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2011-003167-0

Recording Dist: 101 - Juneau
5/27/2011 1:14 PM Pages: 1 of 4



NOTICE OF ENVIRONMENTAL CONTAMINATION

Recording District: **Juneau** **Official State Business – No Charge¹**

As required by the Alaska Department of Environmental Conservation, Grantee,² pursuant to 18 AAC 75.375, Delta Western Incorporated, Grantor, as the owner and operator of the subject property, hereby provides public notice that the property located at: Yakutat, Alaska, 99689 and more particularly described as follows:

Property descriptions:

Bulk Fuel Tank Facility and initial 140 foot pipeline: Tract 2-D ASLS 90-213

Second 180 feet of Pipeline Tract: 2-A ASLS 90-213, by ADNR Right-of-Way Permit ADL 105901

Truck Loading Rack: Tract 2-A ASLS 90-213, by ADNR Right-of-Way Permit ADL 105901 with a portion of the rack area extending into the State Road Right-of-Way

Remaining pipeline to the dock: Easement on Tract B ASLS 76-115 and Tract B ASLS 76-115

Have 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 (DEC) contaminated sites database at http://www.dec.state.ak.us/spar/csp/db_search.htm under Hazard ID number 1979.

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 DEC that the site may pose an unacceptable risk to human health, safety, welfare, or the environment. DEC 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 contamination is present in subsurface soil as described in the following:

¹ Only needed if ADEC is filing the NEC. If filed by the RP or their consultant, they will have to pay the regular fee.

² ADEC is always the grantee and the current property owner is the grantor even if we file the NEC for the property owner.

The 1996 bulk fuel tanks upgrade and containment improvements addressed a majority of source area petroleum hydrocarbons within the tank farm and free product has not been observed at the site. The greatest concentration of each type of analyte detected and the type environmental media are summarized in the following descriptions and are displayed in the following tables under this heading.

Gasoline hydrocarbon fractions (GRO) concentrations remaining in soil beneath the bulk fuel tank facility and the fuel pipeline easement are above 18 AAC 75.341 Table B2 Method Two Over 40 Inch Zone Migration to Groundwater Cleanup Level (260 mg/kg). GRO concentrations in soil are below the Ingestion and Inhalation Cleanup Levels (1400 mg/kg).

Diesel hydrocarbon fraction (DRO) concentrations remaining in soil beneath the bulk fuel tank facility and the fuel pipeline easement are above 18 AAC 75.341 Table B2, Method Two, Over 40 Inch Zone, Migration to Groundwater Cleanup Level (230 mg/kg) and Ingestion (8,250 mg/kg) but DRO concentrations in soil are below the Inhalation (12,500 mg/kg) Cleanup Levels.

Benzene concentrations remaining in soil are above 18 AAC 75.341 Table B1 Method Two, Migration to Groundwater Cleanup Level (0.025 mg/kg) but are below the Over 40-Inch Zone, Direct Contact (120 mg/kg) and Outdoor Inhalation (8.5 mg/kg) Cleanup Levels.

SOIL	DRO	Benzene	GRO
Highest Concentration (Historic)	9930 mg/kg	0.173 mg/kg	992 mg/kg
Sample location/ depth bgs & year taken	Test Pit 7 at the truck rack 9.0 feet bgs 1996	Valve House/ Piping Run 3.0 feet bgs 2008	Test Pit 3 at the tank farm 14.0 feet bgs 1996
Ingestion Pathway Cleanup Level	8,250 mg/kg	NA	1,400 mg/kg
Inhalation Pathway Cleanup Level	12,500 mg/kg	NA	1,400 mg/kg
Migration Groundwater Cleanup Level	230 mg/kg	0.025 mg/kg	260 mg/kg
Direct Contact Pathway Cleanup Level	NA	120 mg/kg	NA
Outdoor Inhalation Pathway Cleanup Level	NA	8.5 mg/kg	NA

Further cleanup was determined to be impracticable because the remaining contaminated soil is beneath structures at the bulk fuel terminal or in the road right of way. Groundwater contamination was assessed using a series of monitoring wells that were sampled successively over a period of many years. The decline of petroleum over time in groundwater is used to



correlate natural breakdown of petroleum trapped in the subsurface soil. Petroleum compounds and hydrocarbon fraction concentrations were all below Title 18 AAC 75.345 Table C Cleanup Levels in all samples collected semi-annually from onsite groundwater monitoring wells in 2007, 2008, 2009 and 2010. Sampling was suspended in groundwater monitoring wells MW-1A, MW-1B, and MW-4 in 2008 and all the remaining wells in 2010. All groundwater monitoring wells were decommissioned in accordance with ADEC guidance in October 2010, and was documented in a report submitted to ADEC in January 2011. DEC approved the Report in January 2011.

Attached is a site survey or diagram drawn to scale that shows the property boundaries, locations of existing structures, the area that has been cleaned up, the approximate location and extent of remaining soil and/or groundwater contamination and the locations where confirmation soil samples were collected.

When a soil concentration exceeds a human health based cleanup level, an institutional control is established to limit access that could lead to exposure. Therefore, this site will be issued a Cleanup Complete- Institutional Control determination. Via this determination, the properties are subject to the following conditions in order to ensure these pockets of residual contamination will remain undisturbed indefinitely:

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 DEC may require additional remediation and/or ICs. Therefore Delta Western shall report to DEC every three years beginning May 2014 to document ownership and land use or report as soon as Delta Western becomes aware of any change in land ownership and/or use, if earlier. **The report can be sent to the local DEC office or electronically to DEC.ICUnit@alaska.gov.**
2. Installation of groundwater wells will require advance approval from DEC.
3. Any proposal to transport soil or groundwater off site requires DEC 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.)
4. Soil contamination is located under the bulk fuel tanks liner and under the fuel terminal pipeline. When structures are removed and/or the soil becomes accessible, the soil must be evaluated and contamination addressed in accordance with a DEC approved work 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.



In the event that the remaining contaminated soil becomes accessible (by the building or other structure being removed or through some other action that fits the site circumstances), or other information becomes available which indicates that the site may pose an unacceptable risk to human health, safety, welfare or the environment, the land owner and/or operator are required under 18 AAC 75.300 to notify DEC and evaluate the environmental status of the contamination in accordance with applicable laws and regulations; further site characterizations and cleanup may be necessary under 18 AAC 75.325-.390.

Pursuant to 18 AAC 75.325(i)(1) and (2), DEC approval is required prior to moving soil or groundwater that is, or has been, subject to the cleanup rules found at 18 AAC 75.325-.370. At this site, in the future, if soil is removed from the site or groundwater is brought to the surface (for example to dewater in support of construction) it must be characterized and managed following regulations applicable at that time.

This NEC remains in effect until a written determination from DEC 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 Juneau recording district.

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

Signature(s):

(Holders of property interest)

Emme Reese

Printed Name(s): Evonne Reese, EPS III
Institutional Controls Unit
Contaminated Sites Program
Department of Environmental Conservation

Mailing Address(s): P.O. Box 111800
Juneau, AK 99811-1800

Note: Please refer to 11 AAC 05.010 (a)(14) for the required fee. The information requested on this form should be typed or legibly printed in English. Any attachments or exhibits must not exceed 8.5" x 14". This form is intended to comply with the recording requirements of AS 40.17.030 and 11 AAC 06.040, please double-check recording requirement.

