

**DIVISION OF SPILL PREVENTION AND RESPONSE  
CONTAMINATED SITES PROGRAM**

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File No. 2259.38.001

March 15, 2006

Gerald Protzman  
P.O. Box 669  
Whittier, Alaska 99693

Re: **Record of Decision**  
Fairmont Bay Mariculture Site  
Prince William Sound, Alaska

Dear Mr. Protzman:

The Department of Environmental Conservation, Contaminated Sites Program, (ADEC) reviewed the site assessment information collected to date for the Fairmont Bay Mariculture site. Based upon our review of this information and the results of an August 2005 field visit, ADEC has determined that no further remedial action is required at this time.

Please note the following summary of the regulatory issues associated with the environmental status of this site:

**Introduction**

Site name and location:

Fairmont Bay Mariculture Site  
Prince William Sound

Name and mailing address of contact and/or responsible party:

Gerald Protzman  
P.O. Box 669  
Whittier, Alaska 99693

Landowner

United States Forest Service  
Chugach National Forest  
Glacier Ranger District  
PO Box 129  
Girdwood, AK 99587

Database Record Key and CS file number:

Reckey No. 1198240118801

File No. 2259.38.001

Regulatory authority under which the site is being cleaned up:

18 AAC 75

**Background**

On October 19, 2000, ADEC received a tank closure report for this facility. A small heating oil tank (approximately 500 gallons) stored above ground in a shed near the cabin on this property was removed and fuel staining on the ground was noted. A site investigation identified diesel range organics (DRO) within ten feet of the shed ranged from non-detect to 2,940 mg/kg. The highest levels of contamination were discovered in the direction of a small stream used to provide drinking water for the cabin. A limited amount of soil was excavated and stockpiled on site.

The upland property is owned by the United States Forest Service (USFS) and the tideland area is owned and managed by the Alaska Department Natural Resources (ADNR). ADEC requested additional site characterization but the lessee (Mr. Protzman) has been unwilling or unable to provide the information. In order to clarify on site conditions, an August 15, 2005 field visit by representatives of the USFS, ADNR, and ADEC was conducted.

ADEC determined that the DRO impacted soil extended several feet from the building footprint and approximately four feet below ground surface (bgs). The organic soil type prevalent at the site appeared to reduce the fuel migration to the area identified. There was no evidence of a soil stockpile or other areas of contamination.

**Chemicals of Concern**

Diesel range organics are the only identified contaminant of concern.

**Soil Contamination**

Soil contamination ranged from non-detect to 2,940 mg/kg DRO in the soil. The vertical and horizontal extent of soil contamination appeared to be limited to a maximum of 100 square feet, including the shed footprint itself, and no more than four feet bgs.

**Groundwater Contamination**

Groundwater or surface water were not sampled.

**Exposure Pathways Identified**

The exposure pathways evaluated at this site include: inhalation; ingestion, migration to groundwater, and migration to surface water. The highest levels of DRO contamination did not exceed the risk based cleanup levels for ingestion or inhalation. The inhalation and ingestion pathways may be complete, but the exposure risk is considered within an acceptable range since the soil concentrations do not exceed the 18 AAC 75.341 Table B2 levels for DRO. Furthermore, the site is in a remote location with only periodic use by human receptors.

The migration to ground and/or surface water is affected by the organic soil type. The nearest surface water body is a stream approximately 30 feet away from the source and may be used

for drinking water. However, the distance separation of the contamination to the stream is adequate so that the remaining concentrations would not pose a risk to the water quality of the stream. The migration to groundwater pathway may be complete but the hydrogeologic conditions (ie. high level of soil organics and shallow bedrock) limit any impacts to groundwater, and groundwater is not currently used for drinking water.

### **Cleanup Levels**

The cleanup levels established for this site are:

#### Soil

18 AAC 75.341, Tables B1 and B2 migration to groundwater pathway (Over 40-Inch Zone)

#### Groundwater

18 AAC 75.345 Table C

### **ADEC Decision**

Based on the information provided to date, ADEC has determined that the site specific conditions have limited the area impacted by the released heating fuel to a minimum. This decision evaluated the contaminant concentrations remaining on site and determined there is no risk to human health or the environment based on information provided to date. There is no further remedial action required at this site subject to the following conditions:

1. An institutional control will be established on the ADEC database to document that there is hazardous substance contamination remaining on site above the most stringent ADEC cleanup levels;
2. Any proposal to transport soil off site requires ADEC approval in accordance with 18 AAC 75.325(i).

This determination is based on information presented to date but in accordance with 18 AAC 75.380(d)(2), it 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.

Site closure (without conditions) can be achieved when soil sampling confirms that all soil meets the most stringent 18 AAC 75.341 migration to groundwater cleanup levels for the Over 40-Inch Zone.

### **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.

If you have questions about this closure decision, please contact Lynne Bush at (907) 269-7526 or by e-mail at [lynne\\_bush@dec.state.ak.us](mailto:lynne_bush@dec.state.ak.us).

Sincerely,

Jim Frechione  
Environmental Program Manager

Cc: Lynne Bush

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