

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---First Year 2015

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING
BUDGET MODIFICATION IN THE AMOUNT OF \$1,997,849 WITHIN
THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY
SUPERFUND HAZARDOUS SUBSTANCE FUND - SPECIAL REVENUE
BUDGET UNIT NO. 511007

BE IT ENACTED.

Section One. Findings

- A. The Hazardous Substance Fund-Special Revenue Fund was established pursuant to 4 N.N.C. §2701 to fund the activities of the Navajo Superfund Program in the administration, implementation and enforcement of the Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act.
- B. The Resources and Development Committee was designated the legislative oversight committee for the Hazardous Substance Fund. BFJA-09-11.
- C. The funds will be used to construct a building for staff of the Navajo Superfund Program and the Resources Conservation Recovery Program. Both programs work under the Navajo Nation Environmental Protection Agency Waste Regulatory Compliance Department. The building currently being used is dilapidated and is not large enough to house the staff. The budget is \$1,997,849 and attached as Exhibit A.
- D. A memorandum dated June 11, 2015 from the Environmental Program Supervisor of the Navajo Nation Environmental Program states that \$551,790 of the \$1,997,849 is from the United States Environmental Protection Agency and must be encumbered before the end of the Fiscal Year 2015. The June 11, 2015 memorandum is attached as Exhibit D.

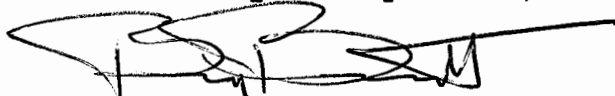
- E. Pursuant to the May 22, 2015 memorandum from the Office of the Controller, attached hereto as Exhibit B, there are sufficient funds in the Hazardous Substance Fund-Special Revenue Fund to provide for the requested allocation.
- F. The Office of Management and Budget has reviewed the request for a revised special revenue fund allocation. Attached as Exhibit C is the May 28, 2015 memorandum from the Office of Management and Budget.
- G. It is in the best interest of the Navajo Nation to approve this budget modification in the amount of \$1,997,849.

Section Two. Approval

The Navajo Nation hereby approves the budget modification in the amount of \$1,997,849 within the Navajo Nation Environmental Protection Agency Superfund Hazardous Substance Fund-Special Revenue Budget Unit No. 511007 as set forth in the budget documents hereto attached as Exhibit A.

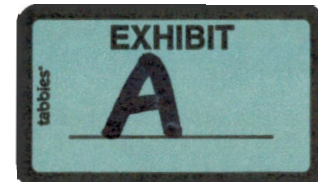
CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Nation Council, Window Rock (Navajo Nation) Arizona, at which quorum was present and that same was passed by a vote of in 3 favor, 0 opposed, 0 abstained this 15th day of September, 2015.



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete
(Presiding Vice-Chairperson Not Voting)



FY 2015

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page 1 of 4

PART I. Business Unit No.: <u>511007</u> Program Title: <u>Superfund: Hazardous Substance Fund - Special Revenue</u> Division/Branch: <u>NN Environ. Protection Agency</u>					
Prepared By: <u>Freida S. White</u> Phone No.: <u>(928)871-6859</u> Email Address: <u>freidawhite@navajo-nsn.gov</u>					
PART II. FUNDING SOURCE(S)	Fiscal Year Term	Amount	% of Total		
Special Revenue	5/22/15-9/30/15	1,347,849.00	100%		
PART III. BUDGET SUMMARY					
		(A)	(B)	(C)	
		Fund Type Code	NNC Approved Original Budget	Proposed Budget	Difference (Column B - A)
		2001 Personnel Expenses			0
		3000 Travel Expenses	5	12,650	12,650
		3500 Meeting Expenses			0
		4000 Supplies	5	29,000	29,000
		5000 Lease and Rental			0
		5500 Communications and Utilities	5	1,820	1,820
		6000 Repairs and Maintenance*			0
		6500 Contractual Services	5	106,530	106,530
		7000 Special Transactions			0
		8000 Public Assistance			0
		9000 Capital Outlay	5	650,000	1,197,849
		9500 Matching Funds			0
		9500 Indirect Cost			0
		TOTAL	\$650,000.00	1,347,849.00	1,997,849
PART IV. POSITIONS AND VEHICLES				(D)	(E)
Total# of Positions Budgeted:					
Total # of Permanently Assigned Vehicles:					
TOTAL:		\$1,347,849.00	100%		
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.					
<u>Freida S. White</u>		<u>7/22/15</u>		<u>Dr. Donald Benn</u>	
CREATED & SUBMITTED BY: Program Manager Name/Signature/Date		APPROVED BY: Division Executive's Printed Name/Signature/Date			

FY 2015

Received
THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

Page 2 of 4

PART I. PROGRAM INFORMATION:

Business Unit No.: 511007
 (See NOTE for % Justification)

Program Name/Title:

Superfund: Hazardous Substance Fund - Special Revenue

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

To utilize the NNCERCLA on behalf of the NNEPA that shall govern activities with an impact on the Navajo Nation (NN); To protect the public health and environment of the NN through legislative proposals, monitoring, data collection, and rulemaking as may be authorized by the NNCouncil; To represent the NN with respect to environmental issues and concerns in interactions with the federal, state, and local NN entities and agencies.

PART III. PROGRAM PERFORMANCE CRITERIA:

1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

1. Program Performance Area:

Routine reporting of program's new office building construction process (Initial Step as Project).

Goal Statement:

Report on actions: Scope of Work, Contract Formulation, Assistance in phases of office building construction.

				1/qtr		1/qtr	
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2. Program Performance Area:

Routine reporting for uranium (Ur) pre-work for established Dine Uranium Remediation Advisory Commission.

Goal Statement:

Activity Report: Office set-up, Ur pre-work including cultural/technical experts' white paper of disposal options.

				1/qtr		1/qtr	
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3. Program Performance Area:

Goal Statement:

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4. Program Performance Area:

Goal Statement:

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5. Program Performance Area:

Goal Statement:

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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Freida S. White

7/24/15

Program Manager's Printed Name and Signature/Date

Dr. Donald Benn

Division Director/Branch Chief's Printed Name and Signature / Date

FY 2015

Received
THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA

Page 2 of 4

PART I. PROGRAM INFORMATION:

Business Unit No.: 511007
 (See NOTE for % Justification)

JUL 24 2015

Program Name/Title: Superfund: Hazardous Substance Fund - Special Revenue

PART II. PLAN OF OPERATION REFERENCE/LEGISLATED PROGRAM PURPOSE:

To utilize the NNCERCLA on behalf of the NNEPA that shall govern activities with an impact on the Navajo Nation (NN); To protect the public health and environment of the NN through legislative proposals, monitoring, data collection, and rulemaking as may be authorized by the NNCouncil; To represent the NN with respect to environmental issues and concerns in interactions with the federal, state, and local NN entities and agencies.

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1st QTR		2nd QTR		3rd QTR		4th QTR	
Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual

1. Program Performance Area:

Routine reporting of program's new office building construction process (Initial Step as Project).

Goal Statement:

Report on actions: Scope of Work, Contract Formulation, Assistance in phases of office building construction.

				1/qtr		1/qtr	
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Routine reporting for uranium (Ur) pre-work for established Dine Uranium Remediation Advisory Commission.

Goal Statement:

Activity Report: Office set-up, Ur pre-work including cultural/technical experts' white paper of disposal options.

				1/qtr		1/qtr	
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3. Program Performance Area:

Goal Statement:

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4. Program Performance Area:

Goal Statement:

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5. Program Performance Area:

Goal Statement:

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PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.

Freida S. White

7/24/15

Program Manager's Printed Name and Signature/Date

Dr. Donald Benn

Division Director/Branch Chief's Printed Name and Signature / Date

THE NAVAJO NATION
DETAILED LINE ITEM BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:			
Program Name/Title: <u>Superfund: Hazardous Substance Fund - Special Revenue</u>		Business Unit No.: <u>511007</u>	
PART II. DETAILED BUDGET:			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
3230	3000 TRAVEL EXPENSES - Meals, lodging, & airfare directly related to program business and other miscellaneous travel expenses. Personal Travel 3240: \$46 per day diem for meals x 3 days/week x 7 weeks x 3 staff = \$2,898; \$71 per day diem x 5 days/week x 1 week x 3 staff = \$1065 3250: \$77 per night diem for hotel x 2 nights/week x 7 weeks x 3 staff = \$3,234; \$209 per night diem x 4 nights/week x 1 week x 3 staff = \$2,508 3290 Other Travel Expenses = \$545	10,250	12,650
3310	Air 3320 Commercial @ \$2400	2,400	
4120	4000 SUPPLIES - Desktop supplies, folders, envelopes, pens, pencils. Laptops, personal workstation computer, printer, office workstation, printer cartridges, software. Photocopying, printing, binding, & publication subscription. Office Supplies @ \$1000 4130 General Office Supplies, such as replacement items i.e. staples, pens, pencils, etc.	1,000	29,000
4200	Non Capital Assets 4210 Cap Furniture/Equip: 2 cubicle office workstations @\$4900 each, 1 meeting table w/ 6 chairs @ \$4200 = \$14,000 4230 Technical-grade: 1 workstation @ \$4000, 1 laptop @ \$4000, 1 color printer @ \$3000 each = \$11,000	25,000	
4410	Operating Supplies @ \$3000 4420 General Operating Supplies @ \$1000 4440 Non Cap Computer Software @ \$1000 4450 Postage, Courier, Shipping: \$50 per quarter @ \$200/annum, Box rental/annum @ \$120 = \$320 4490 Custodial Supplies @ \$20/quarter = \$80 4520 Bulk Paper @ \$200; 4530 Printing/Binding/Photocopying @ \$200; 4540 Books/Periodicals/Subscription @ \$200 = \$600	3,000	
5520	5500 COMMUNICATIONS & UTILITIES - Basic telephone service & line charges. Telephone hardware installation. DSL line service charges. DSL internet service charges. Telephone 5530 Basic Service @ \$30/mo x 2 locations x 2 months = : \$120 5540 Long Distance @ \$150/mo x 2 locations x 2 months = \$600 5560 Hardware/Install @ one time service \$800	1,520	1,820
5570	Internet 5580 DSL: \$75/month X 2 mos. = \$150 5600 Internet Services @75/month x 2 months = \$150	300	
TOTAL		43,470	43,470

FY 2015

THE NAVAJO NATION
DETAILED LINE ITEM BUDGET AND JUSTIFICATION

Page 4 of 4

PART I. PROGRAM INFORMATION:

Program Name/Title: Superfund: Hazardous Substance Fund - Special Revenue Business Unit No.: 511007

PART II. DETAILED BUDGET:

(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification	Total by DETAILED Object Code	Total by MAJOR Object Code
	Total from Page 1 of 2		43,470
- 6520	6500 CONTRACTUAL SERVICES - Professional services for various program initiatives. Contractual services for specialized services. Consulting ✓ 6530 Fees @\$250 x 80 hrs = \$20,000; \$80 x 400 hours = \$32,000; \$300 x 80 hours = \$24,000 ✓ ✓ 6540 Expenses @ \$30,530	✓ 106,530	106,530
✓ 9050	9000 CAPITAL OUTLAY - New Office Building to supercede use of private leased/rented dilapidated building. Building ✓ 9060 Construction in Program @\$1,097,849	✓ 1,097,849	✓ 1,197,849
✓ 9110	Furniture & Fixtures ✓ 9112 Furniture: \$5500/office x 17 offices = \$93,500. Conference Room & File/Storage Rooms @ \$5,900 ✓ 9114 Fixtures: \$600	✓ 100,000	
TOTAL		1,304,379	1,347,849

THE NAVAJO NATION
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY

PART I. Business Unit No.: <u>NEW</u>	Program Title: <u>New Building for NNEPA Superfund and RCRP</u>	
Division/Branch: <u>NNEPA</u>	Amount Requested: <u>\$1,098,849</u>	Phone No.: <u>871-6859</u>
Prepared By: <u>Freida S. White</u>	Email Address: <u>freidawhite@navajo-nsn.gov</u>	

PART II. REASON FOR REQUEST AND STATEMENT OF NEED: The NNEPA Superfund Program (NSP) has been granted a one time federal amount of \$337,000 (actual \$376,790) that will be swept if it is not utilized in FY15. The national USEPA Headquarters will never again make funds available, as they do not normally allocate funds for buildings. Additionally, the regional federal USEPA amount of \$175,000 will thereafter be swept. The NSP requires a new and larger building to support capacity building that would address the workload demands to continue the tasks of responsibility in the protection of the Navajo Nation people's health and environment. NSP has not had enough office space in the current rented, dilapidated trailer building, utilized since 1988. Space had been made available through the use of four storage buildings to house files in cabinets, books in book cases, maps, stands, supplies, chemicals, and field equipment. One of four storage buildings which is twice the capacity had recently been purchased in order to move more of same items into the new storage building to allow office space for two new staff. There is office space now for ten employees. The new building will house the ten and provide seven more (a current USEPA IPA staff, 3 planned staff, and 3 RCRP staff), and space for interns and the Uranium Remediation Commission. Having to remain in this rented, dilapidated trailer office building would prevent capacity building to a fully functional program, compromise the staffs' health, and damage equipment from the semi-annual roof leakage that occurs each year when it rains and snows. Three Resource Conservation & Recovery Program (RCRP) staff need office space and have been included in the proposal as NSP and RCRP are under the same Waste Regulatory Compliance Dept. (WRCD). RCRP is also housed in a dilapidated office building located near the NN rodeo arena. Having NSP and RCRP in a building next to the WRCD office building will provide an efficient, effective mechanism in completing work tasks.

PART III. SCOPE OF WORK/METHODOLOGY

NSP had acquired building cost in May 2015 with Navajo Design & Engineering's assistance, and has completed the land acquisition that's located near the current Window Rock Training Center and WRCD building. The land acquisition is attached in addition to the attached budget and proposal that had been initially submitted to the Navajo Nation Capital Improvement Program (CIP), in the hope to be included as replacement to an approved FY14 project that was not shovel-ready. CIP directed the use of Unreserved, Undesignated Funds to prevent federal funds from being swept in FY15 for the 60'x106' single story NSP office building.

- The U.S. Environmental Protection Agency, Region 9 and Headquarters, has provided their cost-share of \$377,000 and \$175,000, a total of \$552,000. An additional fund of \$650,000 from the NSP Special Revenue has been acquired. RCRP does not have funds to contribute, as they only have limited general funds for operational costs. The total of contributions now available is \$1,162,000 and the need is \$1,097,849 to meet the building cost (quote) of \$2,299,849.

- Of the need of \$1,097,849, RCRP had sought from the Capital Improvement Project funds \$748,000 for their cost-share and NSP requested of same funds for \$349,849 which was the final calculated need to meet the building cost.

- Both the NSP and RCRA personnel work on projects as noted in the proposal within any of the 110 Navajo Chapter governments, and travel outside of the Navajo Nation as approved for supporting matters related to work activities of the Navajo and its people. As documented, NSP has responsibility for all Abandoned Uranium Mine (AUM) and non-AUM project work while simultaneously capacity building in staffing, regulations, guidances for a Response Program.

PART IV. AFFIRMATION IS PROVIDED THAT THE PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL.

By: [Signature] / n 1-27-15
REVIEWED BY: Division Director's Signature / Date

[Signature]
RECOMMEND APPROVAL: Branch Chief's Signature / Date

Project Cost Summary
Navajo EPA Superfund Building and Site

BUILDING	QTY	UNIT	UNIT COST	SUB TOTAL	TOTAL
Single-story 6360 SF admin/office facility. Build-to-budget estimate. DES proposed plan 60' x 106'. Slab on grade, parapet wall, stucco construction.	6,360	SF	\$225	\$1,431,000	\$1,502,550
Architecture, Design and Civil Engineering	6,360	SF		\$71,550	
SITE					
Pad Excavation and compaction				\$78,000	
Concrete Walks and ADA Parking Pads (3)				\$34,000	
Domestic Water and Fire Line				\$44,800	
Sewer line extension and cleanouts				\$13,600	
Electrical SES, and secondary electrical conduits				\$56,000	
Gravel parking, entry gate, site fencing				\$78,000	
					\$304,400
General Conditions @ 5%					\$90,348
Overhead and Profit @ 10%					\$180,695
CONSTRUCTION SUB-TOTAL					\$2,077,993

OTHER COSTS	RATE	COMMENTS	SUB TOTAL	TOTAL
Insurance/Bond	1.00%		\$20,780	
Contingency	2.00%		\$41,560	
Permit Fee Allowance/NTUA design \$		Lump Sum Est	\$50,000	
Taxes	5.00%	Navajo	\$109,517	\$221,856
PROJECT TOTAL / Proposed GMP				<u>\$2,299,849</u>

ASSUMPTIONS & CLARIFICATIONS

PRICING IS GOOD FOR 90 DAYS until 8-14-14

The proposal is meant to be an overall budget, where categories are estimates. As example, if grading bid is less, and paving bid is more it is expected that category funds are interchangeable. This would be a "design-to-budget" GMP



See Note Below for Addition

THE NAVAJO NATION CAPITAL PROJECT BUDGET SUMMARY

CP BUDGET FORM 1
Page 1 of 3

PART I. Business Unit No.: 111011 and 101103 Project Title: New Building for NNEPA Superfund and RCRP
 Division/Branch: Navajo Nation EPA Chapter: _____ Agency: Central
 Prepared By: Cassandra Bloedel and Freida S. White Phone No.: 928-871-6859

PART II. Check one: ☒ Original ☐ Revision ☐ Reallocation ☐ Modification
 (addition to 1st for balance of cost; See Note)

Project Funds	Appropriation End Date	Amount	% of Total
Building construction for New Office and ground improvement, Cost-Share	\$1,300,000.00	748,000.00	57%
1) USEPA, Region 9 allocation of \$552,000.00 (Superfund funds)			
Balance for New Office Building construction, Site work ground improve	\$999,849.00	349,849.00	35%
General Overhead/Profit, Other Costs, Cost-share			
2) Superfund Special Revenue allocation of \$650,000			
TOTAL:		1,097,849.00	92%

PART III. Capital Outlay	Amount
9010 Land & Improvements	200,000.00
9020 Infrastructure (\$48,000 + \$100,000)	148,000.00
9050 Building (500,000 + 249,849)	749,849.00
9070 CAP-Pro. Tech. Services	
9110 Furniture & Fixtures	
9140 Equipment	
9160 Vehicles	
9180 Intangible Assets	
9190 Other Assets	
9510 Cash Matching Funds	
(748,000 + 349,849) TOTAL	1,097,849.00

PART IV. Project Information
 Project Type: Pre-construction and Construction
 Planned Start Date: Sunday, June 01, 2014
 Planned End Date: Wednesday, September 30, 2015
 Budget Start Fiscal Year: 2014
 Budget End Fiscal Year: 2015

FOR OMB USE ONLY

Resolution No.: _____
 FMIS Set Up Date: _____
 Company No.: _____
 OMB Analyst: _____

PART V. ACKNOWLEDGEMENT:

I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET IS COMPLETE AND ACCURATE.

SUBMITTED BY: Sponsor's Signature / Date

VERIFIED BY: Lead Agent's Signature / Date

NOTE: 7/30/14-fsw: Responses to CIP Form Questions Required Separate Additional Request for Balance of Cost to 1st proposal Submitted by WRCD, Cassandra Bloedel.

**THE NAVAJO NATION
CAPITAL PROJECT BUDGET SCHEDULE**

PART I. Business Unit No.: <u>111011 and 101103</u> Project Title: <u>Pre-Construction and Construction of New Office Building</u>	
Project Description: <u>Pre-Construction and Construction of New Office Building for Navajo Nation EPA Superfund and Resource Conservation & Recovery Program</u>	
<u>staff in cost share with Superfund Brownfields Grant at 18% of total cost and Special Revenue at 28%, Quote estimate at \$2.3 Million with \$1.3 Million for total pre-</u>	
<u>construction and construction initially submitted by WRCD and balance of cost now submitted, as documented in blue ink.</u>	

PART II. Task List (List tasks such as Plan, Design, Construct, Equip or Furnish)	PART III. Use Fiscal Year (FY) quarters. Fill in the FY below.										Expected Completion Date if exceeds 8 Qtrs.																			
	FY _____			FY _____			FY _____			FY _____			FY _____			FY _____			FY _____											
	1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			Date					
	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M
1 Plan																														
a Bid																														
b Award																														
c Begin Contract through 164																														
d Approval of Contract																														
e Notice to Proceed																														
f Bluestake/Fence out																														
g Initial ground improvement																														
2 Design																														
a NN Design & Engineering																														
i Conceptual design																														
ii Cost estimates																														
b Contractor Awardee																														
i Ground improvement work																														
ii Initial foundation pattern																														
ii Infrastructure for building																														
3 Construct																														
a Building construction																														
b Infrastructure																														
4 Equipment																														
a Electrical and plumbing																														
5 Furnish																														
a Office furnishings																														
PART IV.	\$			\$			\$			\$			\$			\$			\$			\$			\$			TOTAL		
Estimate Budget Expenditure by Que																														

NOTE: 7/30/14-fsw: Responses to CIP Form Questions Required Separate Additional Request for Balance of Cost to 1st Proposal Submitted by WRCD, Cassandra Bloedel.

THE NAVAJO NATION
CAPITAL PROJECT BUDGET AND JUSTIFICATION

PART I. Business Unit No.: <u>111011 and 101103</u>				
Project Title: <u>Pre-Construction and Construction of New Office Building</u>				
PART II.				
(A)	(B)	(C)	(D)	(E)
Fund Source Code	Agency Code	Object Code (LOD 6)	Object Code Description (LOD 7) & Justification	Budget TOTAL
2	0001	9010	9012 Land Improvements Navajo Nation EPA Superfund received legislative approval for land withdrawal near the current NNEPA-Waste Regulatory Compliance Dept. To bring this parcel of land to specification for construction, the funding is cost-shared with external funding to be received from USEPA, Region 9.	200,000
2	0001	9020	9026 Parking lot, sidewalk and streetlights (48,000 + \$100,000) Providing necessary roadway and parking for building including handicap and necessary lighting for area. 9036 Communications Providing communications lines for telephone and computer lines. 9038 Waterlines Providing necessary waterlines for potable and non-potable. 9040 Powerlines Providing necessary powerlines for building. 9042 Water/Wastewater In the same aspect as the land proving grounds for construction, necessary infrastructure will be established (i.e., sewer connection) and cost-share.	148,000
2	0001	9050	9052 Building (200,000 + 192,593) Bid process for building design and development 9060 Construction in Progress (300,000 + 57,256) Construction for building to house NNEPA Program staff from NN Design & Engineering bidding process, and construction is cost-shared with external funding to accommodate two NNEPA Programs: Superfund and Resource Conservation & Recovery for a total of 15 staff including meeting space for the Uranium Commission being developed.	392,593 357,256
1	0001	9510	9520 Matching Funds USEPA, Region 9 Superfund providing 2 funding sources: \$337,000 and \$175,000 NN Superfund Special Revenue: \$650,000	552,000 650,000
(1,300,000 + \$999,849) PAGE TOTAL:				\$2,299,849.00

OTE: 7/30/14-fsw: Responses to CIP Form Questions Required Separate Additional Request for Balance of Cost to 1st Proposal submitted by WRCD, Cassandra Bloedel.



NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY
P. O. BOX 339, WINDOW ROCK, ARIZONA 86515

PROPOSED TITLE

Navajo Nation Environmental Protection Agency, Waste Regulatory Compliance
Department, Superfund, and Resource Conservation & Recovery Programs Building
Construction

PROJECT LOCATION

~0.35 Acres, SE Quarter of Section 5; Township 26 North; Range 31 East, Window Rock,
Apache County, Arizona

(see topography maps)

AMOUNT OF FUNDS REQUESTED

Total of \$1,097,849 Itemized Below:

- 1) \$748,000.00 (57% of \$1,272,000.00 or \$1,300,000.00)
- 2) \$349,849 (32% of \$1,097,849)
(Cost-share)

SUBMITTED BY:

Stephen B. Etsitty, Executive Director
Navajo Nation Environmental Protection Agency
P. O. Box 339
Window Rock, Arizona 86515
Telephone No.: (928) 871-7692

DATE:

June 25, 2014/July 30, 2014

NAVAJO NATION EPA VISION:

The Resource Conservation & Recovery program and Navajo Superfund program are two programs under the Waste Regulatory Compliance Department of Navajo Nation Environmental Protection Agency that require an office building to better consolidate all Waste Regulatory Compliance Department ("WRCD") staff.

The Programs are housed in two separate locations within Window Rock and St. Michaels, Arizona. The WRCD is housed with the Underground Storage Tank program and the Leaking Underground Storage Tank program next door to the land withdrawn for the proposed office building.

An effort to coordinate a new office building with the U. S. Department of Environmental Protection Agency, Superfund Division has been in the works since 2012. The intention was to utilize funding made available through litigation from the Tronox Suit but we learned within the past month of May 2014 that this funding is not available as projected for a majority of the funding. Initially, Resource Conservation & Recovery program was to provide 18% of the final cost but after funding shortfalls, the program now has to satisfy 57% of the total cost projected by the Navajo Nation Design & Engineering.

The Navajo Superfund program did initiate and establish the land withdrawal for the office building, and infrastructure is proving that a lot of ground work is necessary to facility the correct structuring of waterlines, powerlines, sewage and ground work for the weight of the building as the intended area. A not to scale rendition of the location of the construction area is provided in the photograph below showing the Waste Regulatory Compliance Department building next door, and northwest of the Window Rock Training Center, Window Rock, Arizona. A goal of Navajo Nation EPA is to have adequate office space for all staff.





PROPOSAL TYPE: SCOPE OF WORK, BUDGET

The Resource Conservation & Recovery Program ("RCRP"), Waste Regulatory Compliance Department, Navajo Nation Environmental Protection Agency, is a generally funded program with a current 2014 budget of \$238,401.50 that covers personnel, fleet, travel, supplies, operating, telephone, training, and insurance.

Whereby, USEPA is allowing \$337,000.00 and \$175,000.00 from their cost share to pay for a new building but if the RCRP staff is to also share this building, additional funding would be needed at a cost share of \$748,000.00. RCRP does not have this amount to put forward.

The Superfund Program has taken steps within this fiscal year in acquiring building cost and has completed the land acquisition that is located near the current Window Rock Training Center and the current Waste Regulatory Compliance building. The land acquisition is attached. The U. S. Environmental Protection Agency, Region 9 Superfund has projected their cost-share portion to be \$337,000.00 and \$175,000.00 as of June 25, 2014. This total cost is \$552,000.00 of the approximately \$1,300,000.00. Additional funds, \$650,000, from the NN Superfund Special Revenue have been acquired to assist in obtaining funds for the estimate attached quote.

The adjusted amount for request is \$748,000.00 from the Capital Improvement Project funds so this building can be cost shared to accommodate a staff of three from the Resource Conservation & Recovery program and 10 staff from Navajo Superfund with additional space for the Uranium Commission which is being developed. With added funds of \$650,000, there remains a need of \$349,849 to meet the quote of \$2,299,849 that can be shown on application dated 7/30/14.

All Programs of the Navajo Nation Environmental Protection Agency cover any of the 110 Navajo Chapter governments, and travel outside the Navajo Nation as approved for supporting matters related to work activities of the Navajo and its people.





I. Resource Conservation & Recovery Program:

It is the responsibility of the Resource Conservation & Recovery Program (RCRP) to ensure compliance with the Navajo Nation Solid Waste Act ("Act") and regulations. The Program provides an effective and integrated approach to facilitate civil enforcement for solid waste on the Navajo Nation through Notice of Violations for responsible parties who violate the Act.

Illegal Dumping Enforcement Initiative:

NNEPA-RCRP's illegal dumping enforcement initiative and overall goals are to:

- * Reduce and prevent illegal dumping activity on the Navajo Nation.
- * Raise awareness of the reservation's illegal dumping problem.
- * Promote proper solid waste management with the Division of Community Development, Solid Waste Management Program.

In addressing the illegal dumping problem, RCRP utilizes both administrative and judicial enforcement as authorized under the Navajo Nation Solid Waste Act. However, without public education supplementing the enforcement effort, the initiative will be ineffective and nonproductive.

Transfer Stations

The Navajo Nation Division of Community Development, Solid Waste Management Program has provided infrastructure for the Navajo Nation in establishing Transfer stations and/or convenience centers where individuals can dispose of their solid waste. This solid waste is collected and transported to a certified handling or disposal facility. The Solid Waste Management Program continues to work with Navajo Chapters.

NNEPA-RCRP developed a recycling list to assist Navajo Nation residents other means in recycling waste. Solid Waste Management Program also maintains a recycling list.

Transfer stations are located at several chapter houses on the Navajo Nation, however, not all 110 chapters have transfer stations.

Alamo	Bodaway/Gap Breadsprings		Cameron	Chinle	Coyote Canyon
Crownpoint	Fort Defiance	Gallup (McKinley Co.)	Ganado	Huerfano	Kaibeto
Kayenta	Lake Valley	Leupp	Page (LaChee)	Pinehill	Sand Springs
Shiprock	Tohatchi	Tonalea	Tuba City	Upper Fruitland	

In accordance with the Navajo Nation Solid Waste Regulations - What constitutes a legal landfill?

A legal landfill complies with the following requirements:

- * Installation of methane gas and ground water monitoring systems
- * Leachate collection
- * Installation of a non-permable liner
- * Daily cover
- * Financial assurance

A sanitary landfill of this caliber is very expensive to build and maintain.

Currently, there is no legal landfill on the Navajo Nation. Please do not bury solid waste, this would be violation of the Act.

Open dumps on the Navajo Nation

The USEPA and the NNEPA completed an open dumpsite inventory in 1995, and catalogued 465 large open dump sites on the reservation, from ½-acre to 10 acres. After being provided a Notice of Violation, responsible person(s) clean up a dumpsite that is smaller than ½-acre in size. The large open dumpsites are closed by the Solid Waste Management Program once appropriate funding is received which is part of infrastructure.

Compliance with the Act for open dumping affects the following Sections:

Section 201: Disposal. No person shall:

- * Dispose of any solid waste in a manner that will harm the environment, endanger the public health, safety and welfare or create a public nuisance.
- * Dispose of any solid waste in a place other than a facility which is in compliance with these (Solid Waste) Regulations and other applicable laws.
- * Dispose of any waste not defined as Solid Waste in a solid waste landfill facility.

Section 204: Open Dumping:

- * All open dumping shall be prohibited.

ILLEGAL DUMPING IS SUBJECT TO VARIOUS FINES AND PENALTIES

Responsible parties issued a Notice of Violation from evidence or eye-witness accounts who are caught illegally disposing of their solid waste within the boundaries of the Navajo Nation. The consequences would be:

- * Look forward to cleaning up the site.
- * Picking up waste litter along the roadways.

Either of the above mentioned.

Penalties:

- Civil penalties in the amount of \$500.00 per day per violation not to exceed \$25,000.00; and
- Criminal penalties in the amount of \$500.00 per day per violation not to exceed \$5,000.00 or imprisonment for not more than 180 days per violation or both.

Projects currently underway with the Resource Conservation & Recovery program include:

- 1) CERLA process for the Tuba City Open Dumpsite, Tuba City, Arizona
- 2) Highway 160 Project Site, Tuba City, Arizona for waste identified as residual radioactive material ("RRM") for removal and proper disposal at a radioactive repository.
- 3) Assisting Navajo Superfund with the Uranium Legacy Issues for mining sites and UMTRCA sites as needed.



- 4) Providing technical assistance for waste under the Act and regulations.
- 5) Monitoring the www.nnpledge.navajo-nsn.gov Pledge webpage for Navajo individuals to get further involved with their "trash", either "composting", "audit of their trash they make each day or how much recycling they do"; and "cleanup or beautification projects they are undertaking across Navajo Nation" as an initiative of the Navajo Nation Vice President Rex Lee Jim.
- 6) Chinle landfill closure with USEPA, Region 9 and the Bureau of Indian Affairs, Navajo Nation Regional Office
- 7) Ongoing investigations of civil complaints for the Navajo Nation Solid Waste Act, Subtitle D waste (non-hazardous), and regulations.
- 8) Ongoing citations of Notice of Violations, Compliance Letters, and Civil Orders to responsible parties.
- 9) Ongoing presentations for education of the Navajo Nation Solid Waste Act and regulations.
- 10) Ongoing educational material to presentations, conferences, fairs and businesses.
- 11) Ongoing coordination of solid waste projects with Department of Community Development, Solid Waste Management program, i.e., Electronic Waste Recycling and Collection; Household Hazardous Waste Collection
- 12) Seeking grants for solid waste projects for all 110 Chapters as they become available.

II. Navajo Superfund:

The Navajo EPA Superfund provides the following services for the Navajo Nation:

Mission of the Navajo Nation Superfund Program

To respond to releases and threatened releases of hazardous substances and to locate, investigate, and arrange for the cleanup of abandoned hazardous waste sites on the Navajo Nation.

1) Superfund Sites

- a) Prewitt Abandoned Oil Refinery NPL Site
- b) UNC Churchrock Uranium Mill NPL Site

2) Abandoned Uranium Mine Sites

- a) 520 abandoned uranium mine sites on the Navajo Nation, posing risks to health and safety due both to physical hazards, such as shafts, pits, and debris piles, and to potential exposure to uranium ore, contaminated materials, and heavy metals.
- b) Contaminated Home Structures Project with the U. S. Environmental Protection Agency, Region 9 for removal of contaminated homes built with uranium source materials from mining or milling operations.

3) Sheep Dip Vats

a) Key Activities:

- Another 24 dip vat sites will be sampled for chapters located in Arizona and New Mexico.
- The Navajo Superfund Program will continue to negotiate with BIA on a work plan that will address the bioremediation methods for the next four dip vat sites and future sites.
- The Navajo Nation needs to be involved with any future work plan process regarding selection of sites for remediation and the cost-effective bioremediation considered by the BIA.

4) Comprehensive Environmental Response Compensation Liability Act:

- a) EPA maintains a Comprehensive Environmental Response, Compensation, and Liability Information Systems ("CERCLIS") list which contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. For access to this list, please use the following link:
- 5) Tribal Response Program under 128(a) has allowed capacity building, resulting in enactment of the NNCERCLA in March 2008 which mimics the federal CERCLA or Superfund Law and differs by including Petroleum as a hazardous substance and allows for cultural resource damages as well as natural resource damages; Other regulations, laws, and guidance are under development or are being processed through legislation.

Report Releases of Hazardous Substances

Report releases of hazardous substances on Navajo Nation land. Call the Navajo Nation Superfund Program at 928-871-6859 and the Navajo Nation Department of Emergency Management at 928-871-6892. If petroleum is involved you may also call the Navajo Nation Storage Tank Program at 928-871-7993.

ATTACHMENTS

- 1) Legislative document for approved land withdrawal.
- 2) Bid cost structure for construction of a modular building for office space.



THE NAVAJO NATION

BEN SHELLY
PRESIDENT

REX LEE JIM
VICE-PRESIDENT

APR 15 2014

Mrs. Sharon Pinto, Regional Director
Bureau of Indian Affairs
Navajo Region
Post Office Box 1060
Gallup, New Mexico 87305

RE: Land Withdrawal Application for
"Navajo Environmental Protection
Agency Superfund Program" on Navajo
Nation Trust Lands at Window Rock,
Apache County, Arizona.

Dear Mrs. Pinto:

The Navajo Environmental Protection Agency Superfund Program, P.O. Box 2946, Window Rock, Arizona 86515, has submitted a land withdrawal and application attached hereto as "EXHIBIT A" to construct, operate and maintain the Program Modular Office Building on, over and across Navajo Nation Trust Lands within the Window Rock Administrative Withdrawn Reserve area, Apache County, Arizona.

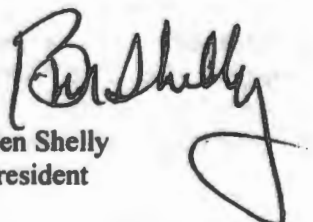
The requested land withdrawal consists of 0.35 acres, more or less, of Navajo Nation Trust Lands located in Southeast Quarter (SE¼) of Section 5, Township 26 North, Range 31 East, Apache County, Arizona. The location is more particularly shown on the map attached hereto as "EXHIBIT C" and made a part hereof.

The Project Review Section with the Navajo Land Department has determined that there are no affected land users (i.e. grazing permittees). All environmental and archaeological studies have been completed.

The Navajo Nation hereby approves the withdrawal of said lands for Navajo Environmental Protection Agency, to use for so long as it is used for said purposes.

Sincerely

THE NAVAJO NATION


Ben Shelly
President

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - FOURTH YEAR, 2014

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE
ASSIGNMENT OF 0.35 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST LAND
FOR THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY SUPERFUND
PROGRAM MODULAR OFFICE BUILDING WITHIN THE WINDOW ROCK ADMINISTRATIVE
WITHDRAWN/RESERVE AREA, NAVAJO NATION (APACHE COUNTY, ARIZONA)

BE IT ENACTED:

Section One. Findings

- A. Pursuant to 2 N.N.C. §500, the Resources and Development Committee is hereby established as a standing committee of the Navajo Nation Council,
- B. Pursuant to 2 N.N.C. §501 B 2 (a), the Resources and Development Committee grants final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.
- C. Resolution No. ACD-164-82, attached hereto and incorporated herein as Exhibit "A", the Advisory Committee established the Window Rock Administrative Reserve consisting of 536.35 acres, more or less, for the exclusive use of the Navajo Tribal government for the benefit of operations required for its administration, and for residential, commercial, community facilities and related purposes attached hereto as Exhibit "A".
- D. The Navajo Environmental Protection Agency Superfund Program, P.O. Box 2946, Window Rock, Arizona 86515 has submitted a memorandum requesting the withdrawal of 0.35 acres, more or less, of Navajo Nation Trust Land located adjacent to their Underground Storage Tank Program within the Window Rock Administrative Reserve area attached hereto as Exhibit "B".
- E. The proposed area consists of 0.35 acres, more or less, of Navajo Nation Trust Lands located in the Southeast Quarter (SE1/4) of Section 5, Township 26 North, Range 31 East, G&SRM, Window Rock, Apache County, Navajo Nation (Arizona). The location is more

particularly described on the survey map attached hereto as Exhibit "C".

- F. The Project Review Section within the Navajo Land Department has determined that there are no grazing permittees because the 0.35 acre tract is located within the 536.35-acre area that was withdrawn for the Window Rock Administrative Reserve.
- G. All environmental and archaeological surveys and studies have been completed and received appropriate clearances attached hereto and incorporated herein by this reference.

Section Two. Approval

The Navajo Nation hereby approves the assignment of 0.35 acres, more or less, of Navajo Nation Trust Lands of the original 536.35 acres of land withdrawn by ACD-164-82 for Navajo Environmental Protection Agency Superfund Program Modular Office Building at Window Rock, Apache County, Navajo Nation (Arizona). The location is more particularly described on the survey map attached hereto as Exhibit "C."


C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 22nd Navajo Nation Council at a duly called meeting held at, Red Valley Chapter House Red Valley, Arizona at which a quorum was present and that the same was passed by a vote of 04 in favor, 00 opposed this 1st day of April, 2014.



Roscoe Smith, Vice-Chairperson
Resources and Development Committee

Motion: David L. Tom
Second: Leonard Pete

I certify that this is true and Exact Copy of
Original Document on file with the Navajo Nation
Legislative Branch, Office of the Legislative Service.
Louise Tsinijinnie Date 4-9-14 

ACD-164-82

ACAR-59-83

Class "C" Resolution
No BIA Action Required.

RESOLUTION OF THE
ADVISORY COMMITTEE OF THE
NAVAJO TRIBAL COUNCIL

Authorizing the Withdrawal of Certain Parcel of Land
Held in Trust by the United States for the Benefit
of the Navajo Tribe

WHEREAS:

1. Navajo Tribal Council Resolution CJN-24-55 authorized the Chairman of the Navajo Tribal Council, with concurrence and recommendation of the Advisory Committee, subject to the approval of the Secretary of the Interior or his authorized representative, to execute Orders withdrawing designated tribal land for use in connection with authorized programs of benefit to the Navajo Tribe; and
2. The Advisory Committee of the Navajo Tribal Council by Resolution CJA-1-81 has been delegated the authority to approve withdrawal of land for business, residential, commercial, and for other beneficial purposes; and
3. Since 1934, the Navajo Tribal Council and its administration have possessed this parcel of land with the Bureau of Indian Affairs and used the land for the purposes of the operation of the Tribal and the Bureau governments, and recreational areas, state and federal agencies and supporting residential, commercial, community facility, and related purposes; and
4. The Bureau of Indian Affairs, Navajo Area Office has relinquished the majority of its claim of a Window Rock Administrative Reserve Area, as shown on Exhibits "A & B" attached hereto, no longer required by BIA for the purpose of which the reserve was asserted; and
5. The need exists to maintain an independent land area to be occupied by the facilities necessary to maintain the Navajo Tribal Government and its supporting residential, commercial, recreational community facility and other related functions, with future development controlled by the Navajo Tribe; and
6. The Chairman of the Navajo Tribal Council has acknowledged the acceptance of the subject land area and attached hereto as Exhibit "C" is a copy of said acceptance; and

THENCE N 01° 21' 13" E, 86.25 feet;
THENCE N 03° 16' 39" W, 47.80 feet;
THENCE N 29° 09' 18" E, 47.51 feet;
THENCE S 79° 00' 28" E, 47.75 feet;
THENCE S 39° 04' 06" E, 73.25 feet;
THENCE S 17° 25' 31" W, 96.11 feet;
THENCE S 20° 54' 00" E, 121.61 feet;
THENCE S 26° 22' 05" E, 164.09 feet;
THENCE S 04° 57' 50" W, 114.62 feet;
THENCE S 45° 54' 10" E, 23.95 feet;
THENCE S 23° 14' 40" E, 438.69 feet;
THENCE N 47° 50' 00" E, 98.15 feet;
THENCE N 09° 31' 20" E, 376.79 feet;
THENCE S 78° 12' 40" E, 137.80 feet;
THENCE S 00° 22' 00" E, 1,066.04 feet to the Point of Beginning.

Being 536.35 acres, more or less, in area.

Surveyed July, 1979 by the Office of Navajo Land Administration,
The Navajo Tribe, Window Rock, Navajo Nation, Arizona.

THE NAVAJO NATION



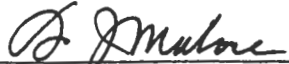
BEN SHELLY
REX LEE JIM

Environmental Protection Agency Waste Regulatory Compliance Department
P.O. Box 3089 Window Rock, AZ 86515 • Building #6656 Morgan Blvd. Window Rock, AZ 86515
Tel: 928.871.7993 • Fax: 928.871.7783

January 1, 2015

MEMORANDUM

TO : All Concerned

FROM : 
Diana J. Malone, Environmental Department Manager
NN Environmental Protection Agency
Waste Regulatory Compliance Department

SUBJECT : DELEGATION OF AUTHORITY

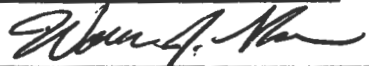
This Standing Delegation of Authority shall serve to ensure oversight of Navajo Nation Environmental Protection Agency, Waste Regulatory Compliance Departmental activities and operations when I am on travel or on leave. The following personnel are delegated in order.


1. Warren J. Roan, Environmental Specialist, Storage Tank Program
2. Henry Haven, Jr., Principal Geologist, Leaking Storage Tank Program
3. Cassandra Bloedel, Environmental Program Supervisor, Resource Conservation Recovery Program
4. Freida S. White, Environmental Program Supervisor, Navajo Superfund Program
5. Tanya Yazzie, Environmental Specialist, Storage Tank Program
6. Patricia Maples, Environmental Specialist, Leaking Storage Tank Program

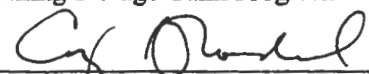
This delegation of authority shall serve to delegate my authority for the oversight and management of the Waste Regulatory Compliance Department programs including the signing of all documents. However, this delegation of authority to sign documents shall not extend to 1) legislation and regulations; 2) budget transfers without justification or U.S. EPA approval; 3) documents that lack the concurrence of the appropriate program supervisor; (4) documents for the delegates own programs; (5) travel and leave requests for the program supervisors and (6) any other documents that the delegatee feels requires the department manager's signature. Finally, this delegation of authority may not be transferred beyond the above-referenced personnel. Delegation to expire on September 30, 2015 @ 5:00p.m.

Your assistance and cooperation with the above listed personnel will be appreciated. If you have any questions, I can be reached at (928) 871-7993.

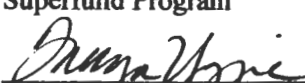
ACKNOWLEDGED:

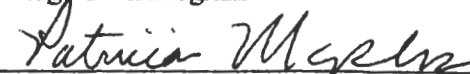

Warren J. Roan, Environmental Specialist
Storage Tank Program


Henry Haven, Jr., Principal Geologist
Leaking Storage Tank Program


Cassandra Bloedel, Environmental Program Supervisor
Resource Conservation & Recovery Program


Freida S. White, Environmental Program Supervisor
Superfund Program

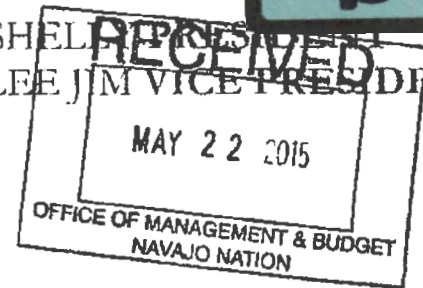

Tanya Yazzie, Environmental Specialist
Storage Tank Program


Patricia Maples, Environmental Specialist
Leaking Storage Tank Program

THE NAVAJO NATION



BEN SHELL PRESIDENT
REX LEE JIM VICE PRESIDENT



MEMORANDUM

TO: Dominic Beyer, Director
Office of Management and Budget

DATE: May 22, 2015

FROM: Robert Willie
Robert Willie, Acting Controller
OFFICE OF THE CONTROLLER

SUBJECT: Fiscal Year 2015 Revised: Recommended for Budget Levels for Hazardous Substance Fund and NN Museum

Attached is the revised Fiscal Year 2015 Revenue Budget Recommendation for Proprietary Funds for Fiscal Year 2015. Business Units 511007, Hazardous Substance Fund, has been revised and the new total for FY 2015 is \$1,997,849. Business unit 115017, Navajo Nation Museum has also been revised. The new total is \$197,500.

Should there be any questions, call me at tribal extension 6125.

The Navajo Nation
Office of the Controller

REVISED: REVENUE BUDGET RECOMMENDATION FOR FISCAL YEAR 2015

Account			FY2015 RECOMM. LIMITS
Number	Program/Title		
511007	Hazardous Substance Fund	EF	1,097,849
116017	HPD-NN Museum	GF	107,500

GRAND TOTAL: 2,155,349

EF- ENTERPRISE FUND
ISF- INTERNAL SERVICE FUND
SRF - SPECIAL REVENUE FUND
GF- GENERAL FUND
* Based on submittal of premiums from Dept.
** General Fund expenses transferred to
Proprietary Fund per GAAP.

RECEIVED

MAY 22 2015

OFFICE OF MANAGEMENT & BUDGET
NAVAJO NATION

Prepared by:

Waleaka Danton
Waleaka Danton, Senior Accountant

Approved by:

Robert Wille
Robert Wille, Supervisor

DATE: 05-22-15



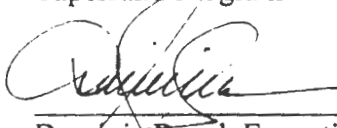
THE NAVAJO NATION

RUSSELL BEGAY
JONATHAN NEZ



MEMORANDUM

TO : Frieda S. White, Environmental Program Supervisor
Superfund Program

FROM : 
Dominic Beyer, Executive Director
Office of Management & Budget

DATE : May 28, 2015

SUBJECT : Superfund Hazardous Substance Fund Fiscal Year 2015 Revised Funding Allocation

The Office of the Controller has recommended a revised special revenue fund allocation of \$1,997,849 for FY 2015 for the above subject program. The revised amount is \$1,347,849 more than the original allocation. According to the FY 2015 Budget and Finance Committee Resolution BFJN-17-14, #11 "Navajo Nation programs and entities shall be guided by existing budget policies as set forth in Navajo Nation statutes, and duly adopted resolutions". Accordingly, the FY 2014 Budget Instructions and Policies Manual section II.A.12, Budget Policies and Related Requirements states that if the recommended revised funding allocation exceeds \$50,000, it will require oversight approval (see attached), prior to the entry of the funds into FMIS.

The program needs to submit an approved **budget modification** for the \$1,347,849 amount to OMB after approval has been attained by the oversight committee.

If you have any questions, contact our office at (928) 871-6571.

xc: Dr. Donald Benn, Executive Director/NNEPA
Lavern Begay, Principal Contract Analyst/NEPA
File



THE NAVAJO NATION



RUSSELL BEGAYE
JONATHAN NEZ



Environmental Protection Agency Superfund Program

P.O. Box 2946 Window Rock, AZ 86515 • Hwy 264/43 Crest Rd. Saint Michaels, AZ 86511

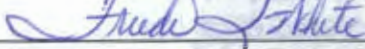
Tel: 928.871.6859

Fax: 928.871.7333

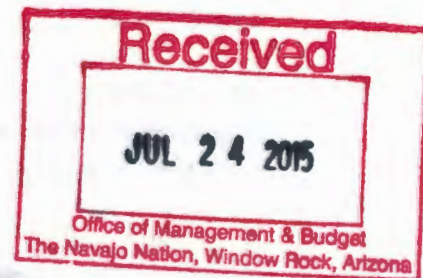
June 11, 2015

MEMORANDUM:

TO : 164 REVIEWERS

FROM : 
Freida S. White, Environmental Program Supervisor
NNEPA/WRCD Superfund Program

RE : **Request for FY15 Supplemental Funding from Special Revenue 511007 in amount of \$1,997,849 for a New Building, and for Uranium Work and Start-Up Costs for the Dine Uranium Remediation Advisory Commission signed by the NN President on May 4th 2015 after Legislative Approval**



The Navajo Superfund Program (NSP) received a May 22, 2015 response from the Office of the Controller regarding Fiscal Year 2015's Recommended Budget for the Hazardous Substance Fund at \$1,997,849. This total involves the following: \$1,197,849 for the new building, \$650,000 from FY15's recommended budget for the new building, and \$150,000 for the recently legislated and approved Dine Uranium Remediation Advisory Commission (DURAC) that will be for uranium work and start-up costs. A copy of the May 22, 2015 from the Office of the Controller is attached.

The urgency is to prevent the U.S. Environmental Protection Agency's Washington DC Office (USEPA WO) from taking USEPA WO's allotted federal share of \$551,790 if concrete evidence is not provided to show that enough FY15 allocated funds are available to allow work to begin in FY15 at the secured new office site. NSP has been fortunate enough to have had \$551,790 allocated from the USEPA WO who does not normally provide for building funds. USEPA WO had realized that NSP's current and rented private office building located on private land has to be replaced due to severe dilapidation that continues to present risks to staff and equipment. The amount of \$551,790 has to be utilized before September 30, 2015 otherwise it will be returned and never be re-allocated.

I have attached NN Department of Justice's letter of approval for use of the recent settlement funds in Special Revenue 511007 that were received in February 2015 with two more deposits thereafter. Also, attached is email for approval of same for use of \$100,000 for the building furniture and \$150,000 for DURAC's startup costs.

NSP has abided by the Navajo Nation building process which required NN Design & Engineering's (NND&E) involvement. Those businesses that met NND&E's qualification process were allowed to provide quotes. Only one of two provided a quote. These businesses had to provide quality

modular buildings as part of NND&E's goal to prevent continued purchases of office buildings that became dilapidated over several short prior years. NND&E's goal is to look for longer lasting buildings that are placed on engineered sites with placement of steel framed buildings on cemented bases that would ensure that correct performance happens the first time. In this manner, funds are expended efficiently and effectively.

NSP has also requested for use of \$150,000 for the recently legislated establishment of the Dine Uranium Remediation Advisory Commission. This is for uranium work and start-up costs and will have to be replenished, as more planning details are discussed.

The building is sized for seventeen staff members, fourteen to work under the Navajo Superfund Program (NSP) and three to work under the Resource Conservation Recovery Program (RCRP). Both the NSP and RCRP work under the NNEPA Waste Regulatory Compliance Department. Currently, there is not enough space in the dilapidated office building. Files in cabinets and equipment had to be moved to a recently purchased storage building because office space was necessary to house two new staffed positions, the Sr. Environmental Engineer and Sr. Public Information Officer. Other direly needed planned positions cannot be considered until there is ample space, such as in the new building.

In consideration of limited time, the federal funds will be expended in FY15 and special revenue funds not utilized in FY15 will be rolled over into FY16. To do this, Mr. Robert Willie informed that I will need to write a memo for the rollover.

Thank you in advance for your consideration and approval. Your time and service are appreciated in expediting the process. If you have any questions, please feel free to contact me at X6859.

xc: File
Diane Malone, WRCD Dept. Manager/NNEPA

Document No. 003571Date Issued: 03/06/2015**SECTION 164 REVIEW FORM**Title of Document: SPECIAL REVENUE, \$1,197,849.00 Contact Name: WHITE, FREIDA S.Program/Division: ENV. PROTECTION AGENCYEmail: freidawhite@navajo-nsn.gov Phone Number: 9288716859Division Director Approval for 164A: *ASem*

for 01/25/15

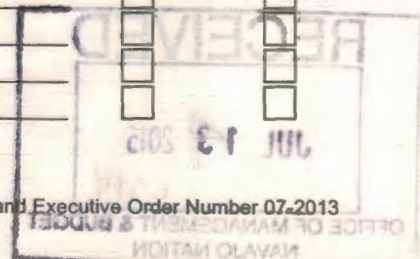
Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input type="checkbox"/>	Statement of Policy or Positive Law:		Sufficient	Insufficient
<input type="checkbox"/>	1. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)			
	1. OMB: <u><i>Bygal - See 5/28/15 memo</i></u>	Date: <u><i>7/30/15</i></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	2. OOC: <u><i>River</i></u>	Date: <u><i>8/31/15</i></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	3. OAG: <u><i>ASem</i></u>	Date: <u><i>8/10/15</i></u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section 164(B) Final approval rests with the President of the Navajo Nation

<input type="checkbox"/>	Grant/Funding Agreement or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>





NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



☐ RESUBMITTAL

DOJ
8/4/15 4:34p
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 003571
SAS #:
UNIT: WMA

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST:	8/4/2015	DIVISION:	NNEPA
CONTACT NAME:	Freida S. White	DEPARTMENT:	WRCD Superfund Program
PHONE NUMBER:	(928) 871-6859	E-MAIL:	freidawhite@navajo-nsn.gov
TITLE OF DOCUMENT: Review of 164Doc.3571, special revenue fund 511007 for NNEPA Superfund Program's new office building & work for DURAC, to be expedited in order that USEPA's contribution of \$551,790 is not returned to USEPA Headquarters of Washington, DC			

DOJ SECRETARY TO COMPLETE

RECEIVED DATE/TIME IN UNIT: AUG - 5 2015 DEPARTMENT OF JUSTICE	8/5/15 7:50p	REVIEWING ATTORNEY/ADVOCATE:	Toni 8.17.15 (Kam on NBA leave)
NATURAL RESOURCES UNIT DATE TIME OUT OF UNIT:			

DOJ ATTORNEY / ADVOCATE COMMENTS

Legally sufficient

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Toni Flores	8/10/15 4:37	Toni Flores	8/10/15 4:37
DOJ Secretary Called: Freida White for Document Pick Up on 8.10.15 at 437, By: RG			
PICKED UP BY: (Print)		DATE / TIME:	

NNDJ/DRRF-July 2013

COMPLETED



**NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL**

HARRISON TSOSIE
ATTORNEY GENERAL

DANA L. BOBROFF
DEPUTY ATTORNEY GENERAL

April 16, 2015

Freida White, Supervisor
Navajo Nation Environmental Protection Agency
Superfund Program

SENT BY ELECTRONIC MAIL ONLY

Re: Question regarding use of Tronox
Settlement Funds

Dear Ms. White,

The purpose of this letter is to respond to your inquiry as to whether or not Tronox Settlement funds may be used for purposes relating to the construction of a building for the Navajo Nation Environmental Protection Agency Superfund Program. The answer to your question is yes.

Here's why.

This decision is based upon an examination of the following documents:

1. The Tronox Settlement Agreement entered into in late November 2010;
2. The Navajo Nation CERCLA passed in 2008;
3. The Navajo Nation EPA Superfund Program Fund Management Plan as passed by the Navajo Nation Council in January 2011.

The Tronox Settlement Agreement, hereinafter referred to as Tronox Settlement 1, was entered into among numerous parties, including the United States and the Navajo Nation, in late November of 2010. The Agreement divided proceeds of a Settlement by the parties. As part of this Settlement the Navajo Nation received \$1,231,978.00 "in connection with" the Navajo Nation's bankruptcy claim regarding the former Shiprock Uranium Mill site. This language is found in paragraph 117s, p. 161 of Tronox Settlement 1 which also provides that the "distribution received shall be transferred pursuant to the instructions set forth in Paragraph 130.

Paragraph 125r of Tronox Settlement 1 sets forth the Navajo Nation share of any Anadarko Litigation proceeds that might be received as a result of the litigation against Anadarko and Kerr McGee for fraudulent transfer of Kerr McGee assets. The share was set at 1% of said proceeds. As you realize, this case resulted in a Settlement Agreement (Tronox Settlement 2) that was entered into in April of 2014. The appeal deadline for Tronox Settlement 2 expired in late January of 2015. As of this date the Navajo Nation has received distributions of \$26,743,252.86, \$11,472,980.33 and \$6,195,409.38.

Paragraph 125r of Tronox Settlement 1 further provides that the distributions will be transferred pursuant to the instructions set forth in paragraph 130.

While paragraphs 117s and 125r clearly connect the Navajo distributions to the Shiprock site, there is nothing in those paragraphs to suggest that the proceeds from those distributions can only be spent on matters relating to the Shiprock site.

A comparison of paragraphs 117s and 125r (dealing with the Shiprock Site) with paragraphs 117p and 125o (dealing with the 49 abandoned mines that comprised part of the U.S. claim) is instructive for interpretation purposes. Each of the paragraphs relating to the U.S. claim sets forth specific spending instructions for those funds. The funds distributed to the U.S. relating to those 49 mines must *"be retained and used to conduct or finance response actions at or in connection with the"* 49 mines. This type of language is lacking in the provisions dealing with the Navajo funds.

While this clearly indicates that the restrictions on the use of the U.S. funds are greater than those on the use of the Navajo funds it does not mean that use of the Navajo funds is open or unrestricted.

As noted above the monies distributed to Navajo are also covered by paragraph 130 of Tronox Settlement 1 which is set forth in its entirety below.

"Cash payments to the Navajo Nation required in this Settlement Agreement shall be made to the Navajo Nation Environmental Protection Agency for deposit in the Hazardous Substances Fund, with additional routing instructions to be provided by the Navajo Nation at the time of transfer."

Therefore, when attempting to define the possible restrictions on the use of the Tronox settlement funds by the Navajo Nation it is important to examine all laws and regulations relating to the Navajo EPA Hazardous Substances Fund which is the repository of all Navajo Tronox funds in accordance with the Tronox Settlement 1 Agreement.

This brings us to the Navajo Nation CERCLA and the Navajo Nation EPA Superfund Program Fund Management Plan.

The Navajo CERCLA is codified at 4 NNC §2101 et seq. The applicable provision for this discussion is found at 4 NNC §2701 which provides in part that *"The monies deposited into the Hazardous Substances Fund shall be expended by the Director for the use of the Navajo Superfund Program, as provided in this Section, in accordance with the Special Revenue Fund Management Plan and pursuant to an approved Budget."* 4 NNC §2701 contains no other relevant restrictions on the use of monies deposited into the Hazardous Substances Fund.

An examination of the Superfund Program Fund Management Plan reveals that the most relevant section for this discussion is Section III E. entitled "Expenditure of Funds". This section specifically allows funds to be spent for "Administration, implementation and enforcement" of the Navajo CERCLA and even contains specific account designations for leases (account 5000) and Capital Expenditures relating to real property (account 9000).

Therefore, given the fact that there are no relevant restrictions on the use of the Navajo Tronox Settlement funds contained in the Tronox 1 Settlement Agreement, and, given the fact that the Tronox Settlement 1 Agreement specifically directs that the Navajo funds be deposited into the Navajo EPA Hazardous Substances Fund, and given the fact that the Navajo CERCLA specifically requires that funds deposited into the Hazardous Substances Fund be "expended by the Director for the use of the Navajo Superfund Program, and given the fact that the Superfund Program Fund Management Plan

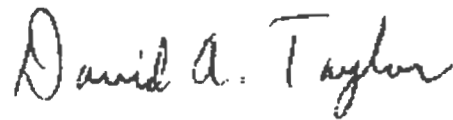
specifically allows for funds to be spent for "Administration, implementation and enforcement" of the Navajo CERCLA, it seems clear that Tronox Settlement funds, which have been deposited into the Navajo EPA Hazardous Substances Fund, can be utilized for expenses related to the construction and operation of a new Superfund Program building.

Please realize that all other budgetary and expenditure related restrictions and procedures must be followed.

As always, don't hesitate to let me know should you have any questions regarding the matters covered in this letter.

Very truly yours,

NAVAJO NATION DEPARTMENT OF JUSTICE
HARRISON TSOSIE, ATTORNEY GENERAL

A handwritten signature in black ink that reads "David A. Taylor". The signature is written in a cursive, flowing style.

David A. Taylor, Attorney
NATURAL RESOURCES UNIT

c. Bidtah Becker, Assistant Attorney General

Re: Letter Responding to Inquiry

David Taylor <dtaylor@nndoj.org>

Wed 5/13/2015 7:46 PM

Freida White <freidawhite@navajo-nsn.gov>;

Yes and yes.

Best,
Dave

Sent from my iPad

On May 13, 2015, at 3:14 PM, Freida White <freidawhite@navajo-nsn.gov> wrote:

Would it be okay to add \$150,000 for the Dine Uranium Remediation Advisory Commission, and \$100,000 for furniture of the new building that I did not include in the budget?

The 164 document was returned to us with Mr. Etsitty recommending the inclusion of \$150,000 for the Dine Uranium Remediation Advisory Commission. Do you know how this amount will be used? I'm asking because of the inquisitive nature of Council Delegate Leonard Tsosie.

I will be changing the budget forms and providing it to Judy Clark, NN Investments. Once she reviews and signs, she will send it to NNOMB for placement of funds. Once placed, it will be available for expending. Had we known it was this simple, we would not have started the 164 review process. Lavern Begay, NNEPA Principle Contract Analyst, informed yesterday that this process was available.

Thank you again for your assistance.

From: David Taylor <dtaylor@nndoj.org>

Sent: Thursday, April 16, 2015 8:59 AM

To: Freida White

Cc: Bidtah Becker; Harrison Karr; WILLIAMS, LAURIE (Williams.Laurie@epa.gov); Stephen B. Etsitty

Subject: Letter Responding to Inquiry

Good Morning Freida,

Attached you will find a letter from Navajo DOJ responding to your inquiry about whether or not Tronox settlement funds may be used for construction of a Superfund building.

Don't hesitate to let me know if you have any questions.

Dave

David A. Taylor
Navajo Nation Department of Justice
P.O. Box 2010
Window Rock, AZ 86515
928-871-6347
928-871-6226 direct
928-871-6177 fax
dtaylor@nndoj.org

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