

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

262-5210
P.O. Box 1207
Soldotna, AK
99669

June 5, 1991

Ronald L. Davis
Alaska Roadbuilders
44990 Ridgeway Road
Soldotna, Alaska 99669

RE: Notice Of Violation/Request For Corrective Action

Dear Mr. Davis,

This is to acknowledge that ADEC has found unknown petroleum type substances, and a high viscosity type petroleum product spill at the Northeast end of the respondent's gravel pit located along Ridgeway Road, in the Artic subdivision, Lot 1.

VIOLATION I

The undersigned alleges that prior to May 22, 1991, Ronald L. Davis (Alaska Roadbuilders) in the Third Judicial District of the State of Alaska did unlawfully discharge, cause to be discharged, or permit the discharge of petroleum to the land of the State of Alaska without a permit; all of which is contrary to and in violation of A.S. 46.03.740.

VIOLATION II

The undersigned also alleges that prior to May 22, 1991, Ronald L. Davis in the Third Judicial District of the State of Alaska did fail to report within twenty-four hours a discharge of petroleum in violation of A.S.46.09.010. and 18 AAC 75.080.(a)(5).

The unpermitted discharge of oil or petroleum products to the lands or waters of the State of Alaska is a violation of AS 46.03.740. Please consider this letter as your official notification of these violations. Appropriate containment, cleanup, and disposal measures must be taken to respond to this spill. Please note that before any actions are undertaken, the containment, cleanup, and disposal plans must be submitted to, and receive the written approval of the Department.

Please be advised that depending on the circumstances surrounding this spill, the adequacy of your response, and our on site inspection, further legal actions may be taken. Alaska laws allow the State to pursue both actions concurrently.

In order to correct these violations and avoid further actions by the Department, we request that you take the following steps:

June 5, 1991

1) Submit to the Kenai District Office a written statement outlining your plans to deal with this violation, these plans must include a time frame under which work will be completed and must be received by this office within thirty days of your receipt of this letter. Before any sampling, cleanup, or disposal action is undertaken, plans for such must be approved in writing by the Department.

2) Contact a laboratory or an environmental consultant to have representative soil samples collected, under the guidance of a Quality Assurance/Quality Control (QA/QC) plan, from locations where leakage occurred or surrounding vegetation was killed. These soil samples must identify the vertical and lateral extent and concentration of contamination of the soil and or groundwater at the site. Submit a copy of the proposed soil sampling plan, QA/QC plan, and tests to the Department for review within thirty days from the date of receipt of this letter. Approval must be received by the Department for the proposed soil sampling plans and QA/QC plans prior to any testing. The lab or environmental consultant must submit a written report detailing the methods used and observations found, the sample numbers and locations, and the results of the sample analyses. The Department requests soil samples initially be analyzed for extractable petroleum hydrocarbons. The barrels that are leaking must be sampled, and tests run to determine contents. Any waste oils should also be tested for the 8 RCRA heavy metals. In addition, any asphaltic compounds should be tested for the presence of polychlorinated biphenyls (PCBs).

3) If soil test results confirm levels in excess of the maximum allowed, you will need to submit plans for proper removal and disposal of all contaminated soils. Departmental approval of plans must be received before removal or disposal of any contaminates is conducted.

These actions must be taken promptly to prevent migration of potential contaminants. According to Alaska Regulation 18 AAC 75.145, if a responsible party fails to adequately contain and clean up a spill, the state may hire contractors to do the work and recoup costs at a later date.

If you have any questions or comments please feel free to call the Department at 262-5210.

Sincerely



JOHN HALEY

Environmental Specialist I
Kenai District Office

Sent Certified Return Receipt # P 359 772 033
by Carol Cunningham on May 05, 1991