



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 18 2008



Memorandum

To: Regional Directors
Regional Environmental Scientist

Through: Director, Bureau of Indian Affairs
Director, Bureau of Indian Education

From: John N. Rever, P.E.
Director, Office of Facilities, Environmental and Cultural Resources

Subject: Guidance for Implementing Due Care on Environmental and Disposal Liabilities Reporting

The purpose of this Memorandum is to provide guidance for Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE) program offices in identifying and reporting known or suspected environmental contamination due to releases of hazardous chemicals, petroleum materials, or other toxic substance materials into the environment. These are considered to be Locations of Concern (LOC) at BIA and BIE owned or operated facilities and properties. To ensure that Indian Affairs (IA) employees are trained to recognize, identify, and report environmental contamination or potential environmental contamination resulting from releases or improper management of hazardous substances and materials and that contaminated sites are handled in a safe and expeditious manner; the Division of Environmental and Cultural Resource Management (DECRM) has posted a LOC training program on both BIA and BIE intranet sites. Indian Affairs employees must report any environmental contamination or potential environmental contamination to the appropriate Line Officer using the reporting forms available on the intranet. Line Officers will then be asked to forward those reports within 24-hours to the appropriate Regional Environmental Scientist (RES).

All employees will be required to take LOC training annually to recognize and identify possible environmental LOC. All employees will receive a certificate once they have successfully completed the LOC training.

Indian Affairs follows the Department of the Interior's *Environmental and Disposal Liabilities Identification, Documentation and Reporting Handbook v1.1* (Handbook). In this Handbook it states that "the process for identifying a LOC will vary between Bureaus." This guideline is intended to address how IA identifies, records, and researches LOC. In addition, the Handbook also identifies how to classify environmental liabilities that do not meet the Environmental and Disposal Liability (EDL) definition.

I. Purpose

To provide guidance to the Bureau of Indian Affairs and the Bureau of Indian Education program offices, on identifying and reporting known or suspected environmental contamination from hazardous chemicals, petroleum materials, or other toxic substance materials at BIA/BIE owned or operated facilities.

II. Objective

To ensure that employees are trained annually to recognize, identify, and report environmental contamination or potential environmental contamination resulting from releases or improper management of hazardous substances and materials and that contaminated sites are handled in a safe and expeditious manner.

III. IDENTIFICATION OF ENVIRONMENTAL CONTAMINATION:

Indian Affairs employees must report any locations they suspect are environmentally contaminated or may have potential environmental contamination to the Regional Environmental Scientist (RES) as a Locations of Concern (LOC).

A LOC is an area within the jurisdiction, custody, or control of the Bureau or office that is suspected to be contaminated based on known past activities or observed and reported physical indicators, but where no due care has yet been conducted. Indications that an environmental contamination or potential release to the environment has occurred or may occur include, but are not limited to the following:

- Large volume of stained soil
- Visible spills of chemicals or petroleum, oil or other lubricants
- Visible damaged or ruptured transformer, drums, tanks and containers
- Distressed or dead vegetation from no obvious cause
- Disturbance of friable asbestos containing materials
- Chipping or peeling lead-base paint in buildings, including government quarters
- Lead-base paint product in contact with the soil
- Leaking fuel or oil storage tanks (Underground/Aboveground tanks)
- Sheen or "rainbow" on surface waters
- Discovery of abandoned equipment with leaking petroleum, oil or lubricants
- Discovery of abandoned facilities such as oil wells, fueling stations, mechanical shops.

"Due Care" refers to the process followed by the Bureau or Regional office to use reasonable effort to examine a LOC to identify the presence or likely presence of contamination at concentrations significant enough to require further study or cleanup.

All IA employees will take the required training available on the BIA and BIE intranet sites annually, to recognize environmental LOC. Indian Affairs employees with knowledge of, or who otherwise observes, any environmental contamination or releases, or threatened releases, must report the incident in accordance with the notification procedures outlined in Section IV. Employees will be asked to sign an annual statement attesting to their compliance with all reporting procedures listed below.

IV. STEP & PROCEDURES:

1. Employees will identify Locations of Concern using a multi-step approach.

A. All employees should participate in the online training. The training will help employees understand how to identify possible LOC and what the procedures are for reporting LOC. The website will contain a form for reporting any LOC.

B. In the event of discovery of release or potential release of contamination, employees must **immediately** fill out the *Location of Concern Notification Form*, found on the BIA and BIE intranet sites. The employee should forward this report to the Line Officer in charge of the facility (Superintendent, Education Line Officer, detention center specialist, or Chief of Police). The Line Official should save the report as a Microsoft Word document and e-mail a copy to the Regional Environmental Scientist (RES) who will forward a copy to The Division of Environmental and Cultural Resource Management (DECRM). A list of all the RESs is posted on the intranet sites.

C. The RES will assess the BIA's potential environmental exposure, as required by federal accounting standards, and exercise the Due Care Process outlined in the Department of the Interior's (DOI) *Environmental and Disposal Liabilities Identification, Documentation and Reporting Handbook VI.I* (Handbook). The applicable steps in the EDL Due Care Process should be completed and the reported finding or decision should be checked in the appropriate box at the bottom of the notification form. The RES should forward copies of this report to DECRM. Documentation supporting the decision of the report must be attached.

If further sampling and analysis (step 6 in the Handbook) is required, the RES will report this on the bottom of the notification form and perform the preliminary testing. A final report from the RES must be completed within two years of the LOC notification including any sampling and analysis.

D. If the site is determined to be an EDL, the procedures found in the EDL handbook for posting the site on the EDL database will be followed. If no contamination is found, the report will be sent to DECRM and no further action is required. Supporting documentation must accompany the report.

E. If environmental liability is confirmed and it does not meet the definition of an EDL, the LOC is then forwarded to the Division of Environmental and Cultural Resource Management where it is recorded as "Other Unfunded Liability" and posted in the financial statements as such. Documentation for this category must be forwarded to DECRM.

2. The BIA Office of Facilities Management and Construction (OFMC), Division of Safety and Risk Management (DSRM) and DECRM perform regular inspections of IA properties. As part of their inspections, they will also be asked to record any environmental issues they encounter, and forward these to the appropriate RES.

3. The Property Division performs annual inventory review functions. As part of their review, the property officers will report any possible LOC they may observe to the appropriate RES.

4. Once a year, all line officers and responsible officials must complete and submit to the RES the attached *Annual Due Care Certification Form* and send the completed form to DECRM. Contact the RES for more information.

5. Once a site has been determined to be an EDL site, it will remain on the EDL database and booked as a liability until such time as remedial action mitigates the contamination, or testing and/or documentation reveals no contamination at the site.

REGIONAL ENVIRONMENTAL SCIENTIST CONTACT NUMBERS

Region	Contact	Telephone	Alternate Phone	Telefax
Alaska	Kristin K'eit	907-586-7423		907 585-7944
Eastern	Kurt Chandler	615-564-6832	615-289-3242	615-564-6571
Eastern Oklahoma	Bobby Coleman	918-781-7446		918-781-4667
Great Plains	Paul Hofmann	605-226-7656		605-226-7658
Midwest	Herb Nelson	612-725-4510	612-725-4514	612-713-4401
Navajo	George Padilla	505-863-8285		505-863-8369
Northwest	James Brown	503-231-6753		503-231-6791
Pacific	John Rydzik	916-978-6042	916-978-6042	916-978-6055
Rocky Mountain	Rick Stefanic	406-247-7911		406-247-7976
Southern Plains	Mike Reed	405-247-1549		405-247-9707
Southwest	Ryan Riley	505-564-3500		505-564-3052
Western	John Krause	602-379-3491	602-379-3723	602-379-3765
Central Office	Eldine Stevens	703-390-6482		703-390-6325

For general questions or information on Environmental and Disposal Liability, contact your Regional Environmental Scientist.

**BUREAU OF INDIAN AFFAIRS and BUREAU OF INDIAN EDUCATION
ENVIRONMENTAL AND DISPOSAL LIABILITY
Annual Due Care Certification Form**

This form should be completed annually by all BIA/BIE Managers and line officers who manage or have direct authority over BIA/BIE facilities or property. Contact the Regional Environmental Scientist for additional information.

Name of Person completing Form: _____

Title: _____

Brief description of BIA/BIE facilities and BIA/BIE owned real estate over which above named individual has direct authority:

Certification Statement: I certify that my staff, who work in the above named facilities, are aware of the BIA/BIE policies on completeness as it relates to Environmental and Disposal Liabilities, and as it is outlined in the Guidance for Implementing Due Care on Environmental and Disposal Liabilities (EDL) Reporting, and that we have made the Regional Environmental Scientist aware of any observed or suspected environmental releases.

Signed: _____

Date: ____ / ____ / ____

Reporting Period: July 1, 200__ to June 30, 20__

Brief summary of reports made to Regional Environmental Scientist for reporting period (May attach Individual Location of Concern Notification forms if available):

