

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION DIVISION OF SPILL PREVENTION AND RESPONSE CONTAMINATED SITES PROGRAM

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File: 1530.38.005

May 6, 2011

Via regular and electronic mail

Mr. Dan Carrier
Chevron Environmental Management
145 South State College Blvd
Brea, CA 92821

Ms. Bev Niemann
Delta Western Incorporated
P.O. Box 79018
Seattle, WA 98119

Re: Decision Document; Delta Western Yakutat [Chevron Site 20-6270]
Cleanup Complete Determination with Institutional Controls

Dear Mr. Carrier and Ms. Niemann,

The Alaska Department of Environmental Conservation, Contaminated Sites Program (DEC) has completed a review of the environmental records associated with the Delta Western Yakutat contaminated site located at Monti Bay on Ocean Cape Road in Yakutat. Based on the information provided to date, the DEC 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 provided that specific institutional controls (ICs) as described herein are established and maintained at the site.

This decision is based on the Delta Western Yakutat Contaminated Site administrative record, which is located in the offices of the DEC in Juneau, Alaska. 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:

Delta Western Yakutat
800 Ocean Cape Road
Yakutat, Alaska 99689



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 Track B ASLS 76-115 and Tract B ASLS 76-115

DEC Site Identifiers:

DEC Reckey: 1994110109101

File: 1530.38.005

Hazard ID: 1979

Name and Mailing Address of Contact Party:

Bev Niemann
Delta Western Inc
P.O. Box 79018
Seattle, WA 98119

Regulatory authority:

18 AAC 75

Background

Bulk Fuel Storage Facility Ownership and Operation History

The Delta Western Yakutat bulk fuel tank facility has a long and convoluted ownership history. Prior to 1953 the property was located in Tract A, a 3,499.32-acre parcel within the Yakutat Bay Naval Reservation. This Tract was revoked by Public Land Order 903, dated July 3rd, 1953 at which time all but 266 acres were withdrawn by the Civil Aeronautics' Administration and returned to the Tongass National Forest. The Yakutat Air Base was used by the U. S. Army from 1940 to 1946 as an airfield and protective garrison. Construction by Army Engineers included, among other appurtenances, gasoline and oil storage tanks, dock and wharfage facilities, and utilities. In 1945, the Yakutat Air Base was declared surplus to military requirements.

Alaska Department of Transportation and Public Facilities (ADOT&PF) records indicate that Chevron was tenant from the time the Department of the Navy decommissioned the site to the State of Alaska assumption of the property in the 1960's. The larger parcel (Tract 2) was leased by Chevron from ADOT Division of Aviation, from 1971 through 1980 under the lease ADA 01772 and from ADOT&PF from 1980 through 1986 when the lease was assigned to Delta Western (lease ADA 1772R). In 1986, Delta Western entered into an assignment of lease from Standard Oil of California (Chevron) for the facility properties. Prior to the assignment, the project site (current Tract 2-D) was a portion of the larger parcel consisting of approximately 2.28 acres or 99,472 square feet. That larger parcel included the existing sites of the truck loading rack, the loading dock on Monti Bay, and the connecting pipelines. Site file records indicate that from August 11, 1986 Delta

Western has leased the facility properties from the ADOT and most recently, from the Alaska Department of Natural Resources (ADNR) who quit deeded the parcel from ADOT&PF in 1993.

The Alaska Department of Natural Resources (ADNR), property owner of Tract 2-D Yakutat Fuel Facility, in an August 19, 1993 letter instructed Delta Western, present lessee and intended purchaser of the tract, to have a preliminary environmental audit performed pursuant to the appraisal of the property. Subsequently, Cushing Engineering was retained by Delta Western to conduct a Phase I Environmental Assessment of the tract, to include a portion of the City of Yakutat Right-of-Way pipeline easement, in accordance with the DEC guidelines for Petroleum Storage Tanks (18 AAC 75 and 18 AAC 78). Based on information in the 1994 Cushing Site Assessment Report, the site was at one time part of the Yakutat Air Base, Site #F10AK060600 and the bulk fuel facility was located within Tract A of the Yakutat Naval Reservation, a subsection of the larger Air Base Facility.

In 1992, ADNR announced the sale of Tract 2D, where the bulk fuel tanks are located, to operator Delta Western contingent upon the company performing an Environmental Site Assessment (ESA) of the entire facility. In 1993, the ADNR deeded the pipelines, dock, and truck loading rack to the City and Borough of Yakutat (CBY). The purpose of the ESA was to determine if and where contamination was present and the corrective actions necessary for the State of Alaska to assume the status of "harmless" seller at the end of the sale.

Contamination was first documented at the site in 1994. Multiple investigations have since occurred in which soil and water samples at the site have been analyzed for benzene, ethylbenzene, toluene, total xylenes (BTEX) and polycyclic aromatic hydrocarbon (PAH) volatile organic compounds, gasoline (GRO), diesel (DRO) and residual (RRO) petroleum hydrocarbon fractions; and dissolved metals for lead.

Yakutat Public Drinking Water Wells

Two City of Yakutat municipal water wells are located approximately 700 feet from the bulk fuel facility on ASLS 76-115 Tract B. The municipal wells reach depths of 325 and 345 feet below ground surface and provide water to the City of Yakutat public water system (PWS) AK2130172. Each of the municipal water supply wells are located up-gradient of the bulk fuel tank facility. Analysis of samples from the wells in March 2010 detected no volatile organic petroleum compounds above the laboratory minimum reporting limits which were all below the regulatory maximum contaminant level limits (MCLs) for each compound.

Site Characterization Activities

Site Investigations have been performed in 1994, 1996, 1997, 1998, and in 2008 in three locations at the site: the bulk fuel tank facility, the former truck (loading) rack and the former valve house. Environmental consultant firms have performed groundwater investigation monitoring at the site at least once per year since the first monitoring wells were installed in 1997. In 1998, Remediation Risk Management, Incorporated (RRM) installed an additional monitoring well at the dock bulkhead to more closely examine groundwater near the point of compliance for off-site migration of petroleum contamination. Surface water investigation monitoring has taken place at groundwater interface locations identified as Seeps 1, 2, 3, & 4. Seeps 1 & 2 are located on intertidal land below the dock

bulkhead; Seep 3 is located in a forested location 175 feet north of the bulk fuel tank facility and Seep 4 is located on intertidal land northwest of the dock bulkhead.

Petroleum soil contamination currently remains at each of these three locations in concentrations that exceed the Title 18 Alaska Administrative Code (AAC) 75.341 Tables B1 and B2 Method Two Migration to Groundwater soil cleanup levels for benzene and diesel hydrocarbon fractions.

1994 Environmental Site Assessment

In 1994, Fluor Daniel GTI notified the DEC that petroleum contaminated soil was discovered during the ESA performed concurrent with the bulk fuel tank facility reconstruction of the Delta Western Yakutat facility. Test pits were advanced around the perimeter of the bulk fuel storage tank site and along the piping run that extends north to the dock. The highest concentrations that laboratory analysis of samples detected was 690 milligrams per kilogram (mg/kg) GRO and 6,700 mg/kg DRO in soil collected from locations where field screening indicated the greatest petroleum contamination. Laboratory analysis of a surface water sample collected from Seep #3 did not detect any petroleum hydrocarbon compounds.

1996 Site Investigation and In-situ Treatment Mitigation

Bulk Storage Tank Facility

In 1996, Delta Western completed bulk fuel tank facility upgrades in compliance with the spill contingency Plan (C-Plan) that involved replacement of all the above-ground bulk fuel storage tanks. After the old tanks were removed, Fluor Daniel GTI advanced nine site investigation test pits to determine the extent of subsurface soil contamination at the facility. Contamination was tracked to the depth limit of excavation at 14 feet below ground surface but the full extent of soil contamination was not determined. Field screening indicated that petroleum contamination increased with depth and the depth to groundwater is estimated to be 60 feet below ground surface. The highest detected concentration reported by laboratory analysis under the tanks for gasoline hydrocarbon fraction (GRO) was 992 mg/kg; for diesel range hydrocarbon fraction (DRO) was 4,210 mg/kg; and for benzene was 0.0705 mg/kg. Polycyclic aromatic hydrocarbon (PAH) compounds were detected in soil samples collected at the site but in concentrations that were below Table B1 Method Two Migration to Groundwater Cleanup Levels for the Over 40-Inch Zone.

DEC approved installation of an in-situ remedial treatment system consisting of a network of perforated piping in rows placed beneath the new tank facility liner. The active soil treatment plan involved injecting a combination of air, moisture, and nutrients into the perforated piping to promote bio-remediation of the residual petroleum in the soil. Soil amendments consisted of 800 pounds of ammonium chloride and 100 pounds of phosphate to enhance biological degradation of petroleum hydrocarbons.

Piping Run, Truck Rack and Valve House

After the old pipelines were removed, Fluor Daniel GTI advanced three additional site investigation test pits to determine the extent of subsurface petroleum contamination of soil under the fuel transfer piping run extending northwest from the bulk fuel tank facility to the truck loading rack. DEC authorized Fluor Daniel GTI to transfer contaminated soils from beneath the truck loading rack to the new bulk fuel tank facility under the new liner for treatment with the in-situ contaminated soils. The

highest DRO concentration reported by laboratory analysis was 9,930 mg/kg found in a sample collected nine feet below ground surface in a test pit at the former truck rack. The remaining easement northwest of the truck loading rack to the valve house and dock was not investigated.

1997 Groundwater Assessment Report

During the 1997 Groundwater Assessment, Fluor Daniel GTI installed four, two-inch diameter polyvinyl chloride (PVC) monitoring wells inside each 6-inch diameter steel annulus driven ten feet below the water table at the former truck rack (MW-1A and MW-1B), the former valve house (MW-2), and fifty feet north of the bulk fuel tank facility (MW-4). Installation of MW-3 at the southwest corner of the facility failed and was abandoned. The slotted intervals of the steel casings were similar to that of the PVC wells, approximately ten feet below the water table to five feet above the water table with blank screen to the surface.

The driven method of well installation did not allow collection of soil samples from the borings. The screened interval for monitoring well MW-1A was inadvertently installed seven feet below the top of the unconfined aquifer which resulted in significantly lower petroleum analytical results on samples from that well. Hydraulic gradient of 0.03 feet/foot was calculated from groundwater elevation data and the direction of flow is north. Local water demand during the investigation could not be interrupted to allow a planned slug test to determine the capture zone of the ARCO/Yakutat municipal drinking water wells.

During sample collection, no free phase petroleum was found in any of the four monitoring wells. The maximum concentration of dissolved lead was 0.00654 mg/L; lead was detected in only two of the water samples (MW-1B and MW-2). The highest petroleum hydrocarbon concentrations were detected in monitoring well MW-1B (benzene at 0.0186 mg/L, GRO at 2.01 mg/L and DRO at 84.1 mg/L) located near the former truck loading rack and from monitoring well MW-2 (GRO at 1.98 mg/L and DRO at 579 mg/L) located at the former valve house. Depth to groundwater during this sampling event was six feet at MW-1B and 1 ½ feet at MW-2. The DEC approved work plan included Method 610 analysis for polycyclic aromatic hydrocarbon (PAH) compounds but the analysis was not completed on any of the water samples.

1998 Soil and Groundwater Investigation

In July 1998, RRM investigated the piping run easement northwest of the bulk fuel tank facility using nine test pits to a five foot depth to collect twelve soil samples above the water table. The purpose was to determine the extent of subsurface petroleum contamination beneath the piping run on either side of the former valve house. An additional test pit was advanced on the other side of Dock Road from the former valve house to install a groundwater monitoring well (MW-5) at the dock bulkhead.

Of all the samples, the highest DRO concentration was 6,650 mg/kg from a sample collected in soil 3½ feet below ground surface at the former valve house. GRO & RRO and BTEX & PAH concentrations were all below the applicable Method Two Migration to Groundwater soil cleanup levels. All five wells were also sampled. The highest concentration of DRO detected in groundwater was 48.2 mg/L from MW-2 at the former valve house. Concentrations of DRO in MW-1B were 20.6 mg/L and in MW-5 were 28.9 mg/L.

As a result of the groundwater results, DEC approved a long-term monitoring plan for the wells at the site. Beginning in 1998 and continuing through 2008, the wells were monitored on a semi-annual basis, shifting to a reduced monitoring program through 2010. In 2010 all the wells were decommissioned based on multiple consecutive data sets showing concentrations were steady or declining and below the regulatory cleanup levels.

2008 Subsurface Investigation

The piping run easement northwest of the bulk fuel tank facility was again investigated in 2008 by Conastoga Rovers and Associates by advancing nine soil borings (CB-1 through CB-9) including three near the former truck rack (MW-1A and MW-1B) and six along the former piping run to the former valve house (MW-2) and where the buried piping under Dock Road resurfaced (MW-5) near the dock. No GRO or RRO hydrocarbon fractions were detected in any of the soil samples in concentrations above DEC cleanup levels. DRO was detected in five of the soil borings; the highest concentration was 9,630 mg/kg in soil sample CB-6 collected 4.5 feet below ground surface mid-way between monitoring wells MW-2 and MW-1A. The highest benzene concentration detected was soil boring CB-3, located between monitoring wells MW-2 and MW-5 near the edge of Ocean Cape Road, which was advanced to 3 feet BGS; the soil sample had a DRO concentration of 3,200 mg/kg and a benzene concentration of 0.173 mg/kg.

Site Characterization Summary

Contaminated Soils

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.

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 (1,400 mg/kg).

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.

The following table provides a summary of the highest historic concentrations detected in soil and the applicable cleanup levels.

SOIL	DRO	Benzene	GRO
Highest Concentration (Historic)	9,930 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

Groundwater

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. As mentioned above, all groundwater monitoring wells were decommissioned in accordance with DEC guidance in October 2010, as documented in a report submitted to DEC in January 2011 by Conestoga Rovers & Associates. DEC approved the Report in January 2011.

The following table provides a summary of the highest historic concentrations detected in groundwater and the applicable cleanup levels.

GROUNDWATER	DRO	Benzene	GRO
Highest Concentration (Historic)	579 mg/L	0.0186 mg/L	2.01 mg/L
Sample location (year)	MW-2 (1997)	MW-1B (1997)	MW-1B (1997)
Table C Cleanup Level	1.5 mg/L	0.005 mg/L	2.2 mg/L

Surface Water

Analytical data for four marine shoreline and upland surface water seeps were collected beginning in 2003 and then annually from 2006 to 2009 to determine if petroleum compound concentrations were causing a violation of 18 AAC 70 Water Quality Standards (WQS). All data sets showed that groundwater seeps associated with the site have had no concentrations of total aromatic hydrocarbons (TAH) or total aqueous hydrocarbons (TaqH) exceeding the state WQS criteria. Seep sampling was discontinued with DEC approval in 2009.

Contaminants of Concern

During the investigations at this site, soil and water samples have been analyzed for gasoline, diesel and residual hydrocarbon fractions (GRO, DRO & RRO) and benzene, toluene, ethylbenzene, xylenes (BTEX), polycyclic aromatic (PAH) volatile hydrocarbon compounds plus dissolved lead. Based on these analyses and knowledge of the source area, the following Contaminants of Concern are identified for contamination currently remaining in soil at the site:

<u>COC</u>	<u>Highest Remaining Concentration</u>
Diesel hydrocarbon fractions (DRO)	9,630 mg/kg
Gasoline hydrocarbon fractions (GRO)	992 mg/kg
Benzene	0.173 mg/kg

See the site figure (Attachment B) for a complete description including locations of the remaining concentrations of these COCs at the site.

Cleanup Levels

The soil cleanup level for this site is established in 18 AAC 75.341, Method Two, Tables B1 and B2 Over 40-inch Zone Migration to Groundwater.

<u>Contaminant</u>	<u>Migration to Groundwater Soil Cleanup Level (mg/kg)</u>
DRO	230.0
GRO	260.0
Benzene	0.025

The default groundwater cleanup levels for this site are established in 18 AAC 75.345 Table C

<u>Contaminant</u>	<u>Groundwater Cleanup Level (mg/L)</u>
DRO	1.50
GRO	2.20
Benzene	0.005

The surface water cleanup levels are those set forth in 18 AAC 70 Water Quality Standards.

<u>Contaminant</u>	<u>Site Cleanup Level (ug/L)</u>
Total Aromatic Hydrocarbons	10
Total Aqueous Hydrocarbons	15

Pathway Evaluation

Following investigation and cleanup at the site, exposure to the remaining contaminants was evaluated using DEC'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	All remaining levels of contamination are well below Table B1 migration to groundwater, direct contact and inhalation screening levels and Table B2 migration to groundwater, dermal contact/ ingestion and inhalation cleanup levels.
Sub-Surface Soil Contact	De minimis exposure	Contamination remains in the subsurface above migration to groundwater cleanup levels but below Table B1 direct contact cleanup levels and slightly above Table B2 ingestion cleanup levels for DRO under the tank farm liner and under the former valve house.
Inhalation – Outdoor Air	De minimis exposure	Contamination remains in the subsurface, but is below inhalation cleanup levels.
Inhalation – Indoor Air (vapor intrusion)	De minimis exposure	There are buildings at the site and any remaining contamination is well below inhalation cleanup levels.
Groundwater Ingestion	De minimis exposure	Contamination remains in subsurface soil above migration to groundwater cleanup levels but is not migrating to groundwater. Public water wells on adjacent property are situated above the groundwater flow gradient and data confirm that chemicals of concern are all below drinking water action levels. The site is a combination of commercial property and public road right of way land use.
Surface Water Ingestion	Pathway Incomplete	There is no fresh surface water located within ¼ mile of the site that could be used as a potable water source.
Wild Foods Ingestion	Pathway Incomplete	Contaminants of concern do not have the potential to bioaccumulate in plants or animals.
Exposure to Ecological Receptors	De minimis exposure	Groundwater reaches the surface beneath the fuel dock in the marine intertidal zone. Analyses of seep water samples have had no petroleum compound in concentration above Water Quality Standard action levels protective of aquatic life.

Notes to Table 1: “De minimis exposure” means that in DEC’s judgment receptors are unlikely to be affected by the minimal volume of remaining contamination. “Pathway incomplete” means that in DEC’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.

Cumulative Health Risk Calculation

Pursuant to 18 AAC 75.325 (g), when detectable contamination remains on-site following a cleanup, a cumulative risk determination must be calculated. A chemical that is detected at one-tenth or more of the Table B1 inhalation or ingestion values set out in 18 AAC 75.341(c) or the Table B2 values set out in 18 AAC 75.341(d) must be included when calculating cumulative risk under 18 AAC 75.325(g). Cumulative risk from petroleum contamination of environmental media at the site is addressed using the BTEX and PAH analyte concentration data. With data currently available, the DEC has determined that compounds remaining at the site following cleanup are in concentrations that do not present a cumulative carcinogenic risk in excess of 1 in 100,000 or a non-carcinogenic risk in excess of a Hazard Index of 1.

DEC Decision

The cleanup actions to date have served to excavate and remediate contaminated soil at the site. Investigation and monitoring has shown that surface soil, surface water, and groundwater at the site all meet the designated cleanup levels that are protective of human health and ecological receptors. However, concentrations of DRO and GRO hydrocarbon fractions do remain in subsurface soil above the human health based ingestion cleanup levels and concentrations of benzene remain above the migration to groundwater cleanup level.

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. A Notice of Environmental Contamination (deed notice) shall be recorded in the State Recorder's Office that identifies the nature and extent of contamination at the property and any conditions that the owners and operators are subject to in accordance with this decision document.
3. Installation of groundwater wells will require advance approval from DEC.
4. 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.)
5. 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.

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 DEC 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. All above institutional controls will be monitored by the department's Institutional Control Unit on a routine basis to ensure compliance. 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 DEC 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 DEC project manager, Bruce Wanstall at (907) 465-5210.

Approved By:



Sally Schlichting
Environmental Program Manager

Recommended By:



Bruce Wanstall
Environmental Program Specialist

Mr. Dan Carrier
Re: Delta Western Yakutat
Chevron Site 20-6270

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May 6, 2011

Attachment A1: Chevron Cleanup Complete-ICs Agreement Signature Page
Attachment A2: Delta Western Cleanup Complete-ICs Agreement Signature Page
Attachment B: Contaminated Site Figure – Areas of Residual Contamination

cc: Mr. Skip Ryman, Borough Manager, City and Borough of Yakutat, regular and email
Mr. Andrew Ellsmore, P. G. Conestoga-Rovers & Associates, regular and email
Evonne Reese, Institutional Control Unit Manager, Contaminated Sites Program, DEC, email

Attachment A1: Cleanup Complete-ICs Agreement and Signature Page*

Chevron Environmental Management and Delta Western Inc agrees to the terms of this Cleanup Complete with ICs determination as stated in this Closure Decision Document dated March 25, 2011 for the Delta Western Yakutat contaminated site. Failure to comply with the terms of this agreement may result in DEC reopening this site and requiring further remedial action in accordance with 18 AAC 75.380(d).



Signature of Authorized Representative, Title

Andrew Noel, Assistant Secretary

Printed Name of Authorized Representative, Title
Chevron Environmental Management Company

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. 1530.38.005
Hazard ID: 1979
ADEC Project Manager: Bruce Wanstall

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.

