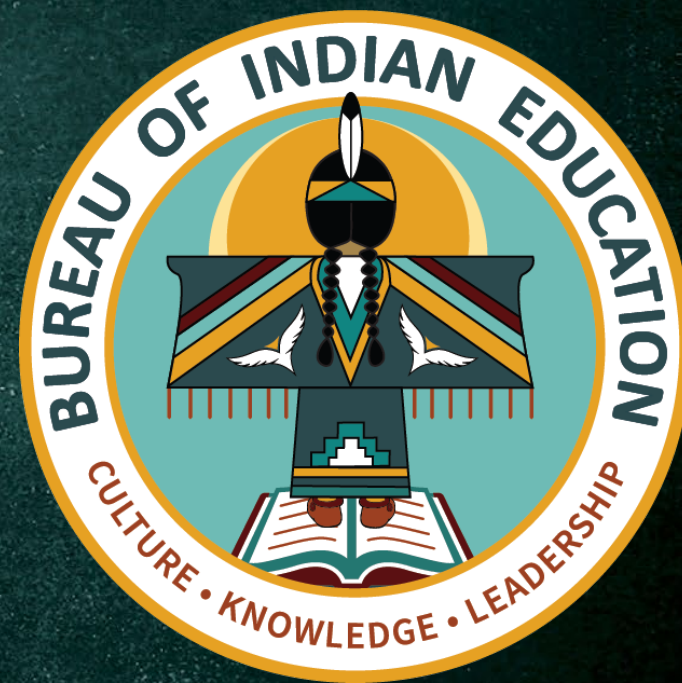




U.S. Department of the Interior
Bureau of Indian Education

.....

LOCATIONS OF CONCERN, ENVIRONMENTAL AND DISPOSAL LIABILITIES, AND DUE CARE





OBJECTIVE

To gain an understanding of how to properly manage locations of concerns and environmental and disposal liabilities (LOCs/EDLs) and properly conduct due care for each LOC/EDL.

MEETING TIPS FOR ONLINE TRAINING

- ▶ 1). Place yourself on “Mute” to prevent background noise.
- ▶ 2). Use the “Chat with all” feature to ask questions.
 - Note: All participants will be able to see your comments or questions.
- ▶ 3). Every participant will receive a certificate of completion.



WHITETAIL ENVIRONMENTAL, LLC

Training Team

- David Gilbert, VP Operations, Project Manager Professional, ISO14001/45001 Lead Auditor
- Andrea Elenz, Project Manager, Lead Environmental Compliance Specialist
- Austin Caughey, Environmental Compliance Specialist
- Ivory Bibbs, Environmental Compliance Specialist
- Jason Vanzant, Environmental Compliance Specialist
- Alissa Surface, Environmental Compliance Specialist
- Brett Odle, Environmental Compliance Specialist





INSTRUCTOR INTRODUCTION

BIE BRANCH OF ENVIRONMENTAL MANAGEMENT (BIE BEM) WHO WE ARE...

Albuquerque Office

John Clymo, Program Manager, Supervisory Environmental Protection Specialist

Candace DeSantis, Lead Environmental Protection Specialist

Karlisa Benally, Environmental Protection Specialist

Priscilla Avila, Environmental Protection Specialist

Henryetta Price, Environmental Protection Specialist

Rochelle Mariano, Program Support Assistant

Bloomington Office

Russell Brigham, Environmental Protection Specialist

Gallup Office

Karmen Billey- Badonie, Environmental Protection Specialist



COURSE AGENDA

- Background
- Locations of Concern (LOC)
- Due Care
- Environmental Disposal Liabilities (EDL)

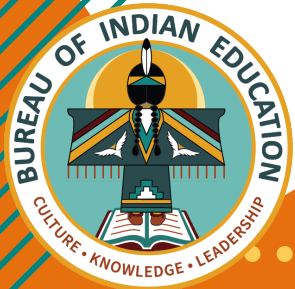


BACKGROUND

- Federal agencies are required to recognize and/or disclose environmental liabilities in their financial statements.
- Department's bureaus are required to report environmental and disposal liabilities quarterly.
- There are two types of environmental and disposal liabilities (EDL) reported by the Department: (1) environmental remediation liability and (2) asbestos cleanup liability
 - ❖ Due Care refers to the legal and ethical obligation of individuals or organizations to act with prudence, diligence, and competence in fulfilling their responsibilities.
 - ❖ Due Care is a foundational concept in environmental management, emphasizing the importance of prudent and diligent action to prevent harm, minimize risks, and ensure compliance with environmental laws and regulations.



LOCATIONS OF CONCERN



WHAT IS A LOCATION OF CONCERN? (LOC)

- A Location Of Concern (LOC) is an area *suspected to be contaminated* based on known past activity(ies) or reported visual observations and where no due care (DC) has been conducted.
- Due Care is the process used by an Environmental Professional to examine a LOC to identify the presence of contamination above action levels.



WHAT IS CONTAMINATION?

- A hazardous substance(s) or petroleum released into the environment that may pose a threat to human health or the environment.
- An observed indication of contamination may be stained soils, leaking containers, stressed vegetation, friable asbestos, or unusual odors.



APPLICABLE LAWS & GUIDANCE

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) implementing regulations are found in the National Contingency Plan (NCP)
- NCP also called the National Oil and Hazardous Substances Pollution Contingency Plan
 - 1st comprehensive system of accident reporting, spill containment and cleanup
 - Clean Water Act - Revised framework to include oil spills
 - Superfund legislation - Broadened Plan to cover releases at hazardous waste sites

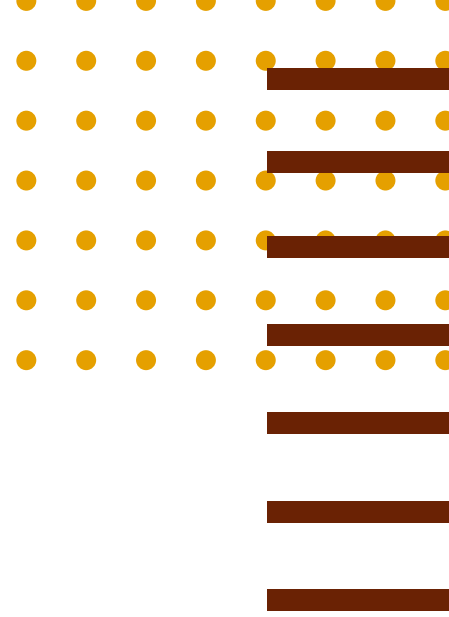
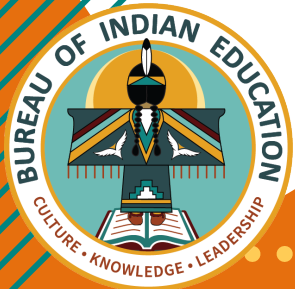


HOW TO IDENTIFY A LOC

- ✓ The following slides are designed to help you recognize the different signs of LOCs.
- ✓ Some slides will give you examples of LOCs.
- ✓ Some slides will show you what is not an LOC.



A LOC MAY BE...



LURKING IN DEBRIS



Most of the waste here may be non-hazardous. However, this site may contain asbestos materials, lead-based paint or other hazardous substances.

When reporting a site, try to estimate the extent of the contamination, but without placing yourself in a potentially dangerous setting.



HAZARDOUS SUBSTANCES STORED IN AN UNSAFE MANNER



Report unlabeled chemicals being stored in an unsafe manner.

Note: try to estimate the number and size of containers, but **do not contact, open or smell contents of the containers.**



A BURN SITE WHERE CHEMICALS WERE RELEASED



Burning chemicals may release hazardous substances from a container or alter it in such a manner as to make it more hazardous.

Due care should be performed at this site.



UNLABELED OR LEAKING BARRELS



Hazardous chemicals maybe
leaching into the ground.

Report the number of drums,
contents (if known), size and
character of the stained soil areas.
**Do not touch or smell the
contents of the drums.**



STAINED SOIL



Stained or discolored soils may indicate the presence of contamination.

Stained soils should be investigated by an environmental professional to determine the toxicity of the substance and the need for remediation.



WHERE *BOTH* CHILDREN UNDER 6 AND LEAD PAINT ARE PRESENT



Report a site if it is known or strongly suspected that lead-based paint is peeling *and* there are small children present on a regular basis.

Note: Report the size and address or number of the building, if known, and estimate of the size of any affected soil areas.



FLUORESCENT TUBES STORED IN LARGE QUANTITIES



Fluorescent lamps contain mercury that is released to the environment when the lamps are broken. Broken lamps must be disposed as hazardous waste by an authorized waste hauler. Large quantities still have to be removed properly.



A STORAGE AREA WITH STRESSED VEGETATION



Stressed vegetation is often a reaction to a substance leaching into the soil and causing the vegetation to react.

Note: Some of the drums are also not labeled and could be hazardous waste. Without labeling, testing may need to be conducted to determine hazardous properties for proper disposal and clean-up considerations.



WHERE PETROLEUM FINDS IT'S WAY INTO THE SOIL



The concern is not the oil on the floor, but the hydraulic oil reservoir in the floor that must be filled on a regular basis to maintain fluid pressure. This indicates a possible sub floor leak of hydraulic fluid to the environment.

If known, report the size of the reservoir and the amount of fluid that must be added on a regular basis.



INDICATED BY UNDERGROUND PIPES STICKING OUT



Underground tanks may not be leaking, but it is always best to report them so they may be investigated.

Report any information you have on the size, age, and location of the tank. Report any observations that would cause you to believe it might have leaked or be leaking.



ASBESTOS THAT HAS BECOME BRITTLE & CRUMBLES



The asbestos is not labeled and appears to be brittle and crumbling (friable) and in poor condition.

Include as much information about the asbestos and its location as possible, but do not get close to the asbestos.

If you notice a problem with asbestos-containing materials or assumed asbestos, contact your school's designated person to coordinate evaluation and reporting.



A DRAIN



This is not an LOC.

At this site, water is discharged into a water separator before surface discharge and is used for washing soil from vehicles. No engine or oily equipment degreasing occurs here.

If the drain had been oil-stained and the discharge was not through an oil-water separator, the wash rack and the associated discharge area would be considered a LOC.



LOCS CAN BE ANYWHERE

- Outside, around buildings/shops, anywhere there is stressed vegetation or stained soils, unlabeled containers
- Inside, in basements, supply closets, workshops or storage buildings
- Subsurface, tanks, pipes, disposal sites



WHO IS RESPONSIBLE FOR IDENTIFYING LOCS?

- You as an employee, no matter where you work on BIE property, are responsible for identifying possible contamination.
- You must report any spills, releases, or conditions that you suspect may be a release of harmful contamination as a possible location of concern.



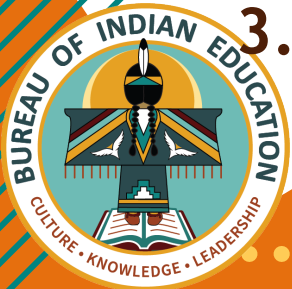
WHO ELSE IS RESPONSIBLE?

- Property/facility personnel who routinely evaluate their inventories and inspect the sites within their jurisdiction.
- Inspectors and facility personnel are also required to report any conditions that indicate a release or potential release of hazardous substance or petroleum.

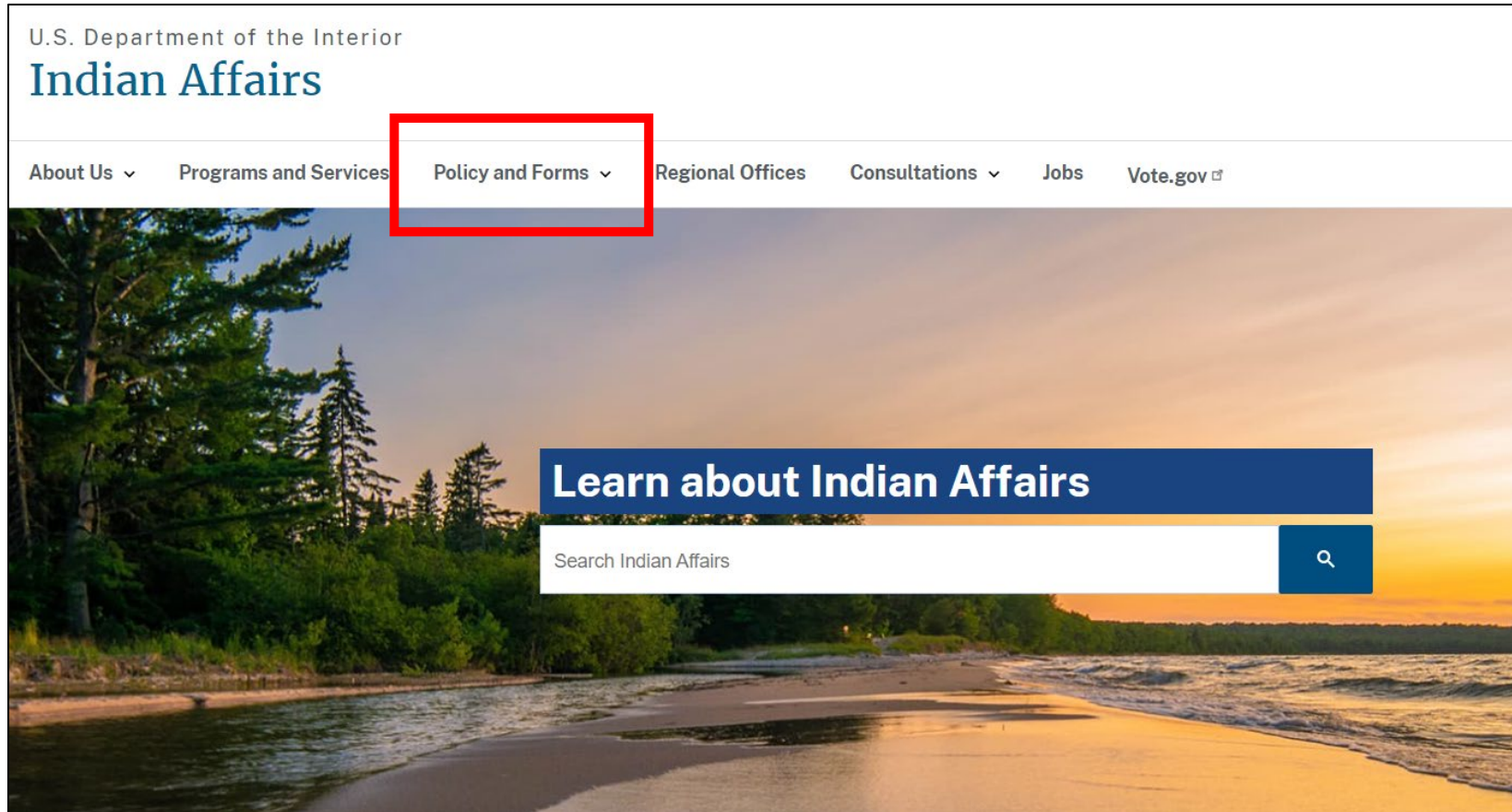


REPORTING A LOC IS AS EASY AS 1-2-3

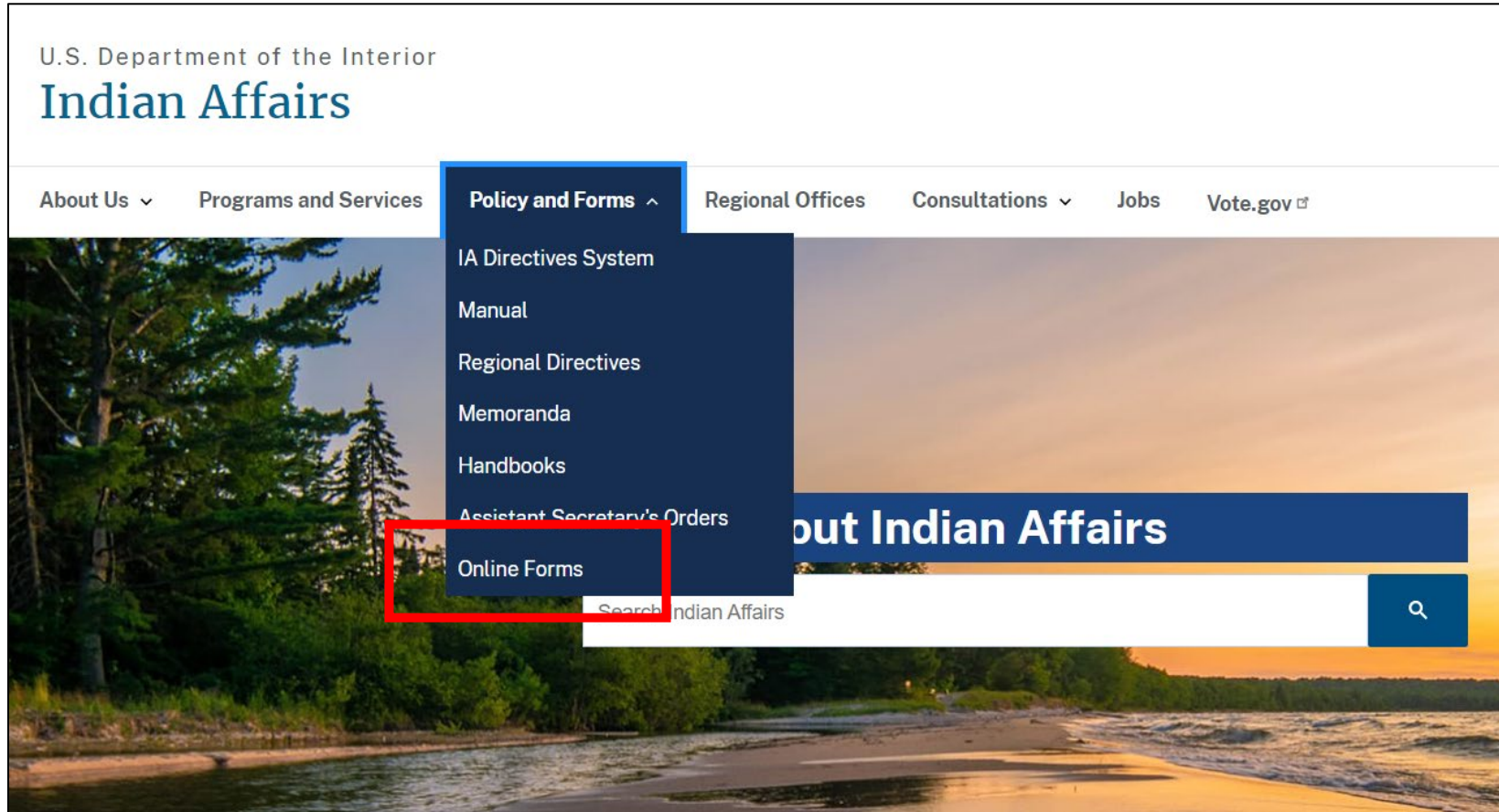
1. Locate the form
https://www.bia.gov/sites/default/files/dup/assets/public/raca/online_forms/pdf/idc1-034373.pdf or go to <https://www.bia.gov/>. Click on the “Policy and Forms” link. Find the “Online Forms” link at the bottom of the list and click on it. Click on “View Indian Affairs Specific Forms and Guidance” and scroll down until you find the “Environmental and Disposal Liability Location of Concern(LOC) Notification Form” and click on it.
2. Fill out the form
3. Save the form and email it to your BEM Representative.



LOCATING THE LOC FORM



LOCATING THE LOC FORM



LOCATING THE LOC FORM

U.S. Department of the Interior
Indian Affairs

Search Indian Affairs

About Us ▾ Programs and Services Policy and Forms ▾ Regional Offices Consultations ▾ Jobs Vote.gov

Online Forms

Indian Affairs Specific Forms and Guidance

[View Indian Affairs Specific Forms and Guidance](#)

IA Paperwork Reduction Act (PRA) Forms

[View IA Paperwork Reduction Act \(PRA\) Forms](#)



LOCATING THE LOC FORM

Deed Form-AIPRA	Form used by the Pacific Region
Deed Form-Special	
Deed Form-Standard	Form used by the Pacific Region
Environmental and Disposal Liability Location of Concern (LOC) Notification Form	
Equipment Operation Data Form	[Note: This form is for IA Internal Use Only] This form is used by the Division of Property Management (Excel) (note: please open using Chrome due to issues with IE and Excel/Word docs.)
Equipment Operation Data Form	(Formerly DI-120) Division of Property Excel form used by programs to document monthly fleet utilization (note: please open using Chrome due to issues with IE and Excel/Word docs.)



LOCATION OF CONCERN NOTIFICATION FORM

Submit by E-mail

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION
Environmental and Disposal Liability
Location of Concern Notification Form

Date:

Name of person completing Form:

Title:

Region/Agency School/Law Enforcement Facility:

Address:

Address 2:

Legal description/Building # (if known):

Contact Phone Number(s):



LOCATION OF CONCERN NOTIFICATION FORM

Please describe the area of concern. Include as much detail as possible and pay special attention to providing information on how to locate the area. Also provide names/phone numbers of others who are ware of the details of the location or incident.

Office use only

Date received by responsible Line Officer

Name and title of Line Officer

Signature

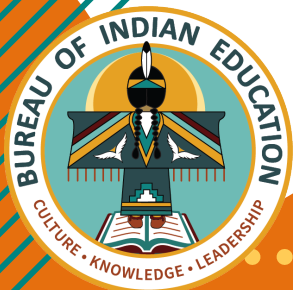
Phone Number

Date received by responsible Line Officer

For RES: Please sign, date, and fax a copy to the Line Officer and DECRM. (check one). Due Care was performed and the site ____ is an EDL, ____ is not an EDL, ____ is an "other unfunded liability", ____ needs further testing. Attach documentation for support of finding.

RES Signature

Date



WHAT IS DUE CARE?

- The process followed to use reasonable effort to examine a site to identify the presence or likely presence of contamination at concentrations significant enough to require further study or cleanup
- The Due Care process must be performed by or under the oversight of an environmental professional



DUE CARE: ROLES & RESPONSIBILITIES

- The owners and operators of property known to be contaminated are required to take actions to ensure that existing contamination on a property does not cause unacceptable exposures and assure the safe use of the property



DUE CARE PROCESS

- Evaluate how your property is used to determine if and how people may be exposed to contamination
- Determine what actions need to be taken to prevent the exposure
- An environmental professional can help you comply with your due care obligations



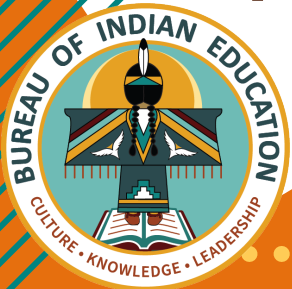
DUE CARE DOCUMENTATION

- Documentation of Due Care Compliance (DDCC) is a report that shows how a property owner or operator has met the legal obligations to prevent or reduce unacceptable risks from environmental contamination.
- The report must contain documentation of the evaluation, actions, and maintenance of the response measures



WHAT ARE ENVIRONMENTAL AND DISPOSAL LIABILITIES (EDL)?

- An anticipated future outflow or other sacrifice of resources where, based on the results of due care, further study or cleanup is warranted due to past or current operations that have contaminated Department assets.
- Future cost to clean up.



APPLICABLE LAWS & GUIDANCE

- CERCLA
- Resource, Conservation, and Recovery Act (RCRA)
- EDL Guidebook on Department of Interior website
 - Note: DOI is in the process of updating this Guidebook. Schools should contact BIE BEM if they think they may have an LOC/EDL.



EDL IDENTIFICATION

- Projects where it is probable large costs will be incurred, i.e., large site remediations, underground storage tank closures



EDL COST ESTIMATING

- Cost estimates should be based on the application of professional environmental engineering knowledge
- Estimates should be reproducible and documentation supporting the estimates should be maintained
- Estimates should include any cleanup activities, but should not include O&M costs associated with routine operations



EDL RECORD & REPORTING

- EDL cost estimates will be uploaded and maintained on the Department of the Interior's EDL Database
- All records and documentation associated with developing the cost estimate should be retained for 5 years following the site cleanup action
- Schools are not responsible for generating cost estimates and uploading documents to the EDL database. That is the responsibility of BIE BEM to coordinate.



ASBESTOS CLEANUP, LIABILITIES, & REPORTING

- Asbestos liabilities are a special category of EDL that require treatment distinct from other environmental liabilities



General Approach to Determining, Estimating, and Recognizing Asbestos Cleanup Liabilities

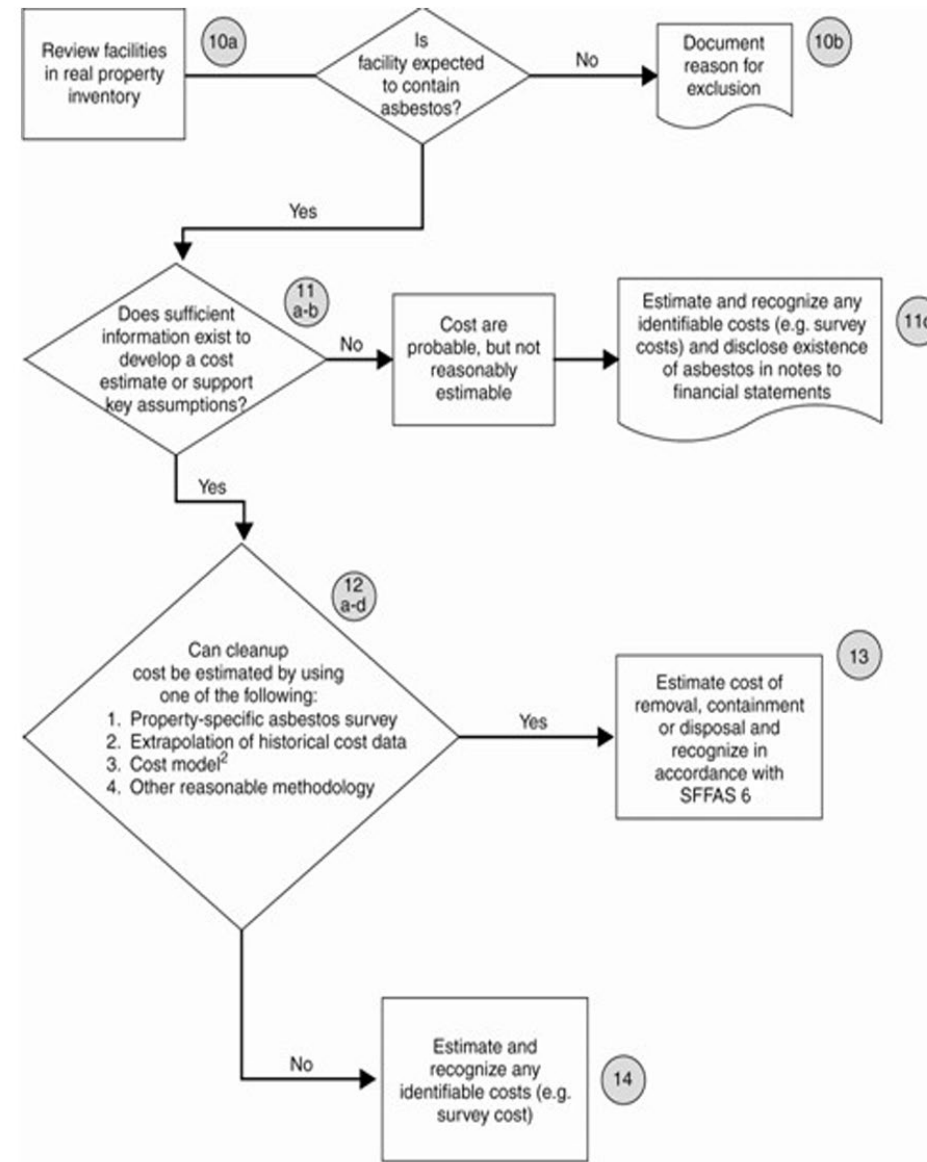


Figure 4- General Approach to Determining, Estimating, and Recording Liabilities



EDL ROLES & RESPONSIBILITIES

- **Schools**
 - Let BIE BEM know if they have a suspected LOC/EDL
- **Environmental Managers**
 - Identify & Value EDL's
- **Office of Financial Management**
 - EDL/Asbestos Liability Reports
- **Office of Environmental Policy and Compliance**
 - Policy and guidance
 - Training
 - Report EDL's to Office of Financial Management
- **Bureaus**
 - Track, Validate, and Report EDL's



RESOURCES

- [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\) and Federal Facilities | US EPA](#)
- [EDL Handbook doi-edl-handbook-v4.0-2020_2.pdf](#)
- DOI EDL Handbook - Appendix 1 Due Care Documentation Sheet





BIE BEM PROGRAM CONTACTS



Harold John Clymo

Program Manager, Supervisory Environmental Protection Specialist

Albuquerque Office

Harold.Clymo@bie.edu

Candace DeSantis

Lead Environmental
Protection Specialist

Contracting Officer's
Representative

Albuquerque Office

Candace.Desantis@bie.edu

Karmen Billey-Badonie

Environmental Protection Specialist

EDL Point of Contact

Gallup Office

karmen.billey-badonie@bie.edu@bie.edu



Mvto HiyHiy LemLmts Wado
DaWaEh Miigwech Wopila
Pinangigi Wimblahoho
Quyana Baasee AnaaBasee
Ahéhee HiriweTudahe
Pilamiya
Nya:Weh Aho
Thank You Tansi