



Notice of Environmental Contamination and Institutional Controls

Grantor: State of Alaska
Department of Environmental Conservation
Contaminated Site Program

Grantee: Delta Western Incorporated
10th Street Tesoro

Legal Description: 920 West 10th Street, Juneau, AK 99801. Section 23 of Township 41 South, Range 67 East of the Copper River Meridian. Lot 4 Block 6A of the Urban Renewal Subdivision City and Borough of Juneau Parcel #1C060U060030.

Recording District: Juneau

Return to: Danielle Duncan
410 Willoughby Avenue, Suite 303
P.O. Box 111800
Juneau, AK 99811-1800

State Business- No Charge

***The Alaska Department of Environmental Conservation must be notified in advance of the subdivision or replat of property associated with this document. This document must be included as part of future property transactions and attached to subsequent associated parcels.*

NOTICE OF ENVIRONMENTAL CONTAMINATION AND INSTITUTIONAL CONTROLS

As required by the Alaska Department of Environmental Conservation, pursuant to 18 AAC 75.375, Delta Western Incorporated, the Landowner of the subject property, hereby provides public notice that the property located at: 920 West 10th Street Juneau, Alaska, 99801 and more particularly described as follows:

Section 23 of Township 41 South, Range 67 East of the Copper River Meridian. Lot 4 Block 6A of the Urban Renewal Subdivision City and Borough of Juneau Parcel #1C060U060030.

has been subject to a discharge or release and subsequent cleanup of oil or other hazardous substances, regulated under 18 AAC 75, Article 3. This release and cleanup are documented in the Alaska Department of Environmental Conservation (ADEC) contaminated sites database at <http://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/Search> under the site name 10th Street Tesoro and Hazard ID number 26549.

By signing this notice, ADEC and the Landowner have agreed that the institutional controls described below are necessary and appropriate, and shall be maintained and be binding on the Landowner and its agents, successors and assigns. If the Landowner transfers, sells, assigns, leases or subleases the property or any portion of the property covered by the institutional controls, the Landowner shall incorporate a copy of this notice into the documents of transfer, sale, assignment, lease or sublease.

ADEC has reviewed and approved, subject to the institutional controls described below, the cleanup as protective of human health, safety, welfare, and the environment. No further cleanup is necessary at this site as long as the institutional controls remain in place and effective and no 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 petroleum contamination of soil below the concrete fueling pad exists on-site. Further cleanup was determined to be impracticable without compromising the canopy structure above the fueling island. The site is capped with asphalt and concrete therefore, the contaminated soil is inaccessible.

The following institutional controls and standard conditions shall be maintained:

Institutional Controls

- I. The Landowner agrees to notify ADEC prior to any sale or transfer of the property and shall report to ADEC every five years to document the status of compliance with the institutional controls described in this notice. Such notice and the reports should be sent to the ADEC at:
Alaska Department of Environmental Conservation



Division of Spill Prevention and Response
Contaminated Sites Program
Attention: IC Unit
P.O. Box 111800
Juneau, AK 99811-1800
or be submitted electronically to CS.Submittals@alaska.gov.

2. In the event that the property is no longer a gas station, remaining contaminated soil becomes accessible in the future due to the canopy and fueling island being removed, the land owner shall notify ADEC and characterize and, if determined necessary, cleanup the soil.
3. No drinking water wells may be drilled on site.
4. The property shall not be used for residential purposes including use for child day care, educational facilities, playgrounds, hospitals or similar facilities.

Standard Conditions

5. 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. (See attached site figure.)
6. Movement or use of contaminated material in a manner that results in a violation of 18 AAC 70 water quality standards is prohibited.
7. Groundwater throughout Alaska is protected for use as a water supply for drinking, culinary and food processing, agriculture including irrigation and stock watering, aquaculture, and industrial use. Contaminated site cleanup complete determinations are based on groundwater being considered a potential drinking water source. In the event that groundwater from this site is to be used for other purposes in the future, such as aquaculture, additional testing and treatment may be required to ensure the water is suitable for its intended use.

Attached is a site diagram that shows the property boundaries, locations of existing structures and the approximate location of remaining soil contamination which is subject to the institutional controls described in this notice. Failure to comply with the institutional controls described herein may result in ADEC reopening the site and requiring additional site characterization and cleanup.

In the event that new information becomes available which indicates that the site may pose an unacceptable risk to human health, safety, welfare or the environment, further site characterization and cleanup may be necessary under 18 AAC 75.325-.390.



This notice and the institutional controls remain in effect until a written determination from ADEC is recorded that documents contaminants remaining at the site have been shown to meet the residential use soil cleanup levels defined in 18 AAC 75.340 and groundwater cleanup levels in Table C within 18 AAC 75.345.

For more information on the contaminated site in this notice, please see ADEC Contaminated Sites Program file number 1513.26.080 for the site named 10th Street Tesoro.



Signature of Landowner

2-14-2018
Date

JOSEPH PIPINICH
Printed Name of Landowner



Signature of Authorized ADEC Representative

2-24-18
Date

DANIELLE BARKAN
Printed Name of Authorized ADEC Representative

