



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

DIVISION OF SPILL PREVENTION AND RESPONSE
Contaminated Sites Program

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File No: 2100.26.589
Return Receipt Requested
Article No. 7014 2102 0003 7941 1819

May 27, 2015

Floyd & Sons Inc.
Thrifty Car Rental Anchorage
Attn: Craig Floyd, President
3730 Spenard Road
Anchorage, AK 99517

Re: Thrifty Car Rental USTs 3 & 4 site, 3730 Spenard Road, Anchorage

**** STATE OF ALASKA NOTIFICATION – HAZARDOUS SUBSTANCE LIABILITY ****

Dear Mr. Floyd:

This standard notification is to advise you of your liability for the contamination identified at the Thrifty Car Rental USTs 3 & 4 site located at 3730 Spenard Road in Anchorage. Because you are documented as the current owner of this site, you are identified to be financially responsible or liable under AS 46.03.822 (Strict Liability for the Release of Hazardous Substances) for the investigation and cleanup of any hazardous substance contamination that might be present.

Alaska Statute 46.03.822 establishes who is liable for contamination. State records indicate that you meet one or more of the following criteria:

- owned or controlled the hazardous substance at the time of its release;
- own(ed) or operate(d) the property or facility from which the release occurred;
- own or operate the property at which the hazardous substance came to be located; or
- arranged for transport, disposal or treatment of hazardous substances that were released. G:\SPAR\SPAR-CS\26 Case Files (LUST Sites)\2100 Anchorage\2100.26.589 Thrifty Car Rental USTs 3 & 4, 3730 Spenard Road\Thrifty 2014 tanks PRP letter1.docx

In addition, Alaska Statutes 46.04.010 (Reimbursement for Cleanup Expenses) and 46.08.070 (Reimbursement for Containment and Cleanup) require that recovery be sought for certain costs, including oversight activities, incurred by the State in responding to pollution incidents. Billable oversight expenditures include the direct cost of staff time plus indirect state overhead costs. Billable staff time includes all time spent on activities related to the incident, including site visits, response and report reviews, correspondence, telephone conversations, meetings, and legal services.

The assessment report documented that in June 2014 two tanks (USTs 3 & 4) were closed in place and their associated piping was removed except for piping that leads to a former dispenser location that is in the right-of-way next to Spenard Road. The 2014 assessment documented petroleum releases associated with those tank systems and contamination above site cleanup levels at the eastern end of the tanks and in the 45 cubic yards of excavated soil reused as backfill on a liner. In addition the 2014 assessment is incomplete, the piping and dispenser in the right-of-way was not assessed as required. The ADEC concurs with your consultant's recommendation that additional assessment and release investigation is needed at this site.

ADEC requests that you submit a work plan to ADEC by July 1, 2015 for (1) the characterization of the extent of contamination at the east end of the tanks; (2) the assessment of the piping and dispenser in the right-of-way, and implement the work plan within 30 days of ADEC approval of the work plan, with the results submitted to ADEC by September 15, 2015. ADEC also requests that you submit a corrective action plan, including a schedule for conducting the work, to ADEC by September 15, 2015 for the contamination identified in the stockpiled soil used as backfill, the east end of the tank, and for any additional contamination identified as part of the characterization/assessment work above. Based on the results additional assessment, monitoring, and/or cleanup may be required to issue a closure letter for this site.

By this letter, the Department requests your intentions in writing no later than 15 days of receipt of this letter with regard to the investigation, monitoring, and cleanup of the subject property.

If you are taking adequate actions to investigate, monitor, and clean up this site, the ADEC involvement will be limited to reviewing and approving work plans and reports, monitoring the progress of cleanup activities and providing guidance as necessary. However, if response actions by the responsible party are not satisfactory, ADEC may assume the lead role in the investigation and cleanup efforts. In the event that State response actions are necessary, you may be held financially liable for any response actions taken by the State. Failure to reimburse the State for billable oversight and cleanup expenditures incurred by the State to address contamination at this site may result in the filing of liens against property you own, pursuant to Alaska Statute 46.08.075.

If you have specific questions regarding the monitoring, investigation, and cleanup of this site, you can reach me at 555 Cordova St., Anchorage AK 99501, at (907) 269 – 7525, and at Robert.Weimer@alaska.gov. I look forward to assisting you in the timely and cost-effective completion of assessment and cleanup of your site.

If you believe someone else may be responsible for this pollution incident or you have questions about your liability under Alaska Statutes, or you have questions about cost recovery and the billing process, please contact DEC's Cost Recovery Unit by phone at (907) 465-5250 or by email at dec.spar.cr@alaska.gov.

Sincerely,



Robert Weimer
Project Manager
ADEC Contaminated Sites Program

cc: SPAR Cost Recovery Unit via email dec.spar.cr@alaska.gov
Jennifer Curry, Department of Law