



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 10-2013-199

(Authorization to Table Issue with Ronald Larzelere and Move Forward With the EPA Cleanup of McNary Sawmill Site)

WHEREAS, the McNary Lumber Mill was established in 1915 by a private non-Tribal corporation who leased the land through an agreement with the Bureau of Indian Affairs (BIA), the mill operation operated until the mill closed in 1980; and

WHEREAS, the private non-Tribal company made little to no attempt to clean up the site and essentially abandoned it without consideration for its future use. From 1995-1996, a tribally-owned timber company abated asbestos-containing materials from the old powerhouse and then demolished the structure; and

WHEREAS, the underground storage tanks (USTs) and aboveground storage tanks (ASTs) were removed from the site. The company also removed transformers containing PSBs and partially remediated soil at four areas where releases of PCBs had occurred; and

WHEREAS, the Tribe received EPA Region 9 Brownfields Assessment Demonstration Pilot grant in 1999 to evaluate properties of the former McNary Lumber Mill. The Pilot area involved approximately 320 acres, of which 185 were associated with the former lumber mill site. The grant helped the Tribe to evaluate the feasibility of redevelopment of the property as part of a long-term community redevelopment plan; and

WHEREAS, a Phase I ESA of the property was completed in 2002 where eight recognized environmental conditions (RECs) were identified on the property that could potentially produce environmental impairment to the site. The Phase II ESA scope of work included physical and chemical evaluation of the RECs identified in the Phase I ESA and an evaluation of the potential that pond sediment, surface water and/or fish tissue have been impaired; Soil, pond sediment, surface water, groundwater, and fish tissue were sampled and analyzed using judgmental sampling designs approved by EPA; and

WHEREAS, the contaminants of concern that are present in soil above the EPA Region 9 Regional Screening Level (RSL) or Tribal Standard are as follows:

- Arsenic (5 sample locations)
- Total Petroleum Hydrocarbons (1 sample location)
- Polynuclear Aromatic Hydrocarbons
 - Benzo(a)pyrene (2 sample locations)

-Indeno(1,2,3-cd)pyrene (3 sample locations)
Polychlorinated Biphenyls
-Arochlor 1260 (1 sample location)
Asbestos (multiple sample locations)

The areas impacted by SVOCs, PAHs, TPH, and PCBs are shown in attachment; and

WHEREAS, asbestos was found in several building materials at the former lumber mill buildings and asbestos-containing materials have been spread across the site in the vicinity of the Planer Mill and Molding Mill due to the deterioration and collapse of these buildings. The material was not friable but was noted to be in fair to poor condition. The approximate areas impacted by ACM is attached; and

WHEREAS, the Tribe received the EPA Brownfields Cleanup grant – Hazardous Substances for the former McNary Lumber Mill site in 2012 to conduct soil remediation and asbestos abatement to aforementioned contaminants. The cleanup will be conducted under the oversight of the WMAT Environmental Protection Office with assistance by EPA. The cleanup will be conducted by an environmental firm that is licensed to conduct engineering work in the State of Arizona and asbestos abatement and disposal will be conducted by a registered contractor; and

WHEREAS, the Tribe anticipates that the EPA Region 9 November 2012 Regional Screening Levels for Residential Soil will be used as the cleanup standards for PAHs, metals, and PCBs. Tribal standards will be used for the cleanup standard for TPH. National Emissions Standards for Hazardous Air Pollutants (NESHAP) standards will be used for asbestos abatement; and

WHEREAS, the Tribal Environmental Protection Office will utilize the old McNary Lumber Mill Site to complete the cleanup project without any interference over land site agreement from Ronald Larzelere. The EPO will report to Tribal Council upon completion of the cleanup project.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby that the Tribal Environmental Protection Office will move forward with EPA cleanup at the old McNary Lumber Mill site and the site lease agreement issues with Ronald Larzelere will be tabled until after the cleanup project is completed.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all

documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

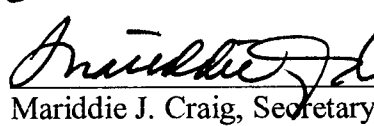
The foregoing resolution was on OCTOBER 2, 2013 duly adopted by a vote of SIX for, ZERO against, and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (e), (f), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Ronnie Lupe, Chairman

10/25/13

Date



Mariddie J. Craig, Secretary

10/25/2013

Date