

SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0149-24

DATE: July 2, 2024

RE: AN ACT RELATING TO THE LAW AND ORDER COMMITTEE, THE HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE, THE RESOURCES AND DEVELOPMENT COMMITTEE, THE BUDGET AND FINANCE COMMITTEE, AND THE NAABIK'IYATI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; ESTABLISHING THE "NAVAJO NATION ENVIRONMENTAL REMEDIATION FUND" AND APPROVING A 2% ANNUAL SET-ASIDE FROM THE GENERAL FUND TO PAY FOR REMEDIATION ACTIVITIES AT CONTAMINATED SITES LOCATED ON THE NAVAJO NATION

PURPOSE OF THIS LEGISLATION:

to establish a new Fund to pay for environmental remediation at sites across the Navajo Nation, with an annual 2% set-aside from the General Fund.

FINAL AUTHORITY and VOTE REQUIREMENT:

The Navajo Nation Council has final authority. A simple majority vote is required.

5-DAY BILL HOLD PERIOD ASD
Website Posting Time/Date 7:54 PM; 07-02-24
Posting End Date: 07-07-24
Eligible for Action: 07-08-24

Law & Order Committee
Thence
Health Education & Human Services Committee
Thence
Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyati' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION

2 25th NAVAJO NATION COUNCIL - Second Year, 2024

3 Introduced by:

4 
5
6 (Prime Sponsor)

7
8 Tracking No. 0149-24

9
10 AN ACT

11 RELATING TO THE LAW AND ORDER COMMITTEE, THE HEALTH,
12 EDUCATION, AND HUMAN SERVICES COMMITTEE, THE RESOURCES
13 AND DEVELOPMENT COMMITTEE, THE BUDGET AND FINANCE
14 COMMITTEE, AND THE NAABIK'İYATI' COMMITTEE, AND THE
15 NAVAJO NATION COUNCIL; ESTABLISHING THE "NAVAJO NATION
16 ENVIRONMENTAL REMEDIATION FUND" AND APPROVING A 2% ANNUAL
17 SET-ASIDE FROM THE GENERAL FUND TO PAY FOR REMEDIATION
18 ACTIVITIES AT CONTAMINATED SITES LOCATED ON THE NAVAJO NATION

19
20 SECTION ONE. AUTHORITY

- 21 A. The Law and Order Committee is a standing committee of the Navajo Nation Council with
22 legislative authority to review and make recommendations to the Council as to proposed new
23 enactments under the Navajo Nation Code. 2 N.N.C. §601(B)(14).
- 24 B. The Health, Education, and Human Services Committee is a standing committee of the
25 Navajo Nation Council with legislative authority over matters involving environmental
26 health. 2 N.N.C. §401(B)(6)(a).
- 27 C. The Resources and Development Committee was established as a standing committee of the
28 Navajo Nation Council with authority over matters involving the natural environment,
29 including water, land, and environmental protection. 2 N.N.C. §500(C).
- 30 D. The Resources and Development Committee has oversight authority over the Navajo Nation

1 Division of Natural Resources and its subordinate departments, including the Navajo
2 Environmental Protection Agency (“NEPA”). 2 N.N.C. §501(C)(1).

3 E. The Budget and Finance Committee is a standing committee of the Navajo Nation Council
4 authorized to review and recommend to the Council the management of all funds. 2 N.N.C.
5 §164(A)(9); 2 N.N.C. §300(A); 2 N.N.C. §301(B)(2).

6 F. The Navajo Nation established the Naabik’iyáti’ Committee as a Navajo Nation Council
7 standing committee, and all proposed legislation that requires final action by the Navajo
8 Nation Council is assigned to the Naabik’iyáti’ Committee for its review and consideration.
9 2 N.N.C. §164(A)(9); 2 N.N.C. §700(A).

10 G. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
11 As such, the Council has the authority to establish new funds for specific purposes that
12 benefit the public’s general health, safety, and welfare.

13
14 **SECTION TWO. FINDINGS**

15 A. In Resolution No. CF-07-08 the Navajo Nation Council established the Hazardous
16 Substances Fund. See 4 N.N.C. §2701(A). Pursuant to Budget and Finance Committee
17 Resolution No. BFJA-09-11, the Fund Management Plan for the Hazardous Substances Fund
18 was approved.

19 B. Similar to the Hazardous Substances Fund, there is an urgent need to create an
20 “Environmental Remediation Fund” (and a related Fund Management Plan), which Fund
21 should be designated specifically for environmental assessment, cleanup, and remediation at
22 former industrial sites located across the Navajo Nation. These contaminated sites present a
23 significant danger to the public health and well-being, livestock and water supplies, as well
24 as long-term harms to the natural environment.

25 C. Two major examples of the many contaminated sites are Red Lake and Sawmill. The NEPA
26 has prepared a Fact Sheet explaining the contamination of the two former industrial sites
27 located in Red Lake and Sawmill Chapters. Total cleanup and environmental remediation is
28 expected to cost more than \$500,000,000 and last many years. **EXHIBIT 1.**

29 D. The U.S. EPA has provided an assessment report for the Sawmill site. **EXHIBIT 2.**

30 E. In addition to the Red Lake and Sawmill sites, there is extensive surface and groundwater

1 contamination at several other former business and industrial sites across the Navajo Nation,
2 which sites urgently need assessment and remediation for the protection of the public health,
3 that of livestock, and that of sacred plants, herbs, and the natural environment. **EXHIBIT 3.**

4 F. The NEPA has prepared a project Ranking Sheet for the ranking of those projects that should
5 be prioritized. **EXHIBIT 4.**

6 G. The Navajo Nation finds that, rather than approving piecemeal funding for cleanup projects,
7 establishing the new “Navajo Nation Environmental Remediation Fund” with an annual
8 automatic set-aside of 2% of the General Fund, is in the best interest of the Navajo Nation
9 and the Navajo People. Such Fund will provide an ongoing source of funding for extensive
10 and long-term remediation projects, and shows the Navajo Nation’s firm commitment to
11 protecting and preserving the natural environment for the long-term health and well-being of
12 the Navajo People.

13
14 **SECTION THREE. ESTABLISHING THE “NAVAJO NATION ENVIRONMENTAL**
15 **REMEDATION FUND” AND APPROVING A 2% ANNUAL**
16 **SET-ASIDE FROM THE GENERAL FUND TO PAY FOR**
17 **REMEDATION ACTIVITIES AT CONTAMINATED SITES**
18 **LOCATED ON THE NAVAJO NATION**

19 The Navajo Nation hereby establishes the “Navajo Nation Environmental Remediation Fund”
20 as follows:

21 * * * *

22 **NAVAJO NATION CODE ANNOTATED**

23 **TITLE 4. ENVIRONMENT**

24 **CHAPTER 18. NAVAJO NATION ENVIRONMENTAL REMEDIATION FUND**

25
26 **§2901. Establishment; purposes.**

27 There is hereby established a Navajo Nation financial account titled: “Navajo Nation
28 Environmental Remediation Fund” (hereinafter referred to as “Fund”). The purpose
29 of this Fund is to pay for the activities of the Navajo Environmental Protection
30 Agency (“NEPA”), or NEPA’s contractors or agents, related to the assessment,

1 cleanup, and remediation of former business and industrial sites located on the
2 Navajo Nation that are contaminated with dangerous chemicals, materials, or
3 substances, and that pose a danger to human health, public welfare, livestock, crops,
4 groundwater, and the natural environment.

5
6 **§2902. Source of money for the Fund.**

7 This Fund shall consist of an annual allocation in the Navajo Nation's annual
8 comprehensive budget legislation, of two-percent (2%) of the General Fund. This
9 annual allocation shall be automatic and shall not require action of the Navajo Nation
10 Council. Money received by the Navajo Nation from federal, state, or private grants
11 or donations, may also be deposited into this Fund if such money is designated for
12 any purpose related to environmental assessment, cleanup, or remediation.

13
14 **§2903. Fund Management Plan.**

15 All allocations and expenditures of money from this Fund shall be in accordance with
16 a Fund Management Plan approved by the Budget and Finance Committee. The Fund
17 Management Plan shall not permit any other entity to receive allocations from this
18 Fund for any purpose; this Fund is solely for use strictly by the NEPA for the purposes
19 described in Section 2901.

20
21 **§2904. NEPA administration; reporting.**

22 The NEPA shall administer this Fund and the NEPA Director shall report annually
23 to the Navajo Nation Council on the sums deposited into the Fund, including the
24 sources and uses thereof, and the use of any agents or contractors for assessment,
25 cleanup, and/or remediation activities.

26
27 **§2905. No reversion.**

28 Any money remaining in the Fund at the end of each fiscal year shall not revert to the
29 General Fund but shall remain available for use by NEPA as provided in the approved
30 Fund Management Plan.

1 **§2906. Restrictions.**

2 No money from this Fund shall be used for assessment, cleanup, or remediation of
3 any facility owned by the federal government or its instrumentalities, or by any state
4 government or its instrumentalities. Notwithstanding, nothing in this Paragraph shall
5 prevent the NEPA from taking immediate corrective action at a facility where there
6 is no solvent owner or operator or where immediate action is necessary to respond to
7 an imminent and substantial threat to human health, livestock, groundwater, or the
8 environment even if it is owned by the federal or state government. In such cases, the
9 Navajo Superfund has the ability to cost recover.

10 * * * *

11
12 **SECTION FOUR. DIRECTIVES**

- 13 A. Promptly upon the effective date of this Act, the Office of the Controller shall set up the new
14 Environmental Remediation Fund financial account for the Navajo Nation, in accordance
15 with normal bookkeeping procedures, and the annual 2% set-aside shall be included in the
16 FY2025 Comprehensive Budget, and in every annual Comprehensive Budget thereafter so
17 long as the Fund exists.
- 18 B. The Navajo Nation Council hereby directs the NEPA to prepare and present a Fund
19 Management Plan to the Budget and Finance Committee, for the Committee's approval no
20 later than December 31, 2024.
- 21 C. The Fund Management Plan shall include a provision allowing NEPA to receive funds upon
22 approval of the Resources & Development Committee, and providing for budget transfers of
23 funds already provided to NEPA to be approved by the Resources & Development
24 Committee.
- 25 D. No funds shall be available for expenditure by NEPA until the Fund Management Plan is
26 approved by the Budget and Finance Committee after recommendation by the Resources and
27 Development Committee.

28
29 **SECTION FIVE. EFFECTIVE DATE**

30 This Action shall become effective as provided in 2 N.N.C. §221(B), 2 N.N.C. §1005(C)(10),

1 and 2 N.N.C. §164(A)(17).

2
3 **SECTION SIX. SAVING CLAUSE**

4 If any portion of this Action is determined invalid by the Navajo Nation Supreme Court, or by
5 a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the
6 remainder of this Action shall be the law of the Navajo Nation.

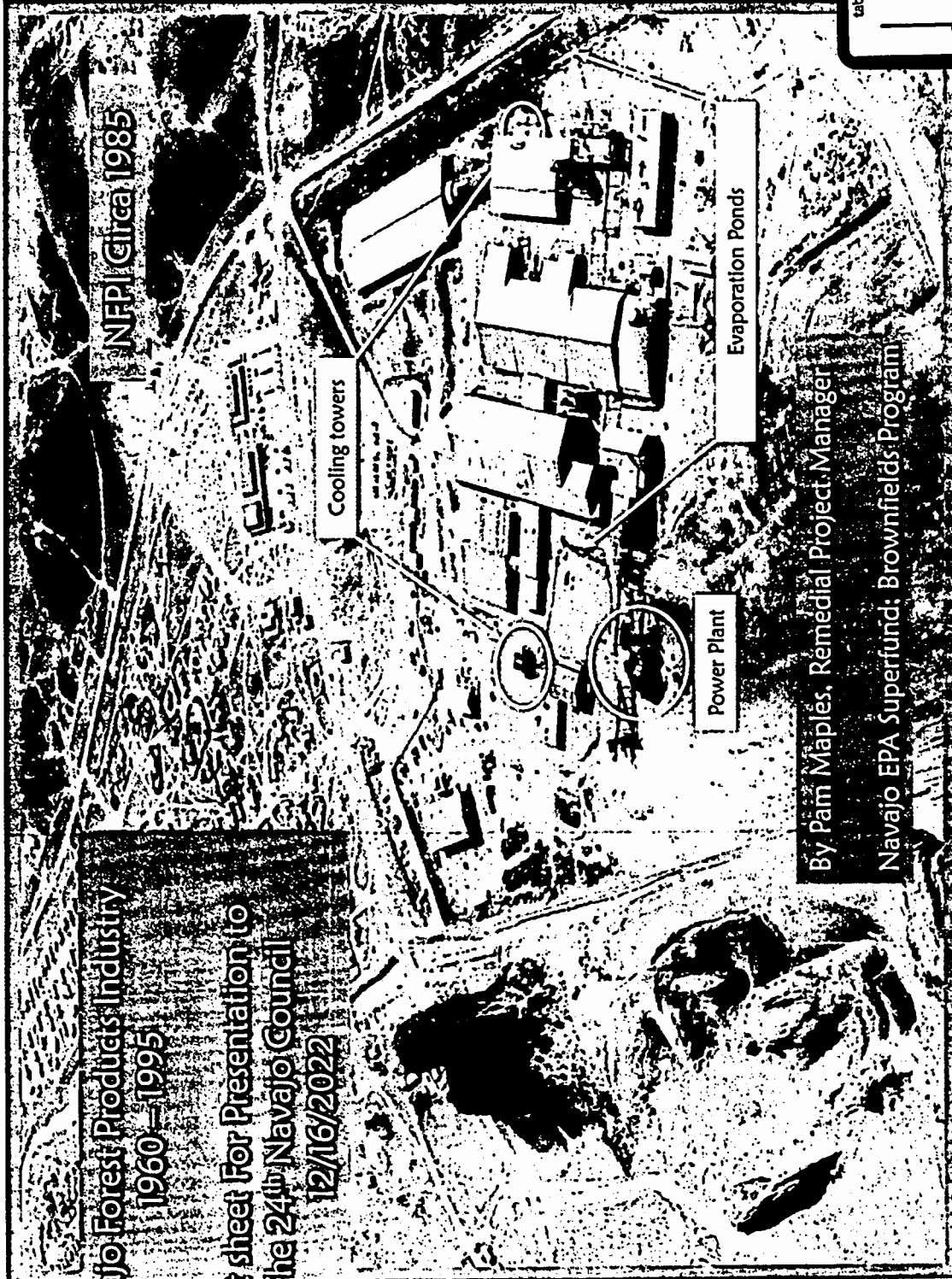
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8 **SECTION SEVEN. CODIFICATION**

9 The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall
10 be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall
11 incorporate such amended provisions in the next codification of the Navajo Nation Code.

Navajo Forest Products Industry
1960 - 1995

Fact sheet for Presentation to
The 24th Navajo Council
12/16/2022

NFPI Circa 1985



By Pam Maples, Remedial Project Manager
Navajo EPA Superfund: Brownfields Program

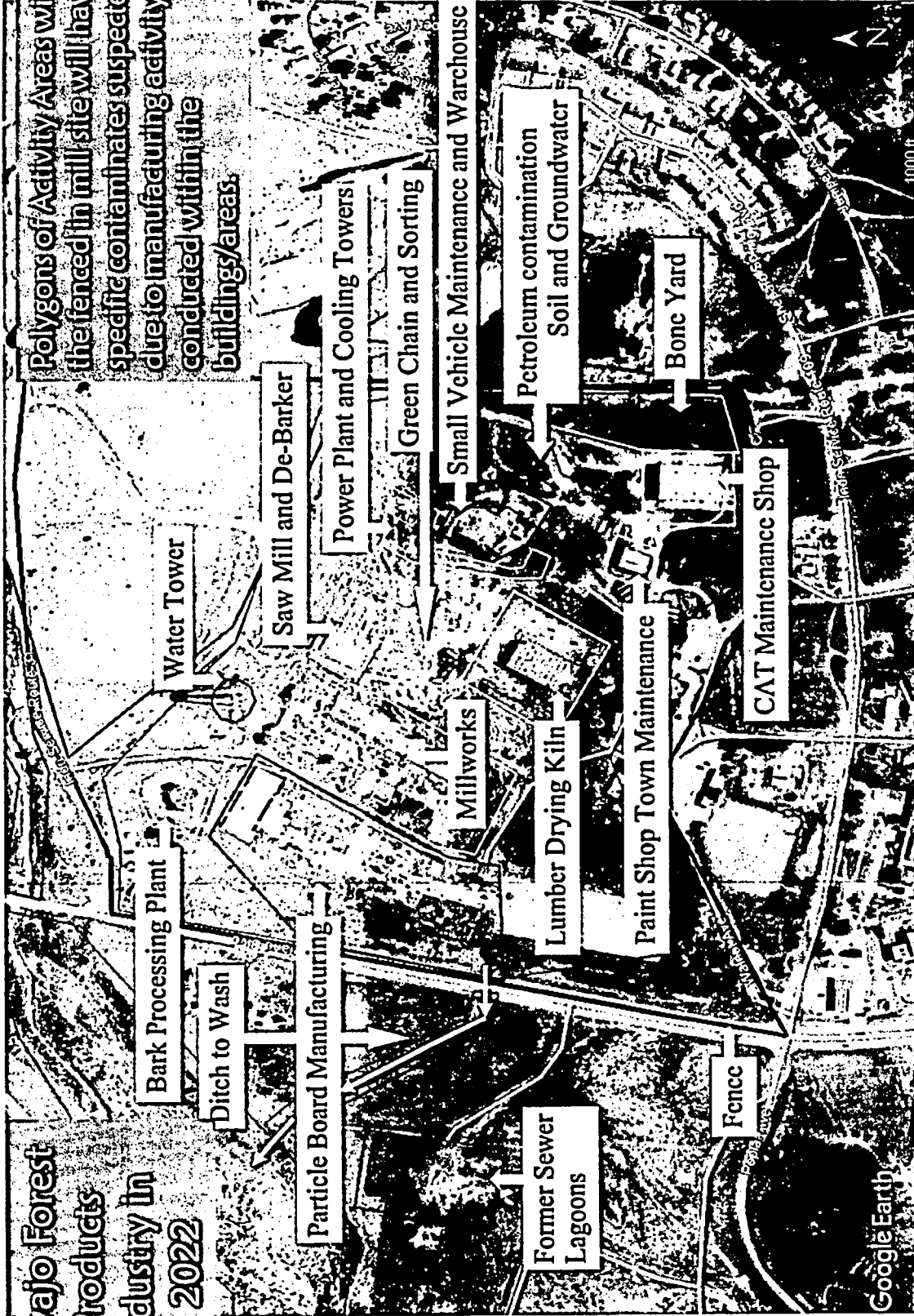
Overview:

The Navajo Forest Products Industries (NFPI) sawmill and particle board manufacturing facility:

- The first wholly Navajo-owned tribal enterprise.
- It was originally built in 1939 and located in Sawmill, AZ.
- It was expanded and moved to Navajo, NM in 1960.
- It represented hope for a brighter future and an opportunity for the Navajo Nation to be economically self-sustaining.
- The NFPI site has been closed for 25 years with nothing done to mitigate the extensive contamination left by operations at the site.
- Plans are now being formulated to clean-up both sites where the Tribal Enterprise once stood. It needs assessment and cleanup to protect human health and the environment.
- As the work is completed at NFPI, the land can be reused in a way that provides jobs and supports the community of Navajo and Red Lake Chapter.
- It is a chance for rebirth of the dream the people had about this community as a place that they can again all be proud to call their home.

Navajo Forest Products Industry in 2022

Polygons of Activity Areas within the fenced in mill site will have specific contaminants suspected due to manufacturing activity conducted within the buildings/areas.



Chromium, Lead, Diesel, Mercury, Selenium Benzene, Naphthalene, and Toluene and various other solvents in soil at high levels at differing depths: surface to 25 fee depth.

Formaldehyde strongly suspected Needs immediate investigation

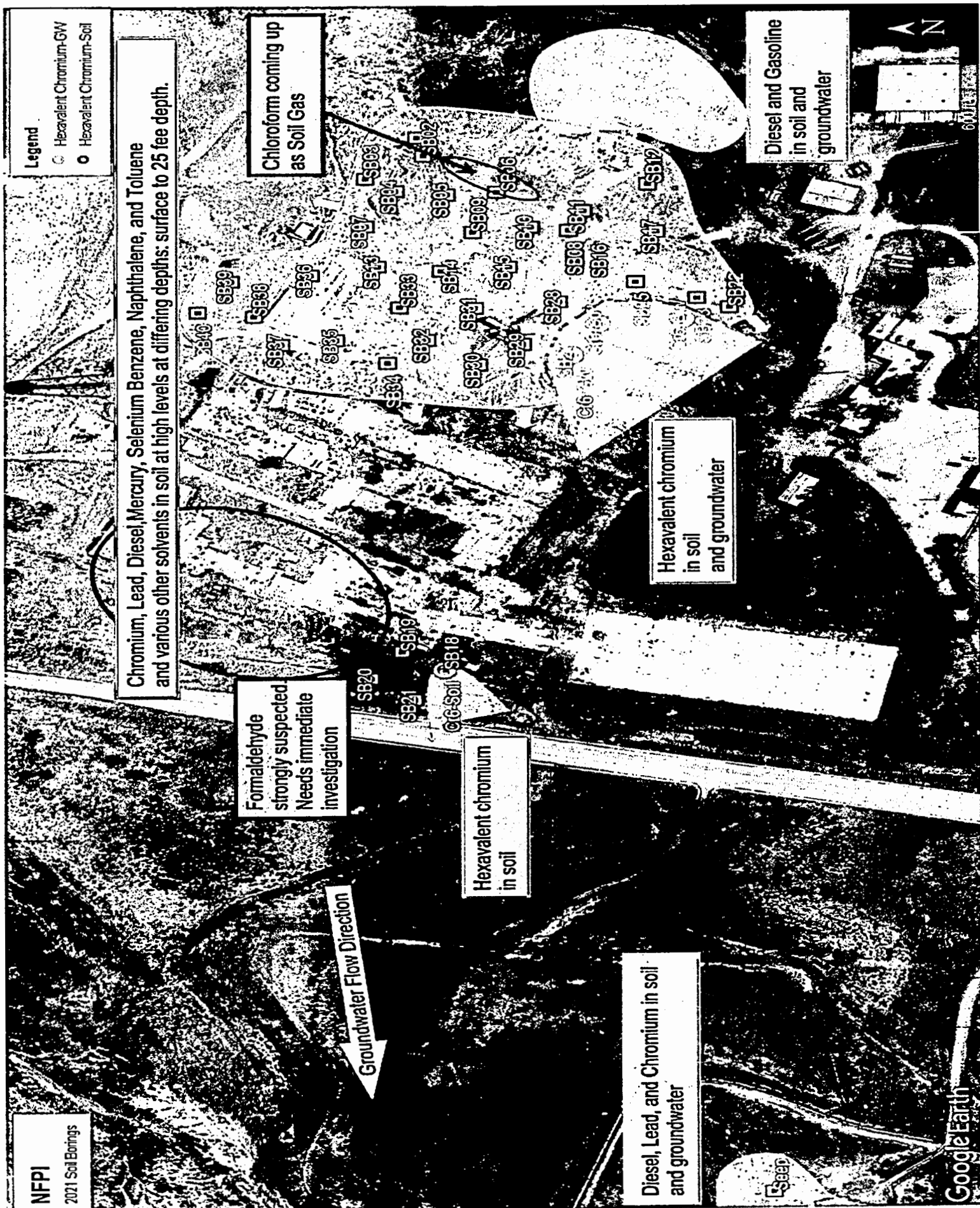
Chloroform coming up as Soil Gas

Hexavalent chromium in soil

Diesel, Lead, and Chromium in soil and groundwater

Hexavalent chromium in soil and groundwater

Diesel and Gasoline in soil and groundwater



Notes, NFPI, Navajo, NM:

1. NFPI operated for 8 years before there was a National Environmental Protection Agency and 10 years before the establishment of the Navajo Nation Environmental Protection Commission.
2. However, due to their standard operating procedures NFPI has always been in violation of The Federal Water Pollution Control Act of 1948.
3. Since 1972, the facility has had multiple unpermitted Discharges and Violations of The Clean Water Act.
4. NTUA had sludge management issues in their sewer lagoons due to the waste water from NFPI containing chemicals to precipitate impurities out of boiler water being discharged through ditches into the lagoons. The lagoons were accumulating sludge rapidly.
 - Where did they put the dredged sludge when they removed it?
 - Sampling will be needed in that location also.
5. Environmental problems arise when water escapes from a boiler system into the environment from unlined cooling/evaporation ponds, in the form of droplets from the cooling towers, from leaking boiler piping, and/or the connecting pipes between power generation plants and cooling towers.
6. During discussions between NFPI and NTUA about the non-functionality of the wastewater lagoons, NFPI admitted that they discharged into the NTUA sewer lagoons but **NOT** in to Black Creek.
7. Later, USEPA field inspection staff observed discharge from the leaking underground pipe from the power plant/cooling towers being discharged into Black Creek.

NFPI Surface Drainages

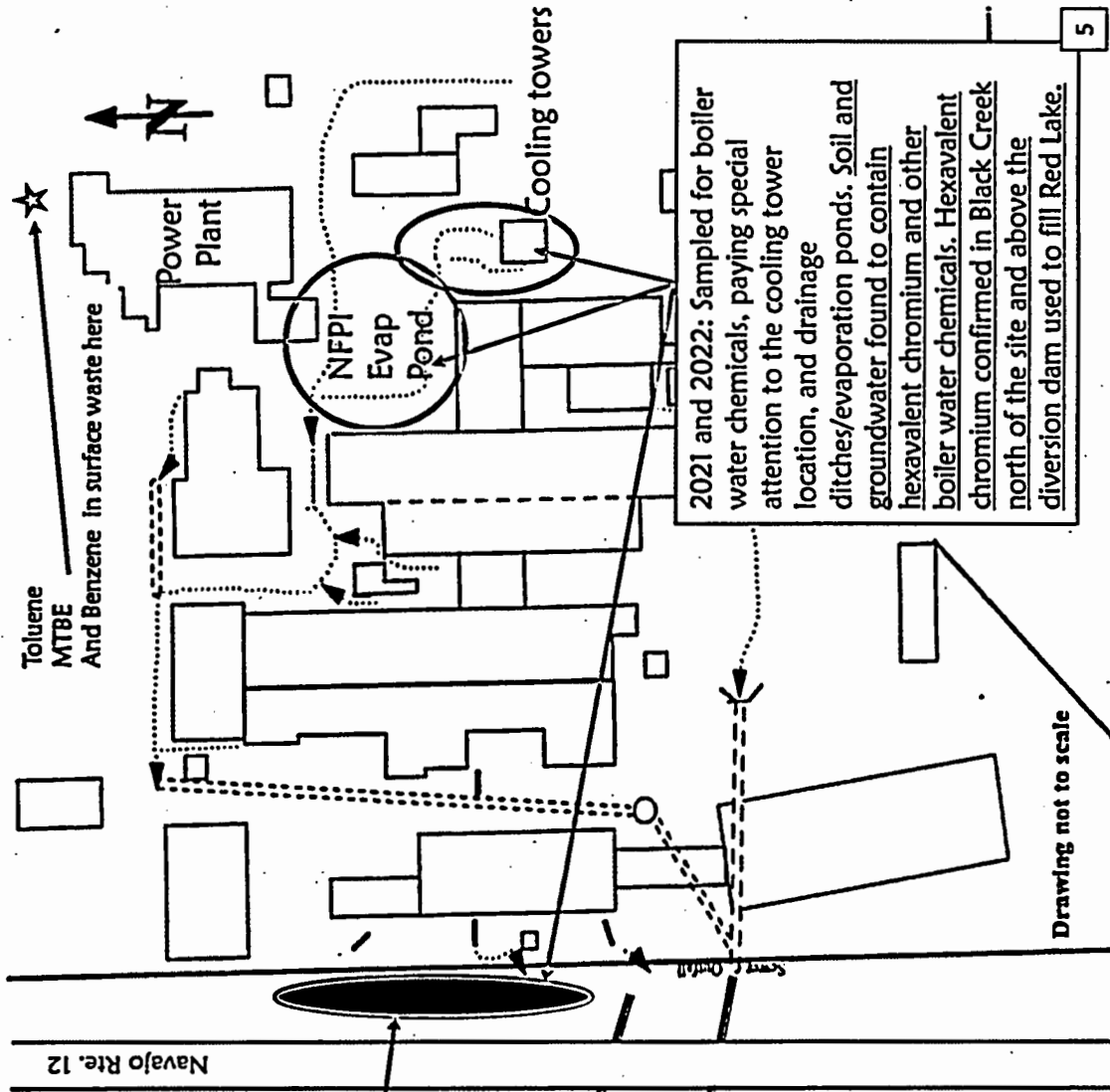
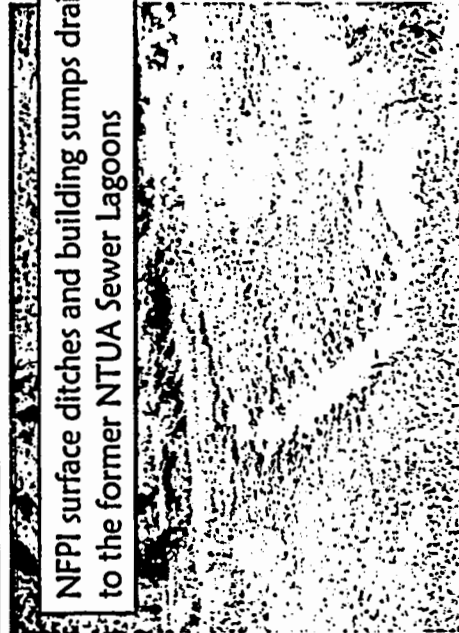
Ponderosa Products Inc. (PPI) the particleboard Manufacturing sub lessee drained boiler cooling water into the roadside ditch of N-12. From there, it proceeded under the roadway via culvert into the wash below Red Lake.

PPI Boiler Water Evaporation Pond

2022: discovered hexavalent chromium and dioxins in the ditch outside the facility boundary fence to the east.

NTUA Sewer Lagoon bypass ditch that drains directly into the wash.

NFPI surface ditches and building sumps drained to the former NTUA Sewer Lagoons



2021 and 2022: Sampled for boiler water chemicals, paying special attention to the cooling tower location, and drainage ditches/evaporation ponds. Soil and groundwater found to contain hexavalent chromium and other boiler water chemicals. Hexavalent chromium confirmed in Black Creek north of the site and above the diversion dam used to fill Red Lake.

Drawing not to scale



- Soil and Groundwater Sampling Location
- Soil Sampling Location
- Seep Sampling Location
- no samples were collected
- Approximate Location of Former Evaporation Trench
- Approximate Location of Former Structures
- Approximate Site Boundary

The sample results were screened against the RI/REPA Leaking Storage Tank Water Cleanup Standards and USEPA Maximum Contaminant Levels

- Chromium
- Cobalt
- Ethene
- Ethane
- Petroleum Range Organics
- Total Page Organics



1. Data is, including boring depths and any/one concentration, are located in Section 4 of this report.
2. Data presentation set by Pam Mable, NNEPA.

Date Range	USEPA MCL	
	Chromium	Petroleum
01/01 - 01/31	100	100
02/01 - 02/28	100	100
03/01 - 03/31	100	100
04/01 - 04/30	100	100
05/01 - 05/31	100	100
06/01 - 06/30	100	100
07/01 - 07/31	100	100
08/01 - 08/31	100	100
09/01 - 09/30	100	100
10/01 - 10/31	100	100
11/01 - 11/30	100	100
12/01 - 12/31	100	100

Site Name: **Former Navajo Forest Products Industry Site**
 Location: **Navajo, New Mexico 87323**

Client: **Navajo Nation**
 Project: **RI/RS/RA Assessment**
 Report No: **2022-001**

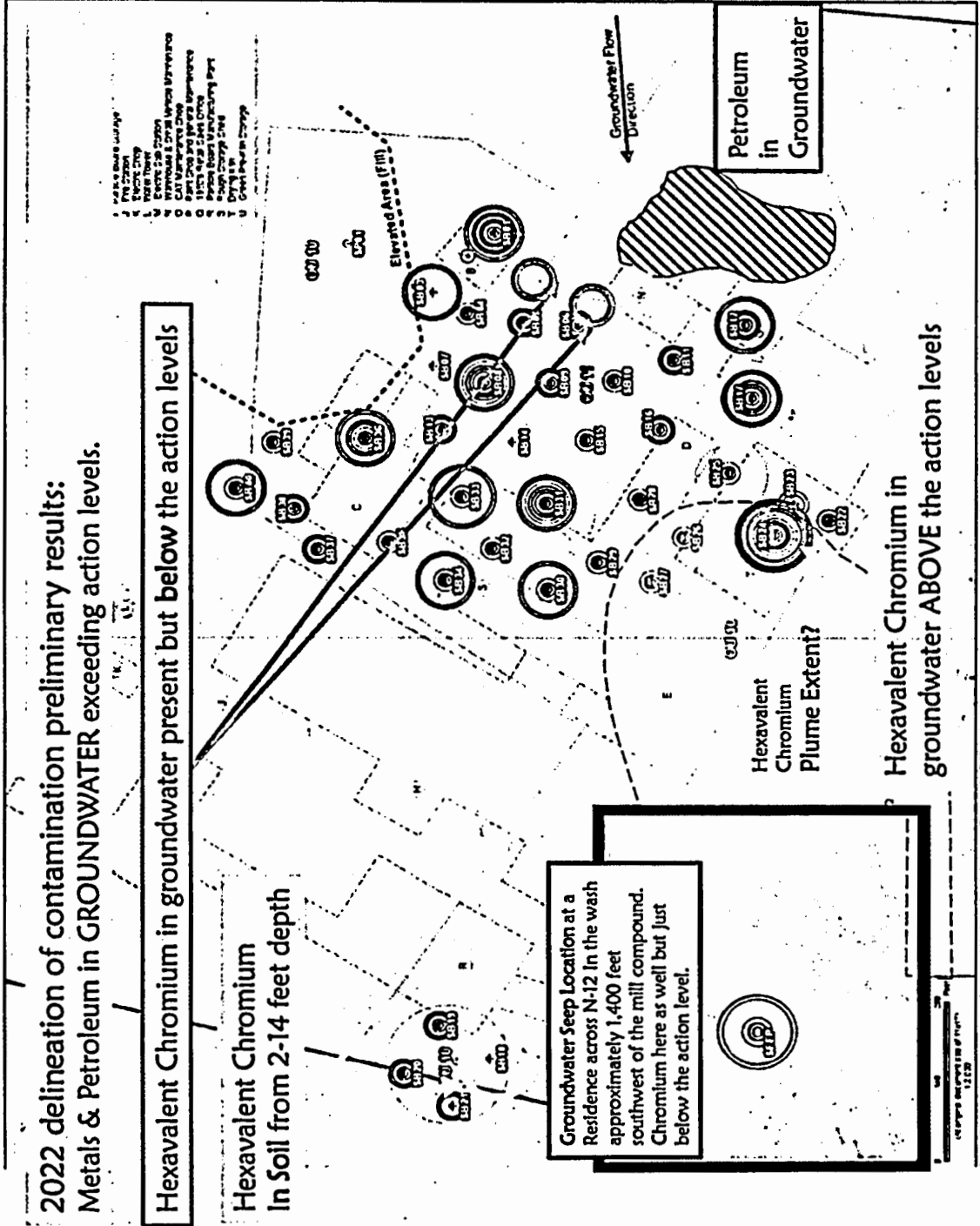
Metals Exceedances and Petroleum Hydrocarbons in Groundwater

2022 delineation of contamination preliminary results:
 Metals & Petroleum in GROUNDWATER exceeding action levels.

Hexavalent Chromium in groundwater present but below the action levels

Hexavalent Chromium
 In Soil from 2-14 feet depth

Groundwater Seep Location at a Residence across N-12. In the wash approximately 1,400 feet southwest of the mill compound. Chromium here as well but just below the action level.



Summer, 2022 Corrective Actions:

Hexavalent chromium-based compounds are among the most efficient and cheapest boiler water corrosion inhibitors available. They were widely used from the 1940s through the 1990s.

- 2021 - Using the limited grant resources available to the program, Brownfields staff confirmed that hexavalent chromium has been released in the locations of the cooling towers, the power plant, and the pipes in between.
 - It was confirmed in the soil and groundwater.
 - Also that there is chloroform oozing up out of the ground as soil gas in that same area.
 - There are dioxins and furans in the soil of that area as well.
- 2022 - Site Specific Brownfields Assessment Grant funded field work indicates that the hexavalent chromium in groundwater is migrating down gradient.
 - Chromium is present in every groundwater sample and all but 1 soil sample ranging from 2 to 15 feet below the surface.
 - Hexavalent chromium (Cr-6) reverts to the more stable but still toxic chromium (Cr-3) over time.
 - Hexavalent chromium began to show up in the final two groundwater samples as funding ran out.
 - The groundwater seep or spring at a Residence across N-12 In the wash approximately 1,400 feet southwest of the site has cadmium, diesel organics, motor oil organics, and barium above the action levels. There is chromium here as well but below the action level
- The petroleum plume delineated in 2018 has continued to migrate down gradient and has spread.
- 2022 – Environmental Justice Grant funded field work discovered hexavalent chromium and dioxins IN the sediments of Black Creek and in the drainage ditch to the east of the site.

Black Creek is eroding the facility dump
Children playing in the creek, sheep grazing on vegetation in the flood plain, Creek water used for irrigation.

Water Contamination, Soil & Sediment Contamination:
Hexavalent Chromium confirmed at levels exceeding the screening level for protection of groundwater.
We have not yet sampled for other contaminants.



- Children play in the creek, livestock drink the water and eat the vegetation that grows along the banks of the stream. The creek water is used for irrigation for kitchen vegetables and crops. And to fill Red Lake.

- This major source of hexavalent chromium continues to erode and fall into the creek with every rain/snow melt event.

- Emergency intervention to prevent any more of that pile of waste from falling into the creek has no funding and will be among one of the first actions taken using this trust fund.

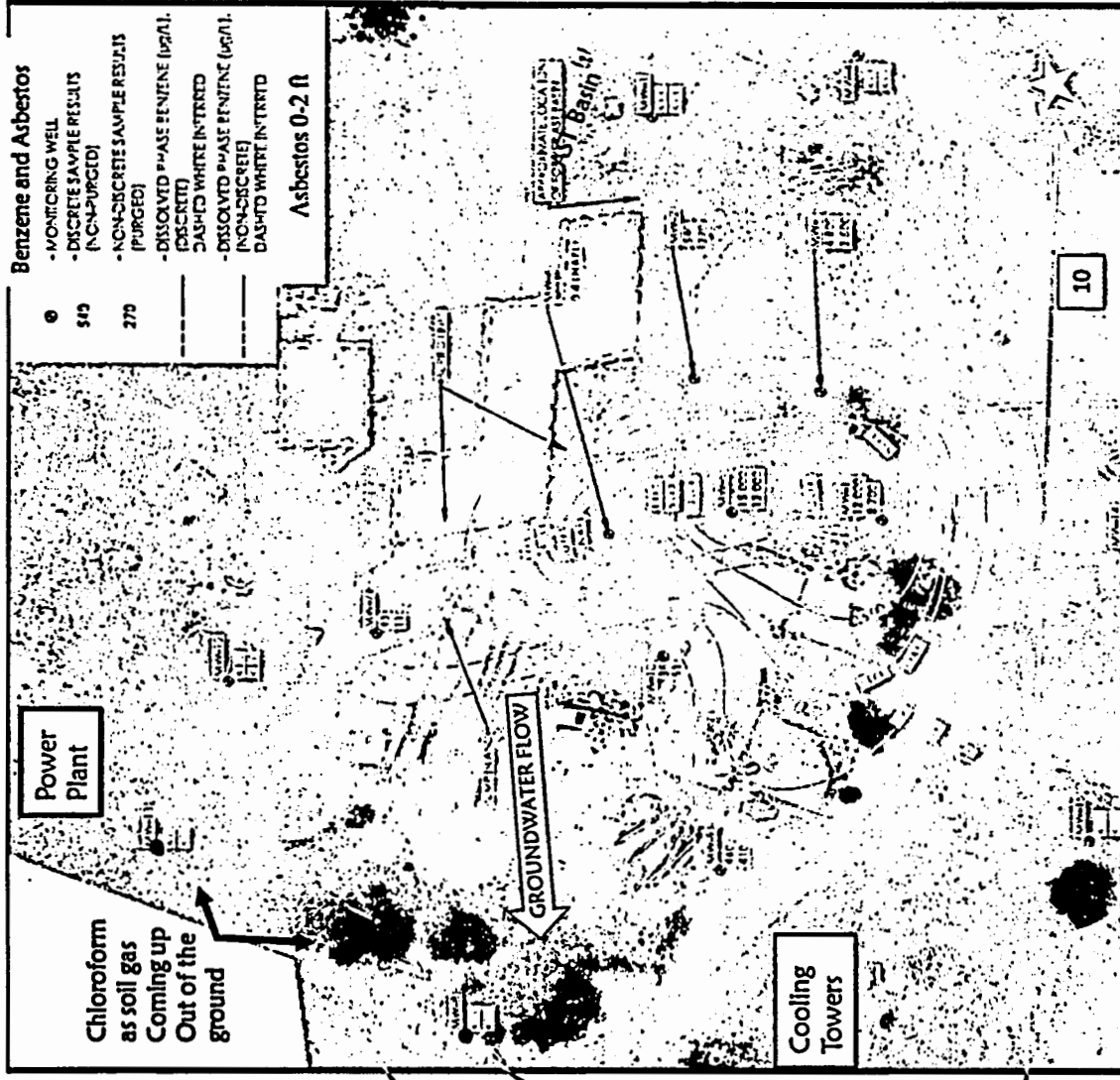
- A phased approach to characterize the soil in the creek and the flood plain will be needed to assess the extent of the hexavalent chromium and other contaminants in the soil and water of the entire drainage west and south of the site.

- A further discussion of this dump will be presented in greater detail later in the presentation.



**An Area of Comingling of Contaminates
Groundwater Contamination, Soil Contamination;
Petroleum, Asbestos, Hexavalent Chromium**

- Petroleum groundwater contamination approximately 2 acres (as of 2018). The shallow aquifer is at an average of 20 feet below ground surface.
- Two feet of Diesel fuel floating on top of the groundwater had been reduced to an inch or less by 2018. Fuel is likely re-accumulating since the initial reduction because the source soil is heavily contaminated. There has been no remediation activity at the site due to the pandemic, and lack of non-federal funding to hire a remediation contractor.
- There are approximately 22,000 cubic yards of heavily contaminated source soil "bleeding" diesel and gasoline into the groundwater.
- Asbestos is comingled in the petroleum contaminated soil to a depth of at least 2 feet in a portion of that soil making any cleanup plan very complicated.
- Hexavalent Chromium has been found in the groundwater, the surface soil, and soil at depth very near the petroleum contaminated soil. It is probably co-mingled. It has recently been discovered in Black Creek to the north of the site and in the ditch that bounds the site on the east. Further investigation/delineation is needed.
- The soil gas report from the 2021 TBA shows Chloroform off-gassing from shallow soil in the area of the powerplant and cooling towers.
- Chemicals in the drum storage yard on the east side of the site were the subject of an inspection in 1991 where the rubber soles of the inspector's boots were melting off.
 - This area was apparently covered with soil.
 - It is not clear if the area was remediated or just covered.





Navajo Forestry Products Industry at Navajo, NM
Complete Site: 800 Acres

Red Lake Sediments

Red lake had a warning for mercury-in-fish prior to the draining of the lake to repair the dam. It is filling back up. The sediments were not sampled for metals such as mercury, lead, and etc.

Black Creek and the Diversion Channel

Black Creek Wash Below the Dam
 The creek is eroding the dump

Former Sewer Lagoons
 Surface and waste water drained into the lagoons.

Facility Dump

Facility Compound

Trailer court situated On top of waste

Red lake had a warning for mercury-in-fish prior to the draining of the lake to repair the dam. It is filling back up. The sediments were never sampled for metals such as mercury, lead, and etc.

The creek is eroding the dump

Surface and waste water drained into the lagoons.

Accumulation of Environmental Toxicity

Google Earth

4000 ft

Notes:

ALL STREAM AND WASH SEDIMENTS ARE SUSPECT

All sediments must be evaluated for the presence of RCRA Metals, Hexavalent Chromium, Formaldehyde, Asbestos, and other hazardous, toxic, and carcinogenic substances.

- Black Creek above and below the diversion dam extending a mile and a half east along the facility dump.
- The fenced-in facility compound,
- The former sewer lagoons located in the wash below Red Lake,
- The wash below Red Lake for a distance yet to be determined, and
- The lake bed of Red Lake

BECAUSE OF:

1. The fact that Black Creek and its tributary have been and **ARE CURRENTLY ERODING THE FACILITY DUMP**
2. the quantity and diversity of the automotive and equipment batteries and chemicals (including mercury and formaldehyde) used in the various processes of a sawmill and particle board manufacturing operation were placed in the dump.
3. the myriad of drainage ditches and underground pipes across the site and their potential for leakage,
4. the underground pipe drainages beneath the roadway and those that bypassed the lagoons and drained straight into the wash below Red Lake Dam,
5. the facility discharging all waste water and boiler blowdown water directly into:
 - Black Creek, and the wash above and below the dam
 - The roadside ditch along IR-12, and
 - The NTUA sewer lagoons
- the levels of **Mercury** in the fish In 2004 Navajo Surface and Groundwater and US Fish and Wildlife conducted a water quality test of Red Lake
- A Fish Advisory to not consume fish from Red Lake.
- The lake was drained because of dam structural issues. The sediments were not sampled and the lake is being filled back up and stocked with fish.
- All waste from the facility was disposed of in the dump.
- Lake water is used for irrigation for crops and kitchen vegetables.
- The lake is used for recreation.
- Children play in the creek and lake water.
- Livestock drink the water of the Red Lake and of Black Creek and consume the vegetation growing in the creek bed.

Black Creek is actively eroding the 167+ acre open dump. It's water is used to fill Red Lake

Additional Assessment, on hold due to no \$\$

- Assessment of the stream water and sediments,
- Sediments behind the diversion dam,
- Sediments in the diversion ditch, and
- Sediments in the lake are needed now more than ever since hexavalent chromium had been confirmed in the creek.
- Sampling the lake sediments will require special equipment
- Sampling the former location of the NTUA Lagoons may require permission from NTUA.

The areas outside of the fenced in compound will each need a sampling plan specific to the conditions of the area.

The Facility Open Dump

- Sampling the open dump will take specialized sampling and safety equipment to not injure workers because of questionable subsurface strength due to smoldering fires throughout the years
 - Open dumps make their own chemical contaminants. As water percolates through the dump aerobic and anaerobic conditions are encountered.
 - Contaminates such as cyanide can be created and leach out of open dumps; a comprehensive list of possible contaminants will need to be developed.
- The debris in the dump will have to be assessed for content, density, contaminants, and to calculate the cubic yardage of the debris.
- There will be LOTS of automobile batteries in the dump.
- There will potentially be contamination found in the soil and groundwater beneath the dump, as well as in the stream sediments, and in the sediments of Red Lake.



This pile (both pictures) is in the flood plain of Black Creek It contains dioxins and it contains hexavalent chromium at a level 15 times higher than that allowable for the protection of groundwater. Another 1,500 + cubic yards of this waste fell into the creek during the last monsoon season and winter.

Corrective Measures

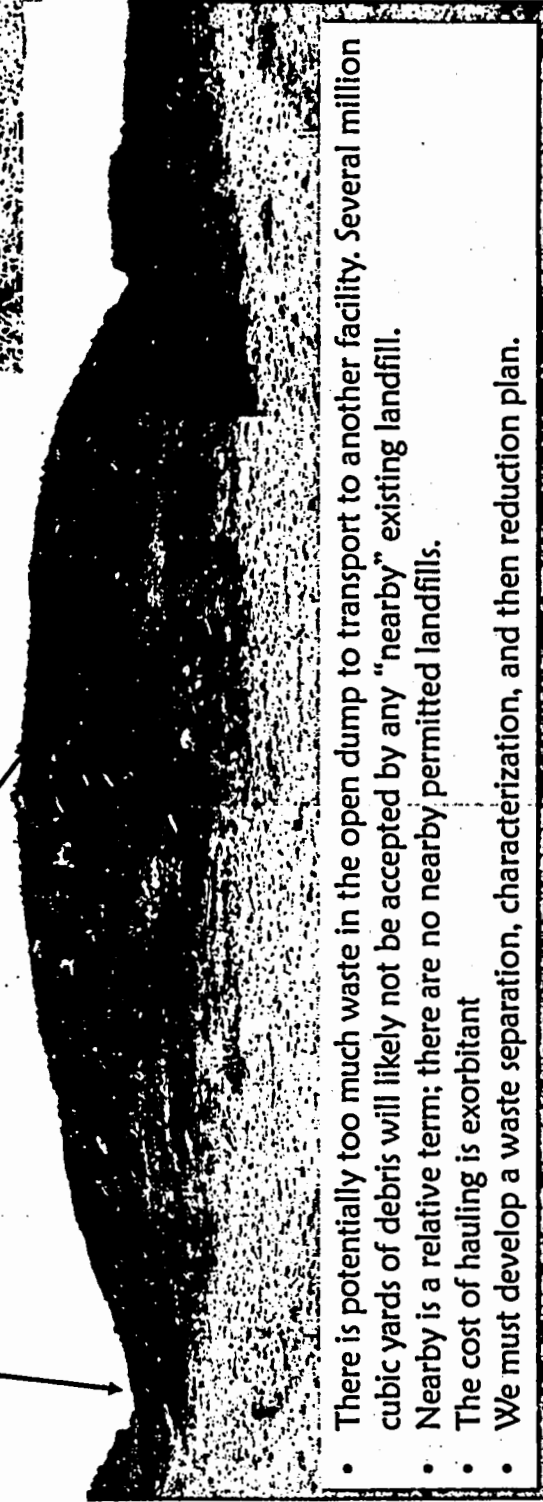
1. Need to fund an emergency contract to pull the waste back from the rim of the wash ASAP.
2. That requires full closure of N-31 which is only (closed "on paper")
3. The resident on N-31 needs safe access to the paved road to the east so they don't have to use N-31 any longer.



NFPI Mile Long Facility Open Dump: a Public Health Threat

- The facility open dump extends more than a mile up Black Creek
- The high wall at the most recently active end of the dump, is about 50 feet tall X 150 YARDS wide
- There is a newly discovered abandoned 10-inch water well in the wash adjacent to the site. It needs investigation and sampling. This improperly abandoned well could be a conduit for contamination to the deeper groundwater.

The dump extends through Black-Creek Canyon along Old Rte. 31 (a dirt road north of the facility) past a tributary that feeds into the creek one mile east of the facility. There is waste material on both sides of the road and on both sides of the tributary which has cut an erosional channel through the dump.



- There is potentially too much waste in the open dump to transport to another facility. Several million cubic yards of debris will likely not be accepted by any "nearby" existing landfill.
- Nearby is a relative term; there are no nearby permitted landfills.
- The cost of hauling is exorbitant
- We must develop a waste separation, characterization, and then reduction plan.

Run off and rain water percolating down through an open dump leach out chemical elements that recombine to form more toxic contaminants than were placed into the dump.

This erosion of the open dump is a **PUBLIC HEALTH THREAT.**

ASBESTOS HAZARD: MOSTLY MITIGATED

Surface Asbestos was addressed through a one-time Emergency Time Critical Removal Action through USEPA Superfund Region 9 (summer 2021)

- There were large diameter Transit pipe fragments at the powerplant location and the cooling towers location. They were removed but there are piping and pipe fragments beneath the surface remaining in each area.
- The remaining underground piping for fire suppression and other transport of fluids throughout the 104 acre facility is either known as or suspected to be suspected to be Transit, an Asbestos Containing Material (ACM).
- ACM roofing material (some as much as 60% asbestos fibers) was present on the ground over much of the site and was concentrated at the lumber sales slab of PPI. An unknown quantity remains sub-surface in the area.
- Vermiculite insulation at the near surface and sub-surface remains in several areas of the site.
- Asbestos in soil remains commingled with the petroleum contaminated soil due to improper tear down of the power plant.



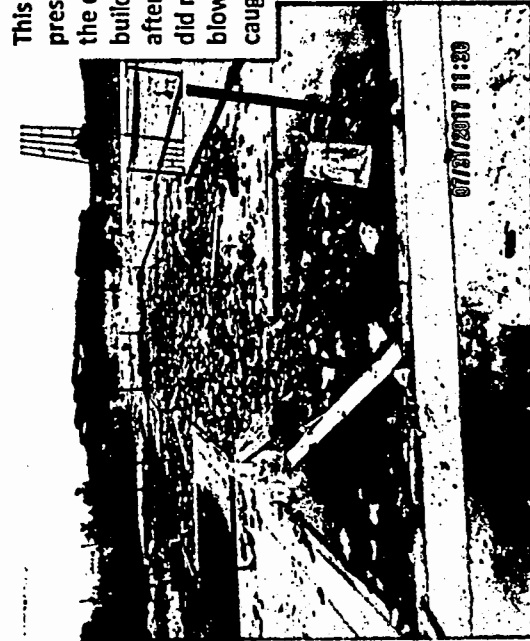
- The drums and totes of hazardous waste were removed during the TCRA summer 2021.
- The amount of remaining waste metal of all types littering the site is enormous.
- There are piles of heavy equipment tires.
- There are piles of the remains of all of the concrete foundations and slabs, some of which are contaminated by oil and grease deposits.
- There are pits, sumps, and manways that are traps for children and animals.



Physical hazards; the Particle Board Slab

The Particle board press sump is roughly 80' X 25' and is 15 feet deep at the edges with vertical sides. No ladders or other means of egress are to be seen in the sides. The sump is deeper in the center. This sump always has water in it, either completely full or down 3 feet or more as evaporation occurs.

- There is a greasy silty sheen on top of the water.
- There is dark oil staining of the concrete and soil along the southern and western edges of the sump.
- It is reported that the people who purchased the machinery dumped all of the oils and fluids out on the bank behind the building before hauling. This area is stained a dark black and is at the top of the embankment for Navajo Rte. 12.
- RECENT RECORDS DISCOVERED BENEATH A BURNED PILE ON SITE INDICATE THE POTENTIAL FOR A VAST AMOUNT OF VERY NASTY CONTAMINATION SURROUNDING THIS AREA EXTENDING INTO THE FLOOD PLAIN ACROSS THE HIGHWAY
 - The ditch beside Indian route-12 was described as always containing brown-black, foul smelling water. See slide #1.
 - There was a hot process to add gules, resins, urea formaldehyde, etc. to the waste shavings before they were pressed.
 - There were boilers and at least one cooling tower in this area.
 - There was a large trash pit in the area.
 - Leaking hydraulic oil was a constant problem in this plant. So much so that they began to pour the oil onto piles of sawdust as absorbent then disposed of it all in the facility dump.
 - Facility well #29 (unknown depth) is still in this area, unsampled and unplugged, and is a possible conduit for contamination to the deeper aquifers.



This sump (left) was for the particle board press. The floating foam was the "solution" of the contractor who removed the metal buildings to render the sumps non-hazardous after the buildings were removed. The foam did not last in solid form and can be seen blowing around the site floating on water and caught in weeds.



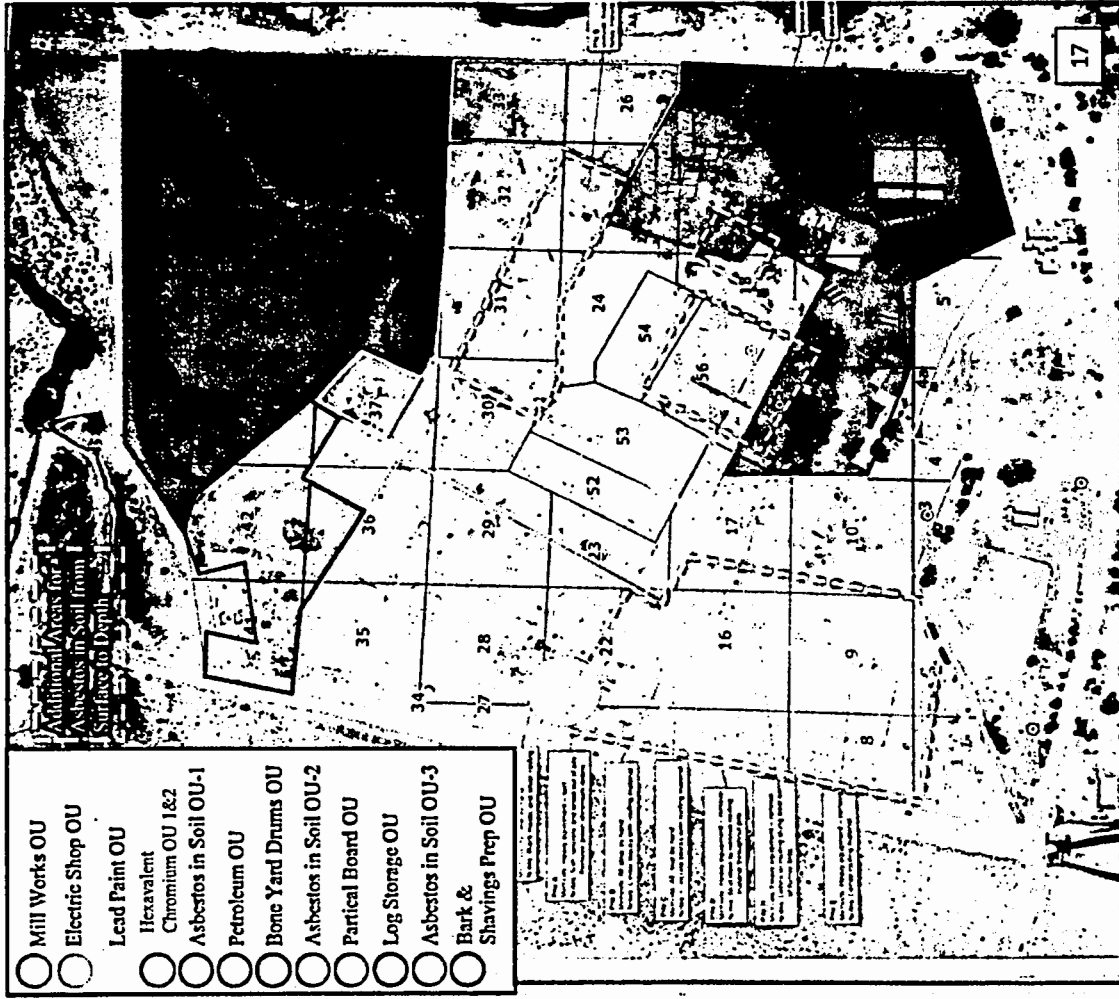
The sanding & melamine press smaller sump, (right), of unknown depth in the same slab. It is nearly full of smelly black soil and stunted plants. When it has water visible in it there is an oily rainbow sheen on top of the black water.

- Navajo EPA Brownfields Program Sampling Strategy for NFPI: A Plan Under Development. For the Mill Site Within the Fence:
- Separate the site in operational units such as these to maximize the possibility of winning more than one cleanup grant.
 - Render all immediate hazards safe or safer
 - The hydraulic press sump, the facility supply well #29, and the unknown well in the wash are priorities
 - Stream bank stabilization to stop the eroding landfill
 - Delineate the hexavalent chromium and formaldehyde
 - Permanently close Old Rte. 31 and stop traffic passage through the dump because of fugitive dust creation and breathing exposure to drivers and near by residences.
 - Detailed site assessment to create a 3D site conceptual model for each operational unit & eventually, the entire site

Meticulous Sampling is Needed Because NFPI has no Conceptual Site Model (CSM).

Within the fenced in compound:

- With the exception of the diesel and gasoline contamination, we don't know where anything is. Without a CSM a cost estimate and timeline can't be determined accurately. That is why thorough assessment is needed. Detailed assessment takes time and costs money.
- Sampling of the soil from the surface to the groundwater table (~20 ft) will yield a thorough 3-D map of contamination provided the right Contaminates Of Concern are sampled for in the correct areas.
 - There's a chance it can be less contaminated than it appears to be.
 - There's an equal chance it can be more contaminated than it appears to be.
 - The site has sat for 25 years with sporadic cleanup efforts with years and decades in between allowing contamination to spread.



NFPI Current List of Suspected Contaminates by Operational Unit. The waste from all of these areas went into the dump.

Area	Media	Potential Contaminants of Concern
Power Plant	Soil, air, ground water	Asbestos Containing Material (ACM), lime, sodium, mercury, sulfuric acid, hexavalent chromium, solvents, water treatment chemicals
Saw Mill	Soil, Surface, and ground water	ACM, lubricants, PCBs, mercury, pitch solvent
Green Chain: Sorting, Stacking, Pre-Kiln Storage	Soil, air	ACM
Drying Kiln, Cooling Shed & Surrounding area	Soil, air	ACM
Planer between buildings	Soil, air, groundwater	Possible polychlorinated biphenyl (PCB), mercury, lubricants, solvents
Resaw, Millwork, Cut Plant	Soil	Possible polychlorinated biphenyl, mercury, lubricants, solvents
Bark Processing Plant	Soil	Lubricants, Solvents, hexavalent chromium
AST Basin	Soil, groundwater	Gasoline, diesel, former ASTs marked "chemicals"
Cooling Tower	Soil, ground water	Acids, lime, sodium, mercury, sulfuric acid, hexavalent chromium
Gasoline Engine Repair Shop	Soil, Groundwater	Stoddard solvent, 1,1,1-Trichloroethane, dichlorobenzene (DCB), lubricants, solvents, anti-freeze, acids, muriatic acid
PP's Mechanical and Electrical Shop	Soil, Groundwater	Possible polychlorinated biphenyl, mercury, lubricants, solvents, acids, muriatic acid, resins, degreasers, machine oil, asbestos
Electric Shop	Soil	Possible polychlorinated biphenyl, mercury
Water Tower	Soil, Air	Lead
Electric Sub Station	Soil	Possibly PCB's
Warehouse/Small vehicle maintenance (had been the heavy equipment shop until the CAT shop was built)	Soil, groundwater	Stoddard solvent, 1,1,1-Trichloroethane, DCB, lubricants, solvents, anti-freeze, muriatic acid, degreasers, brake and transmission fluid, motor oil, asbestos comingled in soil with diesel and gasoline.
CAT/Heavy Equipment	Soil, groundwater	Stoddard solvent, 1,1,1-Trichloroethane, dichlorobenzene (DCB), used motor oil, lubricants, solvents, anti-freeze, acids, muriatic acid, brake fluid, hydraulic fluid
Paint Shop and General Maintenance	Soil, Groundwater	Lead, paint thinners, solvents, lubricants
Waste Shavings Receiving		Physical crushing hazard from falling concrete walls.
Particle Board Manufacturing Shavings Prep,	Soil, Groundwater	Cesium-137, Americium-241, Stoddard solvent, 1,1,1-Trichloroethane, dichlorobenzene (DCB), acetone,
Formaldehyde Application Area, Compression-Gluing- Trimming, Vinyl Laminated Particle Board Lime	Soil, Groundwater	waste oil, formaldehyde, acetone, adhesives, soluble oil in water mix, hydraulic fluid, machine oil, current physical drowning hazard,
Particle Board Storage: 40	Soil, air, ground water	Possible PCB's mercury, formaldehyde

NFPI Current List of Suspected Contaminates, Continued

<p>Former sewer lagoons And sediments in the overflow routes from the lagoons</p>	<p>Soil, Groundwater</p>	<p>Multiple discharge permit violations; Boiler blow down water, asbestos, RCRA metals, lime, sodium, mercury, sulfuric acid, hexavalent chromium, polychlorinated biphenyl, resins, degreasers, paint thinners, paints, antifreeze, brake and transmission fluid, motor oil, formaldehyde, Stoddard solvent, 1,1,1- Trichloroethane, dichlorobenzene (DCB), lubricants, other solvents, anti-freeze, acids, muriatic acid...</p>
<p>6-Facility Supply Wells: #26, #28, and #29,</p>	<p>Groundwater</p>	<p>Asbestos, RCRA metals Other facility used chemicals</p>
<p>Drainage via Culvert Beneath Route 12 and ditch into the Wash and the Wash itself</p>	<p>Soil, Groundwater</p>	<p>Multiple discharge permit violations; Boiler blow down water, asbestos, RCRA metals, lime, sodium, mercury, sulfuric acid, hexavalent chromium, polychlorinated biphenyl, resins, degreasers, paint thinners, paints, antifreeze, brake and transmission fluid, motor oil, formaldehyde, Stoddard solvent, 1,1,1- Trichloroethane, dichlorobenzene (DCB), lubricants, other solvents, anti-freeze, acids, muriatic acid.</p>
<p>Dam on Black Creek</p>	<p>Soil Groundwater</p>	<p>Suspect Boiler Blowdown Water and Hot Lime Process water at least. <u>Confirmed</u> hexavalent chromium and dioxins (summer 2022).</p>
<p>Dump: extends 0.9 miles up Black Creek on both sides of the road and onto the flood plain of the creek</p>	<p>Soil, Surface and Groundwater</p>	<p>All of the waste from the NFPI went into the dump. Automotive repair waste, batteries, parts. ACM, formaldehyde, PCB, All PCOC's mentioned in this table. Residue from firefighting foam.</p>
<p>Sawdust Disposal Areas</p>	<p>Soil, Surface and Groundwater</p>	<p>Reported unknown areas of disposal of unknown substances throughout this sawdust disposal area. Residue from firefighting foam.</p>
<p>Sediments Above the Dam in Black Creek and the Diversion Channel</p>	<p>Soil, Groundwater</p>	<p>ACM, Anything leachable from the processed waste shavings and the dump; formaldehyde, metals, acids, lime, sodium, mercury, sulfuric acid, hexavalent chromium, Residue from firefighting foam.</p>
<p>Red Lake</p>	<p>Surface water, Soil, Edible Fish</p>	<p>Mercury, Other contaminants listed above as being derived from the dump and plant activities that have found their way into the lake by the diversion channel or any other means.</p>

SUMMARY:

Environmental concerns include:

- The groundwater beneath the mill site is contaminated with hexavalent chromium, diesel, gasoline, arsenic, cadmium, chromium, lead, chrysene, naphthalene, and other compounds resulting from the incomplete combustion of organic matter –like sawdust.
 - Approx. 2 feet of diesel fuel is floating on areas of the groundwater at the site. Diesel contaminated groundwater area is about 2.5 acres.
 - Asbestos is comingled with the petroleum source soil in several locations at the site to a depth of two feet below ground surface.
 - We have not looked for anything else in the shallow groundwater due to lack of funding. We suspect heavy formaldehyde contamination.
- Soil at the site is contaminated by mercury, hexavalent chromium, dioxins, heavy metals, pesticides, asbestos, solvents, oil, grease, etc.
- Investigations have still to be conducted for other contaminants such as formaldehyde, resins, solvents, waxes, and etc.
- Trace amounts of formaldehyde were found in the seep, 1,400 feet southwest of the site.
- Chloroform gas is coming up out of the soil in the area of the powerhouse, (the only place we have sampled so far).
- There was discharge of cooling tower blowdown and boiler water into Black Creek east, north, and west of the site, and into the former sewer lagoons.
- These discharges contained lime, sodium aluminate, soda ash, sulfuric acid, descalants such as hexavalent chromium and algicides.
- There is also concern about mercury contamination in the sediments, water, and edible fish of Red Lake.
- The contents of drums and chemical totes that were present at the site have been found to contain or formerly contained ferrous chloride solution, hydraulic fluid, waste oil, diesel, gasoline, antifreeze, mercury, transformer oil-old enough to contain PCBs, saw glide lubricant, etc.
- The 176 acre open facility dump extends up Black Creek 1 mile and is known to contain sawdust soaked with formaldehyde, hexavalent chromium, and hydraulic fluid. All chemical wastes from operation and maintenance of the sawmill and particle board manufacturing, including equipment and automobile batteries, were disposed of in this dump.
 - The open dump does not have any liner and, due to different conditions at depth in open dumps, chemicals and contaminants that were never placed into the dump can be created and leach out into the ground beneath the dump and into the creek.
 - Old N-31 runs over the dump and the dust from traffic has the very real potential to contain asbestos, hexavalent chromium, formaldehyde, and etc.
 - Asbestos fibers remain air born long after the visible dust has settled.
- Hexavalent chromium at levels substantially above the regional standard for protection of groundwater and dioxins have been leaching from the rapidly eroding facility dump since its placement and have recently been confirmed IN Black Creek north and east of the mill site, and behind the diversion dam used to fill Red Lake.
- The site had been a serious asbestos hazard up until last summer. Subsurface asbestos remains.
- The presence of various toxic heavy metals on the Site and in the creek could have resulted in impaired neurological development of children who live and attend school near the site. NNEPA is currently researching the uptake of metals and hexavalent chromium in edible plants and livestock

Current List of possible Federal Funding

Competitive Grants Currently Applied For Will Be Available for Fiscal Year-24 If awarded

1. Historic Bipartisan Infrastructure Law (BIL)

1. \$2 million Community Wide Assessment Grant –Must be spent on no fewer than 10 sites across the Navajo Nation
2. \$2 million Community Wide Cleanup Grant –Must be spent on no fewer than 10 sites across the Navajo Nation

FY-23-27 Additional Grant

- BIL Additional 128(a) Brownfields Program Grant with \$800,000 in site specific assessment and/or cleanup money budgeted ** with strings attached.

Competitive Grant Currently Being Considered

- The Agency for Toxic Substances and Disease Registry (ATSDR) APPLTREE program/funding opportunity for Public Health Assessments. ATSDR has said “no” already once.

**A word about cleanup and federal dollars

Why Tribal Funding is Necessary

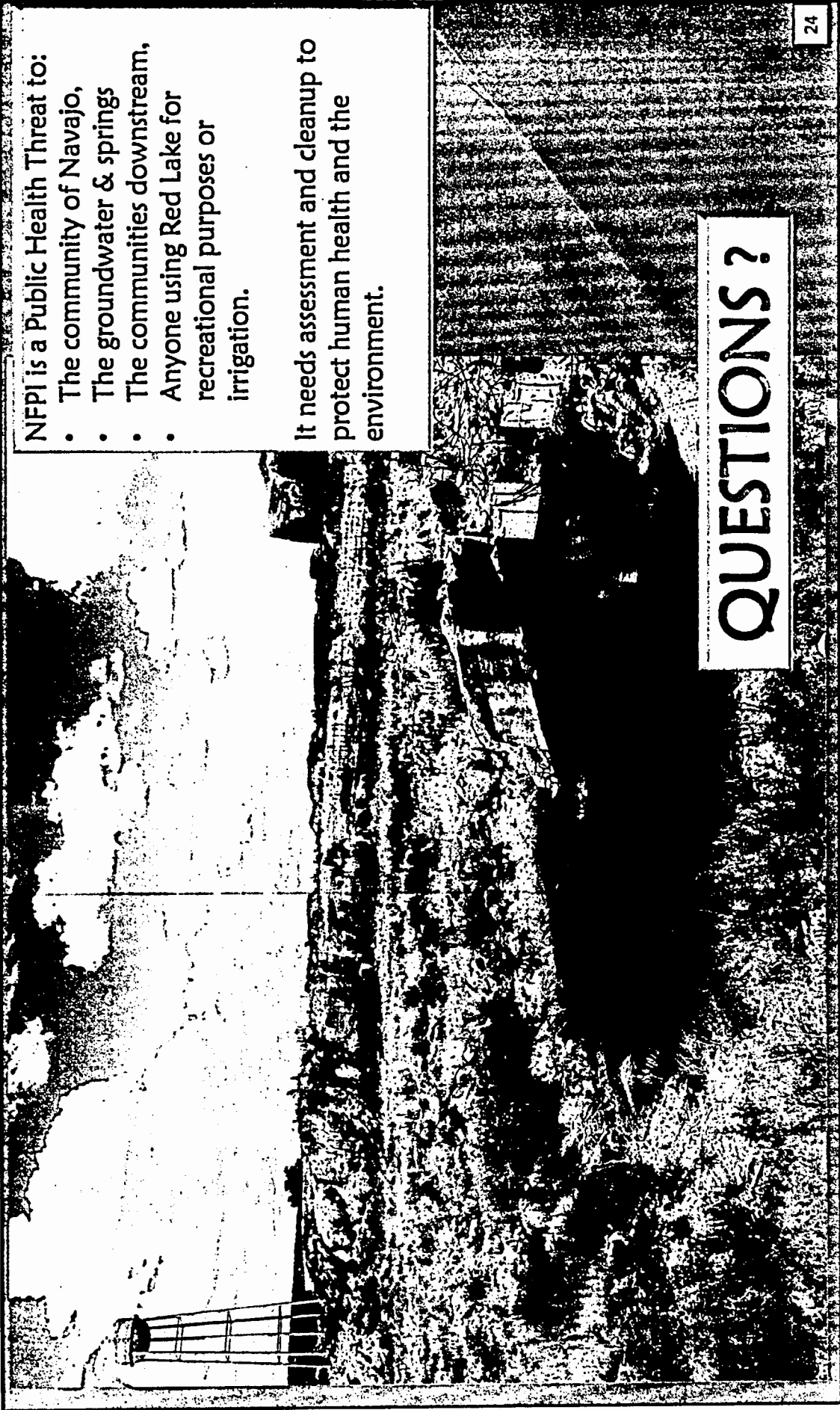
- No assessment or cleanup of leakage from Aboveground Storage Tanks is allowed under federal EPA grants. The petroleum contamination at the site came from aboveground tanks.
- The “NO DIRECT EXPOSURE PATHWAY” justification used by USEPA to delay or avoid cleanup with federal funds all together.
- Assessment grants can not be used for cleanup.
- Cleanup Grants are not that large and can only be awarded once per site.
- Brownfields Cleanup Grants can not be used to cleanup groundwater because Groundwater is defined by Region 9 as “not real property”.

<p align="center">NFPI Assessment (and Limited Cleanup) Approximate Costs</p> <p>Cleanup methods and cost can not be accurately determined until the nature and extent of the contamination is known</p> <p>100% of the funds in this trust will be used for assessment and remediation of the site locations.</p>	
Sampling and analysis only	
The 104 fenced Mill Site From The Surface To About 20 Feet Below Ground Surface	\$ 7,000,000.00
Black Creek: Ongoing Public Health Emergency	\$ 3,000,000.00
Red Lake; Sediments and Lake Water	\$ 3,000,000.00
The Wash Below Red Lake Dam	\$ 3,000,000.00
The former NTUA Sewer Lagoons	\$ 500,000.00
Investigation of the housing area build on top of the dump area including the former rodeo grounds	\$ 1,000,000.00
Sampling, Analysis, and Cleanup of 2 areas	
For the 176 Acre Facility Open dump, From The Surface Through an Unknown Thickness of Debris To Five Feet Below the Actual Native Ground Surface	\$ 500,000,000.00
The Benzene and Naphthalene in the Soil of the DEAP Charter School	\$ 1,000,000.00
Estimated Total:	\$ 518,500,000.00

Cleanup Cost Comparison

Libby Montana Asbestos Site \$850 million So Far

- For 30 years vermiculite was mined near the town.
 - In 1999, USEPA responded to citizen, local government and media concerns regarding possible exposure to asbestos from the nearby vermiculite mine. They estimated a two-year cleanup.
 - USEPA's Removal program began conducting investigations and removal actions to address asbestos contamination beginning in 2000 and the site kept getting larger and more complex as the investigation proceeded.
 - By 2016 the cost for cleanup had exceeded \$450 million.
 - More than \$600 million of federal money was spent during the decontamination efforts during the ensuing 18 years.
 - \$250 million more was spent by the responsible party.
 - Plus, the responsible party has billions of dollars in health related claims to settle.
-
- Twenty one years later, in 2020, the USEPA transferred oversight and responsibility for much of the project to the Montana Department of Environmental Quality, but:
 - USEPA retains cleanup authority of the mine site and is still working there.



NFPI is a Public Health Threat to:

- The community of Navajo,
- The groundwater & springs
- The communities downstream,
- Anyone using Red Lake for recreational purposes or irrigation.

It needs assessment and cleanup to protect human health and the environment.

QUESTIONS?



Weston Solutions, Inc.
2300 Clayton Road, Suite 900
Concord, CA 94520
www.westonsolutions.com



September 2, 2022

Mr. Jeremy Johnstone
Federal On-Scene Coordinator
U. S. Environmental Protection Agency
Region 9, Emergency Response Section
75 Hawthorne Street
San Francisco, CA 94105

**Subject: Sawmill, AZ Asbestos Removal Assessment
Sawmill Chapter, Navajo Nation, Arizona
Task Order (TO) No.: 68HE0919F0081-20
Document Control No.: 0145-08-AAXL**

Dear Mr. Johnstone:

Under TO No. 68HE0919F0081-20, the U.S. Environmental Protection Agency (EPA) Region 9 tasked the Weston Solutions, Inc. (WESTON®) Superfund Technical Assessment and Response Team (START) to assist the EPA Federal On-Scene Coordinator (FOSC) at the Sawmill, AZ Asbestos Removal Assessment in Sawmill, Apache County, Arizona, in the Sawmill Chapter of the Navajo Nation (Figure 1). The objective of this Removal Assessment was to further evaluate the presence of asbestos associated with the former Drying Kiln Building as well as perform an assessment of the building material debris located throughout the Site. This letter report summarizes the support activities provided by START for the Sawmill, AZ Asbestos Removal Assessment.

SITE DESCRIPTION

The Sawmill, AZ Asbestos Site is near Indian Service Route 7 in Sawmill, Apache County, Arizona, in the Sawmill Chapter of the Navajo Nation. The geographic coordinates for the approximate center of the Site are Longitude 35° 54' 8" North and Latitude 109° 9' 50" West. The Site is approximately 7 acres and includes the former drying kiln area, power plant area, and several unknown features (Figure 2).

The Site is approximately 7,675 feet above mean sea level and is flat with regional topography sloping gently to the southeast toward the Quartzite Wash Reservoir, approximately 1 mile away.

BACKGROUND

Construction at the Sawmill, AZ Asbestos Site started in 1939 and the Site was decommissioned after Navajo Forest Product Industries was brought online, around 1962. Historically, several buildings were present on-site, including a drying kiln building, a power plant, and several unknown buildings. It appears all structures have been demolished with only concrete slabs or minimal remnants remaining except for the former Drying Kiln Building. The Site is unfenced with open access and shows obvious signs of trespassing.

A Site visit was conducted by EPA and Navajo Nation Environmental Protection Agency



September 2, 2022

(NNEPA) in the summer of 2021. Collected samples confirmed the presence of asbestos-containing material (ACM) in building materials. The roof of the former Drying Kiln Building has collapsed but the walls are standing. Analytical results from previous sampling show asbestos concentration of the black wall coating is 3% chrysotile and the concrete was non-detect.

FIELD ACTIVITIES – JULY 12, 2022

On July 12, 2022, EPA and START personnel participated in a Site walk with NNEPA. The Site walk was performed to further evaluate the building materials associated with the former Drying Kiln Building for the presence of asbestos. In addition, an assessment was performed during a Site walk to evaluate building material debris located throughout the Site for the presence of asbestos. Samples were collected from the former Drying Kiln Building, a concrete trough to the west, and from the former Power Supply Building. A certified asbestos building inspector performed the sampling. Sampling locations were selected by the EPA FOSSC and the asbestos building inspector in the field.

To perform the assessment, START collected 12 bulk asbestos samples from the Site (Figure 3). Analytical reports and chain-of-custody documentation are included in Appendix B.

The bulk asbestos samples collected at the Site were sealed in the appropriate sample container, assigned a discrete sample identification number, and submitted using proper chain-of-custody procedures. The bulk building material samples were submitted to EMC Labs Inc. (EMC) and analyzed by polarized light microscopy (PLM) by EPA Method 600/R-93/116. EMC is an accredited laboratory in the National Voluntary Laboratory Accreditation Program (NVLAP) for bulk asbestos fiber analysis.

ANALYTICAL RESULTS

Twelve bulk samples were collected, and 13 separate layers were analyzed. Of the 13 bulk samples collected, nine samples contained asbestos at concentrations ranging from 3% to 80% chrysotile. Sample results are shown below in Table 1. Figure 3 shows the location of the asbestos bulk samples collected at the Site.

**Table 1
Bulk Sample Results – July 2022**

<u>Sample Number</u>	<u>Bulk Sample Description</u>	<u>Asbestos (% / Type)</u>
SAZ-BS-001	Membrane, Black	5% Chrysotile
SAZ-BS-002	Membrane, Black	5% Chrysotile
SAZ-BS-003	Membrane, Black	5% Chrysotile
SAZ-BS-004 (Layer 1)	Transite, Off White	15% Chrysotile
SAZ-BS-004 (Layer 2)	Corrugated Roofing, Gray	8% Chrysotile



September 2, 2022

<u>Sample Number</u>	<u>Bulk Sample Description</u>	<u>Asbestos (% / Type)</u>
SAZ-BS-005	Asphaltic Roofing, Black	Not Detected
SAZ-BS-006	Asphaltic Roofing, Black / Gray	Not Detected
SAZ-BS-007	Concrete, Off White w/ Black	Not Detected
SAZ-BS-008	Patch, Black	5% Chrysotile
SAZ-BS-009	Patch, Black / Gray	10% Chrysotile
SAZ-BS-010	Concrete under Corrugated Roof, Off White	3% Chrysotile
SAZ-BS-011	Fiberboard / Aircell, Black/ Gray	80% Chrysotile
SAZ-BS-012	Mortar, Beige/Gray	Not Detected

Note: * Samples were analyzed by PLM by EPA Method 600/R-93/116 by EMC Labs Inc.

DISCUSSION

Based on the analytical results of the samples collected during the Site walk, building materials are present at the Site with an asbestos content in excess of 1%. The ACM can be found scattered throughout the Site and in the area around the former Drying Kiln Building.

Building materials associated with the former Drying Kiln Building have an asbestos content in excess of 1%. Because the concentrations are above 1%, the materials are designated as ACM. Table 2 below serves to provide an estimate for the quantities of building materials estimated to contain asbestos greater than 1%. The estimates are based on a structure size of approximately 85 feet in length by 80 feet in width by 25 feet in height. Minimal asbestos coating was observed on the interior walls of the former Drying Kiln Building.

**Table 2
Former Drying Kiln Building Material Estimates – July 2022**

Material Type	Quantity
Asphaltic Roofing with Mastic	6,800 SF
Coating on Interior Concrete Walls	3,000 SF
Corrugated Transite Roofing	6,800 SF

Notes:
SF = square feet

The building materials identified to be ACM associated with the former Drying Kiln Building have deteriorated and have been dispersed by the wind to the surrounding area. Visibly identifiable ACM was observed in significant quantities at varying distances along each side of the structure ranging from 20 feet to 75 feet. The most significant presence of ACM appears to be located on the north and west side of the structure.



September 2, 2022

An asbestos evaluation was performed for various building material debris that was observed throughout the Site as a result of historical demolition activities. The assessment identified building material debris that contained asbestos in concentrations greater than 1% at various locations throughout the Site. The ACM identified included transite roof panels, fiberboard, corrugated roofing, and a black membrane. The remnants of this ACM appear to be present in various amounts throughout the Site. A majority of the identified ACM is located in and around the former Drying Kiln Building and the Power Supply Building. Some of the ACM is scattered about the Site and is not near one of these large sources.

SUMMARY

EPA tasked START to provide support during the Sawmill, AZ Asbestos Removal Assessment in Sawmill, Arizona. The assessment was performed to further evaluate the building materials surrounding the former Drying Kiln Building for the presence of asbestos. Based on the analytical results of the samples collected during this Site walk, building materials that are ACM are associated with the former Drying Kiln Building. These materials include transite roof panels, fiberboard, corrugated roofing, and a black membrane on the interior concrete of the building.

An asbestos evaluation was performed for remnant building debris that was observed at various locations throughout the Site as a result of historical demolition activities. The assessment identified building material debris that contained asbestos in concentrations greater than 1% at various locations throughout the Site. Based on the data obtained to date, additional assessment activities appear to be required to ensure remnant debris from the historical demolition work is managed and disposed of appropriately.

Should you have any questions regarding the information presented in this letter report, please contact me at (480) 477-4918, or at Greg.Roussos@WestonSolutions.com.

Respectfully,

Weston Solutions, Inc.

A handwritten signature in black ink that reads "Greg Roussos".

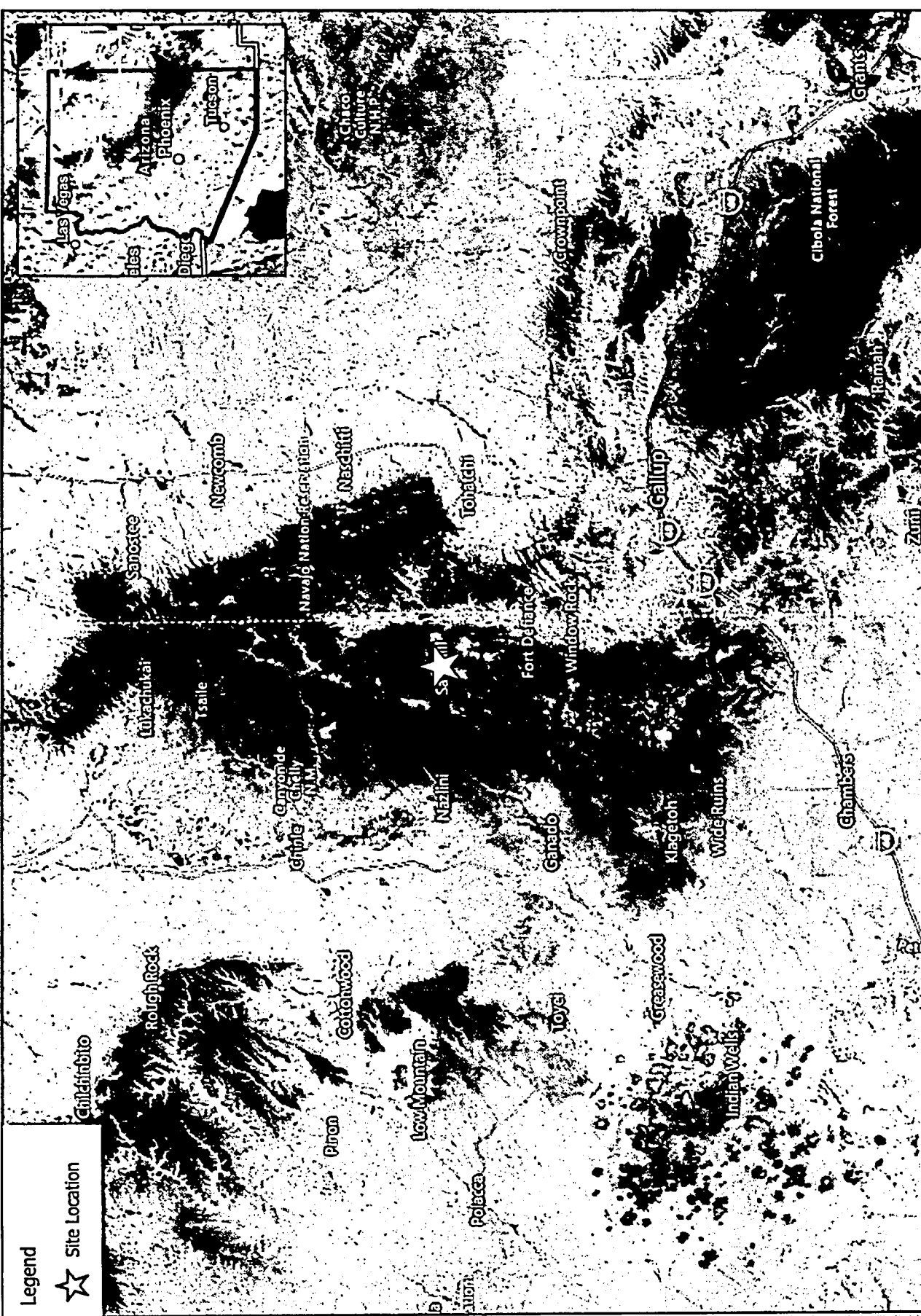
Greg Roussos
START Project Manager

Attachments:

- A – Figures
- B – Analytical Data Packages
- C – Photographic Log

cc: WESTON START DCN File

ATTACHMENT A
FIGURES



Legend



Site Location

FIGURE 1

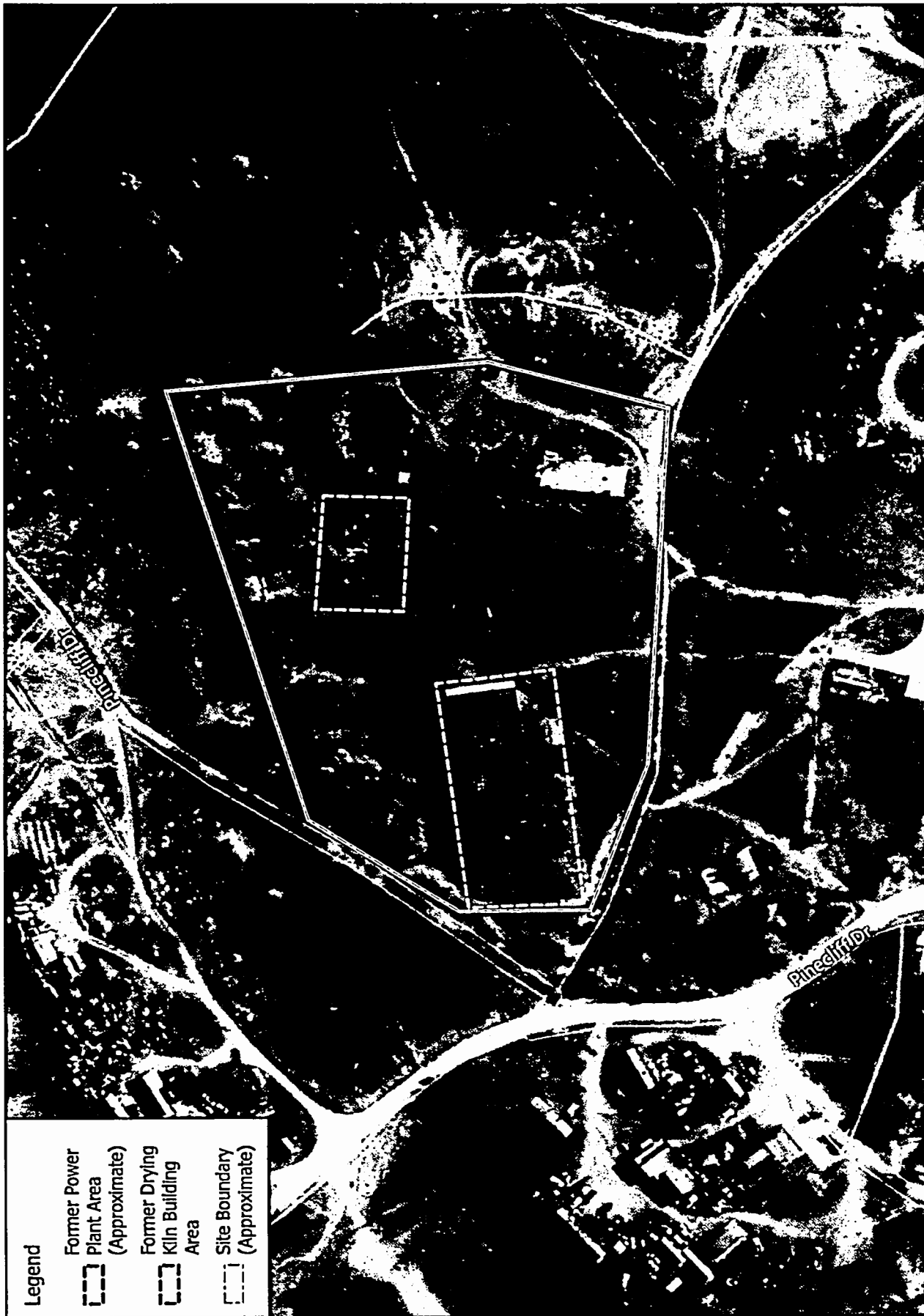
Site Location
 Sawmill, Arizona Asbestos
 Removal Assessment
 Sawmill Chapter, Navajo Nation
 Sawmill, Apache County, AZ



Prepared For
 EPA Region 9
 Pacific Southwest
 Prepared By
 Weston Solutions, Inc.
 Long Beach, CA 90805
 August 2022

Contract:
 68HE0919D0002
 Task Order:
 68HE0919F0081-20
 DCN:
 0145-08-AAXL





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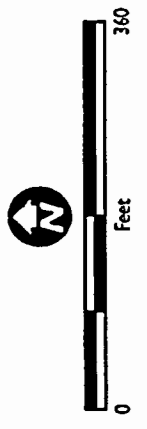
-  Former Power Plant Area (Approximate)
-  Former Drying Kiln Building Area
-  Site Boundary (Approximate)

FIGURE 2
Site Layout
 Sawmill, Arizona Asbestos Removal Assessment
 Sawmill Chapter, Navajo Nation
 Sawmill, Apache County, AZ



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


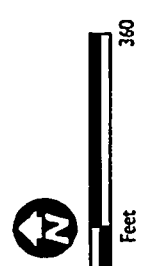
-  Former Power Plant Area (Approximate)
-  Former Drying Kiln Building Area
-  Site Boundary (Approximate)
-  Negative Bulk Asbestos Sample Detection
-  Positive Bulk Asbestos Sample Detection

FIGURE 3
Bulk Asbestos Sample Locations
 Sawmill, Arizona Asbestos
 Removal Assessment
 Sawmill Chapter, Navajo Nation
 Sawmill, Apache County, AZ



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ATTACHMENT B
ANALYTICAL DATA PACKAGES

EMC LABS, INC.

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Laboratory Report
0276130

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	WESTON SOLUTIONS	Job# / P.O. #:	
Address:	2300 CLAYTON RD, STE 900	Date Received:	07/15/2022
	CONCORD, CA 94520	Date Analyzed:	07/22/2022
Collected:	07/12/2022	Date Reported:	07/22/2022
Project Name:	SAWMILL, AZ ASBESTOS	EPA Method:	EPA 600/R-93/116
Address:		Submitted By:	GREG ROUSSOS
		Collected By:	

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0276130-001 SAZ-BS-001		Membrane, Black	Yes	Chrysotile 5%	Carbonates Quartz Binder/Filler 95%
0276130-002 SAZ-BS-002		Membrane, Black	Yes	Chrysotile 5%	Carbonates Quartz Binder/Filler 95%
0276130-003 SAZ-BS-003		Membrane, Black	Yes	Chrysotile 5%	Carbonates Quartz Binder/Filler 95%
0276130-004 SAZ-BS-004		LAYER 1 Transite, Off White	Yes	Chrysotile 15%	Carbonates Gypsum Quartz Binder/Filler 85%
		LAYER 2 Corrugated Roofing, Gray	Yes	Chrysotile 8%	Cellulose Fiber 2% Carbonates Gypsum Quartz Binder/Filler 90%
0276130-005 SAZ-BS-005		Asphaltic Roofing, Black	No	None Detected	Cellulose Fiber 18% Synthetic Fiber 2% Carbonates Gypsum Quartz Binder/Filler 80%

EMC LABS, INC.

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Laboratory Report
0276130

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	WESTON SOLUTIONS	Job# / P.O. #:	
Address:	2300 CLAYTON RD, STE 900	Date Received:	07/15/2022
	CONCORD, CA 94520	Date Analyzed:	07/22/2022
Collected:	07/12/2022	Date Reported:	07/22/2022
Project Name:	SAWMILL, AZ ASBESTOS	EPA Method:	EPA 600/R-93/116
Address:		Submitted By:	GREG ROUSSOS
		Collected By:	

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0276130-006 SAZ-BS-006		Asphaltic Roofing, Black / Gray	No	None Detected	Cellulose Fiber 15% Carbonates Quartz Binder/Filler 85%
0276130-007 SAZ-BS-007		Concrete, Off White w/ Black	No	None Detected	Quartz Gypsum Mica Carbonates Binder/Filler 100%
0276130-008 SAZ-BS-008		Patch, Black	Yes	Chrysotile 5%	Carbonates Quartz Binder/Filler 95%
0276130-009 SAZ-BS-009		Patch, Black / Gray	Yes	Chrysotile 10%	Carbonates Quartz Binder/Filler 90%
0276130-010 SAZ-BS-010		Concrete under Corrugated Roof, Off White	Yes	Chrysotile 3%	Carbonates Gypsum Quartz Binder/Filler 97%
0276130-011 SAZ-BS-011		Fiberboard / Aircell, Black/ Gray	Yes	Chrysotile 80%	Cellulose Fiber 7% Carbonates Quartz Binder/Filler 13%

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Project Name:	SAWMILL, AZ ASBESTOS	EPA Method:	EPA 600/R-93/116
Address:		Submitted By:	GREG ROUSSOS
		Collected By:	

Lab ID	Sample	Layer Name /	Asbestos	Asbestos Type	Non-Asbestos
Client ID	Location	Sample Description	Detected	(%)	Constituents
0276130-012		Mortar, Beige/ Gray	No	None Detected	
SAZ-BS-012					Gypsum Carbonates Quartz Binder/Filler 100%



Analyst - Matt Kettler



Signatory - Lab Director - Kurt Kettler

Distinctly stratified, easily separable layers of samples are analyzed as subsamples of the whole and are reported separately for each discernible layer. All analyses are derived from calibrated visual estimate and measured in area percent unless otherwise noted. The report applies to the standards or procedures identified and to the sample(s) tested. The test results are not necessarily indicative or representative of the qualities of the lot from which the sample was taken or of apparently identical or similar products, nor do they represent an ongoing quality assurance program unless so noted. These reports are for the exclusive use of the addressed client and that they will not be reproduced wholly or in part for advertising or other purposes over our signature or in connection with our name without special written permission. The report shall not be reproduced except in full, without written approval by our laboratory. The samples not destroyed in testing are retained a maximum of thirty days. The laboratory measurement of uncertainty for the test method is approximately less than 1 by area percent. Accredited by the National Institute of Standards and Technology, Voluntary Laboratory Accreditation Program for selected test method for asbestos. The accreditation or any reports generated by this laboratory in no way constitutes or implies product certification, approval, or endorsement by the National Institute of Standards and Technology. The report must not be used by the client to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the Federal Government. Polarized Light Microscopy may not be consistently reliable in detecting asbestos in floor coverings and similar non-stable organically bound materials.

12
pak

CHAIN OF CUSTODY

EMC Labs, Inc.
9830 S. 51st St., Ste B-109
Phoenix, AZ 85044
(480) 940-5294 Fax (480) 893-1726

LAB#: 276130
TAT: 350ap
Rec'd: JUL 15 P.M.

COMPANY NAME: Weston Solutions
Address: 2300 Clayton Road, Suite 900
Concord, CA 94520
CONTACT: Greg Roussos
Phone/Fax: 513-604-4797
Email: Greg.Roussos@WestonSolutions.com

BILL TO: (If Different Location)

Now Accepting: **VISA - MASTERCARD** Price Quoted: \$6.50 / Sample \$ / Layers

COMPLETE ITEMS 1-4: (Failure to complete any items may cause a delay in processing or analyzing your samples)

1. **TURNAROUND TIME:** {Same-Day-Rush} {1-2 Days} {3-4-5 Days} {6-10 Days}

****Prior confirmation of turnaround time is required
****Additional charges for rush analysis (please call marketing department for pricing details)
****Laboratory analysis may be subject to delay if credit terms are not met

2. **TYPE OF ANALYSIS:** {Bulk-PLM} ~~{Air-PCM}~~ ~~{Lead}~~ ~~{Point Count}~~ ~~{Fungi: AGC, W-C, Bulk, Swab, Tape}~~

3. **DISPOSAL INSTRUCTIONS:** {Dispose of samples at EMC} / ~~{Return samples to me at my expense}~~
(If you do not indicate preference, EMC will dispose of samples 30 days from analysis.)

4. Project Name: Sawmill, AZ Asbestos						
P.O. Number: _____		Project Number: _____				
EMC SAMPLE #	CLIENT SAMPLE #	DATE & TIME SAMPLED	LOCATION/MATERIAL TYPE	Samples Accepted Yes / No	AIR SAMPLE INFO / COMMENTS ON	OFF FLOW RATE
1	SAZ-BS-001	7-12-22	Black membrane - trough	Y N		
2	SAZ-BS-002		Black membrane - trough	Y N		
3	SAZ-BS-003		Black membrane - trough	Y N		
4	SAZ-BS-004		Corrugated roofing (transite)	Y N		
5	SAZ-BS-005		Asphaltic roofing (black)	Y N		
6	SAZ-BS-006		Asphaltic roofing (black/grey)	Y N		
7	SAZ-BS-007		Lightweight concrete w/ black	Y N		
8	SAZ-BS-008		Well patch (black) - Kila wall	Y N		
9	SAZ-BS-009		Well patch (black/grey) - Kila	Y N		
10	SAZ-BS-010		It may be concrete under corrugated roof	Y N		
11	SAZ-BS-011		Black/grey gaskets - Ground	Y N		
12	SAZ-BS-012		Mortar - Power plant	Y N		
				Y N		
				Y N		

SPECIAL INSTRUCTIONS:
 Sample Collector: (Print) Mark Williams (Signature) [Signature]
 Relinquished by: [Signature] Date/Time: 7/13/22 Received by: Fred [Signature] Date/Time: 7/13/22 9:30
 Relinquished by: _____ Date/Time: _____ Received by: Diana Fedorin Date/Time: 7/15/22
 Relinquished by: Diana Fedorin Date/Time: 7/15/22 3:55 Received by: [Signature] Date/Time: 7/15/22 3:55

** In the event of any dispute between the above parties for these services or otherwise, parties agree that jurisdiction and venue will be in Phoenix, Arizona and prevailing party will be entitled to attorney's fees and court costs.

**ATTACHMENT C
PHOTOGRAPHIC LOG**


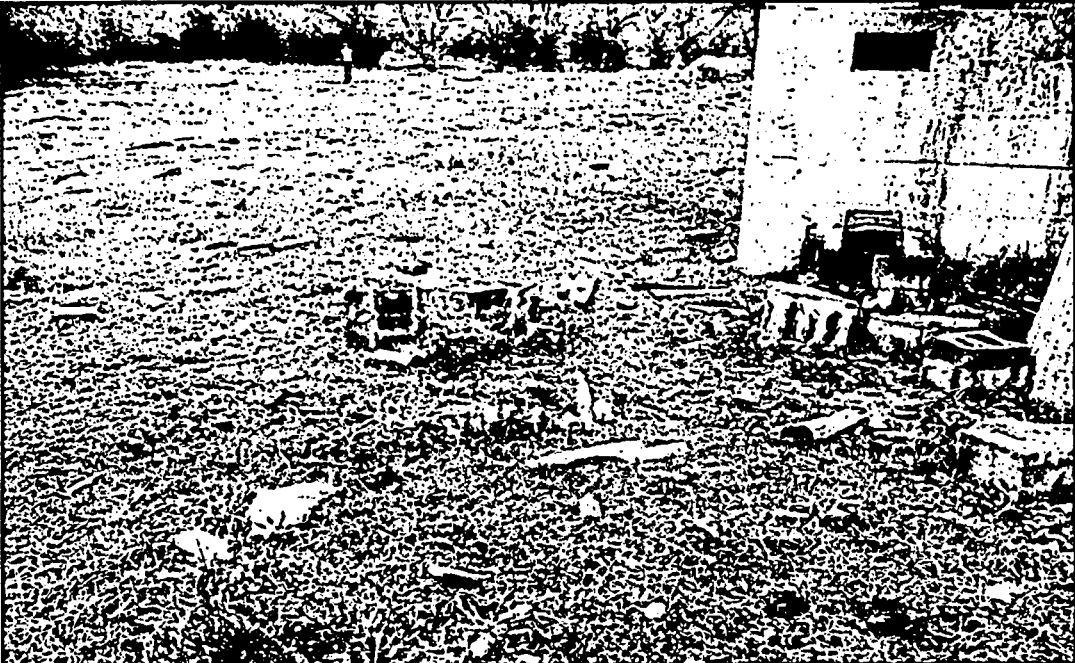
Project Name: Sawmill, AZ Asbestos		Site Location: Sawmill Chapter, Navajo Nation Sawmill, Apache County, Arizona	TO No.: 68HE0919F0081-20
Photo No. 1	Date: 9/30/2021		
Direction Photo Taken: Southwest			
Description: Overview of the former Drying Kiln Building			

Photo No. 2	Date: 9/30/2021	
Direction Photo Taken: East		
Description: Example of suspected ACM debris surrounding the former Drying Kiln Building		

Project Name: Sawmill, AZ Asbestos	Site Location: Sawmill Chapter, Navajo Nation Sawmill, Apache County, Arizona	TO No.: 68HE0919F0081-20
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Photo No. 3	Date: 9/30/2021	
Direction Photo Taken: West		
Description: View inside the former Drying Kiln Building showing collapsed roof		

Photo No. 4	Date: 7/12/2022	
Direction Photo Taken: North		
Description: Sample SAZ-BS-001, black membrane on trough west of the former Drying Kiln Building.		



Project Name: Sawmill, AZ Asbestos		Site Location: Sawmill Chapter, Navajo Nation Sawmill, Apache County, Arizona		TO No.: 68HE0919F0081-20
Photo No. 5	Date: 7/12/2022			
Direction Photo Taken: East				
Description: Sample SAZ-BS-004, corrugated roofing material adjacent to former Drying Kiln Building				

Photo No. 6	Date: 7/12/2022			
Direction Photo Taken: North				
Description: Sample SAZ-BS-009, black sealant in cracks along the north wall of bay 2 in the former Drying Kiln Building				

Last Updated: May, 2023

Navajo Nation Environmental Protection Agency Superfund
Brownfields Inventory

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	
1	Acronyms: EPA, Environmental Protection Agency INMEDI, New Mexico Environment Department N, S, E, W, The Cardinal Directions NNEPA, Navajo Nation Environmental Protection Agency	USEPA United States Environmental Protection Agency NHA, Navajo Housing Authority Hwy, Highway Rte, Route PIR, Potentially Responsible Party	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	NTUA, Navajo Tribal Utility Authority OSMRE, Office of Surface Mining Reclamation and Enforcement	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40	BIA, Bureau of Indian Affairs PAM, Polynromatic Hydrocarbons RBC, risk based concentration FOSC, Federal On Scene Coordinator I-40, Interstate 40

For information regarding any of the sites on this inventory please contact Pam Maples, Remedial Project Manager, Navajo EPA Superfund at 928-871-7187 ~ pamaples@navajo-nsn.gov
Documents developed under the Brownfields 128A Program are available to the public and can be accessed. If you wish to review them please contact Pam Maples.

Site Name	CERCLIS Number	Physical Location/Notes	Latitude °N	Longitude °W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing addresses for Non Tribal owners	Inventory Listing Updated	Current Use Status	Suitability Type	Specific, Imposed Institutional Control(s)
SDV001 Alamo SDV	WNDS86675197	This SDV was not in the original database of dip vats but has been added because it is in the NSF spreadsheet.			This SDV may not exist.			Needs Investigation					01/29/13	Restricted		Land Use Restriction on Public Record.
SDV002 Alamo Springs SDV	2013	The SDV is located approximately 0.5 mile E of US Hwy 169 between mile posts 27 and 28 on a paved road that passes by the baseball fields at Alamo.	34.995055	-107.48278	Phase 1 assessment complete. Samples were all non-detect. Screening criteria (40 ppm toluene). Closure document O.A.Systems	2002	No Further Action	2002		Alamo Chapter		01/30/13	Restricted	Grazing, No housing development	Land Use Restriction on Public Record.	
SDV003 Alfred Taylor SDV (Chinle West)		The SDV is located W of Chinle, approximately 10 miles W of US Hwy 151 and N of Navajo Rte N-8090. In a very remote area.	36.20401	-109.727277	Phase 1 assessment complete. Samples were all non-detect. Screening criteria (40 ppm toluene). Closure document O.A.Systems	2002	No Further Action	2002		Chinle Chapter		01/30/13	Restricted	Grazing, No housing development	Land Use Restriction on Public Record.	
SDV004 Aneth SDV		2500 ft SE of Chapter House	37.213483	-109.181717				Needs Investigation								
SDV005 Arrowhead SDV		Approx. 6.5 miles E of Dillon; 1000 N of BIA Rte N-15; 3 miles W of the intersection of Rte 5/Hwy 77 at Indian Wells.	35.382441	-110.008519	Bioremediation; Oversight by NSF, BIA, as PIR. Capped with local virgin soil. Last sample analyzed 11/23/04. Closure report ASGC.	2004	No Further Action	2005		PO Box 3049 Indian Wells, AZ 86031-3049	Indian Wells Chapter	1 mile NW of BIA Rte N-15 and N-6 junction, Indian Wells, AZ	01/05/06	Restricted	Grazing, No housing development	Land Use Restriction on Public Record; Engineering Control = 1 AC. Pit Size enclosing SDV work area that contains the revegetated soil cap.
SDV006 Arthur Lee SDV			35.34986667	-110.5010833	Phase I and Phase II. Sample results 11-12-2002: Chlordane, Heptachlor, Heptachlor epoxide, and Toxaphene all sampled. Toxaphene remains above the standard in many samples.	2002		Needs remediation		Elephant Butte, AZ USGS Quad			04/28/20			



A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
SDV020	Site Name	CERCUS Number	Physical Location/Notes	Latitude °N	Longitude °W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing address for Non-Tribal owners	Inventory Listing Updated	Current Use Status	Suitability Type	Specifics, Proposed Institutional Controls(s)
7	Blue Canyon Road Cell #1 SDV		Adjacent to the SDV?	0	0	Bioremediation, Federal On Scene Coordinator (FOSC) Robert Mandel provided analytical results. Remaining soil underneath has toxaphene concentrations less than the cleanup goal. No closure document. Last sample analyzed on 12/02/94. The sample date is for this cell #1 not the SDV area.	1994	No Further Action	Find the closure report	None	PO Box 366 Ft. Defiance, AZ 86504	Fort Defiance Chapter		04/28/20			
27						The site has been extensively sampled and there is some indication that it has been remediated. Additionally, a 1998 document labeled "Navajo Toxaphene Project," USEPA, Region IX, indicates that final closure activities took place at Blue Canyon between August 27 and the week of September 8, 1996, yet no existing closure report has been located.	1994	No Further Action	Find the closure report	None	PO Box 366 Ft. Defiance, AZ 86504	Fort Defiance Chapter		04/28/20	Restricted	Grazing, No housing development	Land Use Restriction on Public Record
28	Blue Canyon Road SDV	WND983482647	Corner of Rte 12 and BIA 110. In Fort Defiance, 7 miles northwest of Fort Defiance Chapter House on Blue Canyon rd 300 ft north of well 18T-539	35.796077	-109.133277												
29	Blue Gap SDV	WND000125617	7 miles N on Rte 4, Blue Gap, AZ T32N,R22E Approx 0.25 miles west of Navajo Route 29 in Blue Gap. (1 NW BG CH) 1/4 mile west of well # 4K-388 which is near the chapter. Entrance and exit paths visible.	36.174724	-109.945553	Bioremediation, Federal On Scene Coordinator (FOSC) Robert Mandel provided analytical results. Remaining soil underneath has toxaphene concentrations less than the cleanup goal. No closure document. Last sample analyzed on 12/94.	1994	No Further Action	Find the closure report	None	PO Box 4027 Blue Gap, AZ 86510	Tachee Chapter (Blue Gap Chapter)		04/28/20	Restricted	Grazing, No housing development	Land Use Restriction on Public Record.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	
Site ID	Site Name	CERCLIS Number	Physical Location/Notes	Latitude *N	Longitude *W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing address for Non Tribal owners	Inventory Listing Updated	Current Use Status	Suitability Type	Specific, Imposed Institutional Control(s)	
7	SDV033	Chilchibeto #3 (B-2-3) SDV	The SDV is located south of an unpaved road which branches off NS9A for approximately 1/4 of a mile, in an area known as Small White Mesa Flat, north of Chilchibeto, Arizona. The dip vat is visible from NS9A.	36.604818	-110.130421	A possible fire pit area, where charcoal remains were visible, was observed south of the exit pad along the corral fencing. Drainage associated with the dip vat possibly could have been an arroyo which is located approximately 70 feet north of the dip vat, however no ditch or pathway was evident. Soil samples were collected from around the dip vat area and in the assumed fire pit area. All Phase I soil sample results did not exceed the screening criteria. Therefore, a Phase II investigation and additional sampling was not conducted.	2005	No Further Action		2006				04/28/20				
40	SDV034	Churchrock Old SDV	6 miles northwest of chapter 1000 ft southeast of well 16K-340.	35.592891	-108.598757				Needs investigation					04/28/20				
41	SDV035	Coalmine Canyon #1 (B-1-1) SDV	One of these 2 sites is 6 miles south of hwy 264, about 100 ft east of windmill 3M-175. NSF notes. The original coordinates plot on top of a rock formation, latitude was probably calculated incorrectly. Driving directions plot to the current placemark. Compare with waterwell data.	36.909097	-111.152952	No files in the database			Needs investigation					04/28/20				
42	SDV036	Coalmine Canyon #2 (B-1-2) SDV	One of these 2 sites is 6 miles south of hwy 264, about 100 ft east of windmill 3M-175.	36.045345	-110.865414	No files in the database			Needs investigation					04/28/20				
43	SDV037	Coppermine (1-3-1) SDV	5 N CH, or Navajo Route 1D or 500 ft west of windmill 1A-115 off dirt road.	36.394934	-111.419265	No files in the database			Needs investigation					04/28/20				
44	SDV038	Cornfields SDV	8 miles SW of Hwy-264/191 intersection, 2 miles E of BIA Res-15, 300 ft SE of the Chapter House, 1/2 S CH or Near well 17-M 91A, southwest of Cornfields 1/5 mile. In a field near year-round residence and the Cornfields Chapter House. There is a church opposite the site. A windmill and well are 100 yds down gradient from the vat.	35.648448	-109.681932	Removal Overight by NSF; BIA, as P&B. Carped w/ Imported fill material (from Waste Management had P&Hs < EPA Region 3's RBC soil levels). Closure report EMI	2003	No Further Action		2003	PO Box 478 Ganado, AZ 86505-0478	Cornfields Chapter	8 mi S on N15 Ganado, AZ 86505-0478	04/28/20	Restricted	Grazing; No housing development	Land Use Restriction on Public Record; Engineering Control = 1 A.c. Plat Site enclosing SDV work area that contains the revegetated soil cap.	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	
	Site Name	CERCLIS Number	Physical Location/Notes	Latitude °N	Longitude °W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing address for Non Tribal owners	Inventory Listing Updated	Current Use Status	Suitability Type	Specific, Imposed Institutional Control(s)	
7	SDV051		1.3 miles S of BIA Rte #15 across Coyote Wash on hollow Rock Rd.	35.348728	-110.361868	Bioremediation; Oversight by NSF; BIA as PRP. Closed with local virgin soil. Closure report; EMI	2004	No Further Action		2005	HCR 63 Box E Winslow, AZ 86031	Dillon Chapter		04/28/20	Restricted	Grazing; No housing development	Land Use Restriction on Public Record; Engineering Control = I.A.C. Flat Site enclosing SDV work area that contains the revegetated soil cap.	
58	SDV052		The SDV is marked "corral" on the Sawmill USGS 7.5 minute topographic map. It is located 4,000 feet NW of Fluted Rock Lake.	35.946688	-109.240098	As of 1996, toxaphene seems to be below the action level.	1996		Find the closure report.					04/28/20				
59	SDV053		The SDV is located on Navajo Rte #4 approximately 13 miles N of the Forest Lake Chapter house, S of the entrance to the Peabody Black Mesa Mine. This SDV was not in the original database of dip vats but has been added.	36.401353	-110.38709	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm toxaphene). Closure document pending.	2002	No Further Action	Find the closure report.	None		Forest Lake Chapter		01/30/13	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
60	SDV054		The questionnaire reveals two dip vat sites at Ganado. The report says that they are about one mile northeast of the chapter house. One of them (called #2) was sampled. Binder 4 says that there are 3 sites in Ganado Chapter. This is not supported by interviews with locals. During field reconnaissance, after talking with locals to obtain directions, ASCG staff found the likely rubble of one dip vat that was pushed over into an adjacent ravine.	35.718006	-109.529604	In 1998, toxaphene was less than the standard at one of the dip vats. Probably #2. See SDV165.			Needs investigation					04/28/20				
61	SDV055		T38 ___RTE 561 (61 is too large of a number) 1/4 mile off hwy 89 north of chapter house by old rock tank across wash.	36.303981	-111.456831	The two references to sampling, 1996 and 1998, indicate that the toxaphene is below the standard.	1998	No Further Action	Find the closure report if there is one	None				04/28/20				
62	SDV056		The SDV is located approximately 12 miles from mile post 338 SE of Tuba City.	35.868751	-110.972742	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm toxaphene). Closure document pending.	2002	No Further Action	Find the closure report	None		Coalmine Mesa Chapter		01/30/13	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
63	SDV057			35.444743	-110.064362	2002 Phase II indicates that toxaphene was not detected in all samples.		No Further Action	Find the closure report	None				04/28/20				

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
	Site Name	CERCLIS Number	Physical Location/Notes	Latitude *N	Longitude *W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing address for Non Tribal owners	Inventory Listing Updated	Current Use Status	Suitability Type	Specific, Imposed Institutional Control(s)
71	SDV065		The SDV is on a heavily trafficked dirt road less than a mile from Navajo Rte N-16. The Inscription House Chapter house, and a community store.	36.64244	-110.753879	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm toluene). Closure document pending.	2002	No Further Action	Find the closure report	None		Inscription House Chapter		07/30/13	Restricted	Grazing, No housing development	Land Use Restriction on Public Record.
72	SDV066	NNO 000 125 575	2 miles N of Hwy 264, adjacent to Cedar Public School, Jeddito. T28N/R21E. Binder 9 says: Keams Canyon Approx 0.25 mile north of state highway 264 in Jeddito. Binder 4 says 200 ft SE of Jeddito Chapter Warehouse	35.776958	-110.131926	Bioremediation, Federal On Scene Coordinator (FOSC) Robert Mandel provided analytical results. Remaining soil underneath has toluene concentrations less than the cleanup goal. No closure document. Last sample analyzed on 11/94.	1994	No Further Action	Find the closure report	None	PO Box 798 Keams Canyon, AZ 86034	Jeddito Chapter		04/28/20	Restricted	Grazing, No housing development	Land Use Restriction on Public Record.
73	SDV067		Associated with windmill 07 T 525. These coordinates seem to plot to a SDV in Jeddito.	35.776497	-110.133397	Has not been found yet.			Find this SDV, windmill 07 T 525					04/28/20			
74	SDV068	NND98478694	The SDV is less than 1 mile N of the Chapter House.	36.610537	-111.076449				Needs Investigation					04/28/20			
75	SDV069			36.597419	-111.06912				Needs Investigation					04/28/20			
76	SDV070		Turn West at milepost 320, and take the middle fork. The vat is then 7.5 miles (6 miles from RR tracks). Go west out to White Rock hills, then left and south around the hills and on to the windmill. Stay on the main road.	36.570563	-111.220656				Needs Investigation					04/28/20			
77	SDV071		The Chapter questionnaire says that there were five sites but three of them have been dismantled or no longer exist.	36.683187	-110.237458	Going to have to sort this out. Which sampling goes with which Kayenta SDV.			Needs Investigation					04/28/20			
78	SDV072		The Chapter questionnaire says that there were five sites but three of them have been dismantled or no longer exist.	36.732371	-110.323881	Going to have to sort this out. Which sampling goes with which Kayenta SDV.			Needs Investigation					04/28/20			
79	SDV073		The Chapter questionnaire says that there were five sites but three of them have been dismantled or no longer exist.	36.730239	-110.262868	Going to have to sort this out. Which sampling goes with which Kayenta SDV.			Needs Investigation					04/28/20			
80	SDV074		The Chapter questionnaire says that there were five sites but three of them have been dismantled or no longer exist. NSF notes.	36.401363	-110.38702	Going to have to sort this out. Which sampling goes with which Kayenta SDV.			Needs Investigation					04/28/20			
81	SDV075		This is the same SDV as SDV053.	36.363693	-110.347819	Going to have to sort this out. Which sampling goes with which Kayenta SDV.			Needs Investigation					04/28/20			
82	SDV076		During field exploration, all roads leading to the location of twt BA-277 were either washed out or otherwise impassable. Still unknown.	0	0				Find this SDV, windmill BA-277					04/28/20			
83														04/28/20			

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	
Site ID	Site Name	CERCUS Number	Physical Location/Notes	Latitude °N	Longitude °W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing address for Non-Tribal owners	Inventory Listing Updated	Current Use Status	Suitability Type	Specific, Imposed Institutional Controls	
7	SDV083 Leeches SDV		Locals reported a dip vat "used to be around here". Could the dip vat at this location during field investigation 2006. If there is one, it is long buried in sand or removed/remediated. There is a windmill and tank with two round areas like corrals in the ground and concrete structures 0.2 mile west of this location.	36.815346	-111.337839				Needs Investigation					04/28/20				
90	SDV084 Leupp #1 El Paso SDV (5-3-1)		The SDV is located 107 miles W or Navajo Rte. N-6932 and 1.65 miles S of Navajo Rte N-15.	35.310091	-110.093225	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). No Further Action. Closure document pending.	2005	No Further Action		2006		Leupp Chapter		01/30/13	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
91	SDV085 Leupp #2 Canyon Diablo SDV (5-3-2)		south of Leupp. The site is located east of windmill 5M-94 and is approximately 5.5 miles west of Arizona State Highway 99	35.204482	-111.036897	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). No Further Action. Closure document pending.	2005	No Further Action		2006				04/28/20				
92	SDV086 Littlewater #1 TM SDV (Well 12R-834)			35.705143	-107.994023				Needs Investigation			Littlewater Chapter		04/28/20				
94	SDV087 Littlewater #2 TM SDV (Well 15B-35)		9 miles SW of Crownpoint, NM; 0.5 miles W-SW of the Chapter house; about 100 ft N of the windmill. 500 ft north of well 15B-35. A chapter questionnaire indicates that it is been removed, and in fact, upon visiting it in the field, this location showed no signs of a dip vat.	35.651392	-108.039419	Bioremediation; Oversight by NSF; BIA, as PRP. Capped with local Virgin soil. Closure report: EMI.	2003	No Further Action		2003	PO Box 1898 Crownpoint, NM 87313-1898	Littlewater Chapter	Hwy 68/Whiteridge Rd. Crownpoint, NM	04/28/20	Restricted	Grazing; No housing development	Land Use Restriction on Public Record; Engineering Control = 1 Ac. Plat Site enclosing SDV work area that contains the revegetated soil cap.	
95	SDV088 Littlewater #3 SDV (Well 15K-338)		6 miles southeast of Chapter, 500 ft north of well 15K-338. Near Casmero Lake.	35.562458	-107.928943	No evidence of sampling.			Needs Investigation			Littlewater Chapter		04/28/20				
96	SDV089 Los Noris SDV		Three SDV is located on BIA 153. S of Mountain View community off BIA 125. The site is in a scrubby/brush field	34.817287	-108.529388	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). Closure document pending.	2002	No Further Action	Find the closure report	None		Ramah Chapter		01/30/13	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
97	SDV090 Lupton #1 SDV		The SDV is located 5.5 miles W of Lupton Chapter House, on I-40 approximately 1.5 miles N of I-40.	35.310963	-109.114745	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). Closure document pending.	2002	No Further Action	Find the closure report	None		Lupton Chapter		01/30/13	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
	Site Name	CERCLIS Number	Physical Location/Notes	Latitude °N	Longitude °W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing address for Non Tribal owners	Inventory Listing Updated	Current Use Status	Suitability Type	Specific, Imposed Institutional Control(s)
126	SDV119 Ojito #2 (8-4-2) SDV		Ojito #2 SDV is located in the Ojito Wash, north of the town of Ojito, Utah. To get to the site travel 23.8 miles north of the intersection of U.S. Highways 160 and 163, in Kayenta, Arizona, on U.S. Highway 163. Turn west on BIA Route 42 toward the town of Ojito and proceed approximately eight miles on a paved road until the road begins to bend to the south. Follow an unpaved road leading to the north for approximately three miles to the site	37.112255	-110.269078	2006 sample data shows toxaphene below the standard in one of the four but doesn't say which. There appears to be no SDV at this location.			Needs investigation					04/28/20			
127	SDV120 Ojito #3 (8-4-3) SDV		Ojito #3 SDV is located approximately 7.5 miles west of U.S. Highway 163, and approximately two miles south of the Arizona/Utah border. However, access to the site is difficult due to the numerous dirt roads which crisscross the area and limit access roads from U.S. Highway 163. ASGC personnel accessed the site by traveling to the Ojito Chapter House in Ojito, Utah, and proceeding southwest on a dirt road into Ojito Canyon. The site is located along the Ojito Wash.	36.970873	-110.330195	2006 sample data shows toxaphene below the standard in one of the four but doesn't say which. There appears to be no SDV at this location.			Needs investigation					04/28/20			
128	SDV121 Ojito #4 (8-4-4) SDV		Ojito #4 SDV is located approximately 1,000 feet northwest of U.S. Highway 163, and approximately 2.1 miles north of Kayenta, Arizona. The site is accessible from an unpaved road which connects to U.S. Highway 163, approximately three miles south of the Arizona/Utah border.	36.954231	-110.207942	2006 sample data shows toxaphene below the standard in one of the four but doesn't say which.			Needs investigation					04/28/20			
129	SDV122 Peach Spring SDV		Database notes indicate the possibility of two SDVs at this location. AEA Coyote Canyon SDV	35.794982	-108.530703	In 2002 toxaphene was above the action level.			Needs investigation			Coyote Canyon Chapter?		04/28/20			
130	SDV123 Pine Springs #1 SDV		I-40 exit 367, N 9.5 miles on Rte.12 to Oak Springs, T73N/R79E. 3 miles north of Pine Springs School, could also be 7 miles north of Pine Springs well # 187-569 (possibly same direction). There were 3 remediation cells, 1 SDV.	35.414428	-109.282582	Bio remediation. Federal On Scene Coordinator (FOSC) Robert Mandel provided analytical results. Remaining soil underneath has toxaphene concentrations less than the cleanup goal. No closure document. Last sample analyzed on 12/05/94.	1994	No Further Action	Find the closure report	None		Oak Springs Chapter		04/28/20	Restricted	Grazing. No housing development	Land Use Restriction on Public Record.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	
	Site Name	CERCLIS Number	Physical Location/Notes	Latitude *N	Longitude *W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing address for Non Tribal owners	Inventory Listing Updated	Current Use Status	Suitability Type	Specific Proposed Institutional Control(s)	
7	SDV128 Poverty Tank SDV		It had a remediation cell. Not in the original database for some reason but had a map and one reference to a Phase II sampling event. This SDV was not in the original database of dip vats but has been added. This plots to the location of SDV026.	35.781788	-111.52215	Bioremediation, Federal On Scene Coordinator (FOSC) Robert Mandel provided analytical results. Remaining soil underneath has tospahene concentrations less than the cleanup goal. No closure document. Last sample analyzed on 11/94. Last sample 2005. NSF notes. In 1994 remediation cell was not sampled.			Pending further assessment					04/28/20	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
135																		
136	SDV129 Pueblo Pinado SDV		The SDV is located N of the Pueblo Pinado Chapter House off Navajo Rte N-46, past the intersection of N-9. The site is on a dirt road and driveway less than 3 miles NE of Navajo Rte N-46 in an active grazing area. 2.1/2 miles northeast of Chapter; 500 ft west of well 19R-289	35.978213	-107.604116	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). Closure document pending.	2002	No Further Action	Find the closure report	None		Pueblo Pinado Chapter		04/28/20	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
137	SDV130 Ramah Chapter House SDV		The SDV at the Ramah Chapter House in Mountain View has been razed. The site is located adjacent to the Ramah Chapter House. The debris from the airport is believed to have been placed in a pile near the original location.	34.996896	-108.410901	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). Closure document pending.	2002	No Further Action	Find the closure report	None		Ramah Chapter		01/30/13	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
138	SDV131 Ramah SDV	NND986669125	0.5 mile E of Pinehill High School. Same SDV125 and SDV058; Hard Ground.	34.888197	-108.407502	See SDV059 Hard Ground.			Find the closure report		Route 2, Box 13 Ramah, NM 87321	Ramah Chapter		01/29/13	Restricted		Land Use Restriction on Public Record.	
139	SDV132 Ramah W12 SDV		10 miles south of Chapter 400 ft south of well 12. Well 12 was not found in the field investigation of 2006. There may be a DV wherever well 12 is located.	0	0				Find this SDV					04/28/20				
140	SDV133 Ramah W5 SDV		There is a survey Log-Site Reconnaissance sheet for this SDV but no other mention of it.	0	0				Find this SDV					04/28/20				
141	SDV134 Ramah W8 SDV		10 miles southeast of Chapter 200 ft west of well 8. Vat may be remediated. No vat actually found in the field investigation of 2006. There is a well and corrals at the location of the diving directions. Entered the coordinates accordingly.	34.825647	-108.297345				Needs investigation					04/28/20				

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Site ID	Site Name	CERCLIS Number	Physical Location/Notes	Latitude *N	Longitude *W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing address for Non Tribal owners	Inventory Listing Updated	Current Use Status	Suitability Type	Specific, Proposed Institutional Control(s)	
157	SDV150 San Juan SDV		The SDV is located 1 mile N of Navajo Rte N-36. The site is situated within a fenced area of the Navajo Nation Storage Yard at San Juan. There are several residential structures located N of the storage yard.	36.736815	-108.496119	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). Closure document pending. Although 39 ppm in two samples and elevated in others.			Pending further assessment.			San Juan Chapter		01/30/13	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
158	SDV151 Sanostee SDV		5 miles east and 1 mile north of junction roads #5016, 5010, and 5012. Junction is 3 miles north of Chapter House. Did not find this vat in the 2006 field investigations. Same as SDV177.	36.50262	-108.787639	The 2002 sampling event showed tospahene below the standard. See SDV177.	2002	No Further Action	Find the closure report	None								
159	SDV152 Sanostee BV SDV		12 miles north of chapter or 12 miles west of Chapter House. We did not find this vat in the 2006 field investigations.	36.421788	-109.102028	See SDV097			Needs investigation									
160	SDV153 Sanostee Hidden Valley SDV		12 crow miles west of Sanostee is SDV097. It is the same as SDV097.	36.271281	-109.003333	The 2003 Phase 2 showed tospahene well above the action levels.			Needs remediation									
161	SDV154 Sawmill SDV		To reach Sanostee Hidden Valley, drive Navajo Rte. 12 N until just past mile marker 61. Turn right on BIA R2800 and go 4.9 miles. A right on this road leads to the valley.	36.00835	-109.185017	Bioremediation; Oversight by NSF; BIA, as PRP with OA Systems as subcontractor; Capped with local Virgin soil. Closure Document Pending approval. Last sample analyzed 08/15/05.	2004	No Further Action	Find the closure report	None	PO Box 171 Sawmill, AZ 86549-0171	Sawmill Chapter		04/28/20	Restricted	Grazing; No housing development	Land Use Restriction on Public Record; Engineering Control = 1 Ac. Plot Size enclosing SDV work area that contains the revegetated soil cap.	
162	SDV155 SE of Smith Lake Chapter SDV		The SDV is located in a valley several hundred yards W of State Hwy 271, and S of Maritano Lake Rd.	35.493948	-108.126168	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). Closure document pending.	2002	No Further Action	Find the closure report	None		Smith Lake Chapter		04/30/13	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
163	SDV156 Sheepsprings SDV		The SDV is located N of State Hwy 134, E of Hixsona Pass at a turnout posted at Cottonwood Pass/Oak Springs Rd. The site is in an area with various structures. However, most appear vacant, including the abandoned former chapter house. The area is wooded. The original coordinates were miscalculated. The alternative coordinates were miscalculated. The rootless old chapter house reference allowed me to find it on google earth.	36.114583	-108.841722	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). Closure document pending.	2003	No Further Action	Find the closure report	None		Sheepsprings Chapter		01/30/13	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	
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7	Tohatchi Bioremediation Pit #1, #2, #3, and #4 SDV		W of the road by 0.05 mile; Hwy 491 between Giant and Chevron at Tohatchi, NM.	35.850499	-108.757855	Bioremediation, Federal On Scene Coordinator (FOSC) Robert Mandel provided analytical results. Remaining soil underneath has tospahene concentrations less than the cleanup goal. No closure document. Last sample analyzed on 12/02/94.	1994	No Further Action	Find the closure report	None	PO Box 1236 Tohatchi, NM 87335	Tohatchi Chapter		04/22/10	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
186																		
187	Tohatchi-Oak Springs #1 SDV	NND986669646	The SDV is located approximately 0.5 mile E of US Hwy 491 0.8 mile N of mile post 22 on the S side of the community of Tohatchi.	35.844307	-108.746882	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). Closure document pending.	2002	No Further Action	Find the closure report	None		Tohatchi Chapter		04/28/20	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
188	Tohatchi-Oak Springs #2 SDV		The SDV is 7.6 crow miles NNE of Tohatchi.	35.967672	-108.774366				Needs investigation									
189	Tohatchi Lake (S-1-1) SDV		The SDV is located approximately 50 yards from Navajo Rte N-15.	35.434079	-110.84954	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). Closure document pending.	2002	No Further Action	Find the closure report	None		Tohatchi Chapter		04/28/20	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.	
190																		
191	Tohatchi Lake (S-1-2) SDV		The SDV is located NW of Tolant Lake, AZ. To get to the site travel north on BIA Rte 2 from Leupp, AZ, for 13.4 miles. BIA Rte 2 will veer to the NE, but continue N on an unpaved road which gradually bends to the NW. At approximately 10 miles you will cross the Dinnebito Wash. Continue approximately one more mile to the next wash near Tis Hokonl. On foot, follow this wash approximately 0.8 mile to the SW to where it intersects with the Dinnebito Wash and continue down the wash to the SW for another 0.4 miles to the site.	35.52956	-111.068398	Soil samples were collected from around the dip vat area and within the corrugated structure. All Phase I soil sample results did not exceed the screening criteria. Therefore, a Phase II investigation and additional sampling was not conducted.	2005	No Further Action		2006		Tolant Lake Chapter		04/28/20				
192																		
193	Tolant Lake (S-1-3) SDV		Map and picture in the file. Nothing else.	35.718315	-110.929268				Needs investigation					04/28/20				
194	Tony Tiosie Torreon SDV		Approximately 2 miles E of Fort Defiance maybe on Coalmine Rd.	35.727454	-109.027625	The 1996 sampling event showed tospahene elevated but below the action level.			Needs investigation					04/28/20				

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	Site Name	CERCLIS Number	Physical Location/Notes	Latitude *N	Longitude *W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing address for Non Tribal owners	Inventory Listing Updated	Current Use Status	Suitability Type	Specific, Imposed Institutional Controls(s)	
202																		
203	SDV195 Whippooswill SDV		0.2 SE WJ 1 mile east of Chapter uses well 41-550, vat could not be found. Found the well (probably) on Google Earth.	36.007488	-110.061203	While the Whippooswill dip vat did not qualify for remedial site assessment under CERCLA, remedial action may have been initiated on this dip vat in 1995 by Region 9's Removal Program. Samples taken exceeded the minimum for clean up according to one document. A site visit in 2006 did not find the vat at its supposed coordinates. An assumption can be made that it has been remediated. The study from the probable bioremediation in the files.	2002	No Further Action	Find the closure report					04/28/20				
204	SDV196 White Rock La Vida Mission SDV		The SDV is located adjacent to La Vida Mission to the west. The mission is west of ISP-137.	36.092846	-108.276121	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm totalphene). Closure document pending.	2002	No Further Action	Find the closure report	None		Whiterock Chapter		01/30/13	Restricted	Grazing, No housing development	Land Use Restriction on Public Record.	
205	SDV197 White Rock SDV		The SDV is located 0.6 mile N of mile post 54 on US Hwy 371 at Lake Valley Store, 8 miles W of the hwy on County Rd. 7745. The site is 3 miles S of County Rd. 7745.	36.160458	-108.277393	Removal. Future planned school construction. Closure document pending. There is a hard copy of the closure report somewhere in the files. It was not scanned due to budgetary constraints.		No Further Action	Find the closure report	None	PO Box 3338 Whitecone, AZ 86031	Whitecone Chapter	Hwy 77 North, Whitecone, AZ	04/28/20	Restricted	Grazing planned parking lot pavement; No bldg construction	Land use restricted on Public Record.	
206	SDV198 Whitecone SDV North SDV		2 miles N of the Chapter, just E of Hwy 77/BIA Rte 6. 3/4 W WCJ/A W WC or SW corner of Range Unit 513 3/4 south of Old Whitecone.	35.60346	-110.067496	Removal. Future planned school construction. Closure document pending.		No Further Action	Find the closure report		PO Box 3338 Whitecone, AZ 86031	Whitecone Chapter	Hwy 77 North, Indian Wells, AZ	04/28/20	Restricted	Grazing planned parking lot pavement; No bldg construction	Land use restricted on Public Record.	
207	SDV199 Whitecone SDV South SDV		2 miles N of the Chapter, just E of Hwy 77/BIA Rte-6. 3/4 W WCJ/A W WC or SW corner of Range Unit 513 3/4 south of Old Whitecone.	35.603575	-110.067496			No Further Action	Find the closure report						Restricted			

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
	Site Name	CERCLIS Number	Physical Location/Notes	Latitude *N	Longitude *W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing address for Non-Tribal owners	Inventory Listing Updated	Current Use Status	Suitability Type	Specific, Imposed Institutional Control(s)
207	SDV200 Whitehorse Lake #1 SDV		The SDV is located S of Navajo Rte N-9, approximately 0.75 mile E of the Whitehorse Lake Chapter House driveway and State Hwy 509 Intersection.	35.839287	-107.671906	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). Closure document pending. Never the less, a 2002 sampling event was conducted. Tospahene was indicated but below the action level.	2002	No Further Action	Find the closure report	None		Whitehorse Lake Chapter		04/28/20	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.
208	SDV201 Whitehorse Lake #2 SDV		The SDV is located S of Navajo Rte N-9, approximately 0.75 mile E of the Whitehorse Lake Chapter House driveway and State Hwy 509 Intersection. The site is in a wide, sparsely vegetated plain.	35.838396	-107.672488	Phase 1 assessment complete. Samples did not exceed screening criteria (40 ppm tospahene). Closure document pending. Never the less, a 2002 sampling event was conducted. Tospahene was ND in every sample.	2002	No Further Action	Find the closure report	None		Whitehorse Lake Chapter		04/28/20	Restricted	Grazing; No housing development	Land Use Restriction on Public Record.
209	SDV202 Wide Ruins SDV	IN0983469869	Located SE of the Wide Ruins Chapter House. The Wide Ruins Loop road passes within 400 feet of the site. Could be the same as Wide Ruins/Klagetoh SDV	35.417178	-109.492434	Per NSF: Pending Further Assessment. Further assessment: The 2002 sampling event indicated elevated tospahene but below the standard. The SDV was remediated through removal and confirmatory sampling in 2005	2005	No Further Action		2005	PO Box 208 Chambers, AZ 86502	Wide Ruins Chapter		04/28/20	Restricted		Land Use Restriction on Public Record.
210	SDV203 Wide Ruin/Klagetoh SDV		16.2 miles N of Chambers. Approximately 22.4 miles S of Gansado; 250 ft. W of Wide Ruins Loop Rd off of Hwy 191. The description is in the location section of the 2005 removal report for SDV202. Could be the same as SDV202.	0	0	Removal: Oversight by NSF; BIA, as PPP with ASGC as subcontractor. Capped with local virgin soil. Closure Document Pending approval. Last sample analyzed 11/05/04.			Find this SDV		PO Box 1019 Gansado, AZ 86505-1019	Klagetoh Chapter		04/28/20	Restricted	Grazing; No housing development	Land Use Restriction on Public Record; Engineering Control = 1 Ac. Plat Site enclosing SDV work area that contains the revegetated soil cap.
211	SDV204 Yellow Hair Windmill SDV		12 miles W of BIA Rte N-6 (Hwy 77); with access from an unpaved road. Located approximately 13.6 miles S of Hwy 264.	35.559641	-110.186728	Removal: Oversight by NSF; BIA, as PPP with ASGC as subcontractor. Capped with local virgin soil. Closure Document Pending approval. Last sample analyzed 012/24/04.	2004	No Further Action		2005	PO Box 3338 Indian Wells, AZ 86031-3338	Whitecone Chapter		01/08/06	Restricted	Grazing; No housing development	Land Use Restriction on Public Record; Engineering Control = 1 Ac. Plat Site enclosing SDV work area that contains the revegetated soil cap.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
Site ID	Site Name	CERCLIS Number	Physical Location/Notes	Latitude *N	Longitude *W	Project Description	Last Year Sampled	NFA?	Action Required	Closure Report Date	Address	Owner/Operator	Physical Address for Chapter Houses; Mailing address for Non Tribal owners	Inventory Listing Updated	Current Use Status	Subsidiary Type	Specific Proposed Institutional Controls
232	Pilon McGee Trading Post Completed 8-31-2011		205 miles off of N-65 on N-67, Pilon, AZ	39°54'62.269	109°33'42.9	ESA completed 11/21/07 by ASGC of NM. Fire occurred on 5/18/07 then reignited on 5/19/07 before being fully extinguished. Reassessment required after the fire. USEPA contractor will perform Phase I and II by 8/31/10 for cleanup planning and property redevelopment. Almost certainly	2007	No Further Action	Confirm the NFA		PO Box 1004 Pilon, AZ 86510	Whippoorwill RBD0		04/26/10	Restricted	Redevelopment after cleanup	Fenced by RBD0. Land use restriction on Public Record.
233	Arizona Public Service Company-Cameron Substation Completed 6-14-2005	NND982400079	The 2 acre site is approximately 3 miles S of Cameron, AZ and 0.75 mile W of Hwy 89.	35 50' 16"	111 26' 15"	A 1991 PA was conducted by NSF for an alleged PCB spill. Small spills occurred in the past but each was remediated with State oversight. USEPA granted.	1992	No Further Action	No Further Action		Coconino County Cameron, AZ	Arizona Public Service Company	PO Box 83999 Phoenix, AZ 85072-53999	03/23/92	Restricted, fenced	Industrial-Electric Substation	Build no housing in the vicinity of the facility.
234	Ganado Community Dump	NND983469883	Approx. 3 mi NE Ganado, AZ, 10 acre site west of Rt. 27 & 3 mi N of Hwy 264	36° 12' 17"	109° 33' 45"	Chapter government had it reclaimed.	1/1/2015		Needs Investigation		PO Box 188 Ganado, AZ 86505	Apache County, AZ	Ganado Chapter	04/28/20	Land restriction to industrial use and on public land		Reclaimed by Chapter government
235	El Paso Natural Gas Compressor Station	NND000118306	4.5 mi W of Leupp, AZ. The 118 acre site is one of many stations that keeps natural gas flowing by supplying pressure to pipeline. Cleanup was on unlined impoundment ponds which collected blowdown liquids from onsite cooling towers	35° 22' 20"	111° 10' 45"	EPNG cleaned up contaminants & disposed of it at certified landfill.	1/1/2015		Needs Investigation		CPO Box 5428 Leupp, AZ 86035	Coconino County, AZ	Leupp Chapter	04/28/20			Cleaned up by responsible party
236	Arizona Public Service Company-Cameron Substation	NND982400079	The 2 acre site is approximately 3 miles S of Cameron, AZ and 0.75 mile W of Hwy 89.	35 50' 15"	111 26' 15"	A 1991 PA was conducted by NSF for an alleged PCB spill. Small spills occurred in the past but each was remediated with State oversight. USEPA granted No Further Action in 1992.	1992	No Further Action			Coconino County Cameron, AZ	Arizona Public Service Company	PO Box 83999 Phoenix, AZ 85072-53999	06/14/05	Restricted, fenced	Industrial-Electric Substation	Build no housing in the vicinity of the facility.

Navajo Nation Environmental Protection Agency Brownfield Environmental Remediation Fund Priority Ranking Process

A brownfield site inventory is a planning tool. The Navajo Environmental Protection Agency (Navajo EPA) Brownfields Program has developed a comprehensive, publicly accessible inventory of known Brownfields sites within the Navajo Nation. At its most basic, this inventory should be a list of all Brownfield sites within the boundaries of the Navajo Nation. The Brownfields Program's inventory takes the form of a simple spreadsheet. It is a living document and maintaining and updating it are requirements of the USEPA 128(a) grant that funds the program. The Brownfields Inventory must be updated at least yearly.

When selecting a Brownfields site to be cleaned up in preparation for redevelopment* using the Environmental Remediation Fund, the Environmental Remediation Fund Priority Ranking Criteria must be considered.

The Navajo EPA Brownfields Program will select sites for cleanup using Priority Ranking Criteria. Also, communities may apply to the Navajo EPA Brownfields Program with sites for consideration whether or not they are not on the Brownfields Inventory. Communities must form a stakeholders committee to petition the Navajo EPA Brownfields Program Manager or the appropriate Navajo EPA Division or Department Manager, with members from local businesses and community groups. These groups will bring transparency to this process, along with the community's differing perspectives.

Environmental Remediation Fund Priority Ranking Criteria

Criteria:

- 1) Contamination
 - a) Is a site known to be contaminated?
 - i) Has the site already begun the contamination investigation and assessment process?
 - ii) Known contamination type(s), danger, and extent.
 - iii) Transportation of contamination via groundwater, soil, wind, and other means.
 - b) Suspected contamination?
 - i) Can one infer, based on prior site activities, that a site is at low or high risk for contamination?
- 2) Geographic regional floodwater, wind, and other erosional effects.
 - a) Proximity to housing, pasture, and recreation areas.
- 3) Existing land use.
- 4) Cultural resources in the area.
- 5) Infrastructure:
 - a) Whether the site has the necessary infrastructure for redevelopment at or nearby, including:
 - i) roads
 - ii) utilities
 - iii) drainage.
- 6) Location: Whether the site is in a desirable location for redevelopment such as
 - a) Close to amenities
 - b) Close to recreation areas.
 - c) High-tourist corridor areas.
- 7) Geographic region
 - a) Already part of a defined township, withdrawn area, or other redevelopment area?
 - b) A blighted section of a community?

Other things to consider.

- 1) Existing land use
- 2) Predominantly residential areas?
- 3) Commercial areas?
- 4) Proximity to sensitive cultural locations?
 - a) Are sites near schools and parks?
 - b) Archaeological cultural resources?
- 5) Natural resources
 - a) Useful to protect a wetland?
 - b) Is there a nearby stream or lake?

Using The Navajo EPA Brownfields Program's Brownfields Site Inventory to prioritize/Rank sites.

Once the most important criteria are determined, move to prioritization or ranking of the sites.

Assign a numeric value to each of the above criterion.

Example. Using the proximity of a site to a popular recreation area as the criterion.

- If a site adjoins a campground, lake, trail system, or other recreation area it's assigned a value of 5.
- Within 250 feet (ft) = 4.
- Within 500 ft = 3.
- Within 750 ft = 2.
- Greater than 1,000 ft = 1.

Expand and rank each of the criteria similarly. Then sum the numeric values for each site and sort from highest to lowest.

Now there is a prioritized Brownfields site inventory!

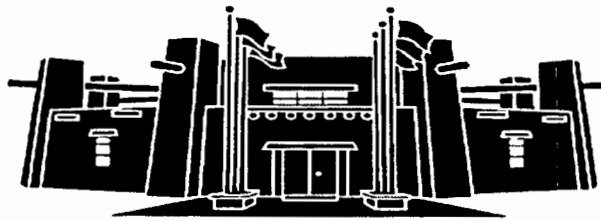
Benefits to having a prioritized Brownfields site inventory.

- Ability to quickly select a site if investigation and remediation funds become available.
- Confidence that the limited funds are being spent investigating and cleaning up the sites that are most important to the community.
- Ability to point to an objective methodology if community members ask why a particular site was (or wasn't) chosen.
- Finally, having help from a steering committee of stakeholders can lead to greater buy-in from the larger community. Projects are more successful when everyone's interests are aligned towards the same result.

References:


- Fund Management Plan, Hazardous Substances Fund, Navajo Nation EPA, January 4, 2011.
- USEPA Office of Solid Waste and Emergency Response Hazard Ranking System Guidance Manual Publication 9345.1-07, PB92-963377, EPA 540-R-92-026, November 1992.

* Redevelopment is defined as all of the usual redevelopment goals intrinsic to Brownfields redevelopment but is also defined as simply being returned to a state of being before the land was contaminated.



MEMORANDUM

TO: Hon. Andy Nez, Member
Health, Education, and Human Services Committee
25th Navajo Nation Council

FROM: 
Luralene D. Tapahe, Principal Advocate
Office of Legislative Counsel

DATE: July 2, 2024

RE: **AN ACT RELATING TO THE LAW AND ORDER COMMITTEE, THE HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE, THE RESOURCES AND DEVELOPMENT COMMITTEE, THE BUDGET AND FINANCE COMMITTEE, AND THE NAABIK'YATI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; ESTABLISHING THE "NAVAJO NATION ENVIRONMENTAL REMEDIATION FUND" AND APPROVING A 2% ANNUAL SET-ASIDE FROM THE GENERAL FUND TO PAY FOR REMEDIATION ACTIVITIES AT CONTAMINATED SITES LOCATED ON THE NAVAJO NATION**

Per your request, the Office of Legislative Counsel has prepared the above-described proposed legislation. OLC finds this draft to be legally sufficient, but as with any action of the Navajo Nation government, it can be challenged under applicable laws.

This legislation will be assigned to the appropriate Standing Committees of the Navajo Nation Council in accordance with the Speaker's authority under title 2 of the Navajo Nation Code.

Please review this legislation and its exhibits, to make sure that everything is satisfactory and in order. You should contact me immediately if any edits are needed, or if you have any questions or concerns. I can be reached at the Office of Legislative Counsel at (928) 871-7166 or via email at luralenetapahe@navajo-nsn.gov.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0149-24_

SPONSOR: Dr. Andy Nez

TITLE: An Act Relating to the Law and Order Committee, the Health, Education, and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabik'iyáti' Committee, and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-Aside from the General Fund to Pay for Remediation Activities at Contamination Sites Located on the Navajo Nation

Date posted: July 02, 2024 at 7:54PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0149-24

SPONSOR: Honorable Andy Nez

TITLE: An Act Relating to the Law and Order Committee, the Health, Education, and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabik'iyáti' Committee, and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-Aside from the General Fund to Pay for Remediation Activities at Contamination Sites Located on the Navajo Nation

Posted: July 02, 2024 at 7:54 PM

5 DAY Comment Period Ended: July 07, 2024

Digital Comments received:

Comments Supporting	1. Natanya Garnenez
Comments Opposing	None
Comments/Recommendations	None



Legislative Secretary II
Office of Legislative Services

July 08, 2024; 8:36AM
Date/Time

Reply all | Delete Junk | ...



Comment to Support Legislation No. 0149-24 sponsored by Dr. Andy Nez



Natanya Garnenez

Yesterday, 9:12 PM

comments

Reply all |

Inbox

Dear Honorable Delegates of the 25th Navajo Nation Council,

I, Natanya Y. Garnenez, fully encourage the honorable Delegates of the 25 Navajo Nation Council to support approval of Legislation No. 0149-24 to establish a new Fund to pay for environmental remediation at the sites across the Navajo Nation, with an annual 2% set-aside from the General Fund.

I am a life-long resident and active community member of the Red Lake #18 Chapter. It is in our best interest to support this legislation to help clean-up the former Navajo Forest Products Industry (NFPI) contaminated site.

If you have any questions, please do not hesitate to contact me by email.

Thank you,

Natanya Y. Garnenez
Active Red Lake #18 Community Member

WARNING: External email. Please verify sender before opening attachments or clicking on links.

**LAW AND ORDER COMMITTEE
25TH NAVAJO NATION COUNCIL**

SECOND YEAR 2024

COMMITTEE REPORT

Madame Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0149-24: An Act Relating to the Law and Order Committee, the Health, Education, and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabik'iyati' Committee, and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-Aside from the General Fund to Pay for Remediation Activities at Contaminated Sites located on the Navajo Nation – Sponsor: Honorable Andy Nez

Has had it under consideration and reports a DO PASS with no amendment (Consent Agenda).

And thereafter referred to Health, Education and Human Services Committee.

Submitted,



Eugenia Charles-Newton, Chairperson
Law and Order Committee
25th Navajo Nation Council

Date: July 08, 2024

Main Motion:

Motion : Honorable Steven Arviso
Second : Honorable Nathan Notah
Vote : 3-0-2

**LAW AND ORDER COMMITTEE
25TH NAVAJO NATION COUNCIL**

**Regular Meeting
July 08, 2024**

Legislation No. 0149-24: An Act Relating to the Law and Order Committee, the Health, Education, and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabik'iyati' Committee, and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-Aside from the General Fund to Pay for Remediation Activities at Contaminated Sites located on the Navajo Nation – Sponsor: Honorable Andy Nez

CONSENT AGENDA

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Steven Arviso

Second: Honorable Nathan Notah


Yea: Honorable Cherilyn Yazzie, Honorable Steven Arviso, Honorable Nathan Notah

Nay: None

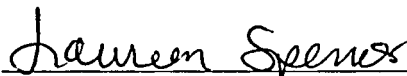
Not Voting: Honorable Eugenia Charles-Newton

Excused: Honorable Herman M. Daniels, Jr.

Absent: None



Eugenia Charles-Newton, Chairwoman
Law and Order Committee
25th Navajo Nation Council



Laureen Spencer, Legislative Advisor
Office of Legislative Services

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
25TH NAVAJO NATION COUNCIL

SECOND YEAR 2024
COMMITTEE REPORT

Madame Speaker,

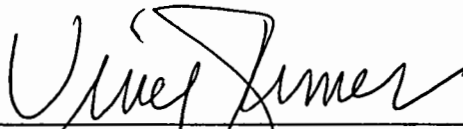
The **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE** to whom has been assigned:

Legislation No. 0149-24: An Act Relating to the Law and Order Committee, the Health, Education, and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabik'iyáti' Committee, and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-Aside from the General Fund to Pay for Remediation Activities at Contamination Sites Located on the Navajo Nation

Sponsor: Delegate Andy Nez

Has had it under consideration and reports a Do Pass with no amendments and thence refers the legislation to the Resource and Development Committee.

Respectfully submitted,



Honorable Vince R. James, Chairperson
Health, Education and Human Services Committee
25th Navajo Nation Council

Date: July 8, 2024

Main Motion:

Motion: Honorable George Tolth

Second: Honorable Andy Nez

Vote: 2-1-3

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
July 8, 2024

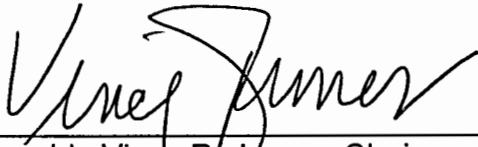
Legislation No. 0149-24: An Act Relating to the Law and Order Committee, the Health, Education, and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabik'iyáti' Committee, and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-Aside from the General Fund to Pay for Remediation Activities at Contamination Sites Located on the Navajo Nation

Sponsor: Delegate Andy Nez

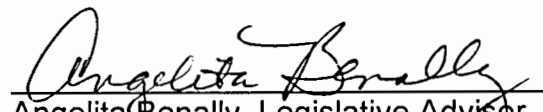
VOTE TALLY:

Main Motion:

Motion: Honorable George Tolth
Second: Honorable Andy Nez
Yea: Honorable Andy Nez; Honorable George Tolth
Nay: Honorable Curtis Yanito
Not Voting: Honorable Vince R. James (Presiding)
Excused: Honorable Germaine Simonson; Delegate Germaine Simonson
Absent:
Vote: 2-1-3



Honorable Vince R. James, Chairperson
Health, Education and Human Services Committee
25th Navajo Nation Council



Angelita Benally, Legislative Advisor
Health, Education and Human Services Committee
Office of Legislative Services

**RESOURCES AND DEVELOPMENT COMMITTEE
25th NAVAJO NATION COUNCIL**

SECOND YEAR 2024

**COMMITTEE REPORT
(CONSENT AGENDA)**

Madam Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION #0149-24: AN ACT RELATING TO THE LAW AND ORDER COMMITTEE, THE HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE, THE RESOURCES AND DEVELOPMENT COMMITTEE, THE BUDGET AND FINANCE COMMITTEE, AND THE NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; ESTABLISHING THE "NAVAJO NATION ENVIRONMENTAL REMEDIATION FUND" AND APPROVING A 2% ANNUAL SET-ASIDE FROM THE GENERAL FUND TO PAY FOR REMEDIATION ACTIVITIES AT CONTAMINATION SITES LOCATED ON THE NAVAJO NATION. Sponsor: Honorable Andy Nez

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter the legislation was referred to the Budget and Finance Committee.

Respectfully submitted,



Casey Allen Johnson, *Vice-Chairperson*
Resources and Development Committee of
the 25th Navajo Nation Council

Date: July 08, 2024 – Regular Meeting (Mentmore, New Mexico)

Location: Navajo Division of Transportation – #16 Old Coalmine Road – Mentmore, New Mexico 87319

Consent Agenda Motion:

M: Otto Tso

S: Rickie Nez

V: 4-0-1

In Favor: Shawna Ann Claw; Rickie Nez; Danny Simpson; Otto Tso

Opposition: None

Excused: Brenda Jesus

Not Voting: Casey Allen Johnson, *Vice-Chairperson*

(NOTE: VOTE TALLY attached hereto)

**RESOURCES AND DEVELOPMENT COMMITTEE
25th NAVAJO NATION COUNCIL**

SECOND YEAR 2024

**ROLL CALL
VOTE TALLY SHEET
(CONSENT AGENDA)**

LEGISLATION #0149-24: AN ACT RELATING TO THE LAW AND ORDER COMMITTEE, THE HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE, THE RESOURCES AND DEVELOPMENT COMMITTEE, THE BUDGET AND FINANCE COMMITTEE, AND THE NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; ESTABLISHING THE "NAVAJO NATION ENVIRONMENTAL REMEDIATION FUND" AND APPROVING A 2% ANNUAL SET-ASIDE FROM THE GENERAL FUND TO PAY FOR REMEDIATION ACTIVITIES AT CONTAMINATION SITES LOCATED ON THE NAVAJO NATION. *Sponsor: Honorable Andy Nez*

Date: July 08, 2024 – Regular Meeting (Mentmore, New Mexico)

Location: Navajo Division of Transportation – #16 Old Coalmine Road – Mentmore, New Mexico 87319

Consent Agenda Motion:

M: Otto Tso

S: Rickie Nez

V: 4-0-1


In Favor: Shawna Ann Claw; Rickie Nez; Danny Simpson; Otto Tso

Opposition: None

Excused: Brenda Jesus

Not Voting: Casey Allen Johnson, *Vice-Chairperson*


Honorable Casey Allen Johnson, *Vice-Chairperson*
Resources and Development Committee


Rodney L. Pahe, *Legislative Advisor*
Office of Legislative Services

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0149-24

SPONSOR: Honorable Andy Nez

TITLE: An Act Relating to the Law and Order Committee, the Health, Education, and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabik'iyáti' Committee, and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-Aside from the General Fund to Pay for Remediation Activities at Contamination Sites Located on the Navajo Nation

Posted: July 02, 2024 at 7:54 PM

5 DAY Comment Period Ended: July 07, 2024

Digital Comments received:

Comments Supporting	1) Prestene Garnenez
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



Legislative Secretary II
Office of Legislative Services

July 12, 2024; 10:58 AM
Date/Time


 Reply all |   Delete  Junk |  ...

Legislation 0149-24



Prestene Garnenez

Yesterday, 4:09 PM

comments 

Inbox

Dear Honorable Navajo Nation Council:

I am writing today to support Legislation 0149-24 to establish the Navajo Nation Environmental Remediation Fund where there will be an annual 2% set-aside from the General Fund to pay and/or help pay for remediation activities at contaminated sites on the Navajo Nation. As you may know, all our communities across the Navajo Nation have some sort of contaminated site whether it be abandoned houses that were built with asbestos and lead materials, abandoned gas stations, abandoned stores, etc., or in our case, an abandoned sawmill, the former Navajo Forest Products Industry (NFPI), the first Navajo Nation business enterprise.

Our community has lived with the abandoned and un-remediated former NFPI sawmill site for 30 years! Over the last 30 years, we've seen remediation in fits and starts but ultimately, remediation and/or clean up of the NFPI site remains elusive because of lack of funds. Our community, working with Navajo Nation Environmental Protection Agency, and US EPA, has tried to access funding from the various funding sources available. But due to the complexity of the contamination and the length of time since abandoned which exacerbated the contamination further, the site remains largely unremediated. Federal funds have been accessed in the past and would be great to access again in the future as we believe that having a "match" fund could make a difference in our funding applications. We believe this Environmental Remediation Fund could be very helpful in leveraging more funds to help with assessments and environmental remediation efforts. We are not suggesting that this fund would replace efforts to apply for other external funds either, but rather to help with clean-up of the site.

It also stands to suggest that this fund could help many other Navajo Nation communities that have no other funding sources to address their contaminated site. Grant funding can typically go to a larger more populous community and not rural small towns where environmental impact seems minimal to a federal government agency.

Again, I hope you will support this legislation. Thank you.

Prestene Garnenez
Executive Director
Navajo Townsite Community Development Corporation

Navajo, NM

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0149-24

SPONSOR: Honorable Andy Nez

TITLE: An Act Relating to the Law and Order Committee, the Health, Education, and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabik'iyáti' Committee, and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-Aside from the General Fund to Pay for Remediation Activities at Contamination Sites Located on the Navajo Nation

Posted: July 02, 2024 at 7:54 PM

5 DAY Comment Period Ended: July 07, 2024

Digital Comments received:






Comments Supporting	1) Philene Tyler
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

July 19, 2024; 9:39 AM

Date/Time

 Reply all |   Delete  Junk |  ...

Legislaion No. 0149-24



Philene Tyler

Sat 7/13, 7:35 AM

comments; Philene Tyler

Inbox



Action Items



I, Philene Tyler am writing as a concern community member of Red Lake/Navajo, New Mexico. There was a time when Navajo, New Mexico was known for a successful lumber industry which was Navajo Forestry Product Industry (NFPI). The Navajo Nation was proud of their success until the plant was shut down. Since, the plant shut down, the town of Navajo, New Mexico was left with an eyesore. We're told there are dangerous chemicals left behind that are dangerous to our health, plants, wildlife, herbal plants, farm lands and even to communities downstream.

As our leaders of our Dine Nation, I ask you to please support **Legislation 0149-24**. Help us put our community back to a clean environment and safe and healthy community. We look forward to the day the site is cleaned and our children, grandchildren are not exposed to hazard environment.

Thank you,
Philene Tyler
Navajo, New Mexico

WARNING: External email. Please verify sender before opening attachments or clicking on links.

25th NAVAJO NATION COUNCIL

Second Year 2024

Ms. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0149-24:

An Act Relating to the Law and Order Committee, the Health, Education and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabikiayti Committee and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-aside from the General Fund to Pay for Remediation Activities at Contaminated Sites Located on the Navajo Nation

Sponsor: Andy Nez, Council Delegate

has had it under consideration and reports the same with the recommendation that It **Do Pass** with 1 amendment.

Amendment 1:

1. On page 5, at line 13, delete ~~Promptly upon the effective date of this Act,~~ and replace the deleted wording with Promptly on October 1, 2025,
2. On page 5, at line 16, delete ~~FY2025~~ and insert FY2026.
3. On page 5, at line 20, delete ~~2024~~ and insert 2025.
3. Renumber or re-letter succeeding paragraphs, sections, and exhibits, as necessary and appropriate. The Office of Legislative Services and the Office of Legislative Counsel are authorized to make technical edits to this legislation and its exhibits to implement the Committee's intent. This Amendment supersedes inconsistent language in any other amendment(s), which language shall be conformed to this Amendment.

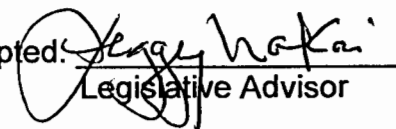
Amendment 1 Motion: Amber K. Crotty Second: Carl R. Slater Vote:5-0 Yeas: Lomardo Aseret, Norman M. Begay, Amber K. Crotty, Carl R. Slater, Lester Yazzie

And, therefore referred to the **NAABIKIYATI** Committee

Respectfully submitted,



Shaandiin Parrish, Chairperson

Adopted: 

Legislative Advisor

Not Adopted: _____
Legislative Advisor

August 6, 2024

The vote was **4** in favor **1** opposed yeas: Lomardo Aseret, Norman M. Begay, Amber K. Crotty,

Lester Yazzie nays: Carl R. Slater

Main Motion: Amber K. Crotty

Second: Lester Yazzie

BUDGET AND FINANCE COMMITTEE

August 6, 2024

Regular Meeting

VOTE TALLY SHEET:

Legislation No. 0149-24: An Act Relating to the Law and Order Committee, the Health, Education and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabikiayti Committee and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-aside from the General Fund to Pay for Remediation Activities at Contaminated Sites Located on the Navajo Nation

Sponsor: Andy Nez, Council Delegate

Motion: Amber K. Crotty

Second: Lester Yazzie

Vote: 4-1, Chairperson not voting, with 1 amendment

Final Vote Tally:

Lomardo Aseret	y	
Norman M. Begay	y	
Amber K. Crotty	y	
Lester Yazzie	y	
Shaandiin Parrish		
Carl R. Slater		n


Shaandiin Parrish, Chairperson
Budget & Finance Committee


Peggy Nakai, Legislative Advisor
Budget & Finance Committee

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0149-24

SPONSOR: Honorable Andy Nez

TITLE: An Act Relating to the Law and Order Committee, the Health, Education, and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabik'iyáti' Committee, and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-Aside from the General Fund to Pay for Remediation Activities at Contamination Sites Located on the Navajo Nation

Posted: July 02, 2024 at 7:54 PM

5 DAY Comment Period Ended: July 07, 2024

Digital Comments received:

Comments Supporting	1) Red Lake Chapter
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

August 15, 2024; 8:17 AM
Date/Time

Arval T. McCabe
PRESIDENT
Roger L James
VICE-PRESIDENT
Loberta Mastach
SECRETARY/TREASURER
Dr. Andy Nez
COUNCIL DELEGATE



Kathleen Shurley
CHAPTER COORDINATOR

Florina Howard
GRAZING COMMITTEE
MEMBER

RED LAKE CHAPTER #18

RLC-07-24-24

RESOLUTION OF RED LAKE CHAPTER #18

Supporting The Establishment Of A “Navajo Nation Environmental Remediation Fund” And Approving 2% Annual Set-Aside From The Navajo Nation General Fund To Pay For Remediation Activities At Contaminated Sites Located On The Navajo Nation

WHEREAS:

1. Pursuant to the N.N.C., Section 3(A), the Red Lake Chapter #18 is a certified chapter of the Navajo Nation as listed under 11 NNC, Part I, Section 10; and
2. The Red Lake Chapter #18, a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, education, safety, and general welfare; and
3. Red Lake Chapter #18 provides multiple public services to the community, including services that directly affect the safety and health of the community; and
4. There are extensive surface water and groundwater contamination at several other former business and industrial sites across the Navajo Nation, which urgently need assessment and remediation for the protection of the public health, that of livestock, and that of sacred plants, herbs, and natural environment; and
5. The Navajo Forest Products Industry (NFPI) in Sawmill, AZ and Navajo, NM serves as two major examples of the many contaminated sites, which urgently need assessment and remediation for the protection of the public health, that of livestock, and that of sacred plants, herbs, and the natural environment; and
6. Such Fund will provide an ongoing source of funding for extensive and long-term remediation projects, and shows the Navajo Nation's firm commitment to protecting and preserving the natural environment for the long-term health and well-being of the Navajo People; and
7. Funds should be used for the purpose of paying for the activities of the Navajo Environmental Protection Agency ("NEPA"), or NEPA's contractors or agents, related to the assessment, cleanup, and remediation of former business and industrial sites located on the Navajo Nation that are contaminated with dangerous chemicals, materials, or substances, and that pose a danger to human health, public welfare, livestock, crops, groundwater, and the natural environment; and
8. No money from this Fund shall be used for assessment, cleanup, or remediation of any facility owned by the federal government or its instrumentalities, or by any state government or its instrumentalities. Notwithstanding, nothing in this Paragraph shall prevent the NEPA from taking

immediate corrective action at a facility where there is no solvent owner or operator or where immediate action is necessary to respond to an imminent and substantial threat to human health, livestock, groundwater, or the environment even if it is owned by the federal or state government.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Red Lake Chapter hereby supports the establishment of a “Navajo Nation Environmental Remediation Fund” and approving 2% annual set-aside from the general fund to pay for remediation activities at contaminated sites located on the Navajo Nation

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by the Red Lake Chapter at a duly called meeting in Navajo, New Mexico (Navajo Nation) at which a quorum was present and that same was passed by a vote of 28 in favor -0- opposed and 01 abstained this **28th** day of **July, 2024**.



Arval McCabe
Chapter President

Motion by: Philene Tyler

Second by: Chrysynthia McCabe-Wilson

**25th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Second Year 2024**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL # 0149-24

An Act Relating to the Law and Order Committee, the Health, Education, and Human Services Committee, the Resources and Development Committee, the Budget and Finance Committee, and the Naabik'íyáti' Committee, and the Navajo Nation Council; Establishing the "Navajo Nation Environmental Remediation Fund" and Approving a 2% Annual Set-Aside from the General Fund to Pay for Remediation Activities at Contamination Sites Located on the Navajo Nation

Sponsored by: Honorable Andy Nez

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



*Honorable Crystalyne Curley, Chairwoman
NAABIK'ÍYÁTI' COMMITTEE*

15 August 2024

MAIN MOTION

Motioned by: Honorable Helena Nez Begay

Seconded by: Honorable Otto Tso

Vote: 11 in Favor, 02 Opposed (Chairwoman Curley Not Voting)

NAVAJO NATION

440

8/15/2024

Naa'bik'iyati' Committee Special Meeting

02:33:06 PM

Amd# to Amd#

New Business: Item A.

PASSED

MOT Begay, H

CONSENT AGENDA

SEC Tso, O

0152-24; #0193-24; #0138-24

#0149-24; #0004-24

Yeas : 11

Nays : 2

Excused : 8

Not Voting : 2

Yea : 11

Arviso, S
Begay, H
James, V

Jesus, B
Johnson, C
Nez, A

Nez, R
Simonson, G
Simpson, D

Tso, O
Yanito, C

Nay : 2

Yazzie, C

Claw, S

Excused : 8

Aseret, L
Begay, N

Charles-Newton, E
Crotty, A

Parrish, S
Slater, C

Tolth, G
Yazzie, L

Not Voting : 2

Daniels, H

Notah, N

Presiding Speaker: Curley, C