

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF SPILL PREVENTION AND RESPONSE CONTAMINATED SITES PROGRAM

SARAH PALIN, GOVERNOR

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www.dec.state.ak.us
File: #2215.38.014

March 19, 2009

Steve Ranney
Orca Adventure Lodge
P.O. Box 2105
Cordova, AK 99574

Re: Record of Decision; Orca Cannery
Cleanup Complete Determination- Institutional Controls

Dear Mr. Ranney:

The Alaska Department of Environmental Conservation, Contaminated Sites Program (ADEC) has completed a review of the environmental records associated with the Orca Cannery located on Orca Inlet in Cordova, Alaska. Based on the information provided to date, it has been determined that the contaminant concentrations remaining on site do not pose an unacceptable risk to human health or the environment and no further remedial action will be required as long as the site is in compliance with established institutional controls.

This decision is based on the administrative record for the Orca Cannery which is located in the offices of the ADEC in Anchorage, Alaska. This letter summarizes the decision process used to determine the environmental status of this site and provides a summary of the regulatory issues considered in the Cleanup Complete with ICs determination.

Introduction

Site Name and Location

Orca Cannery
Orca Inlet
Cordova, AK

Name and Mailing Address of Contact Party:

Steve Ranney
Orca Adventure Lodge
P.O. Box 2105
Cordova, AK 99574

Database Record Key and CS file number:

ADEC Reckey # 1992240115701
CS file # 2215.38.014
Hazard ID 1541

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CC-ICs_O'Connell.doc

Regulatory authority under which the site is being cleaned up:
18 AAC 75

Background

The Orca cannery was built in 1944 and was used as a fish processing facility operated by various owners until the 1980's. Several notable releases occurred at the former cannery including a release of approximately 100,000 gallons of Bunker C fuel oil in 1969 and another release of approximately 10,000 gallons of diesel fuel in 1977, which resulted in a Notice of Violation issued by ADEC in 1979. In addition, various leaks in existing fuel lines along with poor fuel storage and handling practices throughout the operating life of the cannery led to extensive petroleum contamination in several areas.

Contaminants of Concern

During the course of investigation and cleanup at this site, soil samples collected at this site have been analyzed for: diesel range organics (DRO) and residual range organics (RRO). Based on these data and knowledge of the source of contamination, the following Contaminant of Concern was identified:

- Diesel Range Organics (DRO)

Cleanup Levels

The soil cleanup levels for this site are established in 18 AAC 75.341, Method Two, Table B2 Under 40 inch Zone, Migration to Groundwater.

<u>Contaminant</u>	<u>Site Cleanup Level (mg/kg)</u>
• Diesel Range Organics	250

Site Characterization

The first cleanup operation occurred in 1980 when several sumps and an interceptor trench were installed to collect free product and to keep the fuel from migrating into Orca Inlet. A compliance Order by Consent (COBC) was signed between ADEC and Chugach Alaska Fisheries in 1993 to provide for additional cleanup and the COBC was transferred to Mr. Steve Ranney in 1993 when he purchased the property from Chugach Alaska Fisheries.

Cleanup operations began in 1994 and focused on areas of petroleum contamination identified during previous investigations. From 1994 to 1996, approximately 3,000 cubic yards of impacted soil were excavated from various locations including the Blue Warehouse, the Mechanics Bunkhouse, Warehouse #1, Bunkhouse #3, and the former fuel tank platform area.

Excavated soil was thermally treated by Soil Processing Inc. or land farmed on site, and a small amount of impacted soil was used as road base for local road projects with ADEC approval. The primary source area, the former bulk fuel tanks on a platform south of the Fisherman's Bunkhouse, was excavated to a depth of over 25 feet without encountering groundwater. Soil samples that were excavated from this area contained DRO up to 42,220 mg/kg. The excavation was limited in extent by the presence of the cannery buildings, and reportedly stopped at the weathered bedrock surface. Confirmation soil samples were not collected. In

1997, a lien placed on the property was removed by the Alaska Attorney Generals office after adequate cleanup progress had been demonstrated.

Site visits were conducted in 2007 and 2008 by ADEC personnel. The stockpiled soil showed no indication of petroleum contamination. Furthermore, the areas addressed during the cleanup appeared to be re-vegetated and free from surface contamination.

Pathway Evaluation

The exposure pathways for human health that were evaluated include the following: ingestion of soil and groundwater, indoor and outdoor inhalation of vapors and dermal contact with soil. The inhalation pathway may be complete, but the majority of the remaining contamination is Bunker C fuel oil which is not volatile and unlikely to pose a risk via the inhalation pathway. The ingestion and dermal contact pathways are considered incomplete as the remaining contamination is subsurface and is not available to receptors. The migration to groundwater pathway may be complete, but groundwater is not used as a drinking water source at the site, which is served by the Cordova Water Utility.

The potential risk to ecological receptors was also evaluated because the site is adjacent to Orca Bay. Observations of the intertidal zone conducted since 1990 have not indicated any migration of contaminants to Orca Bay. The intertidal flora and fauna have returned to their natural state.

The exposure pathway analysis above was supported by the most recent ADEC Exposure Tracking Model (ETM) ranking. The ETM results showed all pathways to be either De Minimis Exposure or Pathway Incomplete.

ADEC Decision

The ADEC has determined that residual contamination at this site poses no unacceptable risk to human health or the environment, and this site will be granted a Cleanup Complete- ICs determination subject to the following.

1. A Notice of Environmental Contamination will be recorded on the ADEC database to document that there is residual contamination remaining on site above the most stringent ADEC cleanup levels
2. Any future change in land use may impact the exposure assumptions cited in this document. If land use and/or ownership changes, current ICs may not be protective and ADEC may require additional remediation and/or ICs. Therefore Steve Ranney shall report to ADEC every five years to document land use, or report as soon as he becomes aware of any change in land ownership and/or use, if earlier. **The report can be sent to the local ADEC office or electronically to DEC.ICUnit@alaska.gov.**
3. Installation of groundwater wells will require approval from ADEC in accordance with 18 AAC 75.350(2).
4. Any proposal to transport soil or groundwater off site requires ADEC approval in accordance with 18 AAC 75.325(i). A "site" [as defined by 18 AAC 75.990 (115)] means an area that is contaminated, including areas contaminated by the migration of

hazardous substances from a source area, regardless of property ownership. (See attached site figure.)

5. Movement or use of contaminated material in a manner that results in a violation of 18 AAC 70 water quality standards is prohibited.
6. A Notice of Environmental Contamination (NEC) was filed at the Anchorage Records Office on March 5, 2009 that details the presence of petroleum contamination in the subsurface, and notifies future landowners of the presence of contaminated material.

The ADEC Contaminated Sites Database will be updated to reflect the change in site status as detailed above, and will include a description of the contamination remaining at the site. When the site meets the requirements for a Cleanup Complete determination, then the Institutional Controls will be terminated.

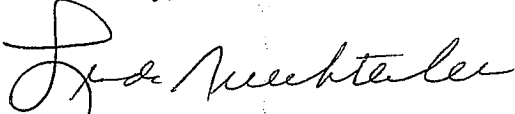
This determination is in accordance with 18 AAC 75.380(d) and does not preclude ADEC from requiring additional assessment and/or cleanup action if future information indicates that this site may pose an unacceptable risk to human health or the environment.

Appeal

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 -18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 15 days after receiving the department's decision reviewable under this section. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801, within 30 days after the date of issuance of this letter, or within 30 days after the department issues a final decision under 18 AAC 15.185. If a hearing is not requested within 30 days, the right to appeal is waived.

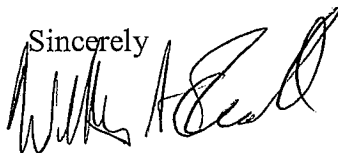
Please sign and return *Attachment A* to ADEC within 30 days of receipt of this letter. If you have questions about this closure decision, please contact the ADEC project manager, Bill O'Connell at (907)269-3057

Sincerely,



Linda Nuechterlein
Environmental Manager

Sincerely



Bill O'Connell
Environmental Specialist

Attachment A: Cleanup Complete-ICs Agreement Signature Page
Attachment B: Site Figures

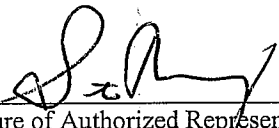
March 19, 2009

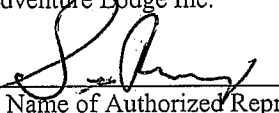
2215.38.014

ADEC File No.

Attachment A: Cleanup Complete-ICs Agreement and Signature Page*

Mr. Steve Ranney agrees to the terms of this Cleanup Complete with ICs determination as stated in this Record of Decision (ROD) document dated March 19, 2009 for the Orca Cannery Hazard ID 1541. Failure to comply with the terms of this agreement may result in ADEC reopening this site and requiring further remedial action in accordance with 18 AAC 18 AAC 75.380(d)

 - Owner
Signature of Authorized Representative, Title
Orca Adventure Lodge Inc.

 - Steve Ranney - President
Printed Name of Authorized Representative, Title
Orca Adventure Lodge Inc.

Note to Responsible Person (RP):

After making a copy for your records, please return a signed copy of this form to the ADEC project manager, Bill O'Connell, at the address on this correspondence within 30 days of receipt of this letter. After ADEC has received your signed copy, the Contaminated Sites database will be updated, and this closure decision will then take effect.

RECEIVED

MAR 25 2009

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CONSERVATION

*Attention ADEC Administration Staff: Please do not file this form until the ADEC project manager has updated the database.

Attachment B: Site Figures

