



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Environmental Conservation  
SPILL PREVENTION & RESPONSE  
Contaminated Sites Program

610 University Avenue  
Fairbanks, Alaska 99709  
Main: 907.451.2143  
Fax: 907.451.2155  
[www.dec.alaska.gov](http://www.dec.alaska.gov)

File: 2637.38.003

September 24, 2019

**COMPLIANCE ADVISORY**

**Re: Failure to conduct site characterization in accordance with an approved work plan at the Port Heiden/Fort Morrow Formerly Used Defense as required by 18 AAC 75.335(b)**

Kenneth Andrashko  
Formerly Used Defense Sites Environmental and Special Programs Branch  
United States Army Corps of Engineers  
Alaska District  
P.O. Box 6898  
JBER, AK 99506-0898

Dear Mr. Andrashko:

The Alaska Department of Environmental Conservation (DEC) alleges the U.S. Army Corps of Engineers (USACE) and its contractors failed to obtain approval from DEC on the "Draft Final Uniform Federal Policy-Quality Assurance Project Plan (UFP-QAPP) Remedial Investigation Phase III, Port Heiden/Fort Morrow Formerly Used Defense Site F10AK002704, Port Heiden, Alaska" (the work plan) dated May 2019 prior to implementing the work plan at Port Heiden/Fort Morrow Formerly Used Defense Sites. Section 1.1 of the work plan indicates that all tasks will be performed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and 18 AAC 75. Both CERCLA contaminants and petroleum are known to exist at the site, and investigation of both are described in the work plan. DEC was informed by USACE that the contractor was in the field implementing the work plan when the document was submitted to DEC. These activities are not in compliance with applicable state regulation 18 AAC 75.335(b) which requires submittal of the document to DEC for approval before beginning site characterization work. These activities are also contrary to the "Department of Defense and State Memorandum of Agreement" (DSMOA) between DEC and the U.S. Department of Defense signed on June 4, 1990. The DSMOA was entered into, "In order to expedite the cleanup of hazardous waste sites on Department of Defense (DoD) installations within the State of Alaska and ensure compliance with the applicable State law and regulations of the State..."

To resolve this issue, DEC requests USACE provide a written response by **October 30, 2019** describing the actions USACE and its contractors will take to ensure: 1) timely submittals of work plans to DEC for review/comment prior to implementation (DEC will issue comments

within thirty days after receipt of documents); 2) adequate time for any necessary response to DEC comments by USACE; and 3) finalization of the work plan prior to contractors conducting site characterization and/or remediation activities in accordance with a DEC-approved final document.

Failure to obtain work plan approval before implementing site work is a violation of Alaska regulations and may result in field activities not being approved or additional work being required.

Please call (907) 451-2192 or email [melinda.brunner@alaska.gov](mailto:melinda.brunner@alaska.gov) with questions or concerns.

Sincerely,



Melinda Brunner  
Environmental Program Manager

cc (via email): Louis Howard, DEC  
Bill O'Connell, DEC  
John Halverson, DEC