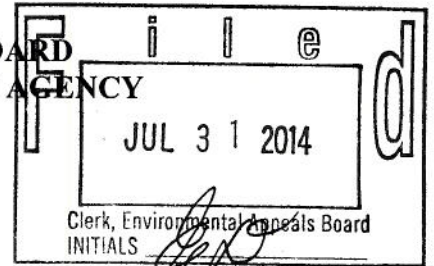


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

United States Department of Interior,

Respondent.

)
)
)
) Docket No. RCRA-HQ-2011-8006
) Docket No. CAA-HQ-2011-8006
) Docket No. TSCA-HQ-2011-8006
) Docket No. SDWA-HQ-2011-8006
)

ORDER MODIFYING CONSENT AGREEMENT


Pursuant to 40 C.F.R. § 22.18(b) of EPA's Consolidated Rules of Practice, the Environmental Appeals Board ("Board") ratified the Consent Agreement resolving this matter on August 18, 2011. EPA's Office of Compliance Assurance, with the agreement of the Respondent, now seeks to modify that Consent Agreement by substituting the attached revised Appendices C and D, which update the facilities subject to that Consent Agreement. The Board ratifies this modification and incorporates the attached amended Appendices C and D by reference into the Consent Agreement.

The Respondent is ORDERED to comply with all terms of the Consent Agreement, as amended, effective immediately.

So ordered.¹

Date:

7/31/14


Kathie A. Stein
Judge, Environmental Appeals Board

¹ The two-member panel ratifying this matter is composed of Environmental Appeals Judges Kathie A. Stein and Leslye M. Fraser.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, DC 20240

IN REPLY REFER TO:

CERTIFICATION

On behalf of Indian Affairs, I certify that the schools and water systems named on the updated Appendices C and D to the Consent Agreement and Final Order (CAFO) are, to the best of my knowledge and belief, facilities owned and/or operated by the Department of the Interior. As such, the facilities named on the updated Appendices C and D of the CAFO are subject to the terms of the CAFO and the Federal Facilities Compliance Agreement in this case.

In making this statement, I have not made an independent review of all statements contained therein and have relied in good-faith on information, statements, and representations furnished to me by employees or contractors of the Department of the Interior. Based on my inquiry of the person or persons (or the supervisors of such persons) directly responsible for gathering the information contained in this written certification and in any documents accompanying this certification, this document is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant potential penalties for submitting materially false information, including the possibility of fines and imprisonment for knowing violations.

Date: 05-23-2014

(Acting) Deputy Bureau Director
Office of Trust Services

APPENDIX C

BIA OWNED SCHOOLS SUBJECT TO THE CAFO AND FFCA

SCHOOLS SORTED BY EPA REGION

EPA Region 1

1. Beatrice Rafferty School
2. Indian Island School
3. Indian Township School

EPA Region 4

4. Ahafachkee Indian School
5. Choctaw Central Middle and High School
6. Pearl River Elementary School

EPA Region 5

7. Lac Courte Oreilles Ojibwa School
8. JKL Bahweting Anishnabe School
9. Bug-O-Nay-Ge-Shig School
10. Circle of Life Academy
11. Fond du Lac Ojibwe School
12. Menominee Tribal School
13. Nay-Ah-Shing School
14. Oneida Nation School

EPA Region 6

15. Southwest Indian Polytechnic Institute (SIPI)
16. Jicarilla Student Residence (Dormitory)
17. Ohkay Owingeh Community School
18. San Ildelfonso Day School
19. Santa Clara Day School
20. Te Tsu Geh Oweenge Day School (Tesuque)
21. Taos Day School
22. Isleta Elementary School
23. Jemez Day School
24. Laguna Elementary and Middle School
25. San Felipe Pueblo Elementary School
26. Sky City Community School
27. T'siya (Zia) Day School
28. Eufaula Dormitory
29. Jones Academy
30. Riverside Indian School
31. Sequoyah High School

EPA Region 7

32. Haskell Indian Nations University

EPA Region 8

33. Northern Cheyenne Tribal School
34. St. Stephens Indian School
35. Blackfeet Dormitory
36. Two Eagle River School
37. Cheyenne Eagle Butte School
38. Pierre Indian Learning Center
39. Takini School
40. Tiospaye Topa School
41. Crow Creek Tribal School (Reservation High School & Crow Creek Sioux Tribal Elementary School)
42. Lower Brule Day School
43. Circle of Nations–Wahpeton Indian Boarding School
44. Flandreau Indian Boarding School
45. American Horse School
46. Crazy Horse School
47. Little Wound School
48. Loneman Day School
49. Pine Ridge School
50. Porcupine Day School
51. Wounded Knee District School
52. Sicangu Owayawa Oti (Rosebud Dormitory)
53. Sicangu Oyate Ho, Inc. (St. Francis School)
54. Sitting Bull Day School (Tatanka Wakanyeja Oti)
55. Rock Creek Grant School
56. Standing Rock Community School
57. Dunseith Day School
58. Ojibwa Indian School
59. Turtle Mountain Community Elementary, Middle and High School
60. Twin Buttes Day School
61. White Shield School
62. Tate Topa Tribal School

EPA Region 9

63. Blackwater Community School
64. Casa Blanca Community School
65. Dishchii'bikoh Community School (Cibecue)
66. Gila Crossing Day School
67. John F. Kennedy Day School
68. Santa Rosa Day (Boarding) School
69. Santa Rosa Ranch School
70. San Simon School
71. Theodore Roosevelt School
72. Tohono O'odham High School
73. Black Mesa Community School
74. Many Farms Community School (Chinle Boarding School)

75. Cottonwood Day School
76. Jeehdeez'a Elementary School
77. Lukachukai Community School
78. Many Farms High School
79. Nazlini Community School
80. Pinon Community School
81. Rock Point Community School
82. Rough Rock Community School
83. Alamo Navajo Community School
84. Baca/Dio'ay Azhi Community School
85. Bread Springs Day School
86. ChiChilTah/Jones Ranch Community School
87. Dibe-Yazhi Habltin' Olta', Inc. (Borrego Pass Day School)
88. Dzilh-Na-O-Dith-Hle Community School
89. Hanaa'dli Community School (Huerfano)
90. Lake Valley Navajo School
91. Mariano Lake Community School
92. Na'Neelzhiin Ji'Olta (Torreon)
93. Ojo Encino Day School
94. Pueblo Pintado Community School
95. T'iists'oozi'bi'olta (Crownpoint)
96. To'Hajilee (Canoncito)
97. Tse'ii'ahi Community School (Standing Rock)
98. Wingate Elementary
99. Wingate High School
100. Ch'ooshgai Community School
101. Crystal Boarding School
102. Greasewood Springs Community School
103. Hunters Point Boarding School
104. Kin Dah Lich'i Olta (Kinlichee)
105. Pine Springs Day School
106. Seba Dalkai Boarding School
107. Wide Ruins Community School
108. First Mesa Elementary School
109. Second Mesa Day School
110. Havasupai Elementary School
111. Hopi Day School
112. Hopi High School
113. Hotevilla Bacavi Community School
114. Keams Canyon Elementary School
115. Moencopi Day School
116. Aneth Community School
117. Atsa'Biya azh Community School
118. Kinteel Residential Campus, Inc. (Aztec Dormitory)
119. Beclabito Day School

120. Cove Day School
121. Nenahnezad Community School
122. Red Rock Day School
123. Sanostee Day School
124. Shiprock Reservation Dormitory and Shiprock Northwest High School
125. T'iis Nazbas Community School (Teecnospos)
126. Tohaali' Community School (Toadlena)
127. Sherman High School
128. Chilchinbeto Community School
129. Dennehotso Boarding School
130. Greyhills Academy High School
131. Kaibeto Boarding School
132. Kayenta Community School
133. KinLani Bordertown Dormitory (Flagstaff)
134. Leupp School, Inc.
135. Little Singer Community School
136. Naa Tsis' Aan Community School (Navajo Mountain)
137. Richfield Residential Hall
138. Rocky Ridge Boarding School
139. Shonto Preparatory School
140. Tonalea Day School
141. Tuba City Boarding School
142. Pine Hills School
143. Salt River Elementary School

EPA Region 10

144. Chemawa Indian School
145. Quileute Tribal School
146. Shoshone Bannock School District No. 512

APPENDIX D**BIA-OWNED WATER SYSTEMS SUBJECT TO THE CAFO AND FFCA****WATER SYSTEMS SORTED BY EPA REGION****EPA Region 5**

Bug-O-Nay-Ge-Shig School

050594204 / 050594212 / 050594214

EPA Region 6

Jones Academy

OK00013

Riverside Indian School

OK300801

San Felipe Pueblo Elementary School

063501160

EPA Region 8

American Horse School

084690466

Crazy Horse School

084690468

Flandreau BIA School

084690465

Porcupine Day School

084690469

St. Stephens Indian School

085690011

Wounded Knee District School

085690467

Little Wound (Kyle) School

No Number

Crow Creek Tribal School

No Number

(was Reservation High School & Crow Creek Sioux Tribal Elementary)

Northern Cheyenne Tribal School

083090063

Dunseith Day School

No Number

Pierre Indian Learning Center

084690027

Loneman Day School

084690467

Blackfeet Dormitory

083090002

EPA Region 9

Alamo Navajo School

NN3534026

Aneth Community School

NN4932002

Atsa' Biya azh Community School

NN3500245

Baca/Dio'ay Azhi Community School

093534002

Beclabito Day School

NN3532003

Black Mesa Community School

NN0400253

Bread Springs Day School

093534004 / 093534007

Chi-ChilTah/Jones Ranch Community School

093534005

Chilchinbeto Community School

NN0433002

Ch'ooshgai Community School (Chuska)

NN3536003

Dishchii'bikoh Community School (Cibecue)

090400049 / 090400048

Cottonwood Day School

NN0435004

Cove Day School

NN0432005

Crystal Boarding School

NN3536005

T'iisTs'oz'i'Bi'Olta Community School (Crownpoint)

093534023

Dennehotso Boarding School

NN0433004

Dibe Yazhi Habitiin Olta' (Borrogo Pass)

093534003

Dzilth-Na-O-Dith-Hle Community School

093534024

Greasewood Springs Community School, Inc.	NN0436008
Hanaa'dli (Huerfano) Community School/Dormitory	093534006 / NN3534006
Hopi Jr.-Sr. High School	090400395
Hotevilla Bacavi Community School	090400052
Hunters Point Boarding School	NN0436011
Jeehdeez'a Elementary School	NN0435006
John F. Kennedy Day School	090400053
Kaibeto Boarding School	NN0433007
Kayenta Community School	NN0433008
<i>BIA Hopi Agency (Keams Canyon)</i>	090400054
Kin Dah Lichi'i Olta (Kinlichee)	NN0436015 / NN0436014
Lake Valley Navajo School	093534010
Leupp School, Inc.	NN0433009
Lukachukai Community School	NN0435007
Many Farms Community School (Chinle)	NN0435008
Many Farms High School	NN0435008
Mariano Lake Community School	093534012
Na'Neelzhiin Ji'Olta (Torreon Day School)	093534018 / 093534019
Naa Tsis'Ana (Navajo Mt.) Community School	NN4933011
Nenahnezad Community School	NN3532006
Nazlini Community School	NN0435009
Ojo Encino Day School	093534014 / 093534013
Pine Springs Day School	NN0436018
Pinon Community School	NN0435010
Pueblo Pintado Community School	093534015 / 093534011
Red Rock Day School	NN0432007
Rock Point Community School	NN0435011
Rocky Ridge Boarding School	NN0433015
Rough Rock Community School	NN0435112
San Simon School	090400229
Sanostee Day School	NN3532009
Seba Dalkai Boarding School	NN0436019
Second Mesa Day School	090400057
Sherman Indian High School	090500069
Shonto Preparatory School	NN0433016
Standing Rock Community School (Tse'ii'ahi)	093534016
Theodore Roosevelt School	090400249
T'iis Nazbas Community School (Teecnospos)	NN0432010
To'haali' Community School (Toadlena)	NN3532011
To'hajiilee-He Day School (Canoncito)	NN3534025
Tonalea School (Red Lake)	NN0433013
Tuba City Boarding School	904330001
Wide Ruins Community School	NN0436024
Wingate Elementary School	093534020 / 093534022
Wingate High School	093534021

EPA Region 10

Chemawa Indian School	104101132
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CERTIFICATE OF SERVICE


I certify that the foregoing Order Modifying Consent Agreement, in the Matter of U.S. Department of the Interior, Docket No. HQ-2011-8006, was filed and copies of the same were mailed to the parties as indicated below:

Via Interoffice Mail:

Gracie Pendleton (Mail Code: 2261A)
Office of Enforcement and Compliance Assurance
Federal Facilities Enforcement Office
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460-0001

Via U.S. Certified Mail:

Adrienne Gaziano, Esq.
Division of Indian Affairs
Office of the Solicitor
Department of the Interior
1849 C Street, NW
Washington, DC 20240


Annette Duncan, Secretary
U.S. Environmental Protection Agency
Environmental Appeals Board

JUL 31 2014

Dated: _____