Gas Stations in Indian Country

Economic Opportunity, Environmental Liability and an Exercise in Sovereignty
Disclaimer

• This presentation is an assembly of information from the EPA, Bureau of Indian Affairs, NationalAtlas.gov, independent survey results, direct email correspondence and personal experience.

• It does not claim to represent the experience of all sovereign Tribal Nations, their environmental programs or attitudes about gas stations in their communities.

• It is intended to illustrate the importance, concerns and challenges of regulating gas stations in Indian Country.
Gas Stations In Your Community

1. What does the Tribal gas station mean to your community?

2. What economic impact does the gas station have in your community?

3. How does the Tribe regulate the gas station?

https://www.surveymonkey.com/r/L2X3HKL
573 Federally recognized Sovereign Tribal Nations

• 200 have UST sites on their lands
• Over half have 10 or fewer active UST sites
• ~20 tribes have 30 or more USTs within their boundaries
• 19 UST Cooperative Agreements
## Indian Country UST’s

<table>
<thead>
<tr>
<th>Indian Country Data</th>
<th>Number of Active Petroleum Tank Systems</th>
<th>Number of Closed Petroleum Tank Systems</th>
<th>Number of Active Hazardous Substance Tank Systems</th>
<th>Number of Closed Hazardous Substance Tank Systems</th>
<th>Total Active UST Systems</th>
<th>Total Closed UST Systems</th>
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<tbody>
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<td><strong>Indian Country Subtotal</strong></td>
<td><strong>2,561</strong></td>
<td><strong>6,388</strong></td>
<td><strong>3</strong></td>
<td><strong>41</strong></td>
<td><strong>2,564</strong></td>
<td><strong>6,429</strong></td>
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Community Impacts

Reflections on what the gas station means to the community
It's a common meeting area and the only place to buy gas, food, sundries and cigarettes for 10 miles.
It is a place of employment and a one stop shop that would otherwise be almost an hour commute. It is providing a service that is beneficial to the lower income families that would not normally have the funds to make it to town that often.
We're a rural community. The stations on our Reservation provide nearby fuel and retail options, where we'd otherwise have to travel to neighboring towns. Additionally, we are putting money back into our own community versus a neighboring community.
It means we have a big part in the local community.
A safe place to fuel up
It means we have a big part in the local community. It's convenient and family friendly everyone knows everyone and it's something to be proud of.
It means we have a big part in the local community. It's convenient and family friendly everyone knows everyone and it's something to be proud of. The tribal gas station here means a lot to our community it gives them a clean place to come and stop to get fuel and use the facilities also they can get food here.
Health food and drinks
It means we have a big part in the local community. It's the place I have to go to get cheap gas.
It means we have a big part in the local community.

It's the place I have to go to get cheap gas and gossip stop for the cuzzins.
Economic Impacts

A collection of comments from communities
The Tradin' Post is the only retail store near the rez and in the village. They also employ local people.
It should provide great prices, and teach employees customer service skills. Save money on purchase of gas due to tax exempt.
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We don't have to travel more than 5 minutes to either location. And it created a lot of job opportunities for those who are just starting out. So positive impact.
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We don't have to travel more than 5 minutes to either location. And it created a lot of job opportunities for those who are just starting out. So positive impact gives a few people jobs. Putting dollars into services for all members of the nation.
It should provide great prices, and teach employees customer service skills. Save money on purchase of gas due to tax exempt. We employ over 30 associates.
Environmental Liabilities

Risk Versus Reward
Understanding the Concerns

- 20% of all registered tanks are over 30 years old
  - Older technology
  - Fuel compatibilities
  - Warranties
  - Insurance
- Tank service providers are limited
  - Geographically
  - Service quality
  - Timeliness
Identifying the Issues

- Environmental liabilities
  - Scarcity of contractors
  - What to ask

- Tank systems
  - Construction
  - Operating and repair history

- Future fuels
  - Previously held fuels

- Regulations
  - What applies?
Environmental Liabilities

- All Appropriate Inquiry
  - Bonifide Prospective Purchaser
  - Limitations for petroleum
  - Site history
  - Does not address operational compliance

- Operating an old system puts the Tribe at an increased risk of liability
Environmental Liabilities

- Inspection Records
  - Compliance violations
  - In-service dates
  - System age
  - Tank construction

- Contractor records
  - Installation
  - Repair
  - Testing
Environmental Liabilities

- Insurance Documents
  - Coverage
  - Exclusions
  - Lapses
  - Previous claims
  - Insured
Protecting from Environmental Liability

• Qualified Environmental Professional
  • Third party (arm’s length)
  • Contract development
    • Defining expectations, deliverables
  • Scope versus non-scope
• Tank Specialty Firm
  • System evaluation
• Do your homework
Exercising Sovereignty

Opportunities
Identifying Challenges

• For profit versus government operations
  • Often disconnected
  • Different priorities
  • Regulatory confusion

• Staff knowledge
  • Environmental department
  • For profit entity
    • Regulatory Requirements

• External influences
  • Contractors
  • Salesmen
Capacity Development

• Environmental Staff
  • GAP (Capacity indicators E.3 & E.4)
  • Brownfield 128(a)
  • Regulations & Compliance Assistance
    • Tribal legal and zoning

• Retail Staff
  • UST Boot Camps
  • On-line training
  • State training
  • Must be compliant with Owner/Operator requirements
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Oversight & Enforcement

• UST Cooperative Agreements
  • Not likely, but a model

• GAP
  • Laws and regulations (E.3.17)
  • UST inventory & operating status (E.3.14)
  • UST Program implementation (E.4.(b))

• Brownfield 128(a)
  • Response actions
  • Tribal cleanup standards

• Zoning Department
  • Permitted use and conditions for operation
  • Fire codes
Oversight & Enforcement

• §7003: Imminent Hazard
  • EPA may bring suit if evidence that past or present handling, storage, treatment, transportation or disposal of any solid waste or hazardous waste may present an imminent and substantial endangerment to health or the environment.

• §9005: Inspections and Information Gathering for USTs
  • requires any owner or operator of an UST to provide information, upon request by a designated EPA or state employee, relating to such tanks and associated equipment.

• §9006: Compliance and Enforcement
  • EPA may issue compliance orders or initiate civil enforcement actions for noncompliance.
Thank you!

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