



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

DIVISION OF SPILL PREVENTION AND RESPONSE
Contaminated Sites Program

410 Willoughby Ave., Suite 303
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File: 400.38.031

December 11, 2014

John Handeland
Nome Joint Utility System
P.O. Box 70
Nome, AK 99762

Re: Decision Document: Institutional controls modification - Nome New Power Plant

Dear Mr. Handeland:

The Alaska Department of Environmental Conservation (ADEC) has reviewed the environmental records for the referenced site which includes the institutional controls (ICs) established in the 2007 Conditional Closure. (A copy of the 2007 letter is enclosed.)

In your reply to the ADEC verification of ICs letter dated November 12, 2014 you requested that the fencing and sign requirement included in the 2007 conditional closure be modified. You stated that it would be difficult to maintain the fencing since there is a need to access the area for snow removal. You also stated that the building and area is outfitted with both internal and external security cameras and is staffed 24 hours a day.

ADEC is in agreement with this modification and feels that the security measures already provided with this kind of operation offer sufficient protection to keep receptors from being exposed to the residual contamination. If there are land use changes in the future, the fencing requirement may need to be reconsidered.

The modified summary of institutional controls are:

1. A deed restriction precluding the installation of any groundwater wells without DEC approval shall be attached to the property. (This IC is complete and the notice was filed with the DNR Records' Office on July 18, 2008.)
2. A soil cap of 4 to 7 feet over the contaminated soil areas shall be maintained to prevent soil and water exposure pathways.
3. The owner/operator of the site shall ensure oversight and screening by a qualified environmental consultant when (or if) soil excavation is proposed. In the event that contamination is discovered, ADEC shall be notified.

December 11, 2014

4. Construction activities may require workers to wear appropriate personal protection equipment in accordance with the facility's site safety plan.
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. Any future change in land use may impact the exposure assumptions cited in this document. If land use and/or ownership changes, these management conditions may not be protective and ADEC may require additional remediation and revised conditions. Therefore the Nome New Power Plant shall report to ADEC every 2 years to document land use, or report as soon as you become 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.**

The ADEC Contaminated Sites Database will be updated to reflect the change in IC requirements as detailed above. Institutional controls will be removed in the future if documentation can be provided that shows cleanup levels have been met.

This determination is in accordance with 18 AAC 75.380 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 99811-1800, 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 99811-1800, 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 any questions regarding this decision, please feel free to contact me at (907) 465-5229.

Sincerely

Evonne Reese
IC Unit Project Manager



Encl: 2007 Conditional Closure letter