R06-20-C-001

OFFICE OF THE GOVERNOR

Reggie Wassana
Governor

Gilbert Miles
Lieutenant Governor

Narrative Information Sheet

1. Applicant Identification
   Cheyenne and Arapaho Tribes
   P.O. Box 167
   100 Red Moon Circle
   Concho, OK 73022-0167
2. Funding Requested
   a. Grant Type
      Multiple Site Cleanup
   b. Federal Funds Requested
      i. $260,000.00
      ii. Cost share waiver does not apply
   c. Contamination
      Hazardous Substances
3. Location
   a. City: Concho, Oklahoma
   b. County: Canadian County
   c. State: Oklahoma, Concho Reservation, tribally owned lands
4. Property Information
   Concho School and Reserve Properties (multiple sites)
   a. Site 1
      Building 10 (former Post Office)
      106 E. Whirlwind Road
      Concho, OK 73022-0167
   b. Site 2
      Building 11 (former Treatment Center)
      112 E. Whirlwind Road
      Concho, OK 73022-0167
5. Contacts
   a. Project Director
      Damon Dunbar
      (405) 422-7730
      damon.dunbar@cheyenneandarapaho-nsn.gov

P.O. Box 167
100 Red Moon Circle
Concho, OK 73022-0167

b. Chief Executive/Highest Ranking Elected Official
Reggie Wassana
(405) 422-7720
rwassana@cheyenneandarapaho-nsn.gov
P.O. Box 167
100 Red Moon Circle
Concho, OK 73022-0167

6. Population
12,946 enrolled tribal members (as of 10/21/2019)

7. Other Factors Checklist

Other Factors		**Page #**
Community Population is 10,000 or less.	No	
The applicant is, or will assist, a federally recognized Indian tribe or United States territory.	Yes	1
The proposed brownfield site(s) is impacted by mine-scarred land.	No	
Secured firm leveraging commitment ties directly to the project and will facilitate completion of the project/redevelopment; secured resource is identified in the Narrative and substantiated in the attached documentation.	Yes	3
The proposed site(s) is adjacent to a body of water (i.e., the border of the proposed site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	No	
The proposed site(s) is in a federally designated flood plain.	No	
The reuse of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or will incorporate energy efficiency measures.	Yes	3

8. Letter from the State or Tribal Environmental Authority
Please see the attached letter from the Inter-Tribal Environmental Council.

Respectfully,

Reggie Wassana
Governor

OFFICE OF THE GOVERNOR

Reggie Wassana
Governor

Gilbert Miles
Lieutenant Governor

November 12, 2019

Mr. Paul Johnson
Brownfields Team
EPA Region 6
1445 Ross Avenue, Suite 1200 (6SF-VB)
Dallas, TX 75202-2733

RE: FY 2020 Brownfields Cleanup Grant

Dear Mr. Johnson,

I am writing you in reference to the Environmental Protection Agency (EPA) FY20 Brownfields Clean Up Grant that our tribes will be submitting. The Cheyenne and Arapaho Tribes have a great need to meet Goal-I of the FY 2018-2022 U.S. EPA Strategic Plan.

The Tribal EPA Program applied in 2001 for the EPA Brownfields Assessment Demonstration Pilot for three areas of concern to include the former Concho School and other Concho Reserve Properties. The grant was completed on time and on budget with Phase-I & II Environmental Site Assessments (ESA) in 2003. Since then, most of the former school buildings have been dormant. Recently, the Tribes contacted the Inter-Tribal Environmental Council (ITEC) to complete new ESAs and a qualified local environmental engineer to provide an update to be used for the Tribes' knowledge of the hazardous materials still in the buildings. These updated ESA reports were completed in 2016, 2018, and 2019.

Reuse of an old BIA school classroom building was completed in 2011 by the tribal Economic Development Program, and is still being used today by the Education Department. The Tribes implemented a small demolition project on several smaller wood structures that allowed training and jobs for tribal members in 2017. Both reuse projects were done in accordance with all environmental regulations, and helped to improve the health, welfare, and safety of the tribal community. This was part of the Tribes' commitment to move forward to remove blighted structures, to build safe and modern facilities and homes, and to protect the human health and environment.

I offer my full support for the FY20 Brownfields Clean Up Grant that will improve the health and safety of the tribal members, tribal staff, and the general public that visits the Tribes on a daily basis on the Concho Reserve.

Feel free to contact our office for any questions you may have at (404) 422-7732.

Respectfully,

Reggie Wassana
Governor

Inter-Tribal Environmental Council
Cherokee Nation Office of Environmental Services
P.O. Box 948
Tahlequah, Oklahoma 74465
(800) 259-5376

October 17, 2019

Mr. Damon Dunbar
Cheyenne and Arapaho Tribes
Environmental Protection Office
P.O. Box 167
Concho, OK 73022

RE: FY 2020 Brownfields Cleanup Grant

Dear Mr. Dunbar,

This letter serves to acknowledge and extend the staff's support from the Inter-Tribal Environmental Council (ITEC) to the Cheyenne and Arapaho Tribes' application for funding through the Brownfields Cleanup Program. ITEC has previously worked with the Tribes on successful Brownfields Projects and they remain members of the consortium.

The ITEC staff is dedicated to supporting the development and advancement of the Brownfields Cleanup projects for the ITEC member Tribes. We are familiar with your current project since the ITEC staff performed the Phase I and Phase II assessments of these properties. Staff members will be available, to the fullest extent allowable within the scope of our programs, for technical assistance related to Brownfields Cleanup opportunities for these sites and the corresponding reuse plan.

We commend the Cheyenne and Arapaho Tribes for their continuing efforts to restore and protect the land for future generations.

Sincerely,

Wayne Isaacs
Senior Director

NARRATIVE

1. Project Area Description and Plans for Revitalization

1.a. Target Area and Brownfields

1.a.i. Background and Description of Target Area: The Cheyenne and Arapaho Tribes (Tribes) are two separate American Indian Tribes federally recognized as one Tribe for governance. The Tribes operate under three branches of government, including the Executive, Legislative, and Judicial branches. As of October 3, 2019, there were 12,959 tribal members enrolled with the Tribes. Currently, there are 658 persons employed by the Tribes. The land base consists of tribal trust lands and individual allotted lands encompassing the tribal jurisdiction, which spans across ten counties, totaling approximately 8,996 square miles of land, in western Oklahoma.

The Tribes' headquarters are located in Concho, OK on the Concho Reserve, approximately 10 miles north of El Reno, OK in Canadian County. The headquarters are the centralized area for obtaining services and conducting business for tribal members, eligible service recipients, and employees. The Concho Reserve is approximately 120 acres of tribal trust property consistent of 29 operational buildings and 10 occupied residential dwellings. The 5 remaining former Concho School Property (CSP) buildings are the only buildings unoccupied. The CSP is located approximately 2.3 miles west of the intersection of Black Kettle Boulevard and Highway 81 in Concho, OK. The Title Status Report Information, provided by the Tribes, indicated that the assessment parcel number for the subject property is 090034504. The latitude and longitude coordinates for the site are 35.613100 N and -97.992500 W, with the following legal description:

- Land area 801 Section 7 Township 13N, Range 7W, Lot 2 SW SW, Lot 4 SW SW of 41.47 acres, Lot 6 NW NW, and Lot 7 NW SW.

The CSP is centrally located on the Concho Reserve, which serves as the target area for this brownfields cleanup proposal. Within the target area, several buildings (sites) have been found to have significant environmental concerns posing a number of risks to the community, the environment, the property owner, and anyone coming into contact with the sites identified. This determination was made through a Phase I ESA, Phase II ESA, and a Phase II ESA Update Report in general accordance with American Society of Testing Materials (ASTM) Standard E1527-13 and with the ASTM Standard Practices for Environmental Site Assessments: Phase II ESA Process E1903-11 (ASTM E1903-11), respectively.

In total, the Tribes are requesting EPA Brownfields Grant funding to conduct cleanup activity of 2 sites on the Concho Reserve - CSP. These sites include Site 1-Building 10 and Site 2-Building 11. These sites were selected as a primary focus of concern due to their location in proximity to families residing in the area, child care services, a youth shelter, a newly constructed Head Start facility, hundreds of employees, and thousands of tribal members and other service recipients.

1.a.ii. Description of the Brownfield Site(s): Site 1-Building 10 is located at 106 E. Whirlwind Road in Concho, OK. This site was constructed in 1941 and originally used as the boys' dormitory of the CSP until 1969 when it closed due to the construction of a new school. The site was later used as school offices and a post office until 1981, when it was closed due to federal funding cuts and the need for several repairs. The site is approximately 8,300 sq. ft. and has been unoccupied and dormant for several years. Environmental concerns at the site include the presence of asbestos-containing materials (ACMs) and lead-based paint (LBP) and the potential for exposure to the surrounding community. The results of the Brownfields Pilot Project (2003), Phase I ESA (2016), Phase II ESA (2018), and Phase II ESA Update (2019) confirmed the presence of these contaminants of concern (COCs) throughout the site, internally and externally, above regulatory limits/thresholds.

Site 2 – Building 11 is located at 112 E. Whirlwind Road in Concho, OK. This site was constructed in 1941 and originally used as the girls' dormitory and classrooms of the CSP until 1969 when it closed due to the construction of a new school. The site was later used for office space until 1981, when it was closed due to federal funding cuts and the need for several repairs. The site is approximately 8,300 sq. ft. and has been unoccupied and dormant for several years. Environmental concerns at the site include the presence of ACMs and LBP and the potential for exposure to the surrounding community. The results of the Brownfields Pilot Project (2003), Phase I ESA (2016), Phase II ESA (2018), and Phase II ESA Update (2019) confirmed the presence of these COCs throughout the site, internally and externally, above regulatory limits/thresholds.

These two neighboring sites are nearly identical in structure. Based on a qualified structural engineering report completed October 25, 2019, a Site 1 Analysis of Brownfields Cleanup Alternative (ABCA), and a Site 2 ABCA, the Tribes are requesting federal funding to accomplish cleanup goals through a required and recommended wet-demolition technique. A qualified structural engineer, Kelly Parker, P.E., found both of the proposed sites to be structurally unsound, a safety hazard, and for the COCs contained in each unable to be mitigated without demolition. The identification of COCs in connection with the two targeted brownfield sites imposes an environmental liability on owners or operators, reduces the sites values, restricts the use of the sites, and hinders the potential for a healthier, greener, more vital community.

1.b. Revitalization of the Target Area

1.b.i. Reuse Strategy and Alignment with Revitalization Plans: The Tribes have a Comprehensive Economic Development Strategy (CEDS) Plan that serves as a guide for the economic development of the Tribes. It was developed with specific strategies to address the economic problems of the community. In addition, the 2016-2021 Land Use Plan serves as a guide for growth and development of tribal trust lands located within the tribal jurisdiction and provides an inventory of lands, existing conditions, a socioeconomic overview, maps, and implementation strategies for future land use. The planning methodology used to prepare these plans involved a community-based approach, utilizing online and in-person community planning tools, staff interviews, and extensive data collection and research. These plans serve as guidelines for tribal leadership decision-making for future land use issues and are considered living documents.

Aligning with the long-term goals of the CEDS Plan and the Land Use Plan, the Tribes' projected reuse plan for the target area of the CSP is to revitalize the community by strategically and safely removing hazardous materials posing a risk to the public and environment as identified in multiple sites. Although there will be immediate benefits for the target area through the cleanup of Site 1 and Site 2, the complete efforts will be accomplished in two phases until all hazardous substances have been remediated. The proposed first phase is to cleanup Site 1-Building 10 and Site 2-Building 11. The second phase is to cleanup Site 3-Building 138, Site 4-Building 139, and Site 5-Boiler Room. The Tribes intend to seek future EPA Brownfields Cleanup Grant funding for the proposed second phase. The goal for the target area's reuse is the centralized headquarters of the Tribes. This area will be the future home of a new multi-story administrative building to contain multiple office, meeting, and storage spaces, which are desperately needed. The center of the building will hold a museum that ties into the culture of the Tribes' history and significance. Hundreds of buffalo, which hold a strong significance to the Tribes, roam near the proposed new building. A goal is to have a buffalo outlook on the east side of the building for employees and anyone visiting to enjoy. In addition, there will be a large green space for a park and a walking trail around the envisioned site to promote healthy and active lifestyles of the surrounding community. The Tribes will update infrastructure such as roads, parking, and utilities, where

necessary. The future land use at the sites will not be restricted by flood concerns. This plan addresses top priorities identified through a comprehensive approach.

1.b.ii Outcomes and Benefits of Reuse Strategy: This reuse strategy will eliminate and prevent contamination and better protect human health, welfare, and the natural environment. Currently, there is a limited amount of land available for the expansion of programming, office space, housing, and new business ventures. Two Opportunity Zones (OZs) have been confirmed within the tribal jurisdiction, Blaine County (Census Tract # 40011958800), and Custer County (Census Tract # 40039960600), where many tribal members reside and commute from. The proposed project addresses top priorities of the Tribes to include economic development, additional office space, creation of jobs, cultural resources, historic preservation, and infrastructure improvements. Upon completion of the cleanup of these properties, the Tribes will have a greater opportunity to redevelop the community by reusing space in a previously utilized but now inhabitable area of the community. The reuse plan will utilize energy efficient measures to include, but not be limited to, energy efficient lighting, appliances, windows, insulation, and building materials. Currently, the Tribes are developing plans to pursue renewable energy implementation from solar installation to cut energy consumption costs and promote resilience. The revitalization plans will stimulate economic development through the creation of approximately 48,000 sq. ft. of new office space, approximately 30 to 40 new jobs, approximately 5 acres of greenspace, a healthier community through walking trails and parks which improve the quality of life, and the preservation of culture and history. Unemployed and/or underemployed tribal members, including those located within the OZs, will have a greater opportunity for economic growth and stability through the creation of more job opportunities in Concho, OK. Access to transportation is provided to and from work at the Concho Reserve throughout the tribal jurisdiction, including these OZs.

1.c. Strategy for Leveraging Resources

1.c.i. Resources Needed for Site Reuse: The Tribes are eligible to receive grant funding from federal funding agencies and have the experience in obtaining and managing federal grant awards successfully in a multitude of past projects. The Tribes have monetary resources available from tax revenues, gaming revenues, and other business revenues that are allocated to various projects and programs by legislative process. There are also several tribal programs within the Tribes in which in-kind leveraging resources can be made available, such as the Departments of Business (DOB), Transportation, Education, Labor, Planning and Development (P&D), etc.

The EPA Brownfields Grant funding will stimulate the availability of additional funds for the redevelopment and subsequent reuse of the proposed sites (Building 10 and Building 11) by providing support to fund the cleanup through remediation of hazardous materials and concurrent removal of the targeted sites herein, as deemed necessary, through wet demolition.

The Tribes stand committed to this project as referenced in the Letter of Support provided by the Tribes' Governor and the Authorizing Resolution committing $52,000 to this project. Any additional monetary or leveraging resources needed for the future revitalization of the target area will be secured through the required legislative process or grant-seeking measures. The successful completion of this project will stimulate opportunities for further federal and non-federal support.

1.c.ii. Use of Existing Infrastructure: For this project, the Tribes will use existing roads, water, and power infrastructure at or surrounding the 2 proposed sites for the purposes of completing the cleanup goals through a wet demolition project. There is a need to upgrade some existing infrastructure within the areas surrounding the proposed site for future reuse plans. This includes upgrading the water and sewer to withstand greater capacities. Infrastructure improvement is in the Tribes' 5-year plan to address demands that will support future growth and revitalization. The

gas lines have already been upgraded and the water lines are in the process of being upgraded. The Tribes will secure funding for these improvements through tax revenues, gaming revenues, other business revenues, or grant-making agencies such as the Economic Development Administration, Department of Housing and Urban Development, the United States Department of Agriculture, and/or the United States Department of Transportation. The Tribes' DOB is in the process of improving the broadband capabilities and currently seeking feasibility studies for broadband, communication towers, and a backhaul network.

2. Community Need and Community Engagement

2.a. Community Need

2.a.i. The Community's Need for Funding: The tribal community consists of a small (12,959 members), disproportionally low-income population. Many live in poverty and seek financial assistance and community resources to sustain. Tribal programs provide direct services and resources to the community and often have limited resources to assist all of those in need. In 2014, the Bureau of Labor Statistics (BLS) reported an unemployment rate of 11.3% for American Indians and Alaska Natives (AA/AN) nationwide. The AI unemployment was the second highest in the U.S. as compared with Black or African Americans. In 2013, the Economic Policy Institute reported a 6.8% AI unemployment rate for the southern plains region (Oklahoma, Texas, and Kansas) based on BLS data. According to the U.S. Census Bureau, AIs had the highest poverty rate in the U.S. in 2014 at 28.3%, as compared with the national rate of 15.5%. The U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates, reported 26.8% of AI/AN people are below the poverty level, which ranks number one amongst all other races. These characteristics contribute to the community's inability to carry out environmental remediation and subsequent redevelopment. EPA Brownfields Grant funding will provide the Tribes with the means of moving forward in the cleanup and revitalization of the centralized portion of its property that is posing a threat the human health, welfare, and environment. This project will also provide an opportunity for increased employment for the tribal population, an improvement to health, welfare, and the environment, and resilience for the Tribes to sustain the culture and traditions.

2.a.ii. Threats to Sensitive Populations

(1) Health or Welfare: ACMs and LBP in the targeted area have become a health hazard as all of the buildings have been damaged, disturbed and deteriorated over time and are potentially releasing fibers into the air and soil. Surrounding Site 1 and Site 2, are 10 low-income tribal families residing in impoverished homes. The Tribes have recently sought HUD funding to build new low-income housing units to improve the disparities these families face. In addition, a child care center, youth shelter, and Head Start sit on adjacent properties to the target area's proposed cleanup sites. The Child Care Center currently serves 33 tribal children in which 32% are considered low-income. The Emergency Youth Shelter provides emergency residential services and 24-hour care to children in state or tribal custody with no familial placement and no income. The Head Start serves 52 low-income children with early education and the facility is always at full capacity. These programs have requirements to allow time for physical activity and often take the children on walks in the area, weather permitting. The staff have been warned of the targeted sites conditions and are therefore required to steer clear of the contaminated sites. In addition, multiple other tribal programs surround the proposed cleanup sites and employ and provide services to hundreds of employees and thousands of service recipients.

Exposure to health threats present in and around the 2 sites will be eliminated through the proposed cleanup activities. The health and welfare of the children, pregnant women, minority and low-income community will be strengthened and positively affected through the completion of this

project, as the health risks associated with being exposed to hazardous materials such as ACMs and LBP will be reduced. Therefore, the Tribes deem it necessary to clean up the targeted 2 sites.
(2) Greater than Normal Incidence of Disease and Adverse Health Conditions: According to the Indian Health Service (IHS) Indian Health Disparities Report, "the AI and AN people have long experienced lower health status when compared with other Americans. Lower life expectancy and the disproportionate disease burden exist perhaps because of inadequate education, disproportionate poverty, discrimination in the delivery of health services, and cultural differences. These are broad quality of life issues rooted in economic adversity and poor social conditions." In addition, the report also states the following:

- Diseases of the heart, malignant neoplasm, unintentional injuries, and diabetes are leading causes of AI and AN deaths (2009-2011).
- AI and AN born today have a life expectancy that is 5.5 years less than the U.S. all races population (73.0 years to 78.5 years, respectively).
- AI and AN continue to die at higher rates than other Americans in many categories, including chronic liver disease and cirrhosis, diabetes mellitus, unintentional injuries, assault/homicide, intentional self-harm/suicide, and chronic lower respiratory diseases.

These greater-than-normal incidences of diseases or conditions may be associated with exposure to hazardous substance in the environment in which the community lives, works, and/or spends much of their time. Hazardous substances are centrally located to the Tribes' population. Removal of these substances will result in improved health and welfare of the tribal community.
(3) Disproportionately Impacted Populations: Site 1 and Site 2 are easily accessible with no fences or locked doors to prevent children, adults, and animals from entering the buildings. All of the targeted properties have paint peeling from the ceiling and walls with visible signs of vandalism and defacing. There have been incidents where children in the surrounding area have suffered injuries from exposed metal, glass, and wood present in these buildings. As stated above, multiple children, minorities, and low-income persons surround these sites. The target area presents serious health and safety risks to the community and is, therefore, a priority for cleanup activity to protect the sensitive population surrounding this area. The EPA Brownfields Program has a rich history rooted in environmental justice and is committed to helping communities revitalize brownfield properties, mitigate potential health risks, and restore economic vitality. Cleanup funding will address the reduction of these threats and assist the Tribes in achieving community long-standing goals in phases by targeting and cleaning up Sites 1 and 2 in the first phase. Next, the Tribes will target and cleanup Sites 3, 4, and 5 in a future second cleanup phase.

2.b. Community Engagement

2.b.i. Project Partners and 2.b.ii. Project Partner Roles: Several partners will be involved in the proposed cleanup project for Site 1 and Site 2 and future reuse plan. Partners will assist in completing project tasks inclusive to overseeing activities and making informed decisions, educating and informing the community, soliciting feedback, gathering data, planning for the future reuse of the sites, providing culturally relevant ideas and customary beliefs, and developing and offering future jobs for low-income tribal members.

Partner Name	Point of Contact	Specific role in the project
Environmental Committee (EOC)	Damon Dunbar; damon.dunbar@cheyenneandarapaho-nsn.gov; 405-422-7730	Oversee activities and make informed decisions

Tribal EPA Program	Janet Heap of Birds; jheapofbirds@cheyenneandarapho-nsn.gov; 405-422-7410	Provide oversight and ensure compliance
CEDS Committee	Christine Morton; cmorton@cheyenneandarapaho-nsn.gov; 405-422-7623	Soliciting feedback and gathering data
Department of Business	Nathan Hart; nhart@cheyenneandarapaho-nsn.gov; 405-422-7461	Planning for future reuse of the sites
Department of Education	Gordon Yellowman; gyellowman@cheyenneandarapaho-nsn.gov; 405-422-7729	Educating the community and provide culturally relevant ideas and customary beliefs
Department of Health	Gloria Bellymule; gbellymule@cheyenneandarapaho-nsn.gov; 405-422-7679	Educate the community and provide feedback on the future reuse

2.b.iii. Incorporating Community Input: Community involvement and input is imperative to the proposed cleanup project of Site 1 and Site 2 on the CSP. The Tribes make regularly scheduled visits to each of the communities within the tribal service area to discuss ongoing projects. There are 12,959 enrolled tribal members. These tribal members are represented by 4 Cheyenne and 4 Arapaho representatives. The Planning and Development Program, the Tribal EPA Program and the Grants Office have delivered information to all communities and their respective district representatives regarding the proposed alternatives. A public meeting was held on November 13, 2019, after solicitation in the local and tribal newspapers. The public was provided access to the draft ABCAs, structural engineering report, reuse plan, application, and information on how, where, and when to comment on the proposed project. Project partners will continue to be involved by offering assistance, knowledge, and insight throughout the project period.

Community input has and will continue to be requested, considered and responded to in a constructive manner. This will be accomplished by communicating project progress through verbal and visual deliveries at regularly scheduled, monthly community meetings within each of the tribal communities, on social media outlets, through the global email system, and within the tribal newspaper. Tribal members, the general public, and employees will have an opportunity to ask questions, make comments, and provide suggestions. All responses will be collected, documented, and responded to accordingly. This information will be incorporated in all decision making.

3. Task Descriptions, Cost Estimates, and Measuring Progress

3.a. Proposed Cleanup Plan

Based upon the results of the Phase II ESA, the specific concerns addressed in the conceptual cleanup alternatives analysis for Site 1 and Site 2 include ACMs identified at each site and LBP identified at each site. Cleanup alternatives considered as part of the analysis of each site were evaluated against compliance, effectiveness, difficulty of implementation, and cost. Of the three alternatives evaluated for Site 1, the preferred and recommended is Alternative 3: Wet Demolition of Structure to Safely Remove All ACMs and LBP. Of the three alternatives evaluated for Site 2, the preferred and recommended is Alternative 3: Wet Demolition of Structure to Safely Remove All ACMs and LBP. These alternatives were selected based upon overall compliance with state and/or federal regulations, the ability to protect human health and the environment in both the short-term and long-term, feasibility of implementation, and cost effectiveness. A structural engineering report identified demolition to be necessary in order to abate the hazardous materials

found at both sites. The Tribes will procure a properly licensed contractor to remove hazardous building materials (ACMs and LBP) to be disposed of properly at authorized landfills. These alternatives are the best options for the detailed plans for each of the sites' reuse, which have already been conceptually designed.

3.b. Description of Tasks/Activities and Outputs

3.b.i. Project Implementation: The proposed cleanup plan will be accomplished by meeting tribal procurement guidelines to advertise for qualified firms with experience in abatement of hazardous substances through wet demolition techniques for the targeted 2 sites of the CSP on the Concho Reserve. Grant funds and cost share funds will be used for the most responsive and responsible bidder, and Native American firms or MBE/WBE will be given preference for both sites.

If awarded, several meetings will be held to discuss health, safety, and contamination concerns. All cleanup activities will be initiated by workers wearing protection and who have received proper training. The Tribes will be responsible for oversight of the contracted project and will maintain regular communication with the contractor, administration, support roles (i.e. Finance, Accounting, Procurement Grants & Contracts, etc.), TA providers, ITEC, U.S. EPA, and the community. Reporting requirements will be completed, timely, throughout the project period.

The Tribes have been actively engaged in a reuse plan of the target area with ITEC and Kansas State University (KSU) TAB. Tribal administration, staff, and the tribal community have had several meetings to discuss the redevelopment and reuse of the identified sites. It has been determined that the goal is to complete the abatement and required wet demolition of multiple sites within the target area in 2 phases. Once all sites containing hazardous materials have been mitigated and properly disposed, the target area will be revitalized for the future reuse plan.

3.b.ii. Anticipated Project Schedule:

Task of Project	Staff	Deliverable	Timeframe
Task 1-Contract agreement	Tribal EPA Director, Procurement Office, P&D Program, Finance	Request for proposal, Contract	Nov. 2020 – Mar. 2021
Task 2-Project oversight	Tribal EPA, Tribal Security, ITEC, KSU TAB, Contractor, Finance	Safety plan, meetings, sign-in sheets	Mar. 2021 – July 2022
Task 3-Project implementation	Tribal EPA Director, Project Manager, Contractor	Photo reports	Mar. 2021 – July 2022
Task 4-Project reports	Tribal EPA Director, P&D, Finance	Meeting sign-in sheets	Nov. 2020 – July 2022

3.b.iii. Task/Activity Lead: **Task 1**-Contract Agreement: Procurement Grants & Contracts (PG&C) will be contacted after the grant award to publish a Request for Proposals (RFP) for qualified contractors for the cleanup of Site 1 – Building 10 and Site 2 – Building 11. After reviewing proposals and once a selection has been made, Planning and Development (P&D) will prepare the contract. The contract will detail the timeframe, insurance needs, scope of work, and payment schedule. **Task 2**-Oversight of Project: The Tribal EPA Program will assist with the cleanup and daily monitoring by the awarded contractor of both sites. Safety meetings will be scheduled to brief safety standards prior to any cleanup activity. ITEC will be contacted to inform the Brownfields Program of all activities. If needed, ITEC and KSU TAB will be contacted for Technical Assistance (TA). **Task 3**-Project Implementation: The Tribal EPA and P&D Program Director will lead in the project coordination of all activities of both sites. The contractor will be contacted on a regular basis and timeframes will be shared on the progress of the cleanup activity performed. The Tribal EPA Director will coordinate with supportive roles and partners regularly,

as needed. **Task 4**-Project Reports: Tribal EPA Staff and the assigned financial accountant will be responsible for all programmatic and financial reports of both sites, respectively.
3.b.iv. Outputs: **Task 1**: RFP, signed contract, cleanup plan; **Task 2**: Safety plan, meetings, sign-in sheets, contractor checklist; **Task 3**: Meetings, sign-in sheets, photo reports; **Task 4**: Quarterly reports, financial reports, contractor reports, final reports, letter of completion

3.c. Cost Estimates

The Tribes sought assistance from a qualified environmental engineer and a qualified structural engineer who provided an estimated quote and recommendations for the proposed cleanup of Site 1 and Site 2. The project scope of work will meet the procurement guidelines the Tribes have adopted and will follow EPA procurement requirements. The estimated total cost for the proposed cleanup through wet demolition for Site 1 and Site 2 will be approximately $312,000. This total includes a federal request of $260,000 ($130,000 for each site) and a cost share of 20% of EPA funds or $52,000 ($26,000 per site).

FY 2020 BUDGET						
		Project Tasks ($)				
	Budget categories	Task 1 - Contract Agreement	Task 2 - Project Oversight	Task 3 - Project Implementation	Task - 4 Project Reporting	Total
Direct Costs	Personnel - Site 1	$ 450.00	$ 450.00	$ 450.00	$ 450.00	$ 1,800.00
	Personnel - Site 2	$ 450.00	$ 450.00	$ 450.00	$ 450.00	$ 1,800.00
	Fringe - Site 1	$ 63.00	$ 63.00	$ 63.00	$ 63.00	$ 252.00
	Fringe - Site 2	$ 63.00	$ 63.00	$ 63.00	$ 63.00	$ 252.00
	Travel - Site 1	$ 62.00	$ 62.00	$ 62.00	$ 62.00	$ 248.00
	Travel - Site 2	$ 62.00	$ 62.00	$ 62.00	$ 62.00	$ 248.00
	Supplies - Site 1	$ 200.00	$ 300.00	$ 500.00	$ 200.00	$ 1,200.00
	Supplies - Site 2	$ 200.00	$ 300.00	$ 500.00	$ 200.00	$ 1,200.00
	Contractual - Site 1	$ 100.00	$ 15,000.00	$ 108,300.00	$ 100.00	$ 123,500.00
	Contractual - Site 2	$ 100.00	$ 15,000.00	$ 108,300.00	$ 100.00	$ 123,500.00
Total Direct Costs		$ 1,750.00	$ 31,750.00	$ 218,750.00	$ 1,750.00	$ 254,000.00
Indirect Costs		$ 1,500.00	$ 1,500.00	$ 1,500.00	$ 1,500.00	$ 6,000.00
Total Federal Funding (Not to exceed $500,000)		$ 3,250.00	$ 33,250.00	$ 220,250.00	$ 3,250.00	$ 260,000.00
Cost Share (20% of requested federal funds) - Site 1		$ 500.00	$ 2,000.00	$ 23,000.00	$ 500.00	$ 26,000.00
Cost Share (20% of requested federal funds) - Site 2		$ 500.00	$ 2,000.00	$ 23,000.00	$ 500.00	$ 26,000.00
Total Budget (Total Direct Costs + Indirect Costs + Cost Share)		$ 4,250.00	$ 37,250.00	$ 266,250.00	$ 4,250.00	$ 312,000.00

Administrative cost will not exceed $13,000 or 5% of the requested EPA federal funds. Of the EPA funds requested, direct costs include personnel calculated at $24/hr x 75 hours = $1,800 for each site x 2 sites = $3,600. Fringe is calculated at approximately 14% of the $1,800 personnel cost for each site or $252 per site. Travel covers the cost for mileage, travel, required conferences, and follows the GSA rate requirements. Supplies cover printing, paper, general office supplies, estimated at $1,200 per site or $2,400 total. EPA contractual costs are estimated to be $123,500 for each site. These cost estimates were derived from professionals who have experience in previous brownfields cleanup activities. Although the Tribes has a federally approved and negotiated indirect cost rate agreement of 22%, the Tribes are only requesting $6,000 of federal EPA funds to cover indirect costs for this project. The cost share for each site is $26,000, which will be used to support the contractual amount.

3.d. Measuring Environmental Results

The Tribes' EPA staff have the capacity and experience to easily identify when the project is or is not on schedule and will ensure that all project goals will be achieved in an efficient manner. All project staff will be under the supervision of the project manager, Mr. Dunbar. The Tribes will utilize the Assessment, Cleanup and Redevelopment Exchange System (ACRES) for reporting, tracking and documentation purposes involving incoming grant funds and outgoing expenditures, contamination present, amount of greenspace created and redeveloped, if ACRES is a requirement of the grant agreement.

The Tribes' expected output for the cleanup project of Site 1 and Site 2 will ensure health and safety for residents, tribal employees, and the general public by removing known hazardous materials in blighted structures. Ongoing community meetings will be held to inform the public of the proposed Brownfields Project and to address all questions and concerns from the public. The cleanup will increase the safety of the area by removing known hazardous materials, which will be tested again after completion. The cleanup also will eliminate the potential for accidents and exposure to hazardous materials associated with the buildings that are easily accessible to children and adults, as measured through a letter/report of completion.

Brownfields project activities will minimize exposure to hazardous substances and materials such as LBP and ACMs which will reduce health and safety risks associated with the targeted brownfield area. Eliminating the exposure to such health and safety risks will revitalize the tribal community which will contribute to an overall improved well-being. The outcome of the completed project will excite the community and give hope for what is to come in the redevelopment of the target area. The Tribes currently do not have adequate space to house current and potential new employees. By creating additional energy efficient office space, the Tribes will be able to create jobs and improve morale. After the successful cleanup of the target area, greenspace will be made ready for reuse and redevelopment for the community, permanently eliminating exposure to hazardous substances and materials in the targeted brownfield area.

4. Programmatic Capability and Past Performance

4.a. Programmatic Capability

4.a.i. Organizational Structure and 4.a.ii. Description of Key Staff: In 1937, the Tribes organized a government for their common welfare and adopted a Constitution and by-laws pursuant to the Oklahoma Indian Welfare Act of 1936. When the Constitution was revised in 2006 at which time the Tribes adopted a four-branch Government which includes the Executive, Legislative, Judicial, and Tribal Council. The organizational chain of command for grant funding purposes includes the Executive Branch, Legislative Branch, Department of Administration (hereinafter DOA) and the Department of Treasury (hereinafter DOT). The Executive Branch is responsible for the overall functioning of tribal programs and services. The Executive Branch has ten Departments, three of which are the DOA, the DOT, and the Department of Social Services. Within the DOA and DOT are programs that are responsible for maintaining an efficient process in which grants and contracts are administered for the Tribes. The Tribes' P&D Program oversees the Tribal EPA Program and will be the beneficiaries of the grant if awarded. The Tribes have a history of successfully administering federally funded grant proposals that have greatly benefitted many tribal members and the community. The Tribes will adhere to all EPA grant requirements. The Tribes have the administrative capacity, construction management experience, and technical skills to complete a Brownfields Cleanup Grant project on schedule as planned, within budget with few or no changes. Currently, the Tribes administer approximately 60 federal grants and contracts in addition to 8 to 10 state grants and contracts at any given time.

The P&D Director/Acting Tribal EPA Director, Mr. Damon Dunbar, possesses a Master of Science Degree in Native American Leadership (MSNAL) from Southeastern Oklahoma State University, and an undergraduate Bachelor of Science Degree in Industrial Technology from Southwestern Oklahoma State University. Mr. Dunbar has the programmatic and administrative capacity to successfully manage and complete the grant within the 3-year period of performance.

4.a.iii. Acquiring Additional Resources: Within the DOA is the Office of PG&C. PG&C is responsible for assisting tribal programs with grant reporting and overall grant management. This program created a system that notifies programs when reports are due, to include narrative and financial reports, and assists with the closeout of grants and contracts. PG&C also assures that tribal programs follow an approved procurement process as outlined in the current Procurement Policy. The Tribes have successfully acquired additional expertise and resources to include contractors or sub recipients required to successfully complete multiple other projects of this nature and demonstrates the capability to do so for the Brownfields Cleanup grant. The Tribes have consulted with qualified environmental and structural engineering firms to provide a cost estimates and recommendations for both sites.

4.b. Past Performance and Accomplishments

4.b.i. Currently Has or Previously Received an EPA Brownfields Grant: The Tribes received an EPA Brownfields 2001 Assessment Pilot Grant for 3 locations within the tribal service area. The Pilot's primary target area of interest was the CSP on the Concho Reserve where abandoned and hazardous brownfield properties were assessed for exposed contaminants and other hazardous materials. The total amount awarded was $200,000. The output of this Pilot Program successfully implemented a hazardous materials inspection which measured and determined detectable levels of lead above 1 mg/cm2 and ACMs present in several building components of the brownfield sites (Buildings 10, 11, 138, and 139). The primary outcome of this investigation was to determine if contamination on-site poses a threat to human health or the environment.

(1) Accomplishments: The grant was administered by the Tribal EPA Program and a Brownfields Coordinator, hired to oversee the grant. The Coordinator was responsible for obtaining a certified environmental company that could perform a Phase-I ESA and Phase-II ESA. The first year was to assess and identify sites for the Phase-I ESA. The second year was to test for ACM and LBP in these sites for the Phase-II ESA. Both reports were shared with the Tribal Business Committee, the Chairman, Vice-Chairman of the Tribes, and the Tribal Environmental Review Board.

Due to the hazardous materials located within sites on the CSP, it was decided by administration to board up the windows and doors. Seger Boarding School in Colony was in a remote and very rural location, therefore the building was left as is until it could be further prioritized. A cleanup of the site is planned in 2020 to bring back to greenspace. Old Canton High School Gym was boarded up, but remediated and renovated in 2014 to become a Community Hall for the Tribes. From the time of 2001-2003, when the Pilot Project was being implemented, the Redevelopment Exchange System (ACRES) was not applicable, however, other reporting requirements were met.

(2) Compliance with Grant Requirements: All Brownfields Pilot grant reporting and close out documents were submitted on time and within budget by the Brownfields Coordinator. The Tribes' Tribal EPA staff complied with all of the reporting provisions of the previously awarded Brownfields Assessment Pilot Project grant and submitted each report as required by the grant report due date. All work plan objectives were identified and met. The progress achieved in the agreed upon project/program deliverables was reflected in the performance reports submitted to the EPA. The Tribes will continue to meet all commitments and requirements in a timely manner.

SEVENTH LEGISLATURE
OF THE
CHEYENNE AND ARAPAHO TRIBES
25TH Special Session
November 5, 2019
Large Conference Room, Concho, OK

RESOLUTION:	A Resolution to support the FY 2020 Brownfields Cleanup Grant application to the U.S. Environmental Protection Agency to remediate and/or demolish hazardous sites on the Concho Reserve and School Properties in an effort to improve the environment, improve the health and welfare of the target population, and to support redevelopment.
RESOLUTION NO:	7L-SS-2019-1105-004
DATE INTRODUCED:	October 30, 2019
SPONSOR:	Patrick Spottedwolf, A3 District
CO-SPONSOR:	Burl Buffalomeat, C1 District

LEGISLATIVE HISTORY:
[NOTE: Except as otherwise noted, the provisions of this Resolution, were enacted into Law by the Seventh Legislature of the Cheyenne and Arapaho Tribes, in the 25TH Special Session, by a roll call vote on November 5, 2019 by Res. No. 7L-SS-2019-1105-004].

SUBJECT: A Resolution to support the FY 2020 Brownfields Cleanup Grant application to the U.S. Environmental Protection Agency to remediate and/or demolish hazardous sites on the Concho Reserve and School Properties in an effort to improve the environment, improve the health and welfare of the target population, and to support redevelopment.

WHEREAS: The Cheyenne and Arapaho Tribes are federally recognized Indian Tribes, organized under a Constitution approved by the Secretary of the Interior on April 4, 2006; and

WHEREAS: The Legislature has the Constitutional obligation and public responsibility to the Tribes to oversee the Tribes' operations in order to establish and promote justice, establish guidance and direction for the government and advance the general welfare of the Tribes; and

WHEREAS: Article VII, Section 4(d) of the Constitution requires that the Legislature or Tribal Council give prior authorization for the signing of contracts by the Governor; and

WHEREAS: Article VI, Section 7(a) of the Constitution, the Legislative Process provides that all Bills shall be published in a Legislative Calendar for at least thirty days prior to action on Bill; and

WHEREAS: The Seventh Legislature finds that it is necessary and proper to support the application for the FY 2020 Brownfields Cleanup Grant application to remediate

and/or demolish (where necessary) hazardous sites on the Concho Reserve and School Properties; and

WHEREAS: The Legislative Clerk published the Resolution authorizing the support of the application for the FY 2020 Brownfields Cleanup Grant to the U.S. Environmental Protection Agency in the Legislative Calendar on November 5, 2019; and

WHEREAS: The Cheyenne and Arapaho Tribes affirm the consideration of the views of the community in preparing this application and certify that citizen participation was undertaken in accordance with regulations prior to the submission of the application; and

WHEREAS: The purpose of this grant is to address the environmental conditions of two (2) sites located on the Concho Reserve, because the existing facilities have been identified as containing hazardous substances (asbestos-containing materials and lead-based paint) and to be structurally dilapidated and deemed unsafe; and

WHEREAS: The proposed project includes the following two (2) sites:
Building 10, former Post Office
Building 11, former Treatment Center; and

WHEREAS:

a) The Cheyenne and Arapaho Tribes are proposing to remediate asbestos-containing materials and lead-based paint from the 2 sites listed above and, as necessary, demolish sites found to be structurally unsound and that present dangerous conditions in order to abate hazardous substances, and for the proper disposal of all materials for an estimated total cost of $312,000.00; and

b) The Cheyenne and Arapaho Tribes will submit an FY 2020 EPA Brownfields Cleanup Grant application requesting grant funds of $260,000.00; and

c) Cost share funds will be appropriated from the tribal funds in the amount of $52,000.00, which includes the required 20% of the total allowable grant funds requested, as required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for this project; and

d) Administrative costs, including all indirect costs and direct costs for grant administration ($13,000.00) is included in the funding amounts listed above and will not exceed five (5) percent of the total amount of EPA grant funding; and

NOW THEREFORE BE IT RESOLVED that the Seventh Legislature of the Cheyenne and Arapaho Tribes, pursuant to Article VII, Section 4(d) of the Cheyenne and Arapaho Tribal Constitution, does hereby approve and support the Tribes' FY 2020 Brownfields Cleanup Grant application to the U.S. Environmental Protection Agency to remediate and/or demolish hazardous sites on the Concho Reserve and School Properties; and

BE IT FURTHER RESOLVED that if the grant is awarded, the Seventh Legislature of the Cheyenne and Arapaho Tribes commits $52,000.00 for the required cost share associated with this project; and

BE IT FINALLY RESOLVED that the Seventh Legislature of the Cheyenne and Arapaho Tribes authorizes Governor Reggie Wassana to sign all contracts and related documents for the FY 2020 EPA Brownfields Cleanup Grant application.

Patrick Spottedwolf
Speaker of the Seventh Legislature
Seventh Legislature of the Cheyenne and Arapaho Tribes

ATTEST:
I, Corrine Morton, Corrine Morton, Legislative Staff, hereby certify that the foregoing is a True and Accurate Original Resolution No. 7L-SS-2019-1105-004 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Seventh Legislature 25TH Special Session, by a roll call vote on the 5TH day of November 2019, by a vote.

VOTE RECORD:

DISTRICT	LEGISLATOR	YES	NO	ABSTAIN	ABSENT
A1	Billie Sutton	X			
A2	Kendricks Sleeper	X			
A3	Patrick Spottedwolf	X			
A4	Winslow Sankey	X			
C1	Burl Buffalomeat	X			
C2	George Woods	X			
C3	Sonny Redshin	X			
C4	Byron Byrd	X			
	TOTAL	8			
Passes (X) Fails ( ) Tabled ( ) Allowed to Die ( ) No Action ( )					

Corrine Morton, Legislative Staff
Seventh Legislature, Cheyenne and Arapaho Tribes

TRANSMITTAL OF DOCUMENTS:
From the Legislative Branch to the Executive Branch

True and Accurate Original Resolution No. 7L-SS-2019-1105-004 was submitted and received by the Governor's Office of the Cheyenne and Arapaho Tribes on the 5th day of November, 2019 at 2:30 o'clock AM/PM.

ATTEST:
Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: "All Bills passed by the Legislature shall be presented to the Governor for signature or veto."

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: "The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten (10) days of passage with a written explanation of any objections; and if the Governor takes no action within ten (10) days, then the enactment shall become law in accordance with this Constitution."

{✓} APPROVED
{ } VETOED: Attachment ____; Governor's written explanation of any objections.

On the 5th day of November, 2019.

Reggie Wassana, Governor
Cheyenne and Arapaho Tribes

Cheyenne and Arapaho Tribes
FY20 EPA Brownfields Cleanup Grant

Threshold Criteria Response

1. Applicant Eligibility
    a. Applicant Eligibility Statement Letter Signed by the Governor of the Cheyenne and Arapaho Tribes
    b. Resolution authorizing the Governor to enter grants and/or contracts and identifying the Tribes as being federally recognized with a Constitution approved by the Secretary of the Interior
    c. Governor Letter of Support
2. Previously Awarded Cleanup Grants
    a. Signed letter from the Governor verifying the Cheyenne and Arapaho Tribes have not been previously awarded any EPA Brownfields Cleanup Grants
3. Site Ownership
    a. United States Department of the Interior Bureau of Indian Affairs Title Status Report
    b. Resolution authorizing the assignment of physical addresses to each site
4. Basic Site Information
5. Status and History of Contamination at the Site
6. Brownfields Site Definition
7. Environmental Assessment Required for Cleanup Grant Applications
8. Enforcement or Other Actions
9. Sites Requiring a Property-Specific Determination
10. Threshold Criteria Related to CERCLA/Petroleum Liability
    a. Property Ownership Eligibility - Hazardous Substances Sites
        i. EXEMPTIONS TO CERCLA LIABILITY
            (1) Indian Tribes
11. Cleanup Authority and Oversight Structure
12. Community Notification
    a. Community Notification Documents
13. Statutory Cost Share
    a. Resolution authorizing the grant application and commitment of cost share

1. **Applicant Eligibility:** Please see the following letter verifying eligibility signed by the Governor of the Cheyenne and Arapaho Tribes and the approved Resolution authorizing Governor, Reggie Wassana, to execute certain contracts and verifying federal recognition of the Tribes.

OFFICE OF THE GOVERNOR

Reggie Wassana
Governor

Gilbert Miles
Lieutenant Governor

November 12, 2019

Mr. Paul Johnson
Brownfields Team
EPA Region 6
1445 Ross Avenue, Suite 200 (6SF-VB)
Dallas, TX 75202-2733

RE: III.B THRESHOLD CRITERIA FOR CLEANUP GRANTS
1. APPLICANT ELIGIBILITY

The Cheyenne and Arapaho Tribes are federally recognized and are eligible for funding in accordance with EPA policy.

Please feel to contact our office for any questions you may have at (405) 422-7732.

Respectfully,

Reggie Wassana
Governor

SEVENTH LEGISLATURE
OF THE
CHEYENNE AND ARAPAHO TRIBES
2ND Special Session
February 27, 2018
Concho, OK

RESOLUTION:	A Resolution to authorize Governor, Reggie Wassana to Execute Certain Contracts.
RESOLUTION NO:	7L-SS-2018-0227-005
DATE INTRODUCED:	February 16, 2018
SPONSOR:	Patrick Spottedwolf, A3 District
CO-SPONSOR:	Burl Buffalomeat, C1 District

SUBJECT: A Resolution to authorize Governor, Reggie Wassana to Execute Certain Contracts; and

WHEREAS: The Cheyenne and Arapaho Tribes are a federally recognized Indian Tribes, organized under a Constitution approved by the Secretary of Interior on April 4, 2006; and

WHEREAS: Article VI, Section 5(a) of the Constitution vests Legislative power in the Tribes' Legislature to make laws and resolutions that are necessary and proper for the good of the Tribe's; and

WHEREAS: Article VII, Section 4(d) of the Constitution authorizes the Governor to negotiate contracts and sign contracts that have been approved by either the Legislature or the Tribal Council; and

WHEREAS: Article X, Section 1 of the Constitution empowers the Legislature to authorize a waiver of the Tribes' sovereign immunity provided the waiver is specific, for a limited scope and duration, and limited to a maximum of one-hundred thousand ($100,000.00) dollars per party; and

WHEREAS: The Tribes operate numerous enterprises in addition to carrying out their governmental functions; and

WHEREAS: In the day-to-day business of the Tribes, the Governor is required to negotiate contracts for routine goods and services and litigation settlements that are beneficial to the Tribes and their enterprises; and

WHEREAS: The Governor currently presents contracts to the Legislature for approval once negotiations are complete; and

WHEREAS: Facilitating timely execution of negotiated contracts has necessitated numerous executive sessions, which sessions are costly, disruptive, and inefficient; and

WHEREAS: The Legislature deems it necessary and beneficial to authorize the Governor to execute certain classes of contracts without further intervention of the Legislature; and

NOW, THEREFORE BE IT RESOLVED, that notwithstanding any other provisions of tribal law, without first obtaining the approval by written resolution of the Legislature, the Governor shall have full authority to execute any contract or agreement that complies with the following restrictions:

(1) The agreement encompasses products or services incorporated within the approved annual budget, provided the agreement does not exceed the budgeted amount or one-hundred thousand ($100,000.00) dollars, whichever is greater;

(2) Other agreements that neither exceed an initial term of 36 months nor exceed a face value of one-hundred thousand ($100,000.00) dollars, and that encompass one or more of the following:

(a) The construction or purchase of buildings or any other improvements to real property or buildings thereon; and

(b) The agreements with any other Indian tribe or its agency, or any unit of federal, state, tribal, or local government for the routine provision of utilities, including not limited to water, sewer, electrical, and other goods; and

(c) The agreements related to the gaming operations including but not limited to service contracts, marketing (including concerts and similar public performances), transportation, lodging, and distribution; and

(d) The agreements relating to ordinary operational needs for tribal departments, agencies, boards, and commissions including, but not limited to office supplies; and

(e) The litigation settlements payable from insurance policies or gaming funds not to exceed one-hundred thousand ($100,000.00) dollars; and

BE IT FURTHER RESOLVED, that the contracts otherwise permitted by this Resolution shall not include a waiver of the Tribes' sovereign immunity **UNLESS THE FOLLOWING RESTRICTIONS APPLY**:

(1) There are no other acceptable vendors for the given product or service, and the vendor requires a waiver; and

(2) The waiver does not permit the vendor to recover damages in excess of the amount of the contract, and in no event more than one-hundred thousand ($100,000.00) dollars; and

(3) The waiver is limited to claims arising only from acts or omissions of the Tribes or their enterprises which breach the contract; and

(4) The enforcement under such contract is limited to the contracting party and does not extend to third parties; and

(5) Any consent to suit requires the application of tribal law and is limited first to courts of the Cheyenne and Arapaho Tribes, or second, the United States District Court for the Western District of Oklahoma; and

(6) The contract is expressly approved by the Tribes' legal counsel as to its form and contains such other conditions or limitations not inconsistent with this Section; and

(7) Up to ten (10%) percent over the requested amount with notification and approval of the Speaker of the Legislature; and

BE IT FUTHER RESOLVED, that for purposes of this Resolution, the dollar amount limitations herein shall be interpreted to mean the aggregate dollar amount of any and all contracts related to a specific purchase, item, service, or project, except for contracts that, by their nature, are for ongoing services that will be billed to the Tribes monthly and may, over the life of the contract, ultimately exceed one-hundred thousand ($100,000.00) dollars in value; and

BE IT FUTHER RESOLOVED, that any contract or action of the Governor which by its terms violates any provision of this Resolution shall be null, void, and unenforceable in its entirety including any provision for arbitration therein; and

BE IT FURTHER RESOLVED, that the Governor shall provide all vendors a copy of this authorization at the outset of negotiations; and

BE IT FURTHER RESOLVED, that this authorization contained herein shall expire at the end of Governor, Reggie Wassana's term, unless earlier withdrawn by the Legislature in a separate Resolution; and

BE IT FINALLY RESOLVED, that the Seventh Legislature of the Cheyenne and Arapaho Tribes authorizes Governor, Reggie Wassana to process and execute any and all contracts consistent with the intent of this Resolution.

Patrick Spottedwolf
Speaker of the Seventh Legislature
Seventh Legislature of the Cheyenne and Arapaho Tribes

ATTEST:

I, _____, Michelle BigFoot, Legislative Staff hereby certify that the foregoing is a True and Accurate Copy of the Original Resolution No. 7L-SS-2018-0227-005 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Seventh Legislature 2ND Special Session, by a roll call vote on the 27TH day of February 2018, by a vote.

VOTE RECORD:

DISTRICT	LEGISLATOR	YES	NO	ABSTAIN	ABSENT
C1	Burl Buffalomeat	/			
C2	George Woods	/			
C3	VACANT				
C4	Byron Byrd			/	
A1	Billie Sutton	/			
A2	Kendrick Sleeper	/			
A3	Patrick Spottedwolf	/			
A4	Winslow Sankey				/
	TOTAL	5	0	1	1

Passes (X) Fails ( ) Tabled ( ) Allowed to Die ( ) No Action ( )

Printed Name: Michelle BigFoot
Signed Name: Michelle BigFoot
Title: Legislature Assistant
Date: 2/27/18
Legislative Staff, Seventh Legislature, Legislative Branch
Cheyenne and Arapaho Tribes

TRANSMITTAL OF DOCUMENTS:
From the Legislative Branch to the Executive Branch

Resolution No. 7L-SS-2018-0227-005 was submitted and received by the Governor's Office of the Cheyenne and Arapaho Tribes on the 1st day of March, 2018 at 12:47p o'clock AM/PM.

Printed Name: Tammy Rios
Signed Name: Tammy Rios
Title: Exe. Office Mgr.
Date: 3-1-18
Office of the Governor, Cheyenne and Arapaho Tribes

ATTEST:
Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: "All Bills passed by the Legislature shall be presented to the Governor for signature or veto."

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: "The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten (10) days of passage with a written explanation of any objections; and if the Governor takes no action within ten (10) days, then the enactment shall become law in accordance with this Constitution."

{ ✓ } APPROVED
{ } VETOED: Attachment ____; Governor's written explanation of any objections.

On the 1st day of March, 2018.

Reggie Wassana, Governor
Cheyenne and Arapaho Tribes

2. **Previously Awarded Cleanup Grants:** Please see the following letter signed by the Governor of the Cheyenne and Arapaho Tribes verifying the Tribes have not been previously awarded any EPA Brownfields Cleanup Grants.

OFFICE OF THE GOVERNOR

Reggie Wassana
Governor

Gilbert Miles
Lieutenant Governor

November 12, 2019

Mr. Paul Johnson
Brownfields Team
EPA Region 6
1445 Ross Avenue, Suite 200 (6SF-VB)
Dallas, TX 75202-2733

RE: III.B. THRESHOLD CRITERIA FOR CLEANUP GRANTS
2. PREVIOUSLY AWARDED CLEANUP GRANTS

The Cheyenne and Arapaho Tribes affirm that the proposed sites, Building 10 (former Post Office) and Building 11 (former Treatment Center), located on the Concho Reserve have not received funding from a previously awarded EPA Brownfields Cleanup Grant.

Please feel to contact our office for any questions you may have at (405) 422-7733.

Respectfully,

Reggie Wassana
Governor

3. **Site Ownership:** The Cheyenne and Arapaho Tribes are the sole owner of the two targeted sites (Building 10 and Building 11) that are the subjects of this Brownfields Cleanup Grant application. Please see the following title status report of the Concho Reserve, demonstrating ownership prior to the application deadline of December 3, 2019. In addition, please see the following Legislative Resolution# 7L-SS-2019-1105-006, authorizing the assignment of physical addresses to each site.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TITLE STATUS REPORT
TITLE INTERESTS HELD IN FEE OR TRUST

--------TRACT ID-------- LAND AREA	PFX	NUMBER	SFX	TITLE PLANT	LAND AREA NAME	RESOURCES	-------DATE OF LAST------- CERTIFICATION/VERIFICATION
801	T	4004		ANADARKO	CHEYENNE & ARAPAHO	Both	8/4/1993

SEC	TOWNSHIP	RANGE	STATE	COUNTY	MERIDIAN	LEGAL DESCRIPTION	ACRES	CUMULATIVE ACRES	LAND DESCRIPTION NOTES REMARK OR EXPLANATION
24	013.00N	008.00W	OKLAHOMA	CANADIAN	Indian	Concho	80.000	3698.270	
25	013.00N	008.00W	OKLAHOMA	CANADIAN	Indian	Concho	180.000	3878.270	ENENW DOC SHOWS 3889.92 ACRES
						TOTAL SECTION ACRES:	3878.270	3878.270	

-------- OWNER -------- TRB	NUM/DOB	TYP	OT	INT	CLS	--- DOCUMENT --- TYP	NUMBER	NAME IN WHICH ACQUIRED SURNAME / FIRST NAME	FRACTION TRACT AS ACQUIRED	AGGREGATE SHARE CONVERTED TO LCD	AGGREGATE DECIMAL
801	T801010	T	T	A	10	SO	032201978	CHEYENNE-ARAPAHO TRIBES OF OK	1	1	
									1	1	1.0000000000
								IN TRUST:		1	
										1	1.0000000000
								IN FEE:		0	
										1	.0000000000
								TOTAL:		1	
										1	1.0000000000

TITLE IS SUBJECT TO THE FOLLOWING ENCUMBRANCES AND NOTES:

NO TRACT NOTES FOUND

NO REALTY DOCUMENTS FOUND

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TITLE STATUS REPORT
TITLE INTERESTS HELD IN FEE OR TRUST

--------TRACT ID-------- LAND AREA	PFX	NUMBER	SFX	TITLE PLANT	LAND AREA NAME	RESOURCES	-------DATE OF LAST------- CERTIFICATION/VERIFICATION
801	T	4007		ANADARKO	CHEYENNE & ARAPAHO	Both	5/26/1982

CHEYENNE-ARAPAHO TRIBE

*** TRACT NAME ***

SEC	TOWNSHIP	RANGE	STATE	COUNTY	MERIDIAN	LEGAL DESCRIPTION	ACRES	CUMULATIVE ACRES	LAND DESCRIPTION NOTES REMARK OR EXPLANATION
7	013.00N	007.00W	OKLAHOMA	CANADIAN	Indian	LOT 05=NW NW Ranches	29.630	29.630	

METES AND BOUNDS: LOT 5 DESC AS BEG NW/C TH N89°20'20"E 1320'; TH S01°32'45"E 974.19'; TH S89°20'04"W 1330.29'; TH N0°56'25"W 974.19' TO POB, CONT 29.63 ACRES, M/L.

12	013.00N	008.00W	OKLAHOMA	CANADIAN	Indian	LOT 99=E NE Ranches	73.240	102.870	

Eagle KR Tracts

METES AND BOUNDS: ENE DESC AS BEG NE/C TH S0°56'25"E 2622.63'; TH N89°08'36"E 232.24'; TH S04°03'30"W 420.90'; TH S64°49'23"W 1193.98'; TH N01°21'07"W 911.11'; TH N89°08'36"E 212.31'; TH N11°47'24"E 2339.61'; TH NORTHEASTERLY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 2192.01' A DIST OF 344.39'; TH N89°07'19"E 600.83' TO POB, CONTAINING 73.24 ACRES, M/L.

					TOTAL SECTION ACRES:	102.870	102.870	

-------- OWNER -------- TRB	NUM/DOB	TYP	OT	INT	--- DOCUMENT --- CLS	TYP	NUMBER	NAME IN WHICH ACQUIRED SURNAME / FIRST NAME	FRACTION TRACT AS ACQUIRED	AGGREGATE SHARE CONVERTED TO LCD	AGGREGATE DECIMAL
801	T801010	T	T	A	06	SO	031133978	CHEYENNE-ARAPAHO TRIBES OF OK	1 1	1 1	1.0000000000
									IN TRUST:	1 1	1.0000000000
									IN FEE:	0 1	.0000000000
									TOTAL:	1 1	1.0000000000

UNITED STATES L RTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TITLE STATUS REPORT
TITLE INTERESTS HELD IN FEE OR TRUST

--------TRACT ID-------- LAND AREA	PFX	NUMBER	SFX	TITLE PLANT	LAND AREA NAME	RESOURCES	-------DATE OF LAST------- CERTIFICATION/VERIFICATION
801	T	4009		ANADARKO	CHEYENNE & ARAPAHO	Both	2/20/1985

CHEYENNE-ARAPAHO TRIBE
*** TRACT NAME *** Concho

SEC	TOWNSHIP	RANGE	STATE	COUNTY	MERIDIAN	LEGAL DESCRIPTION	ACRES	CUMULATIVE ACRES	LAND DESCRIPTION NOTES REMARK OR EXPLANATION
7	013.00N	007.00W	OKLAHOMA	CANADIAN	Indian Concho	LOT 06=NW NW	10.480	10.480	
						LOT 07=NW SW	38.220	48.700	
						LOT 02=SW NW	40.630	89.330	
						LOT 04=SW SW	41.470	130.800	
12	013.00N	008.00W	OKLAHOMA	CANADIAN	Indian Concho	LOT 99=E SE	23.700	154.500	
					E & RR Tracks	LOT 02=NE SE	40.000	194.500	
	METES AND BOUNDS: LOT 2 IN ESE DESCRIBED AS BBG SE/C SE/4 TH S89D56'W 20.23 CHAINS; TH N0D08'WEST 25.95 CHAINS; THENCE N65D40'E 18.09 CHAINS; TH N01D47'E 6.377 CHAINS; THN 89D56'E 3.5 CHAINS; TH S0D10'W 39.78 CHAINS TO POB, CONT 63.70 ACS M/L								
13	013.00N	008.00W	OKLAHOMA	CANADIAN	Indian Concho	LOT 02=NE SE	12.120	206.620	
					Cemetery?	TOTAL SECTION ACRES:	206.620	206.620	

--------OWNER -------- TRB	NUM/DOB	TYP	OT	INT	--- DOCUMENT --- CLS	TYP	NUMBER	NAME IN WHICH ACQUIRED SURNAME / FIRST NAME	FRACTION TRACT AS ACQUIRED	AGGREGATE SHARE CONVERTED TO LCD	AGGREGATE DECIMAL
801	T801010	T	T	A	06	SO	021906984	CHEYENNE-ARAPAHO TRIBES OF OK	1	1	
									1	1	1.0000000000
								IN TRUST:		1	
										1	1.0000000000
								IN FEE:		0	
										1	.0000000000
								TOTAL:		1	
										1	1.0000000000

SEVENTH LEGISLATURE
OF THE
CHEYENNE AND ARAPAHO TRIBES
25TH Special Session
November 5, 2019
Large Conference Room, Concho, OK

RESOLUTION:	A Resolution to assign physical addresses to four buildings on the Concho Reserve and former Concho School Properties.
RESOLUTION NO:	7L-SS-2019-1105-006
DATE INTRODUCED:	October 30, 2019
SPONSOR:	Patrick Spottedwolf, A3 District
CO-SPONSOR:	Burl Buffalomeat, C1 District

LEGISLATIVE HISTORY:
[NOTE: Except as otherwise noted, the provisions of this Resolution, were enacted into Law by the Seventh Legislature of the Cheyenne and Arapaho Tribes, in the 25TH Special Session, by a roll call vote on November 5, 2019 by Res. No. 7L-SS-2019-1105-006].

SUBJECT: A Resolution to assign physical addresses to four buildings on the Concho Reserve and former Concho School Properties

WHEREAS: The Cheyenne and Arapaho Tribes are federally recognized Indian Tribes, organized under a Constitution approved by the Secretary of the Interior on April 4, 2006, and

WHEREAS: The Legislature has the Constitutional obligation and public responsibility to the Tribes to oversee the Tribes' operations in order to establish and promote justice, establish guidance and direction for the government and advance the general welfare of the Tribes; and

WHEREAS: Article VII, Section 4(d) of the Constitution requires that the Legislature or Tribal Council give prior authorization for the signing of contracts by the Governor; and

WHEREAS: Article VI, Section 7(a) of the Constitution, the Legislative Process provides that all Bills shall be published in a Legislative Calendar for at least thirty days prior to action on Bill; and

WHEREAS: The Seventh Legislature finds that it is necessary and proper to assign physical addresses to four buildings (sites) on the Concho Reserve, in order to seek federal grant funding for these sites; and

WHEREAS: The Legislative Clerk published the Resolution authorizing the assignment of physical addresses for four buildings on the Concho Reserve and former Concho School Properties in the Legislative Calendar on November 5, 2019; and

WHEREAS: The purpose of the assignment of physical addresses is to seek federal funding to address the environmental conditions of four (4) sites located on the Concho

Reserve, because the existing facilities have been identified as containing hazardous substances (asbestos-containing materials and lead-based paint) and to be structurally dilapidated and deemed unsafe and a physical address is required for each site; and

WHEREAS: The physical addresses to be assigned include the following four (4) sites:

1. Building 10, former Post Office
   106 E. Whirlwind Rd.
   Concho, OK 73022
2. Building 11, former Treatment Center/Office Space
   112 E. Whirlwind Rd.
   Concho, OK 73022
3. Building 138, former Boy's Dorm
   451 N. White Antelope Rd.
   Concho, OK 73022
4. Building 139, former Girls' Dorm
   375 N. White Antelope Rd.
   Concho, OK 73022; and

NOW THEREFORE BE IT RESOLVED that the Seventh Legislature of the Cheyenne and Arapaho Tribes, pursuant to Article VII, Section 4(d) of the Cheyenne and Arapaho Tribal Constitution, does hereby approve and support the assignment of the above physical addresses to four buildings on the Concho Reserve and former Concho School Properties; and

BE IT FINALLY RESOLVED that the Seventh Legislature of the Cheyenne and Arapaho Tribes authorizes Governor Reggie Wassana to sign all contracts and related documents for the assignment of the aforementioned physical addresses.

Patrick Spottedwolf
Speaker of the Seventh Legislature
Seventh Legislature of the Cheyenne and Arapaho Tribes

ATTEST:

I, Corrine Morton, Corrine Morton, Legislative Staff, hereby certify that the foregoing is a True and Accurate Original Resolution No. 7L-SS-2019-1105-006 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Seventh Legislature 25TH Special Session, by a roll call vote on the 5TH day of November 2019, by a vote.

VOTE RECORD:

DISTRICT	LEGISLATOR	YES	NO	ABSTAIN	ABSENT
A1	Billie Sutton	X			
A2	Kendricks Sleeper	X			
A3	Patrick Spottedwolf	X			
A4	Winslow Sankey	X			
C1	Burl Buffalomeat	X			
C2	George Woods	X			
C3	Sonny Redshin	X			
C4	Byron Byrd	X			
	TOTAL	8			
Passes (X) Fails ( ) Tabled ( ) Allowed to Die ( ) No Action ( )					

Corrine Morton, Legislative Staff
Seventh Legislature, Cheyenne and Arapaho Tribes

TRANSMITTAL OF DOCUMENTS:
From the Legislative Branch to the Executive Branch

True and Accurate Original Resolution No. 7L-SS-2019-1105-006 was submitted and received by the Governor's Office of the Cheyenne and Arapaho Tribes on the 5th day of November, 2019 at 1130 o'clock AM/PM.

ATTEST:
Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: "All Bills passed by the Legislature shall be presented to the Governor for signature or veto."

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: "The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten (10) days of passage with a written explanation of any objections; and if the Governor takes no action within ten (10) days, then the enactment shall become law in accordance with this Constitution."

{ 2 } APPROVED
{ } VETOED: Attachment ____; Governor's written explanation of any objections.

On the 5th day of November, 2019.

Reggie Wassana, Governor
Cheyenne and Arapaho Tribes

4. **Basic Site Information:**

Site 1 – Building 10

b. Name of the site: Concho School Property, Building 10
c. Address of the site: 106 E. Whirlwind Road Concho, OK 73022-0167
d. Current Owner of the site: The Cheyenne and Arapaho Tribes

Site 2 – Building 10

a. Name of the site: Concho School Property, Building 11
b. Address of the site: 112 E. Whirlwind Road Concho, OK 73022-0167
c. Current Owner of the site: The Cheyenne and Arapaho Tribes

5. **Status and History of Contamination at the Sites:**

Site 1 – Building 10

a. Building 10 is contaminated by the hazardous substances of asbestos-containing materials (ACMs) and lead-based paint (LBP).
b. This site was constructed in 1941 and originally used as the boys' dormitory of the Concho School Property (CSP). The site was in operation as a dormitory until 1969 when it closed due to the construction of a new school. The site was later used as school offices and a post office. The site was in operation until 1981, when it was closed due federal funding cuts and the need for several repairs. The site has been unoccupied and dormant for several years.
c. Environmental concerns at the site include the presence of ACMs and LBP and the potential for exposure to the surrounding community. The results of the Brownfields Pilot Project (2003), Phase I ESA (2016), Phase II ESA (2018), and Phase II ESA Update (2019) confirmed the presence of these contaminants of concern (COCs) throughout the site, internally and externally, above regulatory limits/thresholds.
d. LBP, which is found in buildings built before 1978, if found, can become damaged and create dust that can be carried home by workers to children and potentially cause serious negative health effects. Asbestos was the ideal material to use from the early 1900s to the 1970s because it was inexpensive, durable, flexible and naturally acted as an insulating and fireproofing agent. Construction and manufacturing companies used ACMs whenever possible. Asbestos, both friable and non-friable, can be a concern when damaged, as it becomes airborne, and can serious lung problems such as Mesothelioma and Asbestosis. The nature and extent of the contamination is significant due to the current condition and location of the site. Building 10 is easily accessible with no fences or locked doors to prevent children, adults, and animals from entering. The site is in very close proximity to several residential homes, a child care facility, a youth shelter, and a Head Start school. In addition, hundreds of employees work on the Concho Reserve in close relation to the site. The site contains paint peeling from the ceiling, walls, and other areas. Broken windows, falling ceilings, damaged flooring, and other structural damage leads to very little protection from natural weatherization and has further expedited contamination and dilapidation. The site became contaminated after decades of exposure to these aforementioned elements and vandalism.

Site 2 – Building 11

a. Building 11 is contaminated by the hazardous substances of asbestos-containing materials (ACMs) and lead-based paint (LBP).
b. This site was constructed in 1941 and originally used as the girls' dormitory of the Concho School Property (CSP) and as classrooms. The site was in operation as a dormitory and classrooms until 1969 when it closed due to the construction of a new school. The site was later used for office space. The site was in operation until 1981, when it was closed due federal funding cuts and the need for several repairs. The site has been unoccupied and dormant for several years.

c. Environmental concerns at the site include the presence of ACMs and LBP and the potential for exposure to the surrounding community. The results of the Brownfields Pilot Project (2003), Phase I ESA (2016), Phase II ESA (2018), and Phase II ESA Update (2019) confirmed the presence of these contaminants of concern (COCs) throughout the site, internally and externally, above regulatory limits/thresholds.
d. LBP, which is found in buildings built before 1978, if found, can become damaged and create dust that can be carried home by workers to children and potentially cause serious negative health effects. Asbestos was the ideal material to use from the early 1900s to the 1970s because it was inexpensive, durable, flexible and naturally acted as an insulating and fireproofing agent. Construction and manufacturing companies used ACMs whenever possible. Asbestos, both friable and non-friable, can be a concern when damaged, as it becomes airborne, and can serious lung problems such as Mesothelioma and Asbestosis. The nature and extent of the contamination is significant due to the current condition and location of the site. Building 11 is easily accessible with no fences or locked doors to prevent children, adults, and animals from entering. The site is in very close proximity to several residential homes, a child care facility, a youth shelter, and a Head Start school. In addition, hundreds of employees work on the Concho Reserve in close relation to the site. The site contains paint peeling from the ceiling, walls, and other areas. Broken windows, falling ceilings, damaged flooring, and other structural damage leads to very little protection from natural weatherization and has further expedited contamination and dilapidation. The site became contaminated after decades of exposure to these aforementioned elements and vandalism.

6. **Brownfields Site Definition:** The two proposed sites of the former Concho School Property, Site 1 – Building 10 and Site 2 – Building 11, meet the definition of a brownfield under CERCLA § 101(39). The Tribes hereby affirm that both sites that are the subject of this application are:
   a. not listed or proposed for listing on the National Priorities List;
   b. not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and
   c. not subject to the jurisdiction, custody, or control of the U.S. government.

7. **Environmental Assessment Required for Cleanup Grant Applications:** The Inter-Tribal Environmental Council (ITEC) conducted a Phase I and Phase II ESA for the Cheyenne and Arapaho Tribes (Tribes) for the Concho School and Reserve Properties, inclusive to Site 1 – Building 10 and Site 2 – Building 11. The Phase I ESA conducted at the subject sites was in general accordance with ASTM Standard E1527-13. The Phase II ESA was prepared in general accordance with the American Society of Testing Materials (ASTM) Standard Practices for Environmental Site Assessments: Phase II ESA Process E1903-11 (ASTM E1903-11). Phase I and II ESAs were completed prior to the proposal submission: Phase I completed in March 2016; Phase II ESA completed in September of 2018. The purpose of the Phase I ESA was to evaluate current and historical conditions of the properties in an effort to identify recognized environmental conditions (RECs). The purpose of the Phase II ESA was to evaluate the potential presence of the RECs and environmental concerns identified in the CSP Phase I ESA. For the purposes of maintaining accurate and relevant data, a Phase II ESA Update Report was completed in November 2019 by Crystal Creek Environmental, LLC, after investigations on both sites were conducted and remedial action plans were determined. Several buildings, including Site 1 – Building 10 and Site 2 – Building 11, were found to have significant environmental concerns which pose risks to the community, the environment, the property owner and anyone coming into contact with the buildings identified.

8. **Enforcement or Other Actions:** Currently, there are no known ongoing or anticipated environmental enforcement or other actions related to either of the proposed two sites (Building 10 and Building 11) for which Brownfields Cleanup Grant funding is sought. ITEC, Crystal Creek Environmental, and Kelly Parker, P.E. have made the Tribes aware of the responsibility to remediate health, safety and environmental concerns associated with the contaminants within both of the targeted brownfield sites. The Tribes take the responsibility to rectify exposure to contamination and hazardous substances very seriously and are eager to move forward with the remediation of the two target sites in an effort to protect human health and the environment.

9. **Sites Requiring a Property-Specific Determination:** Site 1 – Building 10 and Site 2 – Building 11 do not require a property-specific determination because these sites do not belong to the special classes of property that require a Property-Specific Determination as determined by Section 1.5 in the Information on Sites Eligible for Brownfields Funding under CERCLA § 104(k).

10. **Threshold Criteria Related to CERCLA/Petroleum Liability:**
    a. **Property Ownership Eligibility – Hazardous Substance Sites:** The Cheyenne and Arapaho Tribes are considered an Indian tribe and are therefore exempt from demonstrating that the requirements of a CERCLA liability defense are met.

11. **Cleanup Authority and Oversight Structure:** The Cheyenne and Arapaho Tribes will comply with all applicable federal and state laws and ensure that each cleanup project protects human health and the environment. The Tribes have been actively engaged in planning a reuse plan with Inter-Tribal Environmental Council (ITEC) and Kansas State University (KSU) TAB. The Tribal EPA Program has been involved with the abandoned school sites since 2003, when the Concho School was involved in the EPA Brownfields Demonstration Pilot Program. The Concho School went through many stages for reuse. The Tribal Economic Development Program remediated the asbestos and lead paint in Building 134, which now serves as the Education Department offices. Extensive renovation went into bringing this building into useable office space. The Tribal EPA Director met a contractor in late September 2017, January 2019, and again in October 2019 to reassess the two proposed sites and obtain an updated engineering report, an ESA Phase II Update Report, and a draft ABCA for each of the proposed sites.

    The cleanup project for Site 1 – Building 10 and Site 2 – Building 11 will be accomplished by meeting the tribal procurement guidelines and by complying with the competitive procurement provisions of 2 CFR §§ 200.317 through 200.326. This would be accomplished by meeting the tribal procurement guidelines to advertise for qualified and licensed firms that have the experience and authority to complete cleanup projects for the two sites identified on the Phase II ESA done by ITEC, as well as the Phase II Update and two draft ABCAs completed by Crystal Creek Environmental. Grant funds will be used for the most responsive and responsible bidder, with preference given to Native American firms or MBE/WBE. The Tribal EPA Program will procure a properly licensed contractor to remove hazardous building materials (e.g., asbestos, lead-based paint) to dispose of properly. After an award has been made several meetings will be scheduled to discuss requirements, safety and health issues, air contamination, soil contamination, public safety, and progress.

    The Tribes' EPA Program will take the lead to assist with the oversight and reporting of the cleanup and daily monitoring by the awarded, licensed company. Safety meetings will be scheduled to outline the needed precautions to take prior of any activity for the chosen buildings. ITEC will be contacted to inform the Brownfields Program of the activities. ITEC, if needed, will be contacted for on-site Technical Assistance (TA). KSU TAB will be contacted for TA, if needed. Tribal members, staff, tenants, and visitors will be notified by the Tribes if there are any potential impacts or if access is needed to adjacent or neighboring properties.

12. **Community Notification:** The Cheyenne and Arapaho Tribes have developed draft ABCAs for Site 1 – Building 10 and Site 2 – Building 11 and have provided the community with a notice of its intent to apply for an EPA Brownfields Cleanup Grant for both sites through local newspapers, social media outlets and global employee email distribution. The Tribes have met all requirements as outlined in the FY20 Guidelines for Brownfield Cleanup Grants, allowed the community an opportunity to comment, responded accordingly, and submitted all EPA required documentation. Please see the following documents, as evidence of Community Notification.

ATTACHMENT : BUILDING 10 ABCA

DRAFT ANALYSIS OF BROWNFIELDS CLEANUP ALTERNATIVES FOR CONCHO RESERVE AND SCHOOL PROPOERTIES - BUILDING 10

CONCHO, CANADIAN COUNTY, OKLAHOMA

Prepared for:

CHEYENNE AND ARAPAHO TRIBES
P.O. Box 167
100 Red Moon Circle
Concho, OK 73022

Prepared by:

Crystal Creek LLC
Michael Jenkinson, P.E.
Environmental Engineer
7909 NW 39th Street
Bethany, Oklahoma 73008

Date Prepared October 30, 2019

TABLE OF CONTENTS

Section **Page**

LIST OF FIGURES (SELECT FROM PHASE II ESA)

LIST OF TABLES

LIST OF APPENDICES

LIST OF ACRONYMS

ACBA	Analysis of Brownfields Cleanup Alternatives
ACM	asbestos-containing material
AL	action level
AQCC	Air Quality Control Commission
AHERA	Asbestos Hazard Emergency Response Act
APCD	Air Pollution Control Division
ASTM	American Society for Testing and Materials
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CH	Chrysotile
COC	contaminant of concern
CPSC	Consumer Product Safety Commission
EC	engineering control
EPA	United States Environmental Protection Agency
ESA	environmental site assessment
f/cc	fibers per cubic centimeter
HMWMD	Hazardous Material and Waste Management Division
IC	institutional control
ID	identification
LBP	lead-based paint
LF	linear feet
N/A	Not Applicable
O&M	Operations and Maintenance
ODOL	Oklahoma Department of Labor
OSHA	Occupational Safety and Health Administration
PEL	Permissible Exposure Limit
P.G.	Professional Geologist
PLM	polarized light microscopy
RACM	regulated asbestos-containing material
sq. ft.	square feet
START	Superfund Technical Assessment and Response Team
SOO	Statement of Objectives
TDD	Technical Direction Document
TSI	thermal system insulation

SUMMARY

Crystal Creek LLC was tasked to conduct a Phase II Environmental Site Assessment (ESA) update and cleanup alternatives analysis at Concho Reserve and Concho School Properties. The site is located at Building 10, 106 E. Whirlwind Rd., Concho, Oklahoma 73022. Previous ACM and LBP testing was conducted in Buildings 10 by Crystal Creek Environmental Solutions, Incorporated (Inc.) for a Brownfields Pilot Project that was completed in October 2003. Inter-Tribal Environmental Council (ITEC) Inter-Tribal Brownfields Response Program (IBRP) conducted a Phase II Environmental Site Assessment (ESA) for the Cheyenne & Arapaho Tribes on the Concho School and Reserve Properties on September 21, 2018. Crystal Creek LLC, an Oklahoma licensed engineer firm, updated the Phase II ESA report on October 31, 2019. The *Phase II Environmental Site Assessment for* Concho Reserve and Concho School Properties – *Building 10, Concho, Oklahoma,* details the work performed, methods used, information and data acquired, and evaluation and interpretation of results as part of the Phase II ESA. This draft Analysis of Brownfields Cleanup Alternatives is based upon the information presented in the Brownfields Pilot Project, Phase II ESA and Phase II ESA update report, and is for Building 10 only.

SCOPE OF CLEANUP

Based upon the results of the Phase II ESA conducted, the specific concerns addressed in this conceptual cleanup alternatives analysis for the Site include:

A. Asbestos-containing materials (ACM) identified at the Site
B. Lead-Based Paint components (LBP) identified at Site.

EVALUATION CRITERIA

Cleanup alternatives considered as part of this analysis were evaluated against the following criteria:

- Compliance;
- Effectiveness;
- Difficulty of Implementation;
- Cost.

PREFERRED ALTERNATIVE SELECTED

Of the three cleanup alternatives evaluated for selection at the Concho Reserve – Building 10 located at 106 E. Whirlwind Rd., Concho, Oklahoma, the preferred alternative recommended is:

- **Alternative 3: Wet Demolition of Structure to Safely Remove All ACM and LBP**

This alternative was selected based upon overall compliance with state and/or federal regulations, the ability to protect human health and the environment in both the short-term and long-term, feasibility of implementation, and cost effectiveness. This alternative is the best option for the detailed plans for renovation that have already been developed.

The estimated wet demo/remediation of the Site will cost approximately **$149,500**. This value is an estimate to remove and dispose of the all waste as ACM and LBP. These costs presented are engineering estimates costs remediate the facility.

Actual bids from companies to perform the work may vary from this estimate depending on local conditions and other factors outside of the assessor's knowledge. Final design specifications, features, and cost of the actual remedy may differ from the conceptual design presented. A detailed conceptual cost estimate breakdown for the total shown below is presented on Table 1.

Remediation Task	Remediation Cost
ACM and LBP Removal and Disposal	$149,500.00
Total	**$149,500.00**

This summary is a general description of the cleanup alternatives analysis for the Site. This section is not intended to be a used alone and does not include the basis of all conclusions presented. The report should be read and used in its entirety and in conjunction with the Brownfields Pilot Project, Phase II ESA and Phase II Update report. Information included in this section is subject to the scope of services and limitations noted in the full ABCA, Brownfields Pilot Project, Phase II ESA and Phase II Update report.

1.0 INTRODUCTION

Crystal Creek LLC was tasked to conduct a Phase II Environmental Site Assessment (ESA) Update and cleanup alternatives analysis at Concho Reserve and Concho School Properties. The site is located at Building 10 (former post office 2-story building) 106 E. Whirlwind Rd., Concho, OK 73022 (Site). The Phase II ESA Update report, Phase II Environmental Site Assessment Update for Concho Reserve and Concho School Properties – Building 10, Concho, Oklahoma, details the work performed, methods used, information and data acquired, and evaluation and interpretation of results as part of the Phase II ESA Update. This cleanup alternatives analysis report is based upon the information presented in the previous Brownfields Pilot Project (2003) by Crystal Creek Environmental Solutions, Phase II Environmental Site Assessment (ESA) Inter-Tribal Environmental Council (ITEC) Incorporated (Inc.) (2018). This draft Analysis of Brownfields Cleanup Alternatives is based upon the information presented in the Brownfields Pilot Project, Phase II ESA and Phase II ESA Update report, and is for Building 10 only.

1.1 Background

The Concho School Property and Concho Reserve consist of approximately 120 acres which has forty-one (41) commercial buildings located west off of Highway 81 approximately 8 miles north of El Reno, Oklahoma. . The Concho School Property contains the requested six (6) buildings which are included in the Phase II Update. The buildings requested are as follows:

1. Building 10 (Post Office)
2. Building 11 (Offices)
3. Building 135 (Storm Shelter)
4. Building 138 (Boy's Dorm)
5. Building 139 (Girl's Dorm)
6. Building 140 (Boiler Room)

Previous ACM and LBP testing was conducted in Buildings 10 and 11 by Crystal Creek Environmental Solutions, Incorporated (Inc.) for a Brownfields Pilot Project that was completed in October 2003. The Pilot Project Report identified ACMs and LBP in both buildings. No additional testing was conducted in those buildings by ITEC staff of the Phase II (2018) or the Phase II Update (2019).

Building 10 is approximately 8,300 sq ft and is unoccupied. It was originally used as a girl's dormitory and later used for office space. The interior structure is dilapidated. Kelly Parker, P.E. Conducted an Engineering Repairability vs Demolition Inspection of Building 10. The engineering inspection determined the buildings were in dilapidated condition and would expose the abatement workers to hazardous working conditions and therefore, Mr. Parker, P.E. identified wet demolition to be the only economically and safe method to remove the ACM and LBP.

The ground surface at the site slopes to the north. Groundcover consists primarily of native grasses, trees, landscaped areas, paved parking areas, and concrete sidewalks. The property can be accessed from Black Kettle Boulevard approximately 2.3 miles west of the intersection of Black Kettle Blvd, and Highway 81.

1.2 Summary of Phase II ESA Results

The Phase II ESA and Phase II ESA Update were conducted in accordance with *ASTM International – Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process E1903-11.* The results of the Phase II ESA and Phase II ESA Update confirmed the presence of contaminants of concern (COCs) at the Site. The following list is a summary of the conclusions regarding COCs and associated media identified at the Site that are addressed in this cost estimate:

ACM: Of the samples submitted for laboratory analysis, fourteen samples were reported as "positive" (>1% asbestos) for asbestos. Asbestos was identified in the throughout Building 10. ACM is considered to be a contaminant of concern (COC) in relation to the Site. The asbestos floor tile throughout this building is damage and is considered a RACM. The following table indicates the location and estimated extent of ACM identified at the Site.

ASBESTOS CONTAINING MATERIALS

Description	Room(s) or Location(s)	Friable/Non-Friable	Percent Asbestos	Condition	Quantity	Hazard Rank	Sample ID Numbers
9x9 Beige Floor Tile	Building 10	Non-Friable	2% CH	Damaged	1,000 SF	3	10-02-01, 02, 03
White Window Caulk	Building 10	Non- Friable	3% CH	Damaged	550 LF	2	10-04-01,02, 03

Notes:
LF – linear feet
SF – square feet
CH – Chrysotile

LBP - The inspection of Building 10 was conducted following the U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing with the 1997 revisions and all State and Local regulations. The standard for lead-based paint as per HUD/EPA and the State of Oklahoma Department of Environmental Quality standard of 1.0 mg/cm^2 was followed. All requirements for the NITON XRF usage contained in the Performance Characteristics Sheet for the specific XRF were followed. . LBP was identified in the throughout Building 10. LBP is considered to be a contaminant of concern (COC) in relation to the Site.

Interior Materials – Building 10

The following interior tested painted surfaces (homogeneous areas) were found to contain lead in a concentration greater than the federal threshold of 1.0 mg/cm^2 of surface as measured by a XRF:

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
White wood cabinet shelves	Room 1	2.74 ± 0.99	Intact	Low	16 SF
White plaster wall	Room 2	8.61 ± 3.70	Intact	Low	160 SF
White wood window stool B	Room 3	5.28 ± 2.10	Intact	Low	2 LF
Brown wood door casing C	Room 5	3.24 ± 1.02	Fair	Moderate	17 LF
White wood door jamb	Room 7	3.48 ± 1.15	Fair	Moderate	17 LF
White plaster wall B	Room 8	1.47 ± 0.46	Fair	Moderate	60 SF
White wood door casing D	Room 12	4.43 ± 1.69	Fair	Moderate	17 LF
White wood door D	Room 12	3.00 ± 1.30	Poor	High	42 SF

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
White wood door casing D	Room 13	4.18 ± 1.27	Poor	High	17 LF
White wood door D	Room 13	1.88 ± 0.68	Poor	High	42 SF
White wood door casing D	Room 14	3.11 ± 1.05	Poor	High	17 LF
White wood door D	Room 14	1.32 ± 0.48	Poor	High	42 SF
White wood door casing B	Room 15	3.05 ± 1.01	Poor	High	17 LF
White wood door B	Room 15	1.42 ± 0.58	Poor	High	42 SF
White wood door casing B	Room 16	3.49 ± 1.17	Poor	High	17 LF
White wood bookcase frame C	Room 17	1.56 ± 0.52	Fair	Moderate	18 SF
White wood bookcase shelf C	Room 17	1.78 ± 0.74	Fair	Moderate	24 SF
White wood firepl. mantel	Room 17	7.02 ± 2.62	Fair	Moderate	10 SF
White wood firepl. upper trim	Room 17	4.71 ± 1.76	Fair	Moderate	40 SF
White plaster wall A	Room 18	5.37 ± 2.04	Poor	High	100 SF

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
Red plaster wall B	Room 18	7.99 ± 3.07	Poor	High	100 SF
Red plaster wall C	Room 18	5.24 ± 1.71	Poor	High	100 SF
White plaster wall D	Room 18	6.65 ± 2.30	Poor	High	100 SF
Brown wood door casing B	Room 18	2.26 ± 0.89	Poor	High	17 LF
Red wood window stool B	Room 18	2.04 ± 0.65	Poor	High	2 LF
White wood wall baseboard D	Room 19	2.65 ± 0.94	Poor	High	250 LF
White wood door casing B	Room 20	4.20 ± 1.23	Poor	High	17 LF
White wood door B	Room 20	1.91 ± 0.65	Poor	High	42 SF
White wood door casing	Room 21	2.56 ± 0.91	Poor	High	17 LF
White wood door casing	Room 22	3.40 ± 1.14	Poor	High	17 LF
White wood wall baseboard D	Room 22	3.23 ± 1.14	Poor	High	100 LF
White plaster wall A	Room 23	1.81 ± 0.46	Poor	High	200 SF

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
White plaster wall B	Room 23	1.53 ± 0.42	Poor	High	300 SF
White plaster wall C	Room 23	1.15 ± 0.21	Poor	High	200 SF
White plaster wall D	Room 23	1.40 ± 0.31	Poor	High	300 SF
White wood door casing D	Room 23	4.39 ± 1.61	Poor	High	17 LF
White wood door D	Room 23	1.11 ± 0.34	Poor	High	42 SF
White wood door casing C	Room 24	2.30 ± 0.75	Poor	High	17 LF
White wood door C	Room 24	1.62 ± 0.60	Poor	High	42 SF
White plaster ceiling	Room 25	3.43 ± 1.46	Poor	High	100 SF
White plaster wall A	Room 25	6.66 ± 2.70	Poor	High	130 SF

Exterior Materials – Building 10

The following exterior tested painted surfaces (homogeneous areas) were found to contain lead in a concentration greater than the federal threshold of 1.0 mg/cm^2 of surface as measured by a XRF:

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
Beige metal rail cap	Stairs to 2nd floor	5.10 ± 1.38	Poor	High	50 LF

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
Beige metal rail cap	Stairs to 2nd floor	6.56 ± 2.48	Poor	High	50 LF
Beige metal porch trim	Porch 1, A	5.10 ± 1.28	Poor	High	10 LF
Tan wood porch ceiling	Porch 1, A	1.91 ± 0.40	Poor	High	16 SF
Beige metal porch trim	Porch 5, D	12.87 ± 4.72	Poor	High	50 LF
Gray metal rail cap	Porch 5, D	8.28 ± 3.58	Poor	High	110 LF

Any construction activities which affect these paint films--including sanding and demolition--must be initiated by workers wearing respiratory protection and who have received proper training in the handling of lead contaminated materials.

1.3 Cleanup Scope and Goals

Based upon the results of the Phase II ESA conducted, the specific concerns addressed in this conceptual cleanup alternatives analysis for the Site include:

A. ACM & LBP identified at the Site

The overall purpose of a cleanup at the Site is to allow the property to be redeveloped while mitigating the risk that COCs currently present at the Site pose to human health and the environment. The cleanup goal(s) for the Site are listed below:

- Remove and dispose of COCs to allow for redevelopment of the property;
- Conduct cleanup operations that are compliant with applicable local, state, and federal standards that will protect human health and the environment;
- Implement cleanup alternative(s) that are practical and effective in mitigating COCs to protect human health and the environment in both the short-term and long-term.

2.0 EVALUATION CRITERIA FOR ALTERNATIVES

Each of the potential cleanup alternatives is evaluated against the following set of four criteria:

2.1 Compliance

Compliance with applicable state, federal and tribal regulations.

2.1.a Cleanup Oversight Responsibility

As no specific contractors have been selected to conduct remedial activities at the Site, it is recommended that the following regulations be followed and qualifications be held by the remedial contractor(s) selected to oversee and/or implement the following remediation tasks and activities:

ACM Remediation

All aspects of ACM Cleanup Oversight must be conducted in accordance with Asbestos NESHAP is found in 40 CFR Part 61, Subpart M and DEQ has the delegated responsibility to regulate this NESHAP in Oklahoma and Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50
When selecting firm(s) and/or individuals to utilize, it is recommended that the following certifications be verified, at a minimum:

1) State of Oklahoma licensed Management Planner to perform:
   - Development of asbestos project designs;
   - Air monitoring for asbestos fibers;

2) State of Oklahoma license Asbestos Contractor.

LBP Abatement

All aspects of LBP Cleanup Oversight must be conducted in accordance with OSHA Lead in Construction Standard found in 29 CFR Part 1926.62 and DEQ OAC 252:110 Lead-Based Paint Management, which implements the OK Lead-Based Paint Management Act. When selecting firm(s) and/or individuals to utilize, it is recommended that the following certifications be verified, at a minimum:

3) State of Oklahoma license Lead-Based Paint Risk Assessor to perform:
   - Development of LBP abatement plan;
   - Air monitoring for asbestos fibers;

4) State of Oklahoma license LBP Risk Assessor.

2.1.b Cleanup Standards for Cotaminants

The following standards are recommended to be met during the remediation tasks and activities:

ACM Remediation

Cleanup levels for ACM remediation must meet standards in accordance with Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50. Examples of applicable standards include:

Asbestos Action Levels		
Asbestos Sample	**Regulatory Action Level**	**Source of Regulation**
Regulated Asbestos-Containing Material (RACM) – Bulk Materials	>1% asbestos	Asbestos Hazard Emergency Response Act (AHERA)
Asbestos Air Monitoring - Workers	0.1 fibers/cubic centimeter (f/cc) (action level [AL])	Occupational Safety and Health Administration (OSHA) & ODOL OAC 380:50
	0.2 f/cc (Permissible Exposure Level [PEL])	OSHA and ODOL OAC 380:50
Asbestos Air Monitoring – Final Clearance	0.01 f/cc	AHERA and Oklahoma Department of Labor (ODOL), Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50

A list of solid waste landfills approved to accept friable asbestos waste is provided in Appendix A.

LBP Remediation

Cleanup levels for LBP remediation must meet standards in accordance with OSHA Lead in Construction Standard found in 29 CFR Part 1926.62 and DEQ OAC 252:110 Lead-Based Paint Management. Examples of applicable standards include:

LBP Action Levels		
LBP Sample	**Regulatory Action Level**	**Source of Regulation**
Lead-Based Paint	1.0 mg/cm2	EPA, 40 CFR Part 745
Lead in Air Monitoring - Workers	30 µg/m^3 (action level [AL])	Occupational Safety and Health Administration (OSHA) & DEQ OAC 252:110
	50 µg/m^3 (Permissible Exposure Level [PEL])	OSHA and DEQ OAC 252:110

2.1.c Laws & Regulations Applicable to Cleanup

The following laws and regulations are mandatory and/or recommended to be followed during the cleanup tasks and activities:

ACM Abatement

- Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50 – Governs LBP abatement and disposal in Oklahoma.
- Asbestos NESHAP is found in 40 CFR Part 61, Subpart M and DEQ has the delegated responsibility to regulate this NESHAP in Oklahoma – Governs the disposal of asbestos waste and the management of asbestos contamination.

LBP Abatement

- Oklahoma Department of Environmental Quality, OAC 252:110 Lead-Based Paint Management, which implements the OK Lead-Based Paint Management Act – Governs asbestos abatement in Oklahoma.
- OSHA Lead in Construction Standard found in 29 CFR Part 1926.62 – Governs the lead in air for abatement and construction.

2.2 Effectiveness

- Protection of human health and the environment, including workers during implementation;
- Feasibility for mitigation of risk in the short-term and long-term effectiveness;
- Complete removal of contaminants;
- Achievability of the cleanup goals;

2.3 Difficulty of Implementation

- Technical feasibity;
- Availability of work force, materials, and equipment;
- Administrative ability;
- Construction feasibility;
- Maintenance and monitoring requirements.

2.4 Cost (Conceptual costs for comparative analysis only)

- Time requirements, materials, equipment, labor and waste disposal locations.

The selection of “effectiveness”, “feasibility”, and “cost” as evaluation criteria is based upon the EPA’s *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA* (EPA, 1988). In addition, the selection of “compliance” as an evaluation criterion is used to take into account variations between federal, state, and/or local regulations, if applicable, on a site-by-site basis.

3.0 CLEANUP ALTERNATIVES FOR EVALUATION

Listed below is the specific cleanup alternatives evaluated based upon the results of the Phase II ESA conducted at the Site. In addition, alternatives considered, but not evaluated due to site-specific factors which eliminated the alternative from further analysis are also listed, if applicable.

3.1 Cleanup Alternatives Evaluated

The following removal action alternatives were considered as part of this evaluation.

- Alternative 1: **No Action**
- Alternative 2: **Removal of Friable ACM and Implement Operations, Maintenance (O&M) for non-friable ACM and Abatement of LBP.**
- Alternative 3: **Removal of All ACM and LBP as A Wet Demolition.**

4.0 COMPARATIVE ANALYSIS OF CLEANUP ALTERNATIVES

The potential cleanup alternatives for the Site were evaluated using the evaluation criteria described in Section 2. General descriptions of the conceptual design of each alternative are described below. Discussions of the pros and cons of each alternative are presented in the following subsections. Final design specifications and features of the actual remedy may differ from the conceptual design described herein.

Alternative 1: No Action

The No Action alternative would involve leaving the Site in its current state. There would be no removal, containment, engineering control (EC), or institutional control (IC) actions implemented. The No Action alternative provides a baseline against which other alternatives can be compared. A consideration of risk is taken into account if no action is taken as opposed to implementing a cleanup action.

Alternative 2: Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP

Alternative 2 consists of remediating the building by removing and disposing of friable ACM and LBP at the Site. It would be recommended that development and implementation of an Operations and Maintenance (O&M) Plan for non-friable ACM and LBP.

Alternative 3: Removal of All ACM and LBP

Alternative 3 consists of removing and disposing of all ACM and LBP.

4.1 Compliance

Alternative 1 (No Action) would not be compliant with state and/or federal regulations for the Site in its current condition due to the presence and condition of the known COCs.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP), The alternative is not implementable based on the dilapidated condition of this building. Therefore, the building will not be compliant with all applicable state and/or federal regulations. Kelly Parker, P.E. conducted an Engineering Repairability vs Demolition Inspection of Building 11. The engineering inspection determined the building is in dilapidated condition and would expose the abatement workers to hazardous unsafe working condition. Therefore, this alternative is not feasible based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM and LBP), this alternative if implemented properly, will be compliant with all applicable state and/or federal regulations.

Based upon the three alternatives evaluated, Alternative 3 is compliant with applicable state and/or federal regulations and only Alternative 3 would not require long-term ongoing activities.

4.2 Effectiveness

Alternative 1 (No Action) will not reduce the potential for exposure of human health and the environment to COCs or provide a reduction in the toxicity, mobility, or volume of contaminants as site conditions will remain as they are now. The estimated risk from COCs to potential receptors would not be decreased in the long-term. Changes in climate will alter the risk associated with this alternative. Climate change for this area predicts more violent and frequent storms which will cause futher deterioration of the facility and COC's. The No Action alternative would not achieve the cleanup goals set for the Site in the short-term or long-term or achieve a reuse outcome for the property.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP) will not be effective in the short-term and long-term due to the condition of the facility. The structure is dangerously dilapidated. Kelly Parker, P.E. Conducted an Engineering Repairability vs Demolition Inspection of Building 11. The engineering inspection determined the building is in dilapidated condition and would expose the abatement workers to hazardous and unsafe working condition. Therefore, this alternative is not feasible based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM and LBP) will be effective in the short-term and long-term due to the removal of all the COCs. If implemented properly, there will be no risk to human health or the environment remaining at the Site. Due to no contaminants left on-site, changes in climate would not affect this alternative. This alternative is the only one that is safe for workers and that eliminates the potential for exposure to human health and the environment. This alternative will allow for the cleanup goal to be achieved and reuset of the Site.

4.3 Difficulty of Implementation

Alternative 1 (No Action) is technically and administratively feasible and would require a small amount of construction to secure the building, services, materials, or equipment. Maintenance or monitoring will be required. Changes in climate will alter the risk associated with this alternative. Climate change for this area predicts more violent and frequent storms which will cause futher deterioration of the facility and COC's.Although implementation is possible, the "No Action" alternative would not meet the cleanup goal allowing for redevelopment.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP) is not implementable based on engineering reports deeming the dilapidated structure beyond repair. Kelly Parker, P.E. conducted an Engineering Repairability vs Demolition Inspection of Building 11. The engineering inspection determined the building is in a dilapidated condition and

would expose the abatement workers to hazardous and unsafe working condition. Therefore, this alternative is not implementable based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM and LBP) will require readily available heavy equipment and personnel for implementation and is technically feasible. Contractors will be available to supply required services, materials, and equipment. Maintenance and monitoring will only be required during implementation and following completion of the alternative until final clearance is completed.

Access to the Site is currently available and no areas are inaccessible by passenger vehicles. No road improvements would be required to provide access for construction equipment and personnel.

4.4 Cost

Costs incurred are evaluated on a scale of low, moderate, and high in relation to each of the other alternatives and based upon past experience with similar projects. Conceptual costs (not intended for budgetary estimates) were evaluated for time, effort, labor, and materials necessary.

Alternative 1 (No Action) has low costs associated with this option. Minimal amounts of time, effort, and labor would be required to board up doors and window to secure the building from public access. Changes in climate will alter the risk associated with this alternative. Climate change for this area predicts more violent and frequent storms which will cause futher deterioration of the facility and COC's. Thia will increase on going maintances.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP) cost would be extremely high to shore up the building and try to make it accessible for workers based on engineering report deeming the site being a dilapidated structure beyond repair. Kelly Parker, P.E. conducted an Engineering Repairability vs Demolition Inspection of Building 11. The engineering inspection determined the building is in a dilapidated condition and would expose the abatement workers to hazardous and unsafe working condition. Therefore, this alternative is not practical based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM LBP) would take a short period of time to complete the remediation and high amounts of effort, labor, and material costs. Overall, this is the alternative that will meet the cleanup goals and reuse plan and most expensive alternative evaluated.

A summary of the cost comparison of each of the alternatives is presented in the following table, with the most expensive alternative listed as 3rd and the least expensive alternative listed as 1st.

4.5 Summary Comparison of Potential Alternatives

Comparisons are based on the four evaluation criteria previously discussed. A summary of the comparison of each of the alternatives is presented below along with status as to whether the alternative was retained for consideration as the preferred alternative selected.

Cleanup Alternative	Compliance	Effectiveness	Implementability	Cost[(1)]	Comment
Alternative 1: No Action	Non-compliant	Not effective	Implementable	$12,500	This alternative does not satisfy the cleanup goals for this site. Cost to secure the building.
Alternative 2: Removal of Friable ACM & RACM	N/A	N/A	Non-implementable	N/A	This alternative in not possible based on an engineering inspection which determined the building is in a dilapidated condition and would expose the abatement workers to hazardous and unsafe working condition..
Alternative 3: Wet Demolition of Building and All ACM	Compliant	Effective	Implementable	$149,500	This alternative satisfies the cleanup goal for the building and is the only option that permanently mitigates the COCs; however, it is the most expensive alternative.

5.0 PERFERRED CLEANUP ALTERNATIVE AND COST ESTIMATE

Of the three cleanup alternatives evaluated for selection at the Concho School Properties located at Building #10, 106 E. Whirlwind Rd, Concho, Oklahoma, the preferred alternative recommended is:

- **Alternative 3: Wet Demolition of Building and All ACM and LBP**

This alternative was selected based upon overall compliance with state and/or federal regulations, effectiveness in protecting human health and the environment in both the short-term and long-term, feasibility of implementation, and cost effectiveness. In addition, this alternative is the closest match to the detailed plans for reuse that have already been considered.

Presented below are the engineering costs to remediate the COCs at the Site. Engineering costs were determined based upon information obtained from the previous Brownfields Pilot Project (2003), Phase II ESA (2015), Phase II ESA Update (2019) and past experience on similar projects. Actual bids from companies to perform the work may vary from this estimate depending on local conditions and other factors outside of the assessor's knowledge. Final design specifications, features, and cost of the actual remedy may differ from the conceptual design presented.

5.1 ACM and LBP Removal

It is estimated that ACM & LBP remediation at the Site will cost approximately $149,500. This value is an estimate to remove and dispose of the ACM and LBP from the Site. A detailed conceptual cost estimate breakdown for the total shown in the following table is presented below:

Task	Cost
Mobilization	$5,000
Material	$25,500
Demolition	$55,000
Disposal	$64,000
Total Cost	**$149,500**

6.0 SPECIFICATIONS FOR REPORT USE AND RELIANCE

6.1 Special Terms and Conditions

This document has been prepared for the Cheyenne and Arapahoe Tribes for the use and benefit of the Cheyenne and Arapahoe Tribes. Any use of this document or information herein by persons or entities other than Cheyenne Arapahoe Tribe without the express written consent will be at the sole risk and liability of said person or entity. It is understood that this document may not include all information pertaining to the described site.

6.2 Disclaimers

The cost estimate in this report is based upon the Brownfields Pilot Project (2003) by Crystal Creek Environmental Solutions, Inc. Phase II Environmental Site Assessment (ESA) Inter-Tribal Environmental Council (ITEC) Incorporated (2018) and Phase II Environmental Site Assessment Update (ESA) which were in general conformance with the scope and limitations of ASTM E1903-11. The cost estimate presented herein is based on costs from engineering estimate past experience on similar projects as selected alternative presented in this document. Professional opinions are based solely on data collected during the assessment and/or interpretation of information and past data provided for review. Crystal Creek LLC does not warrant or guarantee information obtained from third parties used for this assessment are correct, complete, and/or current.

7.0 REFERENCES

Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50

Asbestos NESHAP is found in 40 CFR Part 61, Subpart M and DEQ has the delegated responsibility to regulate this NESHAP in Oklahoma.

American Society for Testing and Materials (ASTM), 2011. E1903-11, *Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process.*

EPA, 1988. *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA*. (EPA/540/G-89/004).

Brownfields Pilot Project (2003) by Crystal Creek Environmental Solutions,

Phase II Environmental Site Assessment (2015), Inter-Tribal Environmental Council Incorporated.

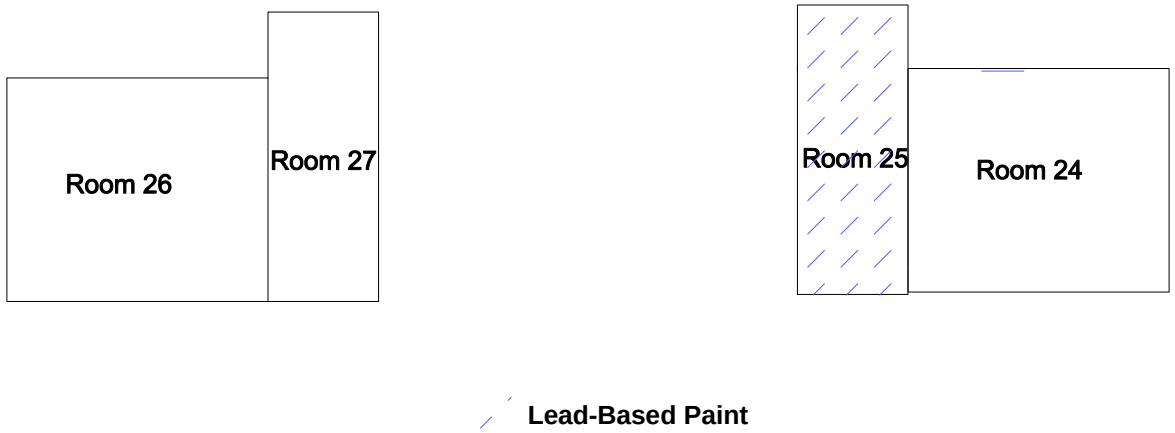
Phase II Environmental Site Assessment Update (2019), Crystal Creek LLC

FIGURES

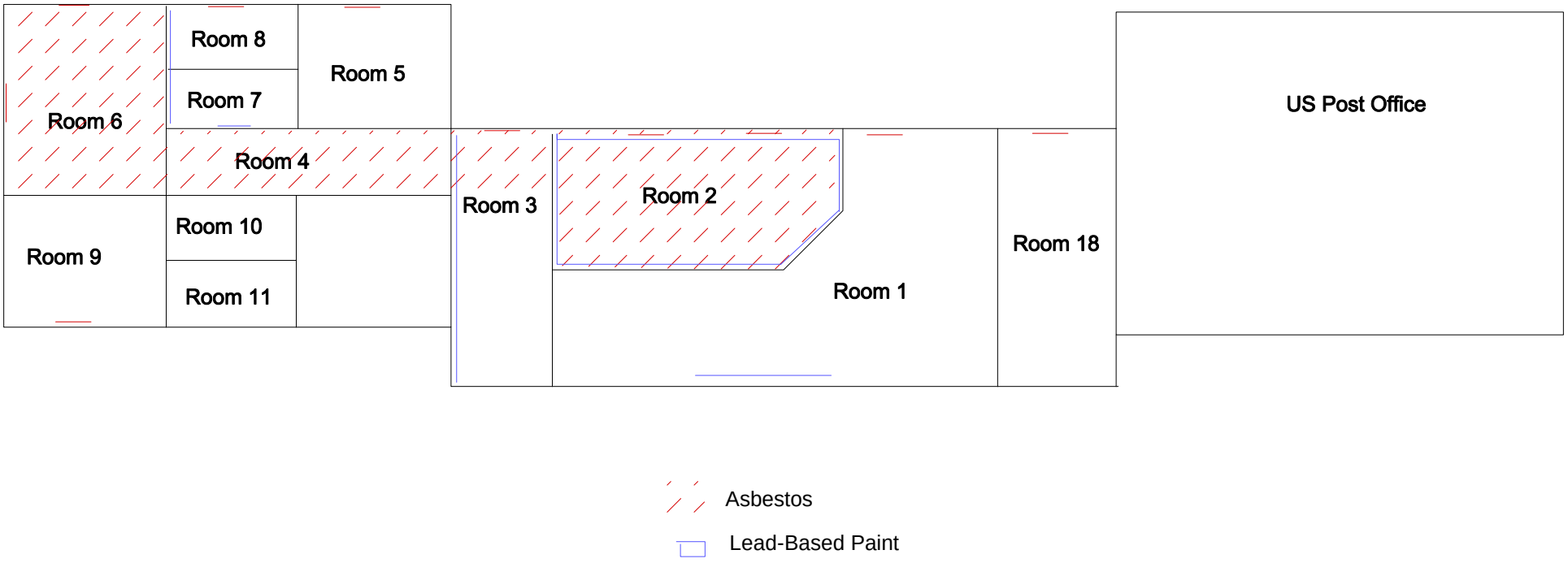
Building 10, Basement

106 East Whirlwind Rd.

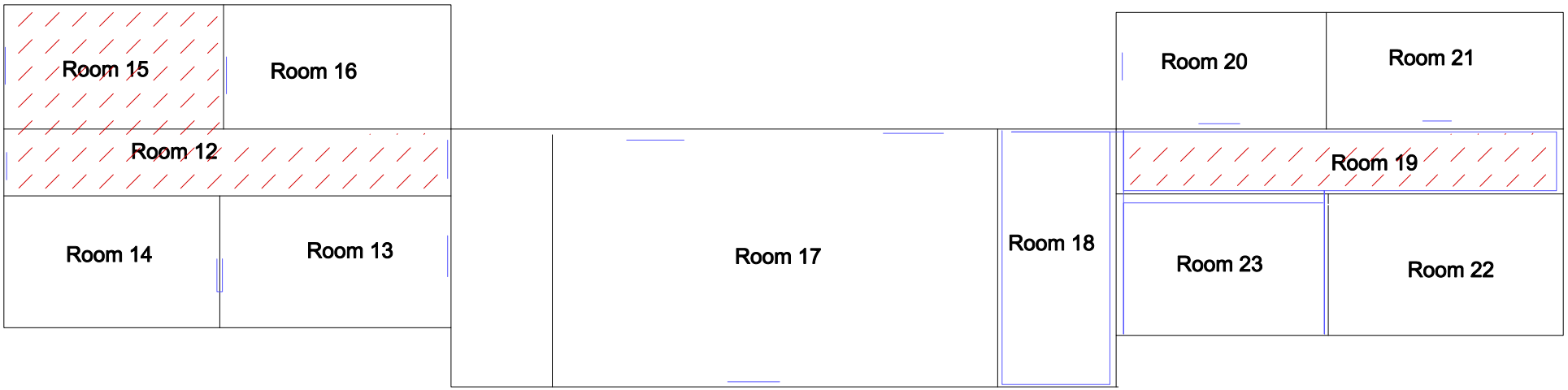
Concho, OK



Building 10, First Floor
106 East Whirlwind Rd.
Concho, OK



Building 10, Second Floor
106 East Whirlwind Rd.
Concho, OK



TABLES

Task	Cost
Mobilization	$5,000
Material	$25,500
Demolition	$55,000
Disposal	$64,000
Total Cost	**$149,500**

APPENDIX A
SOLID WASTE LANDFILLS APPROVED TO ACCEPT FRIABLE ASBESTOS WASTE

Oklahoma Department of Environmental Quality
Oklahoma Landfills Accepting Regulated Asbestos Waste

OAC 252:515-19-31 states that the disposal of friable asbestos waste at a solid waste disposal facility is prohibited unless the facility is a municipal solid waste landfill (MSWLF) or non-hazardous industrial waste (NHIW) landfill specifically authorized by the permit to accept such waste. Disposal practices for asbestos and materials containing asbestos must be in compliance with appropriate regulations as set forth in OAC 252:100-40-5.

Permitted to Accept Friable and Non-Friable Asbestos		
COUNTY	**SOLID WASTE PERMIT NO.**	**FACILITY**
BECKHAM	3505009	Elk City Municipal Landfill (580) 225-3230
BECKHAM	3505011	Sayre Municipal Landfill (580) 928-2260
CANADIAN	3509005	Oklahoma Environmental Authority Landfill (405) 483-5402
GARVIN	3525012	Pauls Valley Landfill 405-495-0800
GRADY	3526013	Southern Plains Landfill (405) 224-3680
JACKSON	3533005	City of Altus Landfill (580) 477-1950
MAJOR	3547002	Red Carpet Landfill (580) 776-2255
MUSKOGEE	3551020	Muskogee Community RDF (918) 682-7284
OKLAHOMA	3555018	Oklahoma Landfill (405) 745-3091
OKLAHOMA	3555028	SE Oklahoma City Landfill (405) 745-4141
OKLAHOMA	3555036	East Oak Sanitary Landfill (405) 427-1112
OSAGE	3557021	American Environmental Landfill (918)245-7786
OSAGE	3557025	Osage Landfill (918) 336-3159
PAYNE	3560010	Stillwater Landfill (405) 372-6628
PONTOTOC	3562006	City of Ada Municipal Sanitary LF (580) 436-1403
PUSHMATAHA	3564004	Clinton Lewis Construction Co. Landfill (580) 298-3729

SEMINOLE	3567020	Sooner Land Management Landfill (405) 257-6108
SEQUOYAH	3568008	Sallisaw Solid Waste Disposal Facility (918)775-6241
TULSA	3572042	Quarry Landfill (918) 437-7773
Permitted to Accept ONLY Non-Friable Asbestos		
COUNTY	**PERMIT NUMBER**	**FACILITY**
GRADY	3526014	Great Plains Landfill (405) 818-0000
PITTSBURG	3561013	Alderson Landfill (918) 426-0985
COMANCHE	3516015	City of Lawton Landfill (580) 581-3468
KAY	3536014	Ponca City Landfill (405) 767-0300

ATTACHMENT: BUILDING 11 ABCA

DRAFT ANALYSIS OF BROWNFIELDS CLEANUP ALTERNATIVES FOR CONCHO RESERVE AND SCHOOL PROPOERTIES - BUILDING 11

CONCHO, CANADIAN COUNTY, OKLAHOMA

Prepared for:

CHEYENNE AND ARAPAHO TRIBES
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Concho, OK 73022

Prepared by:

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Environmental Engineer
7909 NW 39th Street
Bethany, Oklahoma 73008

Date Prepared October 30, 2019

TABLE OF CONTENTS

Section **Page**

LIST OF FIGURES (SELECT FROM PHASE II ESA)

LIST OF TABLES

LIST OF APPENDICES

LIST OF ACRONYMS

ACBA	Analysis of Brownfields Cleanup Alternatives
ACM	asbestos-containing material
AL	action level
AQCC	Air Quality Control Commission
AHERA	Asbestos Hazard Emergency Response Act
APCD	Air Pollution Control Division
ASTM	American Society for Testing and Materials
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CH	Chrysotile
COC	contaminant of concern
CPSC	Consumer Product Safety Commission
EC	engineering control
EPA	United States Environmental Protection Agency
ESA	environmental site assessment
f/cc	fibers per cubic centimeter
HMWMD	Hazardous Material and Waste Management Division
IC	institutional control
ID	identification
LBP	lead-based paint
LF	linear feet
N/A	Not Applicable
O&M	Operations and Maintenance
ODOL	Oklahoma Department of Labor
OSHA	Occupational Safety and Health Administration
PEL	Permissible Exposure Limit
P.G.	Professional Geologist
PLM	polarized light microscopy
RACM	regulated asbestos-containing material
sq. ft.	square feet
START	Superfund Technical Assessment and Response Team
SOO	Statement of Objectives
TDD	Technical Direction Document
TSI	thermal system insulation

SUMMARY

Crystal Creek LLC was tasked to conduct a Phase II Environmental Site Assessment (ESA) update and cleanup alternatives analysis at Concho Reserve and Concho School Properties. The site is located at Building 11, 112 E. Whirlwind Rd., Concho, OK 73022. Previous ACM and LBP testing was conducted in Buildings 11 by Crystal Creek Environmental Solutions, Incorporated (Inc.) for a Brownfields Pilot Project that was completed in October 2003. Inter-Tribal Environmental Council (ITEC) Inter-Tribal Brownfields Response Program (IBRP) conducted a Phase II Environmental Site Assessment (ESA) for the Cheyenne & Arapaho Tribes on the Concho School and Reserve Properties on September 21, 2018. Crystal Creek LLC, an Oklahoma licensed engineer firm, updated the Phase II ESA report on October 31, 2019. The *Phase II Environmental Site Assessment for* Concho Reserve and Concho School Properties – *Building 11, Concho, Oklahoma,* details the work performed, methods used, information and data acquired, and evaluation and interpretation of results as part of the Phase II ESA. This draft Analysis of Brownfields Cleanup Alternatives is based upon the information presented in the Brownfields Pilot Project, Phase II ESA and Phase II ESA update report, and is for Building 11 only.

SCOPE OF CLEANUP

Based upon the results of the Phase II ESA conducted, the specific concerns addressed in this conceptual cleanup alternatives analysis for the Site include:

A. Asbestos-containing materials (ACM) identified at the Site
B. Lead-Based Paint components (LBP) identified at Site.

EVALUATION CRITERIA

Cleanup alternatives considered as part of this analysis were evaluated against the following criteria:

- Compliance;
- Effectiveness;
- Difficulty of Implementation;
- Cost.

PREFERRED ALTERNATIVE SELECTED

Of the three cleanup alternatives evaluated for selection at the Concho Reserve – Building 11 located at Whirlwind Road #11, Concho, Oklahoma, the preferred alternative recommended is:

- **Alternative 3: Wet Demolition of Structure to Safely Remove All ACM and LBP**

This alternative was selected based upon overall compliance with state and/or federal regulations, the ability to protect human health and the environment in both the short-term and long-term, feasibility of implementation, and cost effectiveness. This alternative is the best option for the detailed plans for renovation that have already been developed.

The estimated wet demo/remediation of the Site will cost approximately **$149,500**. This value is an estimate to remove and dispose of the all waste as ACM and LBP. These costs presented are engineering estimates costs remediate the facility.

Actual bids from companies to perform the work may vary from this estimate depending on local conditions and other factors outside of the assessor's knowledge. Final design specifications, features, and cost of the actual remedy may differ from the conceptual design presented. A detailed conceptual cost estimate breakdown for the total shown below is presented on Table 1.

Remediation Task	Remediation Cost
ACM and LBP Removal and Disposal	$149,500.00
Total	**$149,500.00**

This summary is a general description of the cleanup alternatives analysis for the Site. This section is not intended to be a used alone and does not include the basis of all conclusions presented. The report should be read and used in its entirety and in conjunction with the Brownfields Pilot Project, Phase II ESA and Phase II Update report. Information included in this section is subject to the scope of services and limitations noted in the full ABCA, Brownfields Pilot Project, Phase II ESA and Phase II Update report.

1.0 INTRODUCTION

Crystal Creek LLC was tasked to conduct a Phase II Environmental Site Assessment (ESA) Update and cleanup alternatives analysis at Concho Reserve and Concho School Properties. The site is located at Building 11 (former offices 2-story building) 112 E. Whirlwind Rd. Concho, OK 73022 (Site). The Phase II ESA Update report, Phase II Environmental Site Assessment Update for Concho Reserve and Concho School Properties – Building 11, Concho, Oklahoma, details the work performed, methods used, information and data acquired, and evaluation and interpretation of results as part of the Phase II ESA Update. This cleanup alternatives analysis report is based upon the information presented in the previous Brownfields Pilot Project (2003) by Crystal Creek Environmental Solutions, Phase II Environmental Site Assessment (ESA) Inter-Tribal Environmental Council (ITEC) Incorporated (Inc.) (2018). This draft Analysis of Brownfields Cleanup Alternatives is based upon the information presented in the Brownfields Pilot Project, Phase II ESA and Phase II ESA Update report, and is for Building 11 only.

1.1 Background

The Concho School Property and Concho Reserve consist of approximately 120 acres which has forty-one (41) commercial buildings located west off of Highway 81 approximately 8 miles north of El Reno, Oklahoma. . The Concho School Property contains the requested six (6) buildings which are included in the Phase II Update. The buildings requested are as follows:

1. Building 10 (Post Office)
2. Building 11 (Offices)
3. Building 135 (Storm Shelter)
4. Building 138 (Boy's Dorm)
5. Building 139 (Girl's Dorm)
6. Building 140 (Boiler Room)

Previous ACM and LBP testing was conducted in Buildings 10 and 11 by Crystal Creek Environmental Solutions, Incorporated (Inc.) for a Brownfields Pilot Project that was completed in October 2003. The Pilot Project Report identified ACMs and LBP in both buildings. No additional testing was conducted in those buildings by ITEC staff of the Phase II (2018) or the Phase II Update (2019).

Building 11 is approximately 8,300 sq. ft. and is unoccupied. It was originally used as a girl's dormitory and later used for office space. The interior structure is dilapidated. Kelly Parker, P.E. Conducted an Engineering Repairability vs Demolition Inspection of Building 11. The engineering inspection determined the buildings were in dilapidated condition and would expose the abatement workers to hazardous working conditions and therefore, Mr. Parker, P.E. identified wet demolition to be the only economically and safe method to remove the ACM and LBP.

The ground surface at the site slopes to the north. Groundcover consists primarily of native grasses, trees, landscaped areas, paved parking areas, and concrete sidewalks. The property can be accessed from Black Kettle Boulevard approximately 2.3 miles west of the intersection of Black Kettle Blvd, and Highway 81.

1.2 Summary of Phase II ESA Results

The Phase II ESA and Phase II ESA Update were conducted in accordance with *ASTM International – Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process E1903-11*. The results of the Phase II ESA and Phase II ESA Update confirmed the presence of contaminants of concern (COCs) at the Site. The following list is a summary of the conclusions regarding COCs and associated media identified at the Site that are addressed in this cost estimate:

ACM: Of the samples submitted for laboratory analysis, fourteen samples were reported as "positive" (>1% asbestos) for asbestos. Asbestos was identified in the throughout Building 11. ACM is considered to be a contaminant of concern (COC) in relation to the Site. The asbestos floor tile throughout this building is damage and is considered a RACM. The following table indicates the location and estimated extent of ACM identified at the Site.

ASBESTOS CONTAINING MATERIALS

Description	Room(s) or Location(s)	Friable/Non-Friable	Percent Asbestos	Condition	Quantity	Hazard Rank	Sample ID Numbers
9x9 Beige Floor Tile	Building 11	Non-Friable	7% CH	Damaged	1,000 SF	4	11-02-01, 02, 03
Black Mastic associated with Beige Floor Tile	Building 11	Non- Friable	2% CH	Damaged	1,000 SF	5	11-02-01a,02a, 03a
9x9 White Floor Tile	Building 11	Non- Friable	5% CH	Damaged	3,200 SF	4	11-04-01, 02, 03

Black Mastic associated with White Floor Tile	Building 11	Non- Friable	1.5% CH	Damaged	3,200 SF	4	11-04-01a, 02a, 03a
Cream Pipe Insulation	Building 11	Friable	50% CH	Damaged	73 LF	4	11-06-01b

Notes:
LF – linear feet
SF – square feet
CH – Chrysotile

LBP - The inspection of Building 11 was conducted following the U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing with the 1997 revisions and all State and Local regulations. The standard for lead-based paint as per HUD/EPA and the State of Oklahoma Department of Environmental Quality standard of 1.0 mg/cm^2 was followed. All requirements for the NITON XRF usage contained in the Performance Characteristics Sheet for the specific XRF were followed. . LBP was identified in the throughout Building 11. LBP is considered to be a contaminant of concern (COC) in relation to the Site.

Interior Materials – Building 11

The following interior tested painted surfaces (homogeneous areas) were found to contain lead in a concentration greater than the federal threshold of 1.0 mg/cm^2 of surface as measured by a XRF:

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
White plaster wall A	Room 1	1.64 ± 0.58	Fair	Moderate	10 SF
White plaster wall B	Room 1	1.97 ± 0.77	Fair	Moderate	20 SF
White plaster wall C	Room 1	2.24 ± 0.93	Fair	Moderate	10 SF
White plaster wall D	Room 1	1.20 ± 0.41	Fair	Moderate	30 SF
White wood door casing D	Room 1	3.55 ± 1.15	Poor	High	17 LF
White wood door D	Room 1	3.16 ± 1.06	Poor	High	42 SF

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
White wood door baseboard D	Room 1	1.23 ± 0.43	Poor	High	30 LF
White plaster wall A	Room 2	2.20 ± 0.90	Fair	Moderate	100 SF
White plaster wall B	Room 2	1.60 ± 0.53	Fair	Moderate	100 SF
White plaster wall C	Room 2	3.49 ± 1.33	Fair	Moderate	100 SF
White plaster wall D	Room 2	1.36 ± 0.71	Fair	Moderate	100 SF
Green plaster wall A	Room 3	2.57 ± 1.55	Poor	High	100 SF
Red plaster wall B	Room 3	2.44 ± 1.02	Poor	High	100 SF
Green plaster wall C	Room 3	2.30 ± 0.97	Poor	High	150 SF
Green plaster wall D	Room 3	2.38 ± 1.06	Poor	High	150 SF
Red wood cabinet door A	Room 3	1.26 ± 0.49	Poor	High	600 SF
White wood cabinet shelf C	Room 4	1.92 ± 0.69	Poor	High	1500 SF
White wood cabinet baseboard B	Room 4	3.90 ± 0.57	Poor	High	50 SF
White wood door casing A	Room 4	4.12 ± 1.49	Poor	High	17 LF
Green wood door jamb C	Room 3	3.27 ± 1.15	Poor	High	17 LF
White wood door B	Room 5	3.28 ± 1.11	Poor	High	42 SF
Green plaster wall A	Room 6	3.63 ± 1.25	Poor	High	100 SF

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
Green plaster wall B	Room 6	6.23 ± 2.17	Poor	High	100 SF
Green plaster wall C	Room 6	6.50 ± 2.31	Poor	High	100 SF
Green plaster wall D	Room 6	5.69 ± 1.93	Poor	High	100 SF
Green wood door casing A	Room 6	1.93 ± 0.71	Poor	High	17 LF
White wood door A	Room 6	2.44 ± 0.86	Poor	High	42 SF
Green wood wall B	Room 7	17.22 ± 4.85	Poor	High	200 SF
Green plaster wall C	Room 7	4.74 ± 1.56	Poor	High	200 SF
White wood exterior cabinet C	Room 7	3.45 ± 1.14	Poor	High	100 SF
White wood cabinet C	Room 7	3.80 ± 1.19	Poor	High	60 SF
White wood cabinet shelf C	Room 7	3.09 ± 1.06	Poor	High	60 SF
Green plaster wall B	Room 8	1.57 ± 0.50	Poor	High	100 SF
White wood wall baseboard D	Room 9	2.97 ± 1.02	Poor	High	80 LF
White wood door casing B	Room 9	1.91 ± 0.63	Poor	High	17 LF
White wood door B	Room 9	1.40 ± 0.60	Poor	High	42 SF
White wood door C	Room 10	1.21 ± 0.42	Poor	High	42 SF
White wood door casing D	Room 11	2.16 ± 0.84	Poor	High	17 LF

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
White wood door D	Room 11	1.01 ± 0.33	Poor	High	42 SF
White plaster wall A	Room 12	2.94 ± 1.19	Poor	High	50 SF
White plaster wall B	Room 12	2.30 ± 0.97	Poor	High	50 SF
White plaster wall C	Room 12	2.10 ± 0.84	Poor	High	50 SF
White plaster wall D	Room 12	2.34 ± 1.10	Poor	High	50 SF
White wood door casing B	Room 12	1.93 ± 0.63	Poor	High	17 LF
White wood door B	Room 12	1.21 ± 0.36	Poor	High	42 SF
White wood door jamb B	Room 13	2.55 ± 0.74	Poor	High	17 LF
White wood door B	Room 13	1.27 ± 0.40	Poor	High	42 SF
White wood wall baseboard D	Room 14	2.03 ± 0.67	Poor	High	40 SF
White wood door casing A	Room 14	2.12 ± 0.89	Poor	High	17 LF
White wood door A	Room 14	2.13 ± 0.75	Poor	High	42 SF
Pink wood wall baseboard D	Room 15	2.22 ± 0.96	Poor	High	70 LF
Pink wood door casing A	Room 15	1.99 ± 0.77	Poor	High	17 LF
Beige wood wall baseboard B	Room 16	2.54 ± 0.96	Poor	High	40 SF
Beige wood door casing D	Room 16	2.82 ± 0.99	Poor	High	17 LF

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
Brown plaster wall A	Room 17	1.74 ± 0.59	Poor	High	50 SF
Brown plaster wall B	Room 17	2.61 ± 1.15	Poor	High	50 SF
Brown plaster wall D	Room 17	2.08 ± 0.85	Poor	High	50 SF
Brown wood door D	Room 17	1.90 ± 0.70	Poor	High	50 SF
White plaster ceiling	Room 18	7.02 ± 2.37	Poor	High	100 SF
Green plaster wall A	Room 18	4.80 ± 1.65	Poor	High	100 SF
White plaster wall C	Room 18	3.29 ± 1.38	Poor	High	100 SF
Green plaster wall D	Room 18	9.03 ± 3.38	Poor	High	100 SF
Green wood door baseboard B	Room 19	2.17 ± 0.76	Poor	High	120 SF
Green wood door casing B	Room 19	2.20 ± 0.70	Poor	High	17 LF
Blue plaster wall A	Room 20	1.15 ± 0.39	Poor	High	160 SF
Blue plaster wall C	Room 20	1.52 ± 0.70	Poor	High	160 SF
Blue plaster wall D	Room 20	2.06 ± 0.84	Poor	High	160 SF
Blue wood door casing D	Room 20	2.46 ± 0.95	Poor	High	1 LF
Beige wood exterior cabinet door	Room 21	1.12 ± 0.22	Poor	High	18 SF
White wood door casing D	Room 21	2.88 ± 1.45	Poor	High	17 LF

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
White wood door D	Room 21	1.02 ± 0.32	Poor	High	42 SF
Beige wood exterior cabinet door	Room 22	2.14 ± 0.84	Poor	High	17 SF
White wood door B	Room 22	1.64 ± 0.58	Poor	High	42 SF
White wood wall baseboard B	Room 23	2.75 ± 1.11	Poor	High	50 SF
White metal exterior cabinet D	Room 23	1.20 ± 0.71	Poor	High	2 SF
White wood fireplace mantle C	Room 24	5.45 ± 2.20	Poor	High	10 SF
White wood fireplace lower trim	Room 24	3.94 ± 1.38	Poor	High	40 SF
White wood bookcase frame D	Room 24	4.47 ± 1.46	Poor	High	42 SF
White plaster ceiling	Room 25	4.03 ± 1.48	Poor	High	100 SF
Green plaster wall B	Room 25	2.13 ± 0.79	Poor	High	100 SF
Green plaster wall C	Room 25	1.55 ± 0.53	Poor	High	100 SF
Green plaster wall D	Room 25	1.71 ± 0.64	Poor	High	100 SF
White wood window stool B	Room 25	6.91 ± 2.79	Poor	High	2 SF
White wood door casing D	Room 26	2.92 ± 0.96	Poor	High	1 LF
White plaster wall C	Room 27	1.68 ± 0.64	Poor	High	150 SF
White plaster wall D	Room 27	1.55 ± 0.54	Poor	High	150 SF

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
White wood door D	Room 27	1.36 ± 0.69	Poor	High	20 SF
White wood door jamb D	Room 27	2.43 ± 0.95	Poor	High	16 SF
White wood wall baseboard D	Room 28	1.61 ± 0.61	Poor	High	80 LF
White wood door casing D	Room 28	2.52 ± 0.91	Poor	High	18 LF
White metal exterior cabinet door	Room 28	1.45 ± 0.63	Poor	High	18 SF
Blue wood wall baseboard D	Room 29	2.26 ± 0.94	Poor	High	80 LF
Blue wood exterior cabinet door	Room 29	1.43 ± 0.62	Poor	High	18 SF
Blue wood exterior cabinet door	Room 29	1.98 ± 0.73	Poor	High	18 SF
White wood door casing B	Room 29	1.74 ± 0.59	Poor	High	32 LF
Tan wood wall radiator D	Room 30	5.10 ± 1.77	Poor	High	20 SF
Tan wood exterior cabinet door	Room 30	2.52 ± 1.01	Poor	High	18 SF
Tan wood door casing B	Room 30	2.38 ± 0.85	Poor	High	17 LF
White plaster ceiling	Room 31	2.81 ± 1.16	Poor	High	100 SF
Green plaster wall B	Room 31	2.72 ± 1.10	Poor	High	130 SF
Green plaster wall B	Room 31	1.47 ± 0.46	Poor	High	130 SF
Green plaster wall C	Room 31	1.42 ± 0.41	Poor	High	130 SF

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
Green plaster wall C	Room 31	1.41 ± 0.39	Poor	High	130 SF
Green wood door casing C	Room 31	20.26 ± 5.41	Poor	High	17 LF
Green wood door C	Room 31	2.50 ± 0.93	Poor	High	42 SF
Beige wood door A	Room 26	1.48 ± 0.47	Poor	High	42 SF
White metal door A	Room 32	19.46 ± 3.39	Poor	High	42 SF
White metal door casing A	Room 32	18.28 ± 4.95	Poor	High	17 LF
White plaster ceiling	Room 33	6.73 ± 2.35	Poor	High	100 SF
Green plaster wall A	Room 33	4.06 ± 1.48	Poor	High	130 SF
Green plaster wall B	Room 33	4.14 ± 1.49	Poor	High	130 SF
Green plaster wall C	Room 33	4.79 ± 1.57	Poor	High	130 SF
Green plaster wall D	Room 33	5.43 ± 1.88	Poor	High	130 SF
Green wood door A	Room 33	1.51 ± 0.46	Poor	High	42 SF
White wood door casing C	Room 34	3.36 ± 1.18	Poor	High	17 LF
White wood door C	Room 34	1.36 ± 0.47	Poor	High	42 SF

Exterior Materials – Building 11

The following exterior tested painted surfaces (homogeneous areas) were found to contain lead in a concentration greater than the federal threshold of 1.0 mg/cm^2 of surface as measured by a XRF:

Material Description	Location	Pbc Lead %	Condition	Hazard Potential	Est. Quantity
Beige metal rail cap	Stairs to 2nd floor	9.31 ± 3.73	Poor	High	50 LF
Beige metal porch columns	Porch 1, A	1.33 ± 0.24	Poor	High	20 LF
Beige metal porch trim	Porch 1, A	1.50 ± 0.32	Poor	High	10 LF
Tan wood porch ceiling	Porch 1, A	5.21 ± 1.85	Poor	High	16 SF
Gray metal rail cap	Porch 5, D	5.11 ± 2.04	Poor	High	110 LF
Beige metal porch column	Porch 5, D	5.10 ± 1.88	Poor	High	40 LF
Beige metal porch trim	Porch 5, D	10.56 ± 4.11	Poor	High	50 LF

Any construction activities which affect these paint films--including sanding and demolition--must be initiated by workers wearing respiratory protection and who have received proper training in the handling of lead contaminated materials.

1.3 Cleanup Scope and Goals

Based upon the results of the Phase II ESA conducted, the specific concerns addressed in this conceptual cleanup alternatives analysis for the Site include:

A. ACM & LBP identified at the Site

The overall purpose of a cleanup at the Site is to allow the property to be redeveloped while mitigating the risk that COCs currently present at the Site pose to human health and the environment. The cleanup goal(s) for the Site are listed below:

- Remove and dispose of COCs to allow for redevelopment of the property;
- Conduct cleanup operations that are compliant with applicable local, state, and federal standards that will protect human health and the environment;
- Implement cleanup alternative(s) that are practical and effective in mitigating COCs to protect human health and the environment in both the short-term and long-term.

2.0 EVALUATION CRITERIA FOR ALTERNATIVES

Each of the potential cleanup alternatives is evaluated against the following set of four criteria:

2.1 Compliance

Compliance with applicable state, federal and tribal regulations.

2.1.a Cleanup Oversight Responsibility

As no specific contractors have been selected to conduct remedial activities at the Site, it is recommended that the following regulations be followed and qualifications be held by the remedial contractor(s) selected to oversee and/or implement the following remediation tasks and activities:

ACM Remediation

All aspects of ACM Cleanup Oversight must be conducted in accordance with Asbestos NESHAP is found in 40 CFR Part 61, Subpart M and DEQ has the delegated responsibility to regulate this NESHAP in Oklahoma and Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50
When selecting firm(s) and/or individuals to utilize, it is recommended that the following certifications be verified, at a minimum:

1) State of Oklahoma licensed Management Planner to perform:
   - Development of asbestos project designs;
   - Air monitoring for asbestos fibers;

2) State of Oklahoma license Asbestos Contractor.

LBP Abatement

All aspects of LBP Cleanup Oversight must be conducted in accordance with OSHA Lead in Construction Standard found in 29 CFR Part 1926.62 and DEQ OAC 252:110 Lead-Based Paint Management, which implements the OK Lead-Based Paint Management Act. When selecting firm(s) and/or individuals to utilize, it is recommended that the following certifications be verified, at a minimum:

3) State of Oklahoma license Lead-Based Paint Risk Assessor to perform:
   - Development of LBP abatement plan;
   - Air monitoring for asbestos fibers;

4) State of Oklahoma license LBP Risk Assessor.

2.1.b Cleanup Standards for Contaminants

The following standards are recommended to be met during the remediation tasks and activities:

ACM Remediation

Cleanup levels for ACM remediation must meet standards in accordance with Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50. Examples of applicable standards include:

Asbestos Action Levels		
Asbestos Sample	**Regulatory Action Level**	**Source of Regulation**
Regulated Asbestos-Containing Material (RACM) – Bulk Materials	>1% asbestos	Asbestos Hazard Emergency Response Act (AHERA)
Asbestos Air Monitoring - Workers	0.1 fibers/cubic centimeter (f/cc) (action level [AL])	Occupational Safety and Health Administration (OSHA) & ODOL OAC 380:50
	0.2 f/cc (Permissible Exposure Level [PEL])	OSHA and ODOL OAC 380:50
Asbestos Air Monitoring – Final Clearance	0.01 f/cc	AHERA and Oklahoma Department of Labor (ODOL), Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50

A list of solid waste landfills approved to accept friable asbestos waste is provided in Appendix A.

LBP Remediation

Cleanup levels for LBP remediation must meet standards in accordance with OSHA Lead in Construction Standard found in 29 CFR Part 1926.62 and DEQ OAC 252:110 Lead-Based Paint Management. Examples of applicable standards include:

LBP Action Levels		
LBP Sample	**Regulatory Action Level**	**Source of Regulation**
Lead-Based Paint	1.0 mg/cm2	EPA, 40 CFR Part 745
Lead in Air Monitoring - Workers	30 µg/m^3 (action level [AL])	Occupational Safety and Health Administration (OSHA) & DEQ OAC 252:110
	50 µg/m^3 (Permissible Exposure Level [PEL])	OSHA and DEQ OAC 252:110

2.1.c Laws & Regulations Applicable to Cleanup

The following laws and regulations are mandatory and/or recommended to be followed during the cleanup tasks and activities:

ACM Abatement

- Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50 – Governs LBP abatement and disposal in Oklahoma.
- Asbestos NESHAP is found in 40 CFR Part 61, Subpart M and DEQ has the delegated responsibility to regulate this NESHAP in Oklahoma – Governs the disposal of asbestos waste and the management of asbestos contamination.

LBP Abatement

- Oklahoma Department of Environmental Quality, OAC 252:110 Lead-Based Paint Management, which implements the OK Lead-Based Paint Management Act – Governs asbestos abatement in Oklahoma.
- OSHA Lead in Construction Standard found in 29 CFR Part 1926.62 – Governs the lead in air for abatement and construction.

2.2 Effectiveness

- Protection of human health and the environment, including workers during implementation;
- Feasibility for mitigation of risk in the short-term and long-term effectiveness;
- Complete removal of contaminants;
- Achievability of the cleanup goals;

2.3 Difficulty of Implementation

- Technical feasibility;
- Availability of work force, materials, and equipment;
- Administrative ability;
- Construction feasibility;
- Maintenance and monitoring requirements.

2.4 Cost (Conceptual costs for comparative analysis only)

- Time requirements, materials, equipment, labor and waste disposal locations.

The selection of “effectiveness”, “feasibility”, and “cost” as evaluation criteria is based upon the EPA’s *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA* (EPA, 1988). In addition, the selection of “compliance” as an evaluation criterion is used to take into account variations between federal, state, and/or local regulations, if applicable, on a site-by-site basis.

3.0 CLEANUP ALTERNATIVES FOR EVALUATION

Listed below is the specific cleanup alternatives evaluated based upon the results of the Phase II ESA conducted at the Site. In addition, alternatives considered, but not evaluated due to site-specific factors which eliminated the alternative from further analysis are also listed, if applicable.

Cleanup Alternatives Evaluated

The following removal action alternatives were considered as part of this evaluation.

- Alternative 1: **No Action**
- Alternative 2: **Removal of Friable ACM and Implement Operations, Maintenance (O&M) for non-friable ACM and Abatement of LBP.**
- Alternative 3: **Removal of All ACM and LBP as A Wet Demolition.**

4.0 COMPARATIVE ANALYSIS OF CLEANUP ALTERNATIVES

The potential cleanup alternatives for the Site were evaluated using the evaluation criteria described in Section 3. General descriptions of the conceptual design of each alternative are described below. Discussions of the pros and cons of each alternative are presented in the following subsections. Final design specifications and features of the actual remedy may differ from the conceptual design described herein.

Alternative 1: No Action

The No Action alternative would involve leaving the Site in its current state. There would be no removal, containment, engineering control (EC), or institutional control (IC) actions implemented. The No Action alternative provides a baseline against which other alternatives can be compared. A consideration of risk is taken into account if no action is taken as opposed to implementing a cleanup action.

Alternative 2: Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP

Alternative 2 consists of remediating the building by removing and disposing of friable ACM and LBP at the Site. It would be recommended that development and implementation of an Operations and Maintenance (O&M) Plan for non-friable ACM and LBP.

Alternative 3: Removal of All ACM and LBP

Alternative 3 consists of removing and disposing of all ACM and LBP as a wet demolition.

4.1 Compliance

Alternative 1 (No Action) would not be compliant with state and/or federal regulations for the Site in its current condition due to the presence and condition of the known COCs.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP), The alternative is not implementable based on the dilapidated condition of this building. Therefore, the building will not be compliant with all applicable state and/or federal regulations. Kelly Parker, P.E. conducted an Engineering Repairability vs Demolition Inspection of Building 11. The engineering inspection determined the building is in dilapidated condition and would expose the abatement workers to hazardous unsafe working condition. Therefore, this alternative is not feasible based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM and LBP), this alternative if implemented properly, will be compliant with all applicable state and/or federal regulations.

Based upon the three alternatives evaluated, Alternative 3 is compliant with applicable state and/or federal regulations and only Alternative 3 would not require long-term ongoing activities.

4.2 Effectiveness

Alternative 1 (No Action) will not reduce the potential for exposure of human health and the environment to COCs or provide a reduction in the toxicity, mobility, or volume of contaminants as site conditions will remain as they are now. The estimated risk from COCs to potential receptors would not be decreased in the long-term. Changes in climate will alter the risk associated with this alternative. Climate change for this area predicts more violent and frequent storms which will cause further deterioration of the facility and COC's. The No Action alternative would not achieve the cleanup goals set for the Site in the short-term or long-term or achieve a reuse outcome for the property.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP) will not be effective in the short-term and long-term due to the condition of the facility. The structure is dangerously dilapidated. Kelly Parker, P.E. Conducted an Engineering Repairability vs Demolition Inspection of Building 11. The engineering inspection determined the building is in dilapidated condition and would expose the abatement workers to hazardous and unsafe working condition. Therefore, this alternative is not feasible based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM and LBP) will be effective in the short-term and long-term due to the removal of all the COCs. If implemented properly, there will be no risk to human health or the environment remaining at the Site. Due to no contaminants left on-site, changes in climate would not affect this alternative. This alternative is the only one that is safe for workers and that eliminates the potential for exposure to human health and the environment. This alternative will allow for the cleanup goal to be achieved and reuse of the Site.

4.3 Difficulty of Implementation

Alternative 1 (No Action) is technically and administratively feasible and would require a small amount of construction to secure the building, services, materials, or equipment. Maintenance or monitoring will be required. Although implementation is possible, the "No Action" alternative would not meet the cleanup goal allowing for redevelopment.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP) is not implementable based on engineering reports deeming the dilapidated structure beyond repair. Kelly Parker, P.E. conducted an Engineering Repairability vs Demolition Inspection of Building 11. The engineering inspection determined the building is in a dilapidated condition and would expose the abatement workers to hazardous and unsafe working condition. Therefore, this alternative is not implementable based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM and LBP) will require readily available heavy equipment and personnel for implementation and is technically feasible. Contractors will be available to supply required services, materials, and equipment. Maintenance and monitoring will only be required during implementation and following completion of the alternative until final clearance is completed.

Access to the Site is currently available and no areas are inaccessible by passenger vehicles. No road improvements would be required to provide access for construction equipment and personnel.

4.4 Cost

Costs incurred are evaluated on a scale of low, moderate, and high in relation to each of the other alternatives and based upon past experience with similar projects. Conceptual costs (not intended for budgetary estimates) were evaluated for time, effort, labor, and materials necessary.

Alternative 1 (No Action) has low costs associated with this option. Minimal amounts of time, effort, and labor would be required to board up doors and window to secure the building from public access.

Alternative 2 (Removal of Friable ACM, O&M non-friable ACM and Abatement of LBP) cost would be extremely high to shore up the building and try to make it accessible for workers based on engineering report deeming the site being a dilapidated structure beyond repair. Kelly Parker, P.E. conducted an Engineering Repairability vs Demolition Inspection of Building 11. The engineering inspection determined the building is in a dilapidated condition and would expose the abatement workers to hazardous and unsafe working condition. Therefore, this alternative is not practical based on unsafe working conditions.

Alternative 3 (Wet Demolition of Building and All ACM LBP) would take a short period of time to complete the remediation and high amounts of effort, labor, and material costs. Overall, this is the alternative that will meet the cleanup goals and reuse plan and most expensive alternative evaluated.

A summary of the cost comparison of each of the alternatives is presented in the following table, with the most expensive alternative listed as 3rd and the least expensive alternative listed as 1st.

4.5 Summary Comparison of Potential Alternatives

Comparisons are based on the four evaluation criteria previously discussed. A summary of the comparison of each of the alternatives is presented below along with status as to whether the alternative was retained for consideration as the preferred alternative selected.

Cleanup Alternative	Compliance	Effectiveness	Implementability	Cost[(1)]	Comment
Alternative 1: No Action	Non-compliant	Not effective	Implementable	$12,500	This alternative does not satisfy the cleanup goals for this site. Cost to secure the building.
Alternative 2: Removal of Friable ACM & RACM	N/A	N/A	Non-implementable	N/A	This alternative in not possible based on an engineering inspection which determined the building is in a dilapidated condition and would expose the abatement workers to hazardous and unsafe working condition..
Alternative 3: Wet Demolition of Building and All ACM	Compliant	Effective	Implementable	$149,500	This alternative satisfies the cleanup goal for the building and is the only option that permanently mitigates the COCs; however, it is the most expensive alternative.

5.0 PERFERRED CLEANUP ALTERNATIVE AND COST ESTIMATE

Of the three cleanup alternatives evaluated for selection at the Concho School Properties located at Whirlwind Road Building #11, Concho, Oklahoma (Site), the preferred alternative recommended is:

- **Alternative 3: Wet Demolition of Building and All ACM and LBP**

This alternative was selected based upon overall compliance with state and/or federal regulations, effectiveness in protecting human health and the environment in both the short-term and long-term, feasibility of implementation, and cost effectiveness. In addition, this alternative is the closest match to the detailed plans for reuse that have already been considered.

Presented below are the engineering costs to remediate the COCs at the Site. Engineering costs were determined based upon information obtained from the previous Brownfields Pilot Project (2003), Phase II ESA (2015), Phase II ESA Update (2019) and past experience on similar projects. Actual bids from companies to perform the work may vary from this estimate depending on local conditions and other factors outside of the assessor's knowledge. Final design specifications, features, and cost of the actual remedy may differ from the conceptual design presented.

5.1 ACM and LBP Removal

It is estimated that ACM & LBP remediation at the Site will cost approximately $149,500. This value is an estimate to remove and dispose of the ACM and LBP from the Site. A detailed conceptual cost estimate breakdown for the total shown in the following table is presented below:

Task	Cost
Mobilization	$5,000
Material	$25,500
Demolition	$55,000
Disposal	$64,000
Total Cost	**$149,500**

6.0 SPECIFICATIONS FOR REPORT USE AND RELIANCE

6.1 Special Terms and Conditions

This document has been prepared for the Cheyenne and Arapahoe Tribes for the use and benefit of the Cheyenne and Arapahoe Tribes. Any use of this document or information herein by persons or entities other than Cheyenne Arapahoe Tribe without the express written consent will be at the sole risk and liability of said person or entity. It is understood that this document may not include all information pertaining to the described site.

6.2 Disclaimers

The cost estimate in this report is based upon the Brownfields Pilot Project (2003) by Crystal Creek Environmental Solutions, Inc. Phase II Environmental Site Assessment (ESA) Inter-Tribal Environmental Council (ITEC) Incorporated (2018) and Phase II Environmental Site Assessment Update (ESA) which were in general conformance with the scope and limitations of ASTM E1903-11. The cost estimate presented herein is based on costs from engineering estimate past experience on similar projects as selected alternative presented in this document. Professional opinions are based solely on data collected during the assessment and/or interpretation of information and past data provided for review. Crystal Creek LLC does not warrant or guarantee information obtained from third parties used for this assessment are correct, complete, and/or current.

7.0 REFERENCES

Oklahoma Department of Labor, Oklahoma Asbestos Control Act 40 O.S. § 450, et seq. Abatement of Friable Asbestos Materials Rules OAC 380:50

Asbestos NESHAP is found in 40 CFR Part 61, Subpart M and DEQ has the delegated responsibility to regulate this NESHAP in Oklahoma.

American Society for Testing and Materials (ASTM), 2011. E1903-11, *Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process.*

EPA, 1988. *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA*. (EPA/540/G-89/004).

Brownfields Pilot Project (2003) by Crystal Creek Environmental Solutions,

Phase II Environmental Site Assessment (2015), Inter-Tribal Environmental Council Incorporated.

Phase II Environmental Site Assessment Update (2019), Crystal Creek LLC

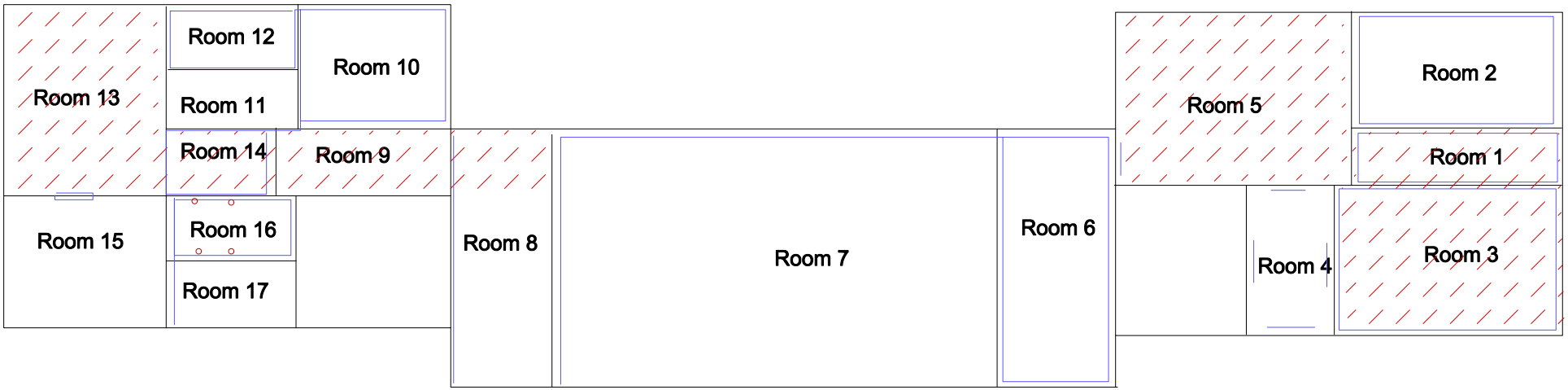
FIGURES

Building 11, Basement
112 East Whirlwind Rd.
Concho, OK

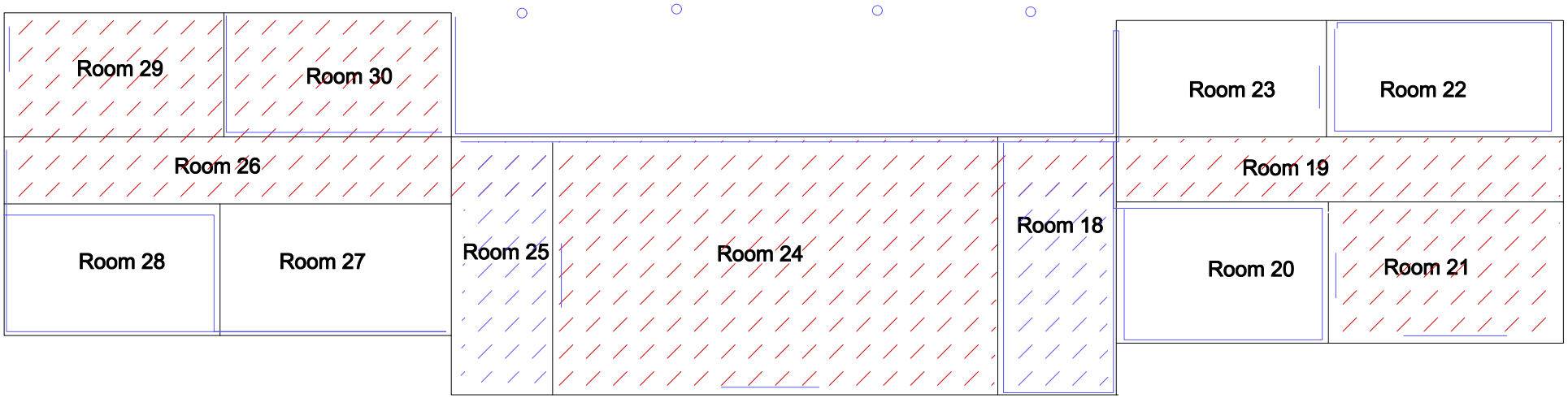
Asbestos

Lead-Based Paint

Building 11, First Floor
112 East Whirlwind Rd.
Concho, OK



Building 11, Second Floor
112 East Whirlwind Rd.
Concho, OK



Asbestos

Lead-Based Paint

TABLES

Task	Cost
Mobilization	$5,000
Material	$25,500
Demolition	$55,000
Disposal	$64,000
Total Cost	**$149,500**

APPENDIX A
SOLID WASTE LANDFILLS APPROVED TO ACCEPT FRIABLE ASBESTOS WASTE

Oklahoma Department of Environmental Quality
Oklahoma Landfills Accepting Regulated Asbestos Waste

OAC 252:515-19-31 states that the disposal of friable asbestos waste at a solid waste disposal facility is prohibited unless the facility is a municipal solid waste landfill (MSWLF) or non-hazardous industrial waste (NHIW) landfill specifically authorized by the permit to accept such waste. Disposal practices for asbestos and materials containing asbestos must be in compliance with appropriate regulations as set forth in OAC 252:100-40-5.

Permitted to Accept Friable and Non-Friable Asbestos		
COUNTY	**SOLID WASTE PERMIT NO.**	**FACILITY**
BECKHAM	3505009	Elk City Municipal Landfill (580) 225-3230
BECKHAM	3505011	Sayre Municipal Landfill (580) 928-2260
CANADIAN	3509005	Oklahoma Environmental Authority Landfill (405) 483-5402
GARVIN	3525012	Pauls Valley Landfill 405-495-0800
GRADY	3526013	Southern Plains Landfill (405) 224-3680
JACKSON	3533005	City of Altus Landfill (580) 477-1950
MAJOR	3547002	Red Carpet Landfill (580) 776-2255
MUSKOGEE	3551020	Muskogee Community RDF (918) 682-7284
OKLAHOMA	3555018	Oklahoma Landfill (405) 745-3091
OKLAHOMA	3555028	SE Oklahoma City Landfill (405) 745-4141
OKLAHOMA	3555036	East Oak Sanitary Landfill (405) 427-1112
OSAGE	3557021	American Environmental Landfill (918)245-7786
OSAGE	3557025	Osage Landfill (918) 336-3159
PAYNE	3560010	Stillwater Landfill (405) 372-6628
PONTOTOC	3562006	City of Ada Municipal Sanitary LF (580) 436-1403
PUSHMATAHA	3564004	Clinton Lewis Construction Co. Landfill (580) 298-3729

SEMINOLE	3567020	Sooner Land Management Landfill (405) 257-6108
SEQUOYAH	3568008	Sallisaw Solid Waste Disposal Facility (918)775-6241
TULSA	3572042	Quarry Landfill (918) 437-7773
Permitted to Accept ONLY Non-Friable Asbestos		
COUNTY	**PERMIT NUMBER**	**FACILITY**
GRADY	3526014	Great Plains Landfill (405) 818-0000
PITTSBURG	3561013	Alderson Landfill (918) 426-0985
COMANCHE	3516015	City of Lawton Landfill (580) 581-3468
KAY	3536014	Ponca City Landfill (405) 767-0300

2020 EPA Brownfields Cleanup
Public Meeting

Land & Community Revitalization
BROWNFIELDS

Where: Concho Community Hall

When: November 13, 2019 5:00 - 6:00pm

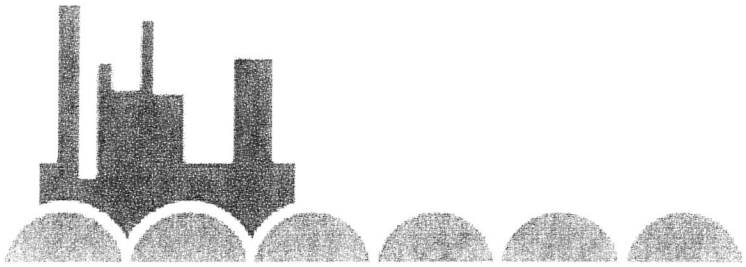
For: Concho Reserve and School Properties

A copy of the Grant Application as well as the Analysis of Brownfields Cleanup Alternatives (ABCAs) will be available for public review and all comments will be accepted in written format at the Planning and Development offices. Your participation is greatly valued and appreciated.

For more information, Contact Planning and Development Director, Damon Dunbar at (405) 422-7730

(Published in The El Reno Tribune, El Reno, Okla., Oct. 23, 2019)

2020 EPA Brownfields Cleanup
Public Meeting



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For more information, Contact Planning and Development Director, Damon Dunbar at (405) 422-7730

The El Reno Tribune

PROOF OF PUBLICATION

PUBLIC NOTICE in CANADIAN COUNTY

State of Oklahoma

AFFIDAVIT OF PUBLICATION

2020 EPA Brownfields
Cleanup
Public Meeting
November 13, 2019

State of Oklahoma
County of CANADIAN ss

SEAN DYER, of lawful age, being duly sworn and authorized, says that he is Co-Publisher of the EL RENO TRIBUNE, a semi-weekly newspaper printed in the City of El Reno, Canadian County, Oklahoma, a newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1971 as amended, and complies with all other requirements of the laws of Oklahoma with reference to legal publications.

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement on the following dates:

Oct 23rd 2019

(Month or months, date or dates)

Publishing fee $ 117.00

Sean Dyer

RECEIVED
OCT 28 2019
PLANNING & DEVELOPMENT

Subscribed to and sworn to before me this 23rd day of October 2019

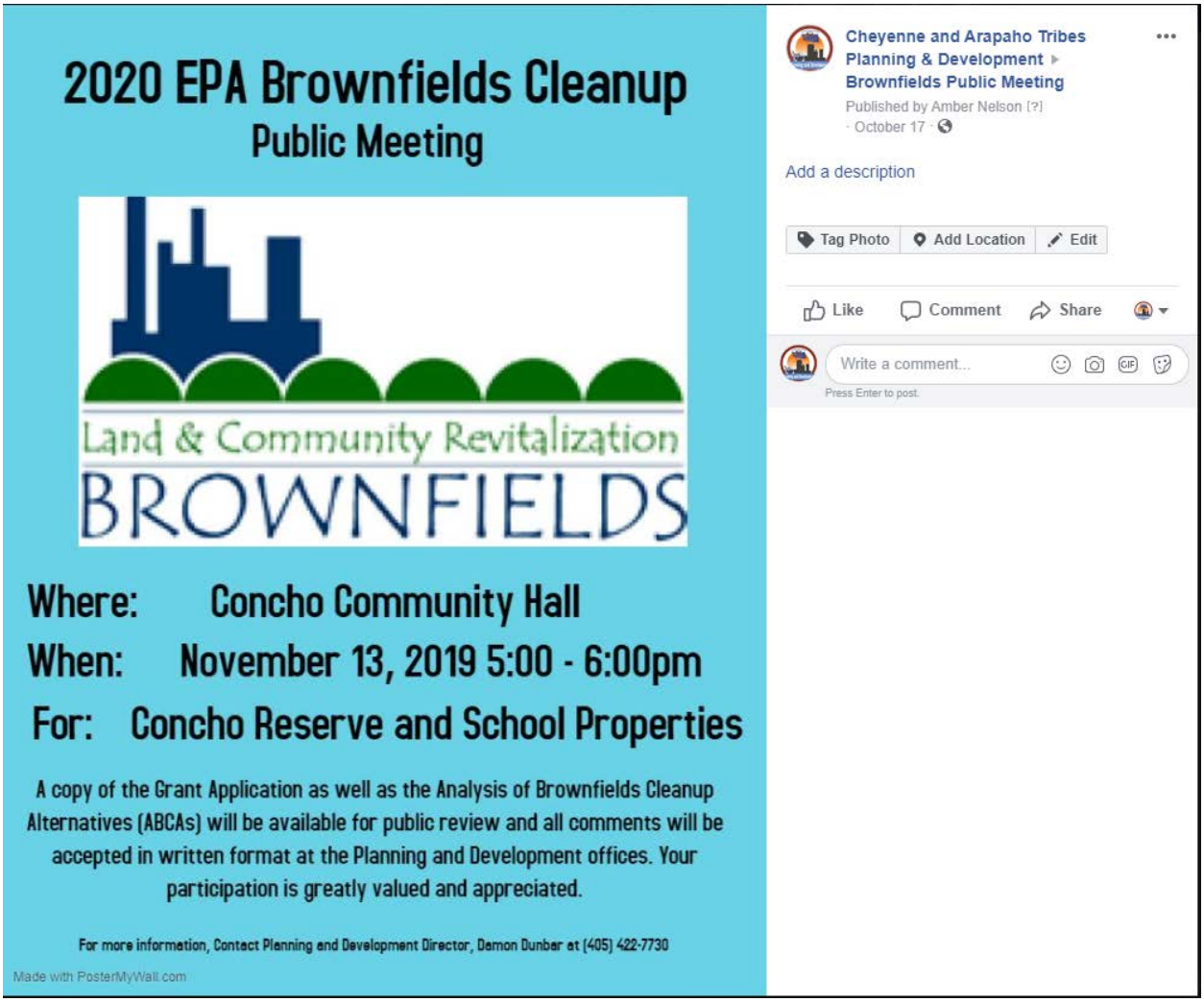
My commission expires:

10/11/21

AMY ANDERSON
IN AND FOR
#17008515
EXP. 10/11/21
STATE OF OKLAHOMA
NOTARY PUBLIC

Amy Anderson

Notary Public


2020 EPA Brownfields Cleanup
Public Meeting
Land & Community Revitalization
BROWNFIELDS
Where: Concho Community Hall
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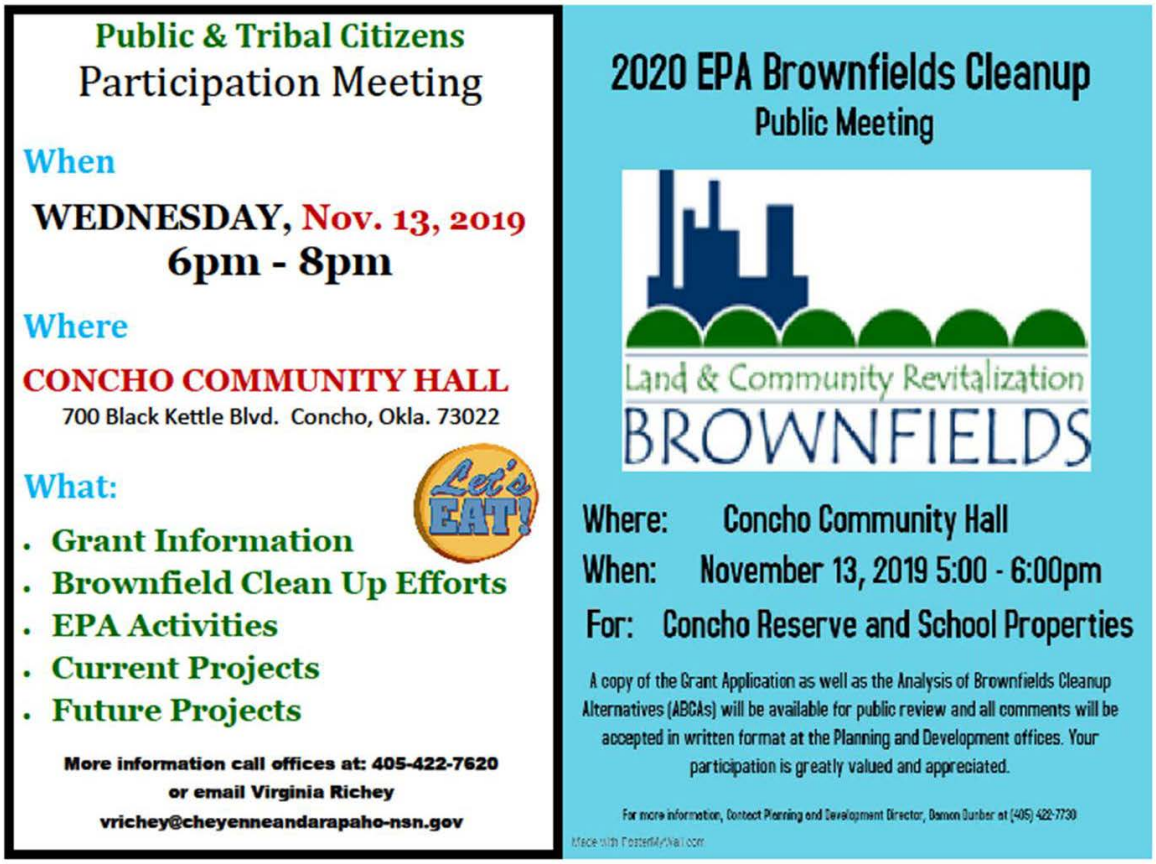
For more information, Contact Planning and Development Director, Damon Dunbar at (405) 422-7730
Made with PosterMyWall.com
Cheyenne and Arapaho Tribes
Planning & Development
Brownfields Public Meeting
Published by Amber Nelson [?]
October 17
Add a description
Tag Photo
Add Location
Edit
Like
Comment
Share
Write a comment...
Press Enter to post.

From: Jerrie L. Oglesby
To: GlobalDist
Subject: Planning & Development _ Upcoming Events
Date: Tuesday, November 12, 2019 9:07:27 AM
Attachments: oledata.mso



CHEYENNE and ARAPAHO TRIBES
DEPARTMENT OF ADMINISTRATION

PLANNING AND DEVELOPMENT
P.O. Box 167
Concho, OK 73022
Telephone: (405) 262-0345

FY 2020 EPA Brownfields Cleanup Public Meeting and Comment

November 13, 2019
5:00 p.m. – 6:00 p.m.

Concho Community Building
Concho, OK

AGENDA

1. Introduction – Damon Dunbar
2. Brownfields Grant – Amber Nelson
3. Engineering Report – Mike Jenkinson
4. New Fire Native – Jason Holuby
5. Questions/Answers
6. Adjourn

CHEYENNE and ARAPAHO TRIBES
DEPARTMENT OF ADMINISTRATION

PLANNING AND DEVELOPMENT
P.O. Box 167
Concho, OK 73022
Telephone: (405) 262-0345

Brownfield Public Meeting/Comment

Concho Community Building

November 13, 2019

5:00 p.m. – 6:00 p.m.

Presentation:

Planning and Development Department (Damon Dunbar and Amber Nelson):

- This is a highly competitive grant. Only 4 tribes were awarded it last year
- KSU-TAB offering assistance with the grant
- Grant is up to $500,000.00 with 20% Cost Share form Cheyenne and Arapaho Tribes
    - Tribes are applying for $260,000.00 and with the 20% Cost Share, the total will be $312,000.00
- Buildings 10 and 11 are a hazard to health and safety members to the Tribal Members, Employees, and Students in this area.
    - The Buildings contain large amounts of Lead Based Paint and Asbestos

Crystal Creek Environmental (Mike Jenkinsen):

- Structural Engineering Report
- Overview of Phase II ESA and Update Report
- Analysis of Brownfields Cleanup Alternative (ABCA) Building 10 and (ABCA) Building 11
- Suggested that it is unsafe for workers to go in and even try to remediate. The Structures are not sound and will require demolition in order to abate

New Fire Native (Jason Holuby):

- Connecting old and New Buildings (Proposed)
- Reuse and Revitalize
- Telling the Tribes stories
- Integrating Cheyenne and Arapaho Culture
- Keeping the future of the Tribes traditional
- Connection for "Tomorrow's People"

DAMON DUNBAR
Director
Ext. 27730

CASEY PEYTON
Assistant Director
Ext. 27503

VIRGINIA RICHEY
Office Manager
Ext. 27620

Comments:

Governor (Reggie Wassana):

- Likes the concept. Keeping with the slogan, "Tomorrow, Starts Today"
- "Agrees that Building 10 and 11 are a health, safety and environmental hazard and that they are structurally unsound." "Let's start to clean up the Campus" "It would be nice to have people come to visit and not see these old buildings"
- One thing he envisioned is to have an overlook to see the buffalo herd and to incorporate a museum to show the history of the Cheyenne and Arapaho people

Fire Management Safety Officer (Sheldon Sankey):

- Likes the idea of moving with the times
- Would like to utilize their program to do controlled burns to help the beautification process of Tribal Lands that are overgrown with brush

Tribal Member (Joyce Martinez):

- "Have you surveyed all of the campus (Concho)?"
- "Where is the old Concho school" "Where will all the debris be buried?" "What about all of the other materials coming from demolishing the school?"

Response:

Planning and Development, Director (Damon Dumber):

- "We have taken all steps necessary and have the engineering reports to back it all up."
- "ABCA's are available if you would like to review and comment."
- "The intent is to demolish the buildings and have the debris hauled off to a hazardous waste location." "All proper steps have been taken to remove these buildings and not bury them"

Governor (Reggie Wassana):

- "The Planning and Development Program has done their due diligence and taken the right steps to pursue a grant to help create a Brownfield area to a Greenfield" "These Buildings are ancient…. dilapidated"

Grant Writer (Amber Nelson):

- "The Draft Application, Analysis of Brownfields Cleanup Alternative (ABCA)'s on building 10 and 11, Structural Engineering Report, Phase I and II ESA and an Updated report are available for viewing and comment in the Planning and Development office up until the grant submission deadline of December 3, 2019"

DAMON DUNBAR
Director
Ext. 27730

CASEY PEYTON
Assistant Director
Ext. 27503

VIRGINIA RICHEY
Office Manager
Ext. 27620

CHEYENNE & ARAPAHO TRIBES OF OKLAHOMA
DEPARTMENT OF ADMINISTRATION

PLANNING AND DEVELOPMENT PROGRAM
7781 N. Highway 81
P.O. Box 167
Concho, Oklahoma 73022
(p) 405 262 0345
(f) 405 422 8279

Public & Community Outreach Meeting(s)

Concho Okla. & FY20 EPA Brownfields Cleanup Grant

November 13, 2019 ~ Concho Community Hall.
Concho, Okla. ~ 5pm to 8pm

Sign in Sheet

PRINT NAME	CONTACT
1 Michael Jerkinson	mdjerk@live.com 405-317-4886
2 DAMON DUNBAR	405-422-7730
3 Brenda Claw Census Bureau	405-971-4787
4 Casey Payton	405-422-7583
5 Jason Holuby	(405) 501-4275
6 Judy A. Nickelson	(405) 840-2931
7 George Bryan Sykes	27789
8 David Wagner Census	405 339 2884
9 Divia Wagner	405 339 2884
10 Amber Nelson	405 422-7561
11 CHELSIE MORTON	x27623
12 Sheldon Sanko,	(405) 933-2081
13 Tommy Dean Jack Jr	(405) 249-6562
14 Jeffery Tizoose	405 422 6171
15 Will Blackowl	(405) 482-3437
16 Abby Fatcher	405 422 7517

CHEYENNE & ARAPAHO TRIBES OF OKLAHOMA
DEPARTMENT OF ADMINISTRATION

PLANNING AND DEVELOPMENT PROGRAM
7781 N. Highway 81
P.O. Box 167
Concho, Oklahoma 73022
(p) 405 262 0345
(f) 405 422 8279

Public & Community Outreach Meeting(s)
Concho Okla. & FY20 EPA Brownfields Cleanup Grant

November 13, 2019 ~ Concho Community Hall.
Concho, Okla. ~ 5pm to 8pm

Sign in Sheet

	PRINT NAME	CONTACT
1	Ty Nelson	918 689 6130
2	Cam Nelson	918 689 6130
3	Micki Black	(405) 761-4250
4	Leslie Whiteman	405-719-9910
5	Joyce S Martinez	405-694-7777
6	[illegible]	210 215 3883
7	Alden Yellow Eagle	(580) 890-7948
8	Melvin Roman Nose	422 7404
9	marie Little Raven	405-410-4915
10	Gerald Horse	405 410 4915
11	Virginia Richey	77620
12	Jodi White Buffalo	405 882-8767
13	Scott Tiger	"
14	Nevaeh Tiger	"
15	Belah White Buffalo	"
16	Joseph White Buffalo	"

CHEYENNE & ARAPAHO TRIBES OF OKLAHOMA

DEPARTMENT OF ADMINISTRATION

PLANNING AND DEVELOPMENT PROGRAM
7781 N. Highway 81
P.O. Box 167
Concho, Oklahoma 73022
(p) 405 262 0345
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Public & Community Outreach Meeting(s)

Concho Okla. & FY20 EPA Brownfields Cleanup Grant

November 13, 2019 ~ Concho Community Hall.
Concho, Okla. ~ 5pm to 8pm

Sign in Sheet

	PRINT NAME	CONTACT
1	Janice Logan	
2	Marissa Thompson	
3	Charles Woolworth	
4	Bryce Black	
5		
6		
7		
8		
9	Julia Woolworth	
10		
11		
12		
13	Bridget Blackowl	
14	Rachael Hedgeboards	
15		
16		

13. Statutory Cost Share: On November 5, 2019, the Seventh Legislature of the Cheyenne and Arapaho Tribes approved a Resolution to support the FY 2020 Brownfields Cleanup Grant application to the U.S. EPA through legislative process. This Resolution approved the appropriation and commitment of tribal funds in the amount of $52,000.00 to meet the 20% cost share requirement for the proposed project. All funds committed for the project, federal and non-federal, inclusive to both sites (Building 10 and Building 11), will be used for eligible and allowable expenses and will comply with 2 CFR § 200.306.

The two proposed sites are very similar in layout, structure, and contamination. The two sites are within close proximity to the other and located on the same street. Both sites have been thoroughly examined, tested for contamination, and are expected to have the same total costs based on qualified and experienced estimates.

Site 1, Building 10	
Federal grant funds requested	$130,000.00
Tribal funds committed (20%)	$26,000.00
Total Site 1 cost	$156,000.00
Site 2, Building 11	
Federal grant funds requested	$130,000.00
Tribal funds committed (20%)	$26,000.00
Total Site 2 cost	$156,000.00
Total federal grant funds requested	$260,000.00
Total tribal funds committed (20%)	$52,000.00
Total overall project cost	$312,000.00

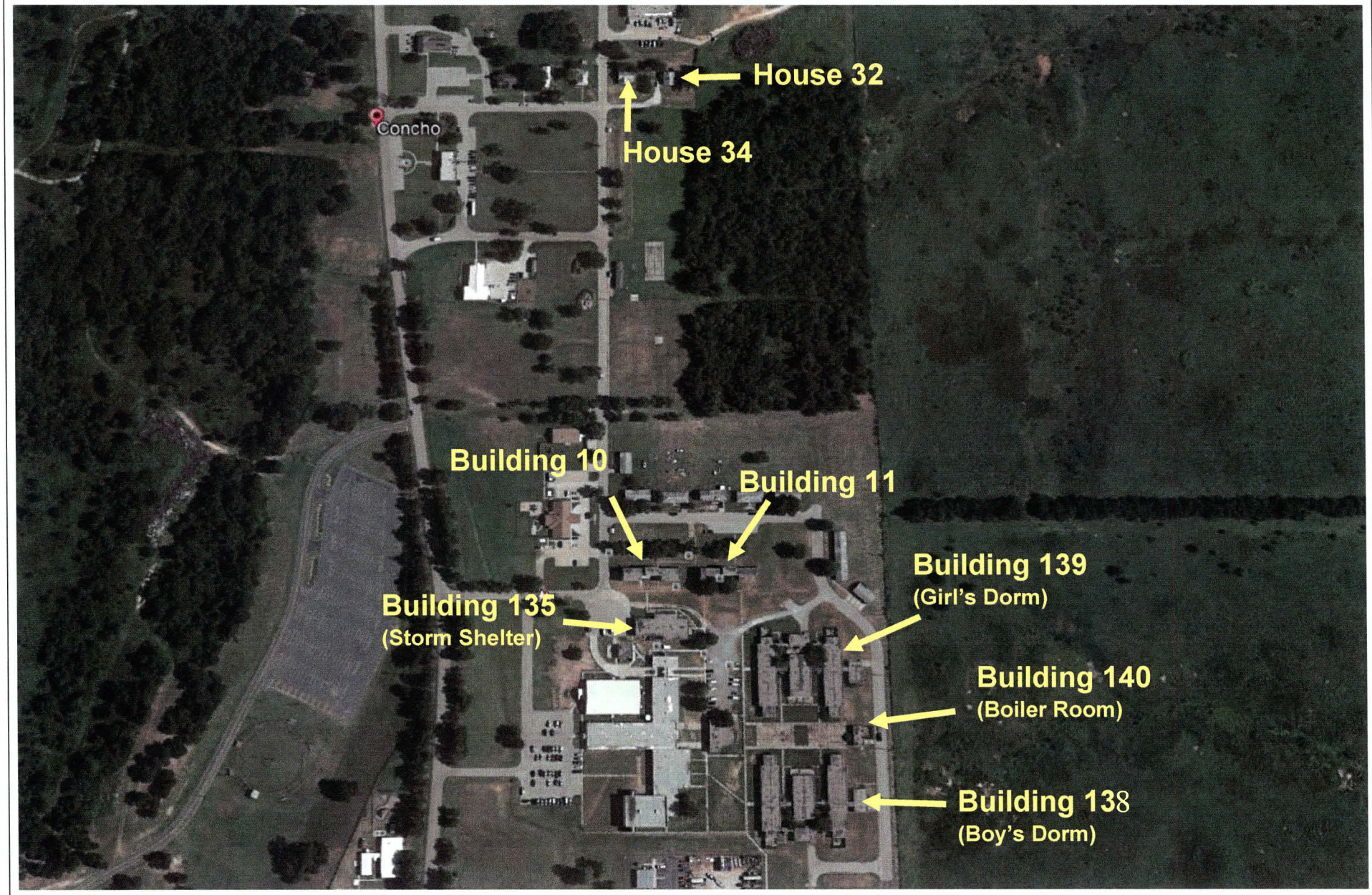

Figure 1 - Target Area

Concho School and Reserve Properties

OMB Number: 4040-0004
Expiration Date: 12/31/2019

Application for Federal Assistance SF-424

* 1. Type of Submission:	* 2. Type of Application:	* If Revision, select appropriate letter(s):
☐ Preapplication	☒ New	
☒ Application	☐ Continuation	* Other (Specify):
☐ Changed/Corrected Application	☐ Revision	

* 3. Date Received:	4. Applicant Identifier:
12/03/2019	Cheyenne and Arapaho Tribes

5a. Federal Entity Identifier:	5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:	7. State Application Identifier:
	OK

8. APPLICANT INFORMATION:

* a. Legal Name:	Cheyenne and Arapaho Tribes

* b. Employer/Taxpayer Identification Number (EIN/TIN):	* c. Organizational DUNS:
	1453099930000

d. Address:

* Street1:	100 Red Moon Circle
Street2:	PO Box 167
* City:	Concho
County/Parish:	Canadian
* State:	OK: Oklahoma
Province:	
* Country:	USA: UNITED STATES
* Zip / Postal Code:	73022-0167

e. Organizational Unit:

Department Name:	Division Name:
Department of Administration	Planning and Development

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:	Mr.	* First Name:	Reggie
Middle Name:			
* Last Name:	Wassana		
Suffix:			

Title:	Governor

Organizational Affiliation:
Cheyenne and Arapaho Tribes

* Telephone Number:	4054227720	Fax Number:	

* Email:	rwassana@cheyenneandarapaho-nsn.gov

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

I: Indian/Native American Tribal Government (Federally Recognized)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

*** 12. Funding Opportunity Number:**

EPA-OLEM-OBLR-19-07

* Title:

FY20 GUIDELINES FOR BROWNFIELD CLEANUP GRANTS

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

1235-CA Service Area Map.pdf | Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

C&A Tribes Concho Brownfields Cleanup

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: OK-003 * b. Program/Project: OK-003

Attach an additional list of Program/Project Congressional Districts if needed.

1237-OK Congressional Districts Map.pdf | Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 11/01/2020 * b. End Date: 07/31/2022

18. Estimated Funding ($):

* a. Federal	260,000.00
* b. Applicant	52,000.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	312,000.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☐ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. * First Name: Reggie

Middle Name:

* Last Name: Wassana

Suffix:

* Title: Governor

* Telephone Number: 4054227720 Fax Number: (405) 422-7417

* Email: rwassana@cheyenneandarapaho-nsn.gov

* Signature of Authorized Representative: Amber Nelson * Date Signed: 12/03/2019