

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

LS-5121

Frank Murkowski, Governor

Division of Spill Prevention and Response
Contaminated Sites Remediation Program
Kenai Area Office
43335 K-Beach Road, Suite 11
Soldotna, Alaska 99669

Telephone: (907) 262-5210

FAX: (907) 262-2294

<http://www.state.ak.us/dec/home/htm>

RECEIVED

FEB 10 2003

UNOCAL RRM C

4 February 03

Dr. Mark Brearley, Ph.D.
Unocal RRM C
P.O. Box 399
Edmonds, Washington 98020-0399

RE: Union Tire and Brake Services, Kodiak; ADEC Spill # 1993250026351
Record Of Decision; Alternate Cleanup Levels Approved

Dear Dr. Brearley,

Attached is the Record of Decision approving the use of alternate cleanup levels for soil and groundwater at the Union Tire and Brake Services facility in Kodiak, Alaska. This decision is based on the Department's review of your request that the groundwater at the site is not a drinking water source (18 AAC 75.350).

If you have any questions or need further assistance, please contact me at (907) 262-5210, ext. 233.

Sincerely,



Don Seagren
Project Manager

CC: Scott Widness, GeoEngineers/Anchorage
Walter Gore, Petrostar, Inc.,
3900 C Street, Suite 401
Anchorage, Alaska 99503

**ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
DIVISION OF SPILL PREVENTION AND RESPONSE
CONTAMINATED SITES PROGRAM**

Record Of Decision

**Union Tire and Brake Services
Kodiak, Alaska
3 February 03**

I: INTRODUCTION

Site Name: Union Tire and Brake Services
Responsible Person: Dr. Mark Brearley, Unocal RRM, P.O. Box 399, Edmonds,
Washington 98020-0399; (425) 640-7610
Location: 202 Rezanof Drive, Kodiak, Alaska 99615
Database Record Key: 1993250026351
Regulatory Authority: 18 AAC 78; 18 AAC 70

II: BACKGROUND

Union Tire and Brake Service is located at 202 Rezanof Drive within the Kodiak city limits. The site is located at the "Y" intersection of Lower Mill Bay Road and Rezanof Drive. The site and adjacent properties are primarily used as commercial and light industrial properties.

The site was formerly owned and operated by Walter Donat as a retail fuel dispensing facility with automotive repair and tire services. The fuel dispensing part of the site has subsequently been sold to Petro Star. The service station consists of a one-story building with office space, three service bays and two hydraulic floor hoists. Two self-supported canopies cover two fuel-dispensing islands. A 20,000-gallon underground storage tank (UST) system was installed in 1994 as part of a station upgrade.

A tire shop and storage building are located on site. The tire shop consists of a one-story building and a two-story storage building. The area adjacent to the structures is covered with an asphalt surface.

The UST upgrades in 1994 and subsequent site investigations identified soil and groundwater contamination for GRO, DRO and BTEX exceeding ADEC cleanup levels (18 AAC 78.610 and 18 AAC 78.620).

III: HYDROGEOLOGIC CONDITIONS

The site is a relatively flat, 0.4-acre parcel with a slight slope to the south property boundary. This site has an average elevation of approximately 20 feet above mean sea level. The subsurface soil generally consists of gravel with sand and silt from the ground surface to depths ranging from approximately 4.5 feet below ground surface (bgs) to 10

Groundwater Quality:

Information about actual ground water quality of the affected shallow aquifer for non-petroleum compounds has not been assessed. Future and existing shallow drinking water wells could possibly be limited on the basis of Ground Water Under Direct Influence of Surface Water (GUDISW) rules that have been established through the Safe Drinking Water Act. These rules result in stringent requirements for treatment and analytical testing of shallow aquifers. Potential organic ground water quality issues (such as coliform) in populated areas typically eliminate consideration of shallow aquifers as a drinking water source where other options are available. In the vicinity of the site, public water service from a treated, surface water source is available and its use is required.

Institutional Controls:

The property owner, Mr. Walter Gore of Petrostar, Inc., has agreed to the establishment of alternate groundwater and soil cleanup levels based on a determination that the groundwater is not suitable as a drinking water source (18 AAC 75.350) at this site. Furthermore, the City of Kodiak Ordinance 13.04.010 serves as an institutional control prohibiting the use of the groundwater as a drinking water source.

Industrial Land Use:

The land surrounding the site is zoned, and has substantially been developed, as commercial and light industrial use. Considering that the area around the site is already zoned and developed as commercial and light industrial use, local land use is not likely to change significantly in the future. Since the use of city water is required, and is already provided throughout the area, it is not likely that a commercial or industrial institution would develop a ground water source for drinking water in the foreseeable future.

Need for Future Drinking Water Source:

An ample drinking water supply is available from the City of Kodiak. The City of Kodiak draws water from the Monashka Creek and Pillar Creek protected watersheds, approximately 10 miles north-northwest of the site. There is no reasonable potential for groundwater at the Union Tire & Brake facility to be used as a drinking water source. The existence of city water mains and the requirement to use them suggests that shallow groundwater will not be a future drinking water source in the vicinity of the site.

VI: GROUNDWATER TRANSPORT PATHWAYS

The shallow groundwater encountered at the site is apparently perched and has been encountered at depths ranging from 4 to 18 feet below ground surface (bgs). Weathered bedrock is encountered at depths of 16 to 22 feet bgs.

The groundwater flow direction has been documented to be to the south-southeast. It appears that the majority of the petroleum-contaminated soil is located in the vicinity of the pump islands and the southeast area of the property. Petroleum-contaminated ground water appears to be limited to these areas of the site. Off-site monitor wells do not exceed established regulatory criteria for groundwater. There is also an on-site migration

IX: ADEC RECORD OF DECISION

Based on the information provided, the shallow groundwater aquifer at this site has been determined not to be suitable as a drinking water source in accordance with 18 AAC 75.350. As a result of that determination, ADEC approves alternative cleanup levels (up to 10 times the 18 AAC 75.345, Table C levels) for the shallow groundwater aquifer at this site for GRO, DRO, Benzene, Ethylbenzene and Toluene. The alternative groundwater cleanup levels established for this site are:

13 mg/L GRO;
15 mg/L DRO;
0.05 mg/L Benzene;
7.0 mg/L Ethylbenzene
10 mg/L Toluene

In response to the alternative groundwater cleanup levels approved for this site, the soil cleanup levels for this site were reviewed and correspondingly increased (up to 10 times the 18AAC75.341, Table B1 and B2 levels). The alternative soil cleanup levels approved for this site are :

2600
2300
~~3000 mg/kg GRO;~~
~~2500 mg/kg DRO;~~
0.2 mg/kg Benzene

Should have been

This Record of Decision is conditional upon the following:

- ✓ 1: The Long Term Groundwater Monitoring Plan (LTM) currently approved by ADEC, to monitor groundwater contamination at the facility, will remain in effect to ensure the contaminant plume is stable and decreasing. The LTM shall continue until the groundwater achieves 18 AAC 75.345 Table C levels.
- ✓ 2: The City of Kodiak Ordinance 13.04.010 is recognized as an institutional control to prevent the use of groundwater at this site as a drinking water source.
- 3: A deed notice must be filed by the responsible party (Unocal RRMC), with the Kodiak Records Office, delineating the nature and extent of the contamination and the restrictions on the use of the shallow groundwater aquifer. A copy of the deed notice must be sent to the ADEC Soldotna office.

Section Manager Approval:


Jim Frechione, Site Remediation Section Manager

4 Feb 03
Date

If this hasn't been filed, then this ROD is null & void.

POA 5-25-10

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Selected Document: 2001-002110-0

in District: 303 - KODIAK

See [Index Codes](#)[Cannot view images?](#)[See Image](#)

Document Year: 2001 Number: 002110 Suf: 0	District: 303 - KODIAK
Date Recorded: 08/21/2001 Time: 11:18AM Book: 182 Page: 306 Pages: 1	
Index: D - DEEDS	
Desc: WARRANTY DEED	
Grantor - DONAT WALTER	
Grantee - KODIAK OIL SALES INC	
Location: Lot: 81A Block: 9	Plat: <u>2001-20</u>

All information has been displayed

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WHEN RECORDED RETURN TO:

Name: KODIAK OIL SALES, INC.
Address: 715 SHELIKOF STREET
KODIAK, Alaska 99615

BK 00182PG0306

WARRANTY DEED

THIS INDENTURE, made and entered into this 21 day of August, 2001 by and between

WALTER DONAT, A MARRIED PERSON

whose mailing address is: 1412 MILL BAY ROAD, KODIAK, AK 99615

KODIAK OIL SALES, INC., AN ALASKAN CORPORATION

GRANTOR, and

whose mailing address is: 715 SHELIKOF STREET, KODIAK, AK 99615

GRANTEE,

WITNESSETH:

That the said Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration, does by these presents convey and warrant unto said Grantee, all of the following described property, to wit:

LOT EIGHTY-ONE "A" (81A), BLOCK NINE (9), ERSKINE SUBDIVISION, United States Survey Number 562, filed under Plat No. 2001-20, located in the Kodiak Recording District, Third Judicial District, State of Alaska.

SUBJECT TO covenants, conditions, easements, restrictions, reservations and rights-of-way of record, if any.

TO HAVE AND TO HOLD the premises, with the appurtenances unto the said Grantee, and to its heirs and assigns forever.

Dated: August 21, 2001

Walter Donat
WALTER DONAT

This instrument is being recorded by Western Alaska Land Title Company as an accommodation only. It has not been examined as to its effect, if any, on the title to the estate herein.

002110
KODIAK
RECORDING DISTRICT

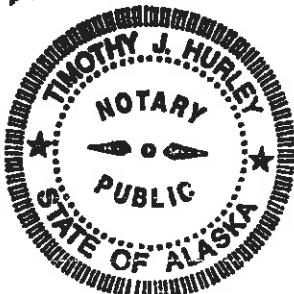
STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)
) ss.
)

On this day personally appeared before me: WALTER DONAT to me known to be the individual(s) described in and who executed the above and foregoing instrument, and acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal this 21st day of August, 2001.



[Signature]
Notary Public in and for the State of ALASKA
My commission expires: 7-22-05

2001 AUG 21 A 11:18
REQUESTED BY WALTER

2004-000999-0

Recording Dist: 303 - Kodiak
5/6/2004 11:17 AM Pages: 1 of 1

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FILE # 3278

STATUTORY WARRANTY DEED

THE GRANTOR(S), **WALTER DONAT**, a married person, whose address is 126 PERTHWOOD DRIVE TROUTMAN, NC 28166, for and in consideration of the sum of Ten Dollars and other good and valuable consideration in hand paid, convey and warrants to GRANTEE(S), **KEVIN WADE BRENNICK and CINDY LOU BRENNICK**, husband and wife, whose address is P.O. BOX 8973 KODIAK, ALASKA 99615, the following described real estate, situated in the State of Alaska:

LOT EIGHTY-ONE "B" (81B), BLOCK NINE (9), ERSKINE SUBDIVISION, according to Plat 2001-20, located in the Kodiak Recording District, Third Judicial District, State of Alaska.

Subject to covenants, conditions, restrictions, easements and rights of way of record, if any.

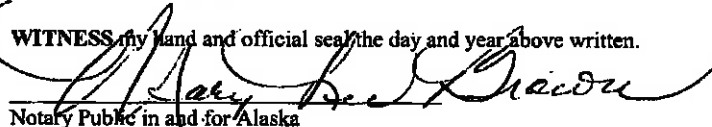
Dated this 05 day of MAY, 2004.


WALTER DONAT

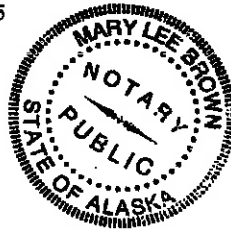
STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 5th day of MAY, 2004, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **WALTER DONAT** to me known to be the person(s) described in and who executed the above and foregoing instrument, and acknowledged to me that **HE/SHE/THEY** signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year above written.


Notary Public in and for Alaska
My Commission expires: 12-12-2005

AFTER RECORDING RETURN TO:
Wade Brennick
Cindy Brennick
P.O. Box 8973
Kodiak, Alaska 99615

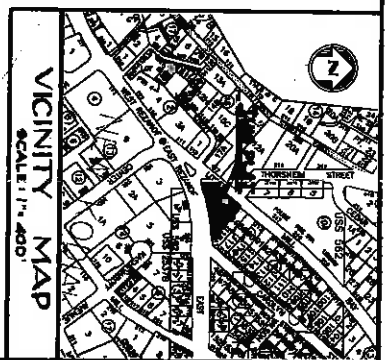


LEGEND

- 1/8" dia. aluminum cap on 3/8" dia. rebar set this survey.
- 1/8" dia. aluminum cap recovered this survey.

2001-20
KODIAK RECORDS
Date 8/14/01
By 1139 A.M.
Submitted by A.T.B.

PLAT APPROVAL
Kodiak Island Borough Planning and Zoning Commission:
Received 8/13/01 Approved 8/13/01
Chair Quinn Sullivan Date 08-09-01
This is to certify that the within plat is duly approved in accordance with Kodiak Island Borough Municipal Code this 10th day of August, 2001.
Borough Manager Robert A. C. Golder
Borough Clerk Michelle A. Golder
Community Development Director Michelle A. Golder Date 8/9/01



OWNERSHIP AFFIDAVIT

I hereby certify that I am the owner of the property shown and described herein. I hereby request approval of this plat showing such easements for public roadways and utilities developed by me for public use.
Signed: Quinn Sullivan Date 8/9/01

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 9th day of August, 2001.
Notary Public Quinn Sullivan My commission expires 12/31/2003



TAX CERTIFICATE

I hereby certify that, according to the records of the Kodiak Island Borough, all taxes assessed and due against said land are in favor of the Kodiak Island Borough and are paid in full.
Dated at Kodiak, Alaska, this 14th day of August, 2001.
Quinn Sullivan
Kodiak Island Borough Clerk

NOTE

No new access points on the State road system will be permitted.

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments shown herein actually exist as shown, and that all dimensions and other details are correct.
M. T. Sullivan
Registered Land Surveyor
Registration Number 5777 Date 8/14/01

PREPARED FOR: PETRO STAR, INC.

801 Arctic Slope Ave., Suite 800, Anchorage, Alaska

SECTION OF
ERIKINE SUBDIVISION U.S. SURVEY 36E
PLAT NUMBER 30-1
CREATING
LOTS 81A and 81B, BLOCK 9
WITHIN KODIAK RECORDING DISTRICT
ALASKA



AMERICAN LAND SURVEYING INC.
100 Ave. D-45
Anchorage, Alaska 99503
BRANN DR. S. Anchorage
SCALE: 1" = 80 Feet
DATE: 20 July 2001
WEST DIVISION

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Document Year: 2004 Number: 000999 Suf: 0	District: 303 - KODIAK
Date Recorded: 05/06/2004 Time: 11:17AM Pages: 1	
Index: D - DEEDS	
Desc: STAT WARRANTY DEED	
Grantor - DONAT WALTER	
Grantee - BRENNICK KEVIN WADE	
Grantee - BRENNICK CINDY LOU	
Location: Lot: 81B Block: 9	Plat: <u>2001-20</u>

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2004-000999-0

Recording Dist: 303 - Kodiak

5/6/2004 11:17 AM Pages: 1 of 1

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FILE # 3278

STATUTORY WARRANTY DEED

THE GRANTOR(S), **WALTER DONAT**, a married person, whose address is 126 PERTHWOOD DRIVE TROUTMAN, NC 28166, for and in consideration of the sum of Ten Dollars and other good and valuable consideration in hand paid, convey and warrants to GRANTEE(S), **KEVIN WADE BRENNICK** and **CINDY LOU BRENNICK**, husband and wife, whose address is P.O. BOX 8973 KODIAK, ALASKA 99615, the following described real estate, situated in the State of Alaska:

LOT EIGHTY-ONE "B" (81B), BLOCK NINE (9), ERSKINE SUBDIVISION, according to Plat 2001-20, located in the Kodiak Recording District, Third Judicial District, State of Alaska.

Subject to covenants, conditions, restrictions, easements and rights of way of record, if any.

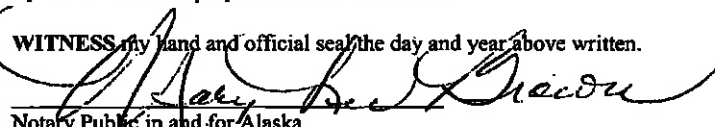
Dated this 05 day of MAY, 2004.


WALTER DONAT

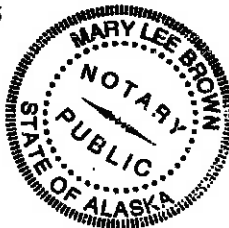
STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 5th day of MAY, 2004, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **WALTER DONAT** to me known to be the person(s) described in and who executed the above and foregoing instrument, and acknowledged to me that **HE/SHE/THEY** signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year above written.


Notary Public in and for Alaska
My Commission expires: 12-12-2005

AFTER RECORDING RETURN TO:
Wade Brennick
Cindy Brennick
P.O. Box 8973
Kodiak, Alaska 99615



LEGEND

- 1 1/8" dia. aluminum cap on 3/8" dia. rebar set this survey.
- 1/4" dia. aluminum cap recovered this survey.

2001-20
KODIAK REC DIST
Date 8/14/01
Time 11:30 AM
Location 3A1B
Action

PLAT APPROVAL

Kodiak Island Borough Planning and Zoning Commission:
Received 6/23/00 Approved 8/3/01

Chair James Selig Date 08-09-01

This is to certify that the within plat is duly approved in accordance with Kodiak Island Borough Municipal Code this 10th day of August, 2001.

Borough Manager James Selig Co-Chair

Borough Clerk Michelle DeLoe Date 8/9/01

Community Development Director



OWNERSHIP AFFIDAVIT

I hereby certify that I am the owner of the property shown and described herein. I hereby request approval of this plat showing such easements for public roadways and utilities dedicated by me for public use.

Signature James Selig Date 8/9/01

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this 9th day of August, 2001.

James Selig My commission expires 12/31/2003

TAX CERTIFICATE

I hereby certify that, according to the records of the Kodiak Island Borough, all taxes assessed and due against said land and in favor of the Kodiak Island Borough are paid in full.

Dated at Kodiak, Alaska, this 14th day of August, 2001.

Judith A. DeLoe
Kodiak Island Borough Clerk

NOTE

No new access points on the State road system will be permitted.

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments shown herein actually exist as shown, and that all dimensional and other details are correct.

Registered Land Surveyor W. E. Selig Date 8/10/01

Registration Number 5777

PREPARED FOR: ASTRO STAR, INC.

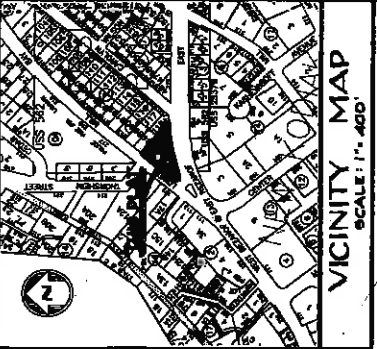
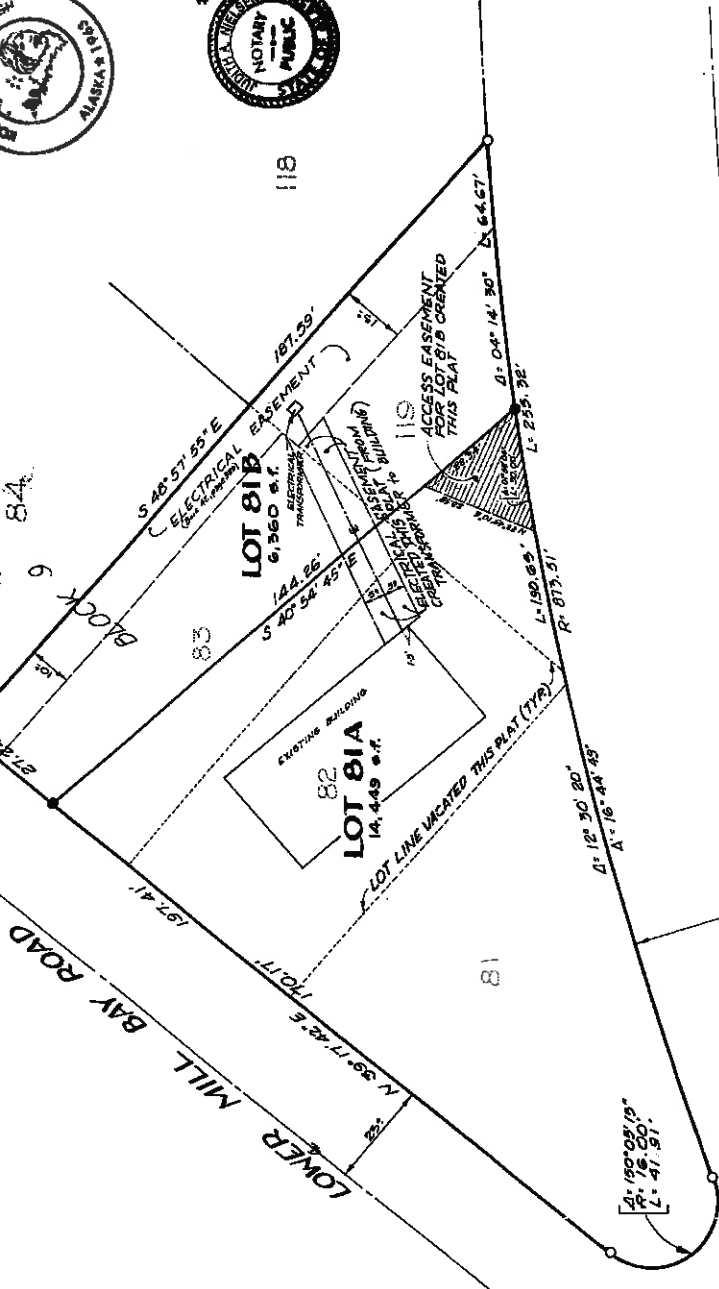
201 Arctic Slope Ave., Suite 200, Anchorage, Alaska



SUBDIVISION OF
LOTS 81, 82, 83 and 119, BLOCK 9
ERSKINE SUBDIVISION, U.S. SURVEY 362
PLAT NUMBER 90-1
CREATING
LOTS 81A and 81B, BLOCK 9
ERSKINE SUBDIVISION, U.S. SURVEY 362
WITHIN KODIAK RECORDING DISTRICT
ALASKA

KODIAK

SCALE: 1" = 20 Feet DATE: 20 July 2001 PREPARED BY: JUDITH A. DELOE



VICINITY MAP
SCALE: 1" = 400'

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Document Year: 2004 Number: 001000 Suf: 0	District: 303 - KODIAK
Date Recorded: 05/06/2004 Time: 11:18AM Pages: 7	
Index: M - MORTGAGES	Amount: \$180,000.00
Desc: FIRST DEED OF TRUST	
Grantor - BRENNICK KEVIN WADE	
Grantor - BRENNICK CINDY LOU	
Grantee - WESTERN ALASKA LAND TITLE COMPANY	
Grantee - DONAT WALTER	
Location: Lot: 81B Block: 9	Plat: <u>2001-20</u>

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Document Year: 2004 Number: 001001 Suf: 0	District: 303 - KODIAK
Date Recorded: 05/06/2004 Time: 11:22AM Pages: 7	
Index: M - MORTGAGES	Amount: \$21,819.77
Desc: SECOND DEED OF TRUST	
Grantor - BRENNICK KEVIN WADE	
Grantor - BRENNICK CINDY LOU	
Grantee - WESTERN ALASKA LAND TITLE COMPANY	
Grantee - DONAT WALTER	
Location: Lot: 81B Block: 9	Plat: <u>2001-20</u>

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Document Year: 2004 Number: 001002 Suf: 0	District: 303 - KODIAK
Date Recorded: 05/06/2004 Time: 11:22AM Pages: 1	
Record Status: Inactive	Associated Doc: 2004-001002-0
Index: FX - FIXTURE STATEMENT	
Desc: FIXTURE STATEMENT	
Debtor - BRENNICK KEVIN WADE	PO BOX 8973 KODIAK, AK 99615
Secured - DONAT WALTER	126 PERTHWOOD DRIVE TROUTMAN, NC 28166
Debtor - BRENNICK CINDY LOU	PO BOX 8973 KODIAK, AK 99615
Location: Lot: 81B Block: 9	Plat: 2001-20

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in District: 303 - KODIAK

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Document Year: 2004 Number: 002725 Suf: 0	District: 303 - KODIAK
Date Recorded: 12/15/2004 Time: 11:46AM Pages: 1	
	Associated Doc: 2004-001000-0
Index: M - MORTGAGES	
Desc: ASSIGN OF DEED OF TRUST AND TRANSFER OF	
Grantor - DONAT WALTER	
Grantee - RELIANT FINANCIAL INC	
Location: Lot: 81B Block: 9	Plat: 2001-20

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