closure of a major dumpsite in the Pine Spring community.
- F. Shiprock Advisory Committee is very involved with the waste tire project as well as the other three Chapters to prepare for the collection and recycling.
- G. Completed Projects

Agency	Complaints Response Received	Citations Issued	Civil Orders	Inspections	Presentations
Chinle	8	10	0	2	1
Eastern	10	7	0	1	7
Ft Defiance	23	12	1	3	4
Shiprock	13	5	1	2	13
Western	9	11	0	7	8
TOTALS	63	45	2	15	23

2. Navajo Superfund Projects.

- A. Tse Tah Cell by Navajo Abandoned Mines Lands on Tso Grazing Land - The Tso family of Teec Nos Pos Chapter have a disagreement and complaint against the Navajo Nation Abandoned Mine Lands Program (NNAML) of building a radioactive disposal cell near their home and on their grazing area. The NNAML claim they received a signed permission form in 2011 from the father, whom is now deceased. However, the Tso family says that the grazing permit was transferred to the Mr. Perry Tso in 2008. The sons, Mr. Perry Tso and Mr. Henry Tso, are protesting this cell. They have written a letter stating their case to the EPA, Region 9 and this has been referred to Navajo Nation DOJ.
- B. During this quarter, Navajo EPA conducted a technical workshop on February 09-10, 2016 for Navajo Abandoned Mine Lands who are part of the Tronox team. The workshop covered the Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act (NCCERCLA) Superfund Law.

- C. On March 8-10, 2016, Navajo Nation Environmental Protection Agency and Navajo Nation OP/VP and Navajo DOJ attended the Joint Agency Tronox meeting in Albuquerque, NM. The purpose of the meeting is to update each other on projects that are being undertaken by Navajo Nation, US EPA Region 9 and Region 6, New Mexico Environment Department on Abandoned Mine Land Cleanups (Tronox and Non Tronox Mines). The outcome and actions item was to work closely with Navajo Nation and Navajo Communities at the impacted areas. Personnel needs for Navajo Superfund was also discussed.

4. Storage Tank Program Projects

Critical Issues:

- A. Proposed Legislation to approve the Navajo Nation Storage Tank Act Penalty Regulations per the Navajo Nation Storage Tank Act of 2012. This will require the support and approval from the NNC Resource and Development Committee scheduled for June 2016
- B. Ongoing agreement with USEPA now known as MOU to allow the tribal inspections using tribal law to enforce storage tank regulations to full fill compliance inspections in the federal work plan. The status of the MOU has not been finalized, but the USWPA is supportive of this effort. The MOU will be completed by September 30, 2016.

Project Status:

- A. The Environmental Technician position has been fulfilled by Ms Bonita Natonabah.
- B. The program has completed 26 storage tank inspections this 2nd Quarter. @0 UST facilities and 6 ASTs facilities.
- C. The program conducted a Storage Tank Owner/Operator Workshop to 20 registered participants that covered information regarding release detection and release prevention at the Hogan Restaurant in Tuba City, AZ.
- D. In the 2nd Quarter of Fy2016, the ST Program collected a total amount of \$190,661 in monthly Tariff fees and Annual Tank Fees from was collected an \$28,500.00 in Tank Fees was collected. An amount of 129, 162.77 in tariff fees deposited into BU#511001 and 60,932.36 is deposited into BU#511002 as reported by the Accounting Clerk this quarter.

UST Remediation (Leaking UST):

Critical Issues

- A. The major critical issues in this fiscal year concern the findings of the Advance Monitoring done by the USEPA Region IX office.
 - 1) One issue is the writing of a policy to outline our procedure for cost recovery of money spent remediating a site where there is a responsible party and the lengths to which we will go to achieve this. This includes a plan to track money spent on specific projects.
 - 2) The second finding is the need to write down a quality assurance plan for our activities

- B. Chinle Pic N Run site has had fairly good success under USEPA lead at removing the free product from the groundwater at the site in 2014 and continued success under NNEPA lead. A decision needs to be made regarding the future remedial activities at the site. To that end the contract is going out to bid this quarter. It would be less time consuming and better use of funds if the program were able to sole source this contract to the remediation company that has been performing remedial activities at the site for the past three (and more) years. However, the amount of the contract is precluding this effort.
- C. Our program does not fit conveniently into the definitions provided to us by Region IX for states. We are working diligently with our funding officer to comply with the requirements as we are able. We are in almost daily communication with our project officer and are moving forward with meeting the requirements by reviewing the procedures that other states use to comply with this requirement.
- 1) We have developed a time-keeping spreadsheet and are working towards customizing it further.
 - 2) We have also requested our attorney to help us write a policy to state a figure below which we will not cost recover because it is not financially feasible.
 - 3) We have an unofficial quality assurance plan and are currently working to make it a written plan robust enough to comply with federal guidelines.
- D. Chinle Pic N Run -NNEPA staff have approached NNDOJ with a request to sole source this FY16 contract to the remediation contractor most familiar with the project on the grounds that their experience and history with this project will allow them to engage immediately in the project without the time and expense that another vendor would incur to become familiar with the project; and that their past invoices on the project have been reasonable when compared with the job and the results. NNDOJ does not think this is a sufficient reason to sole source the project. Meanwhile, we have put NN-funded and US-funded remediation projects out to bid and anticipate beginning field work by the end of May, 2016.

On-going Projects

- E. Chinle Pic N Run; continued remedial actions at the site.
- F. NAV401 Chinle Hay Sales, continued remediation
- G. NAV315 Sweetwater Trading Post, remedial activities, Monitor effectiveness of injection of ORC
- H. NAV120 White Eagle, Shiprock, contaminated monitoring effectiveness of soil removal
- I. NAV211 Chief Conoco, Shiprock, continue remedial activities
- J. NAV181, Speedy's in Kayenta, persuading the chapter to continue remediation of the site
- K. NAV436, Old Leupp Trading Post, injection of ORC this year
- L. NAV050, Apache County Roads Yard Chinle, continue to push responsible party to continue cleanup
- M. NAV351, Yellowhorse Trading Post, Lupton, removal of contaminated soil this year

- N. Complete tasks in the federal work plan.
- O. Increase skills and knowledge by attending trainings pertinent to leaking storage tanks.
- P. Remove tanks, delineate contamination, and conduct ongoing remedial efforts on sites using NNLUST Trust Fund

SURFACE AND GROUND WATER PROTECTION DEPARTMENT

COMPLETIONS/ACCOMPLISHMENTS:

- 1) Draft NPDES permit (NN0030337) for BIA Jeehdeez'a Academy WWTF sent to USEPA
- 2) 401 Certifications issued for a 404 Permit for BIA (2015-0158WR) and the USEPA General Pesticide Permit (2016-0180WR).
- 3) 305(b) WQ Assessment Reports completed for the Chaco, Chinle, and San Juan River watersheds.
- 4) WQDB sent to USEPA HQ for uploading into WQX.
- 5) Staff sent the Operator Certification Program and supporting documents to the EPA-Region 9 for their review and approval. Navajo PWSSP developed the operator certification program using state standards.
- 6) UIC Sr. ES and Sr. ET attended the 2016 Underground Injection Control (UIC) Conference at Hilton Embassy Suites in Denver, Colorado
- 7) UIC staff report from Nate L. Benally, Resolute EH&S Supervisor, submits UIC Exceedance Report for the following injection wells: AU H220 (2800 psi), AU K231 (2500 psi), MCU G-25 (600 psi) and AU H235 (340 psi).
- 8) UIC staff witness 12 MITs: 1 spill inspection: No NOV issued.
- 9) The WQ program successful receipt of supplemental \$465,000 of CWA § 106 funding that USEPA wants to give to NNEPA to address issues related to the GKM Spill. This additional funding will be added to the current FY 2016 CWA PPG.
- 10) SGWP Department staff attended the NN AUM Environmental Response Trust quarterly agency meeting to present the CWA and SDWA requirements and concerns related to the Abandoned Uranium Mines.
- 11) SGWP Department assisted with NN projects eligible for FY16 Drinking Water Tribal Set-Aside funding for the Rock Point West Waterline extension and the West Leupp Waterline extension Phase I.

CRIMINAL ENFORCEMENT DEPARTMENT PROJECT(S) STATUS:

A total of two hundred seventy four (274) calls for service were logged into our department activity data system. Conducted seventy two (72) environmental investigations, twelve (12) pending follow up investigations in addition to notice of violations are to be issued or relative violation consideration. Conducted fifty seven (57) meetings, presentations and training with various Navajo Nation Departments i.e., Local Chapters, Navajo County office, Veterans Programs, Bureau of Indian Affairs-Regional

Office, Navajo Nation Fleet Management, Criminal Investigations, Ganado Fire Department training, In-house presentations, Firearms requalification's (Day and Low Light and Judgmental), and other relevant programs pertaining to case development regarding environmental regulation and code violations.

Provided ninety three (93) preventative patrols for Eastern Navajo Agency, Central Navajo Agency, Western Navajo Agency and Northern Agency.

Provided forty (40) assistance to NN DPS, Navajo Rangers, NNEPA Departments, BIA Roads department, local chapters, schools, traffic related incidents, NNEPA case development meetings and recommendations.

IV. BUDGET STATUS

ADMINISTRATION BUDGET STATUS:

Given that 80% of what NNEPA receives is External Funds, the General Fund allocation is:

NNEPA - Administration		Second Quarter ending 03/31/16						
General Funds								
Programs	No. Personnel	No. Vehicle	FY 2016 Personnel Budget	Actual Expenditures	% Used	FY 2016 Operating Budget	Actual Expenditures	% Used
Admin - 111001	5	2	\$ 380,763.00	\$ 170,376.65	44.75%	\$ 55,965.00	\$ 21,837.72	39.02%
External Programs								
GAP - K141102 (3rd year budget)	2	0	\$ 145,225.00	\$ 59,896.79	41.24%	\$ 108,355.00	\$ 48,458.21	44.72%

WASTE REGULATORY COMPLIANCE DEPARTMENT BUDGET STATUS: (Print out not available for 2nd Quarter)

- I. Waste Regulatory (111010) General Fund (\$111,392) spent 19.64% in Personnel and 18.53% in operating date. Personnel expenses for the last payroll not entered into FMIS yet. The Travel expense also has not been inputted onto FMIS also.
- II. RCRP (111011) General funds: \$236,957. 19.43% spent on Personnel and 19.26% spent on Operating.
- III. Navajo Superfund Program: There are carried over for FY 15 No Cost Extension and FY16 as multi-year federal grants and one grant (BF) is received a no cost extension. The budget currently is revised for the FY16. The budgets were not in place until December 04, 2015 because of the revisions and modifications. The EPA Region 6 grants were finally inputted on December 21, 2015. Two staff currently have not received their

payroll checks and expected payout on December 23, 2015. The expenditure is not available and will only be in personnel.

- IV. Storage Tank Programs Remediation Programs (Prevention grant and Remediation grant) is a multi-year grant (K151104) \$ 640,000 \$301,301 (Modification) Spent .47 % 511002 Spec Revenue: \$121,256 Spent 24% this quarter.
- V. Leaking Storage Tanks (K151105) \$465,000. Program spent 19.64% for Personnel and spent 18.52% for Operating.
LUST (\$400,244.23) .06% Spent this quarter.
- VI. NMED RAID Grant: Awaiting return of completed signed documents from NMED to identify an account number. The account has been established. Program conducting RFPs for bid selections for contract to be completed in February 2016.

AIR & TOXICS DEPARTMENT BUDGET STATUS:

Total Budget: \$96,431.00 (General Fund BU #111002)

Budget Balance: \$61,588.70 (36.13% Expended)

No Federal Grants

No Federal Funding

No Reversions

PESTICIDE PROGRAM BUDGET STATUS:

Fiscal Year 2015: The total federal budget for FY 2015 is \$242,000. As of September 28, 2015, \$234,414.10 is expended. The balance is \$7,100.06. The balance includes salary and fringe benefits for three (3) staff. There is one (1) pay period left of FY 2015. The total general funds for FY 2015 is \$26,889 (10% cash match). As of September 28, 2015, \$20,722.13 is expended. The balance is \$6,166.87. The balance will be expended 100% by the end of FY 2015.

Fiscal Year 2016: The Navajo Pesticide Program received an award letter from USEPA Region 9 on September 10, 2015. The program received a partial award, \$130,142. The balance of \$111,858 will be awarded no later than the 3rd quarter of FY 2016. The total federal award is \$242,000. The Navajo Nation cash match is \$27,640.

RADON PROGRAM BUDGET STATUS:

Total Federal Budget: \$137,000 (Business Unit K131107)

Budget Balance: \$54,156.21 (61% expended)

General Funds budget: \$34,721 (General Funds, Business Unit 111016)

Budget Balance: \$24,395.33 (29.74% Expended)

AIR QUALITY CONTROL PROGRAM/OPERATING PERMITS PROGRAM BUDGET STATUS:

Total budget, general fund, grants federal funding & revisions

Air Quality Control Program

Total Federal Budget \$707,000.00 (Federal BU #K131103)

Federal Budget Balance: \$272,073.57 (61% Expended)

No Reversions

Operating Permit Program

Total Budget: \$1,266,401.27 (Special Revenue BU#511004)

Budget Balance: \$830,034.60 (34.46% Expended)

No Reversions

SURFACE AND GROUND WATER PROTECTION DEPARTMENT BUDGET - Expenditure Report for Personnel and Operating Costs.

1. General Funds

Programs (Special Revenue Acct)	Number of Personnel	FY 2016	% Used	Balance	
PWSSP-511005	3.25	\$250,438	56%	\$141,777	
UIC-511003	2	\$245,000	27.63%	\$177,316	
SGWP Dept.-111004	2.5	\$215,348	40.60%	\$127,918.	

Total

External Funds

Programs	Number of Personnel	FY 2016	% Used	Balance	
PWSSP-K161102	15.75	\$939,266	65%	\$602,415	
UIC-K161101	1	\$71,000	36%	\$45,640	
WQ\NPDES-K161103	9	\$950,000	42%	\$546,961	

2. List number of full-time employees (FTE), part-time employees, & consultants.

The SGWP Department staff consists of: a Department Manager, AOC, Office Specialist: PWS staff has 19 FTE and two consultants (Jill Grant and Associates and Alvidrez Water Operations). The UIC program has 3 FTE and 1 vacant Program Manager Position. The WQ/NPDES has 9 FTE. 9.0 FTE, 0.0 part-time employees, 0.0 consultants at this time: Principal Hydrologist, (2) Senior Hydrologist, (3) Senior Environmental Specialist, (1) Environmental Specialist, (1) Principal Engineering Technician, (1) Senior Office Specialist.

3. Status of existing Conditions of Appropriations (CoA) within Division or Executive Office.
None

CRIMINAL ENFORCEMENT DEPARTMENT BUDGET STATUS

NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY - Criminal Enforcement						
Budget Period 10/1/15-9/30/16						
Programs	BU#	# of Personnel	FY 2016 Budget	Expenditures	Balances	%Used
GENERAL	111014	3.5	237,340.00	102,805.60	134,534.40	
OPERATING	111014		58,745.00	19,265.11	39,202.65	

TOTAL: 296,085.00 122,070.71 173,737.05 41.32%

NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY - EXTERNAL GRANT						
COA#12 Budget Period 10/1/15-8/31/16						
Programs	BU#	# of Personnel	FY 2016 Budget	Expenditures	Balances	% Used
USDOJ/COPS	K120805	0	0	0	0	
OPERATING	K120805		226,886.00	167,855.00	59,031.00	74%

TOTAL: 226,886.00 167,855.00 59,031.00 74%

V. OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS

ADMINISTRATION OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS:

- a. NNEPA asked DOJ to communicate with OPVP on providing an official press release, so NNEPA can follow through with a presentation on data that says that farmers can “utilize the water for farming only, except during storm events and times when the river becomes turbid”.

CRIMINAL ENFORCEMENT DEPARTMENT OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS:

- a. Continue to provide law enforcement assistance to NNEPA Water Quality Department, Waste Regulatory Department and Air and Toxic Departments. Continue to provide assistance to Navajo Nation Division of Natural Resource Law Enforcement Department, Navajo Department of Law Enforcement and other Navajo Nation Departments in regards to providing trainings, presentations and primarily focus on environmental issues within the Navajo Nation community.
- b. CED developed a work schedule for Western Navajo Agency, Northern Navajo Agency, Central Navajo Agency and Eastern Navajo Agency. This initiative provides community

orient contacts and preventative patrols. Primary focus is community outreach at high risk areas. Moreover, CED is periodically challenge to patrol oil and gas fields and monitor major industries within the Navajo reservations. Continue to work with NN Fleet Management, State and Federal Law Enforcement Training Programs, Navajo Nation Office of the Controllers and other programs to expedite all necessary law enforcement equipment and training cost expenditures of our CED grant award.

AIR & TOXICS DEPARTMENT OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS:

Throughout the Air & Toxics Department, cost-saving measures employed have been related to reducing travel costs by (1) cost-sharing, (2) car pooling, (3) using conference calls as an option for face-to-face meetings, (4) as available, using Skype for training purposes, e.g., training with University of Montana on use of indoor air monitoring equipment used in the Residential Interventions IAQ study, (5) field staff check-out cell phone for use in the field rather than keeping a program issued cell phone 24/7; directed Directed resources that modified platform of NNEPA website that is user-friendly to programs and now allows for videos to be imbedded.

PESTICIDE PROGRAM OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS:

Continual monitoring of new information to include into refined NNEPA website.

RADON PROGRAM OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS:

Finalized a draft PPT on Radon that will be embedded on the program website once a Navajo voice-over is completed.

AIR QUALITY CONTROL PROGRAM/OPERATING PERMITS PROGRAM OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS:

Operating Permit Program:

The Operating Permit Program is currently tackling 8 Title V Permit renewals and also writing a new Title V permit for Preferred Sands. The permits for NGS and FCPP have been drafted and public noticed. The responses to comments received for NGS have been drafted and are being finalized, whereas the responses to comments received for FCPP are currently being drafted. The program will be contracting out the Resolute Natural Resources Aneth Unit permit. All the remaining permits will be handled in-house. The pre-draft permit for El Paso Natural Gas (EPNG) Gallup Compressor Station is almost completed and ready to be sent out to EPA and EPNG for review before it is public noticed. The work on the pre-draft for EPNG White Rock Compressor Station will be started soon and should be ready to be sent out for review by the end of April. The remaining permits will be processed in the order that they were received. The Annual Inspection forms for the sources will need to be updated upon the renewal of the permits for each source to ensure compliance.

Ambient Air Quality Monitoring:

In response to Counselor Chapter Resolution (#COUN-2015-05-004) requesting ambient air monitoring in the greater Counselor Community, a Memorandum of Understanding (MOU)

between Counselor Chapter and NNEPA AQCP was completed on February 16, 2016. The completed signed MOU between Counselor Chapter officials and Chapter resident will allow staff to access the residence for air monitoring purposes. The monitoring site is currently awaiting installation of electrical connections to support the mobile air monitoring unit. The unit has been prepared to monitor for NO₂, PM_{2.5} and SO₂ which are three of six (6) regulated air pollutants with designated National Ambient Air Quality Standards under the Clean Air Act, pursuant to 42 U.S.C. §§ 7401-7671q. The AQCP completed and submitted the FY17 USEPA Clean Air Act (CAA) 105/103 Grant Proposal to EPA Region 9 on February 17, 2016. A semi-annual performance audit was conducted February 24 – 26, 2016 with all active criteria monitors passing the performance audit, except for the TEOM PM₁₀ monitor. All active monitors were operating within tolerance of federal acceptance criteria as outlined in 40 CFR Part 58, Appendix A., Quality Assurance Requirements for SLAMS, SPMs, and PSD Air Monitoring. The TEOM monitor is currently offline with possible permanent removal of the monitor from the network and subsequent reporting requirements to EPA. ARS provided technical services on Shiprock meteorological monitors and data logger on February 26, 2016. AQCP staff assisted with the successful installation of a new solar radiation sensor, wind monitor and data logger at the Shiprock air monitoring site. The Nazlini air monitoring met tower is currently under evaluation for replacement/relocation as it does not tilt-over. This evaluation shall be done before installation of new met equipment onto the tower. A request for TAMS Center indoor air quality (IAQ) monitors was successfully fulfilled on February 3, 2016. In addition, a draft Quality Assurance Project Plan (QAPP) to support Indoor Air Quality assessments to include an IAQ Assessment Checklist was completed on February 18, 2016. IAQ assessments are scheduled to begin March 2016 and end in May 2016. The IAQ QAPP submission to USEPA Region 9 QA Office for approval is scheduled for May 2016 along with comprehensive revisions to the QAPP for the gaseous air monitoring network as outlined in the FY16 Work Plan. ARS repaired an ozone lamp within the API 700A Dilution Calibrator and successfully performed an ozone photometer 6x6 certification on March 15, 2016. The API 700A ozone photometer is now designated as a Level 3 transfer standard. Lastly, continual upload of tribal air quality data and QA data to EPA's Air Quality System (AQS) data base along with air quality outreach activities have occurred in the 2nd Quarter.

Open Burn Regulations:

The program has completed its updates on outreach material in time for the upcoming burn season. The program worked with the NNEPA Criminal Enforcement Department and BIA Forestry Department and incorporated suggestions from each department. The disbursement of new outreach material will begin this quarter. In addition the program plans on creating posters to distribute to Chapters regarding the Open Burn Regulations and its registration program.

SURFACE AND GROUND WATER PROTECTION DEPARTMENT OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS:

- 1.) More workshops and trainings are being held for water and wastewater operators and 17 Water Distribution Certificates were issued. The operators will be required to become certified as this ensures quality management of water and

wastewater facilities. Compliance increases with knowledge. Staff conducted will continues to schedule workshops and trainings thru the NN.

2.) Staff continue the radio broadcast of the PWSSP's construction permit requirements.

WASTE REGULATORY COMPLIANCE DEPARTMENT OPERATIONAL & PROCESS IMPROVEMENT INITIATIVE STATUS:

- 1) Storage Tank Program (UST) will include the following:
 - Identifying storage tank facilities to conduct compliance inspections.
 - Working with the DED Small Business Development RBDO offices in regards to the Business site lease information and the renegotiation of the Western Refining Lease. Including Kayenta Township.
 - Ongoing agreement with USEPA now known as MOU to allow the tribal inspections using tribal law to enforce storage tank regulations to full fill compliance inspections in the federal work plan. The status of the MOU has not been finalized, but the USEPA is supportive of this effort.
 - Conduct Owner/Operator trainings to educate facility owners and operators on a quarterly basis on underground storage tanks.
 - Working with and inspecting facilities that have Aboveground Storage Tanks to ensure they meet the release detection and release prevention requirements/ recommendations before installation and current operating, per the proposed amendments to the NN Storage Tank Act. 5 facilities were inspected this quarter.
 - Continue to initiate and exercise the Delivery Prohibition Regulations by affixing Red Tags to non-compliant storage tanks, per the Navajo Nation Storage Tank Act of 2012.