



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
P.O. Box 111800
Juneau, Alaska 99811-1800
Main: 907.465.5229
Fax: 907.465.5218
www.dec.alaska.gov

File: 840.38.004

Return Receipt Requested

Article No. 7015 1660 0000 0542 6663

April 15, 2016

Nulato Tribal Council
Attn: Paul Mountain, Tribal Administrator
P.O. Box 65049
Nulato, AK 99765

Re: Institutional Controls verification for a Nulato Residence Home Heating Oil Tank (HHOT),
located at Block 2 Lot 4, Nulato, AK 99765

The Contaminated Sites Program conducts periodic verification of closed sites where institutional controls (land use restrictions) are required under 18 AAC 75.375. We have identified Residence – Block 2 Lot 4 Nulato HHOT as a site with institutional controls.

In order to prevent people from being exposed to any remaining contamination on the property, **this letter is being sent as a reminder** of the conditions placed on the property as part of the 2011 Cleanup Complete with Institutional Controls Determination granted by the Alaska Department of Environmental Conservation (ADEC). At the time of closure, soil contamination was documented as remaining on the property. The contamination is from a 2007 incident in which snow fell from the roof house on to the fuel line of the home's heating oil tank releasing approximately 284.5 gallons of diesel. Contaminated soil and snow was removed to the practicable limit but there is likely still a large portion of contaminated soil underneath the building.

The 2011 determination is subject to the following site-specific conditions and/or controls:

1. Any future change in land use may impact exposure assumptions cited in the Record of Decision document. If land use and/or ownership changes, current ICs may not be protective and ADEC may require additional remediation and/or ICs. Therefore the Nulato Tribal Council shall report to ADEC every five years or as soon as they 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.
2. A Notice of Environmental Contamination has been filed with the State of Alaska Recorders Office for this property, noting the likely presence of contaminated soil that remains at the property.

3. Installation of groundwater wells will require approval from ADEC.
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.
5. Soil contamination may be located under the building. When the soil becomes accessible, it must be evaluated and contamination addressed in accordance with an ADEC approved workplan.
6. Movement or use of contaminated material in a manner that results in a violation of 18 AAC 70 water quality standards is prohibited.

In addition to the conditions above, you are required to notify the ADEC if there are any changes in land use or ownership. Failure to maintain these requirements may result in re-opening the site by the Contaminated Sites Program, in which case, further remediation could be mandatory.

In accordance with 18 AAC 75.380(d)(2), ADEC may require additional site assessment, monitoring, remediation, and/or necessary actions at this facility should new information become available that indicates contamination at this site may pose a threat to human health or the environment.

If you seek to have the institutional controls removed from this site, you can choose at any time to voluntarily conduct additional assessment, monitoring or further cleanup to demonstrate that contamination at the site now meets the applicable cleanup levels under 18 AAC 75.

This site information is a matter of public record and is available at ADEC's online database record at: <http://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/SiteReport/4583>

If you have any questions regarding this site, please contact me at (907) 465-5229 or evonne.reese@alaska.gov and I will be glad to assist you.

Sincerely,



for
Evonne Reese
Environmental Program Specialist
Institutional Control Unit

Enclosure: 2011 Cleanup Complete Determination with Institutional Controls

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF SPILL PREVENTION AND RESPONSE CONTAMINATED SITES PROGRAM

555 Cordova Street
Anchorage, AK 99501
PHONE (907) 269-7551
FAX (907) 269-7649
www.dec.state.ak.us

File No: 840.38.004

Return Receipt Requested

Article No: 7010 2780 0000 2178 4582

April 14, 2011

Paul Mountain, Tribal Administrator
Nulato Tribal Council
P.O. Box 65049
Nulato, AK 99765

Re: Decision Document; Residence - Block 2 Lot 4 Nulato HHOT
Cleanup Complete with Institutional Controls Determination

Dear Mr. Mountain:

The Alaska Department of Environmental Conservation (ADEC), Contaminated Sites Program has completed a review of the environmental records associated with Block 2 Lot 4 Nulato Home Heating Oil Tank (HHOT) site located in Nulato, Alaska. Based on the information provided to date, the ADEC has 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 (ICs).

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:

Residence - Block 2 Lot 4 Nulato HHOT
Nulato, Alaska 99765

Name and Mailing Address of Contact Party:

Paul Mountain, Tribal Administrator
Nulato Tribal Council
P.O. Box 65049
Nulato, AK 99765

ADEC Site Identifiers:

ADEC Reckey: 2007310132601

File: 840.38.004

Hazard ID: 4583

Regulatory authority under which the site is being cleaned up:

18 AAC 75

Background

Soil was impacted by petroleum hydrocarbons after the aboveground storage tank's piping was broken when snow fell off the roof of the residence in November 2007. This event caused the contents of the tank to spill. This home is located in the upper townsite in Nulato, on Nikaghun Street between Blackberry Ave. and Blueberry Ave.

Contaminants of Concern

Although analytical samples were not collected following the release, knowledge of the contaminant source indicates the primary contaminant of concern is diesel range organics (DRO).

Cleanup Levels

The default soil cleanup levels for this site are established in 18 AAC 75.341, Method Two, Tables B1 and B2, Migration to Groundwater (MTG).

<u>Contaminant</u>	<u>MTG Site Cleanup Level (mg/kg)</u>
DRO	250

Site Characterization and Cleanup Activities

On November 22, 2007, approximately 284 gallons of diesel heating fuel were released from an aboveground storage tank when snow fell from the roof onto the fuel line causing it to break. The fuel ran onto the ground and beneath the residence. Spill response was conducted on November 26, 2007. A total of 18 bags of oiled dirt and duff were removed from under the dwelling and burned at the landfill. Thirteen bags of oiled snow from under the tank were collected into drums, and the oil was removed with sorbent pads after the snow had melted. The extent of the excavation was limited by the building foundation which rested on pilings. The excavation was filled with clean backfill.

Confirmation samples were not collected following spill cleanup activities. However due to the time of year the spill occurred, and the extent of excavation activities following the spill, the remaining amount of contaminated soil is not considered a risk to human health or the environment.

Pathway Evaluation

Following investigation and cleanup at the site, exposure to the remaining contaminants was evaluated using ADEC's Exposure Tracking Model (ETM). Exposure pathways are the conduits by which contamination may reach human or ecological receptors. ETM results show all pathways to be one of the following: De Minimis Exposure, Exposure Controlled, or Pathway Incomplete. A summary of this pathway evaluation is included in Table 1.

Table 1 – Exposure Pathway Evaluation

Pathway	Result	Explanation
Surface Soil Contact	De-Minimis Exposure	The contaminated surface soil has been excavated and removed from the site; clean fill was used to restore grade. The remaining contamination is considered de minimis in volume.
Sub-Surface Soil Contact	De-Minimis Exposure	The majority of the contaminated sub-surface soil has been excavated to the extent practicable and removed from the site. The remaining contamination is considered de minimis in volume.
Inhalation – Outdoor Air	De-Minimis	The remaining contamination is covered with clean fill and de minimis in volume. Therefore risk via this pathway is considered insignificant.
Inhalation – Indoor Air (vapor intrusion)	De-Minimis Exposure	The home is built on a piling foundation allowing for the free movement of air between the subfloor and the ground surface. Therefore, exposure via this pathway is considered de minimis.
Groundwater Ingestion	Pathway Incomplete	A well search conducted in 2011 showed that there were no active wells within ¼ mile of this site. Therefore, this pathway is considered incomplete.
Surface Water Ingestion	Pathway Incomplete	There is no surface water located within ¼ mile of the site. Therefore, this pathway is considered incomplete.
Wild Foods Ingestion	Pathway Incomplete	This site is in a developed area and not a source for wild foods collection; therefore, this pathway is considered incomplete.
Exposure to Ecological Receptors	Pathway Incomplete	There are no complete exposure pathways to ecological receptors at the site.

Notes to Table 1: "De-Minimis exposure" means that in ADEC's judgment receptors are unlikely to be affected by the minimal volume of remaining contamination. "Pathway Incomplete"

means that in ADEC's judgment contamination has no potential to contact receptors. "Exposure Controlled" means there is an administrative mechanism in place limiting land or groundwater use, or a physical barrier in place that deters contact with residual contamination.

ADEC Decision

The ADEC has determined there is 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. 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 the Nulato Tribal Council shall report to ADEC every five years to document land use, or report as soon as the Nulato Tribal Council 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.**
2. A Notice of Environmental Contamination will be filed with the State of Alaska Records Office for this property, noting the likely presence of contaminated soil that remains at the property.
3. Installation of groundwater wells will require approval from ADEC.
4. Any proposal to transport contaminated 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 Attachment B Site Figure)
5. Soil contamination may be located under the building (Attachment B). When the soil becomes accessible, the soil must be evaluated and contamination addressed in accordance with an ADEC approved workplan, and/or to the satisfaction of ADEC.
6. Movement or use of contaminated material in a manner that results in a violation of 18 AAC 70 water quality standards is prohibited.

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, 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.

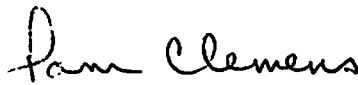
Please sign and return Attachment A to ADEC within 30 days of receipt of this letter. If you have questions about this closure decision, please contact the ADEC project manager, Pam Clemens at 907-269-7551.

Approved By,



Linda Nuechterlein
Environmental Manager

Recommended By



Pam Clemens
Environmental Program Specialist

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

Cc: Joe and Martha Turner

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

The Nulato Tribal Council agrees to the terms of this Cleanup Complete with ICs determination as stated in this Closure Decision Document dated **April 14, 2011** for the Nulato Tribal Council. 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 75.380(d).

Signature of Authorized Representative, Title
Nulato Tribal Council

Printed Name of Authorized Representative, Title
Nulato Tribal Council

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 at the address on this correspondence within 30 days of receipt of this letter.

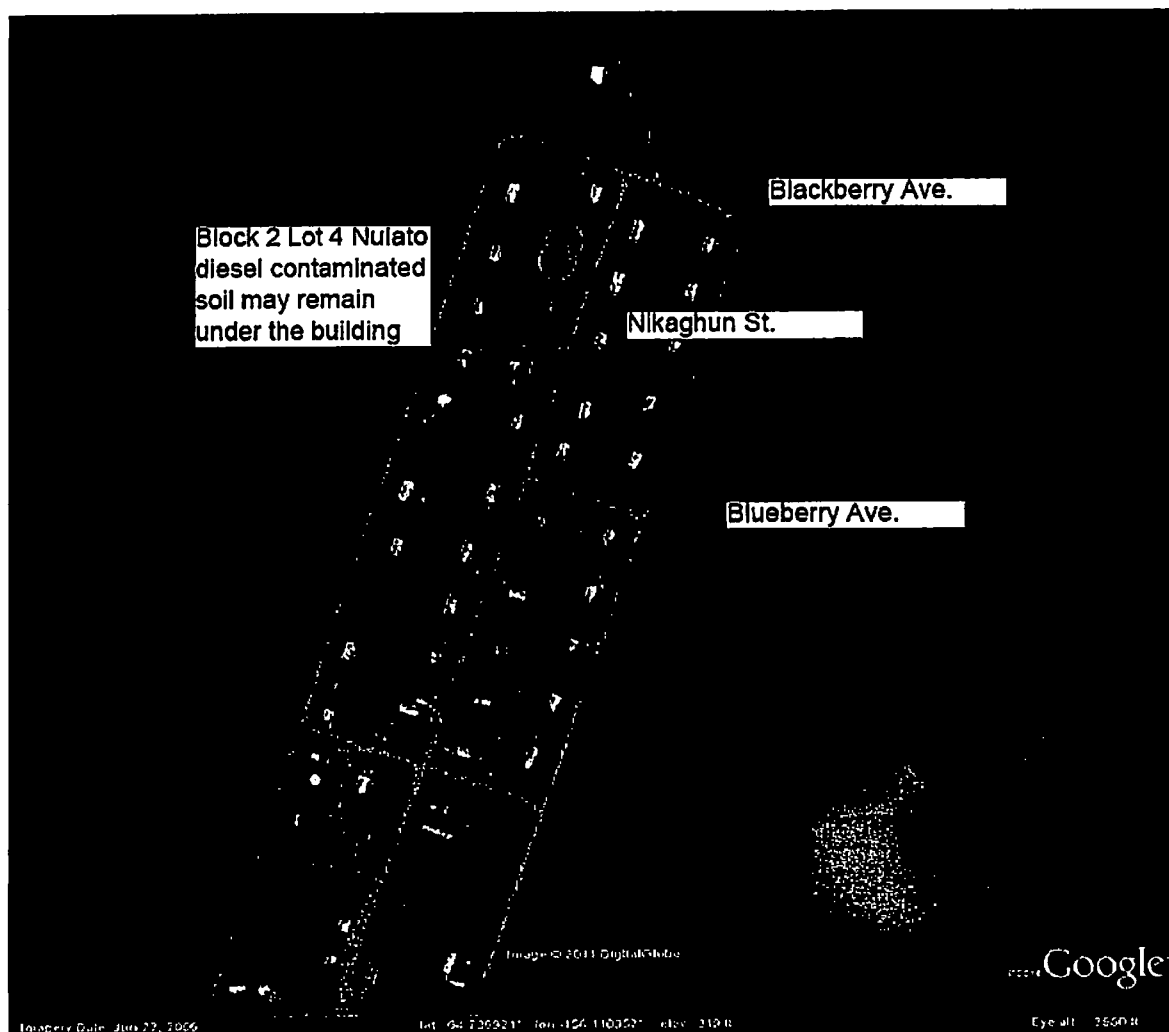
ADEC File No. 840.38.004
Hazard ID: 4583
ADEC Project Manager: Pam Clemens

For Internal Use Only

***Attention ADEC Administration Staff:** Please follow the procedure below after Attachment A is signed/returned to ADEC.

1. Log-in and Date Stamp *Attachment A*
2. Scan and Save to the appropriate electronic folder on the network Drive
3. File the hard copy in the appropriate project/site file Correspondence Folder (blue in Anchorage).
4. Provide the Correspondence folder (with the filed *Attachment A* hard copy) to the ADEC Project Manager so that the PM can update the CS database.

Attachment B: Site Figure



Upper Town Site Nulato, AK

NOTICE OF ENVIRONMENTAL CONTAMINATION

Recording District: **Nulato**

Official State Business – No Charge

As required by the Alaska Department of Environmental Conservation, Grantee, pursuant to 18 AAC 75.375, Nulato Tribal Council, Grantor, as the owner of the subject property, hereby provides public notice that the property located at: Block 2 Lot 4 Nulato, Alaska, 99765 and more particularly described as follows:

Plat: NT, Block 2, Lot 4 Nulato, Alaska

has been subject to a discharge or release and subsequent cleanup of oil or other hazardous substances, regulated under 18 AAC 75, Article 3, as amended October 9, 2008. This release and cleanup are documented in the Alaska Department of Environmental Conservation (ADEC) contaminated sites database at http://www.dec.state.ak.us/spar/csp/db_search.htm under Hazard ID number 4583; Site Name: *Residence - Block 2 Lot 4 Nulato HHOT*.

ADEC reviewed and approved, subject to this and other institutional controls, the cleanup as protective of human health, safety, welfare, and the environment. No further cleanup is necessary at this site unless new information becomes available that indicates to ADEC that the site may pose an unacceptable risk to human health, safety, welfare, or the environment. ADEC determined, in accordance with 18 AAC 75.325 – 390 site cleanup rules, that cleanup has been performed to the maximum extent practicable even though residual diesel contaminated soil may still exist on-site under the building. Further cleanup was determined to be impracticable because the building's foundation was at risk of being compromised.

Attached is a photograph that shows the property and the location of the existing structure. It also shows the approximate location of remaining soil contamination.

Listed below are the Institutional Controls placed on this property (numbered 1 through 6):

1. 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 the Nulato Tribal Council shall report to ADEC every five years to document land use, or report as soon as the Nulato Tribal Council 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.

2. A Notice of Environmental Contamination (NEC) will be filed with the State of Alaska Records Office for this property.
3. Installation of groundwater wells will require approval from ADEC.
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.
5. Soil contamination may be located under the building. When the soil becomes accessible, the soil must be evaluated and contamination addressed in accordance with an ADEC approved workplan, and/or to the satisfaction of ADEC.
6. Movement or use of contaminated material in a manner that results in a violation of 18 AAC 70 water quality standards is prohibited.

This NEC remains in effect until a written determination from ADEC is recorded that states that soil at the site has been shown to meet the most stringent soil cleanup levels in Method Two of 18 AAC 75.340, and that off-site transportation of soil is not a concern.

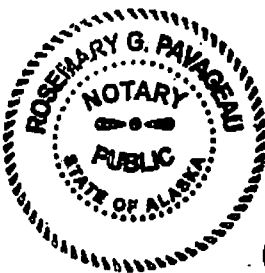
This document will be filed in the Nulato recording district.

Please return original copy of this NEC to the address below:

Signature: Pam Clemens

Printed Name: Pam Clemens

Mailing Address: Alaska Department of Environmental Conservation
555 Cordova Street
Anchorage, Alaska 99501



Rosemary G. Pavagau

(Notarization seal)

Subscribed and sworn to before me this 14th
day of April, 2011.

Notary Public in and for the State of Alaska
My commission expires: Dec. 27.12