

2004-001617-0

Recording Dist: 314 - Seward
9/23/2004 12:11 PM Pages: 1 of 7

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**NOTICE OF ENVIRONMENTAL CLEANUP AND RESIDUAL SOIL AND
GROUNDWATER CONTAMINATION**

Pursuant to 18 AAC 75.375, Mark and Delores Wilson, as the owner of the subject property, hereby provide public notice that the property located at: Mile Post 48.5 Sterling Highway, Cooper Landing, Alaska, 99572, and more particularly described as follows:

Lots 1 through 8, Towle Subdivision No. 1, Sections 28 and 29, Township 5 North, Range 3 West, Seward (B-8) Quadrangle.

has been subject to the discharge and release and subsequent cleanup of petroleum hydrocarbons, regulated under 18 AAC 78, Articles 2 and 6, as amended January 30, 2003. The release and site cleanup is documented in the Alaska Department of Environmental Conservation (ADEC) underground storage tanks/leaking USTs database under site number 1994-23-00-123-01, event ID number 794, and in ADEC files in the Kenai Area office of ADEC.

In accordance with 18 AAC 78.276(f)(1), ADEC reviewed and approved, subject to this institutional control and additional conditions, 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 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(f)(1), that site cleanup has been performed to the maximum extent practicable even though residual petroleum hydrocarbon, and benzene contaminated soil and groundwater is present. Further cleanup was determined to be impracticable because the majority of remaining contaminated soil is beneath the dispenser island and the underground fuel lines for the current fueling system, and further excavation and removal of contamination was not practicable.

Attached is a Figure No. 2, Site Overview map, dated May 2004, prepared by Environmental Management, Inc., drawn to scale, that shows the approximate property boundaries, locations of the existing structures, locations of the monitoring wells, the estimated area of the groundwater contaminant plume exceeding cleanup levels in Table C of 18 AAC 75.345 and the estimated area of highest soil contamination remaining between 10 and 20 feet below ground surface.

In the event that the remaining contaminated soil becomes accessible by the dispenser island or the underground fuel lines for the current UST system 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 ADEC 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 78.235-.280 and 18 AAC 78.600-.625. Also, any transport or disposal of contaminated soil at or from the site requires approval from the Department in accordance with 18 AAC 78.274(b).

Residual groundwater contamination still exists at the 45 foot depth over limited areas of this property. An estimate of the limits of this groundwater contamination is identified on the attached Figure No. 2. Groundwater contamination at the 45 foot depth is deemed a "potential source of contamination" in both Alaska Drinking Water (18 AAC 80) and Wastewater Disposal (18 AAC 72) regulations. Any new public drinking water wells installed on this property must be installed in compliance with the existing, required separation distance in Alaska Drinking Water regulations, for "other potential sources of contamination". Any new private drinking water wells installed on this property must be installed in compliance with the existing, required separation distance in Alaska Wastewater Disposal Regulations, for other potential source of contamination. Any new public or private water wells installed on this property must be tested for gasoline contamination using EPA Method 524.2, prior to utilization for drinking water supplies. Should gasoline contamination be detected, the owner of this property must report the contamination to ADEC.

This notice remains in effect until a written determination from ADEC is recorded that states that soil and groundwater at the site has been shown to meet the most stringent soil cleanup levels in Method Two of 18 AAC 75.340 and groundwater meets the cleanup levels in Table C in 18 AAC 75.345.

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

Signature:

Dolores A. Wilson - Mark R. Wilson

Printed Name:

Dolores A. Wilson MARK R. Wilson

Mailing Address:

*P.O. Box 569
COOPER LANDING AK 99572*



Subscribed and sworn to before me this 23 day of Sept., 20 04.

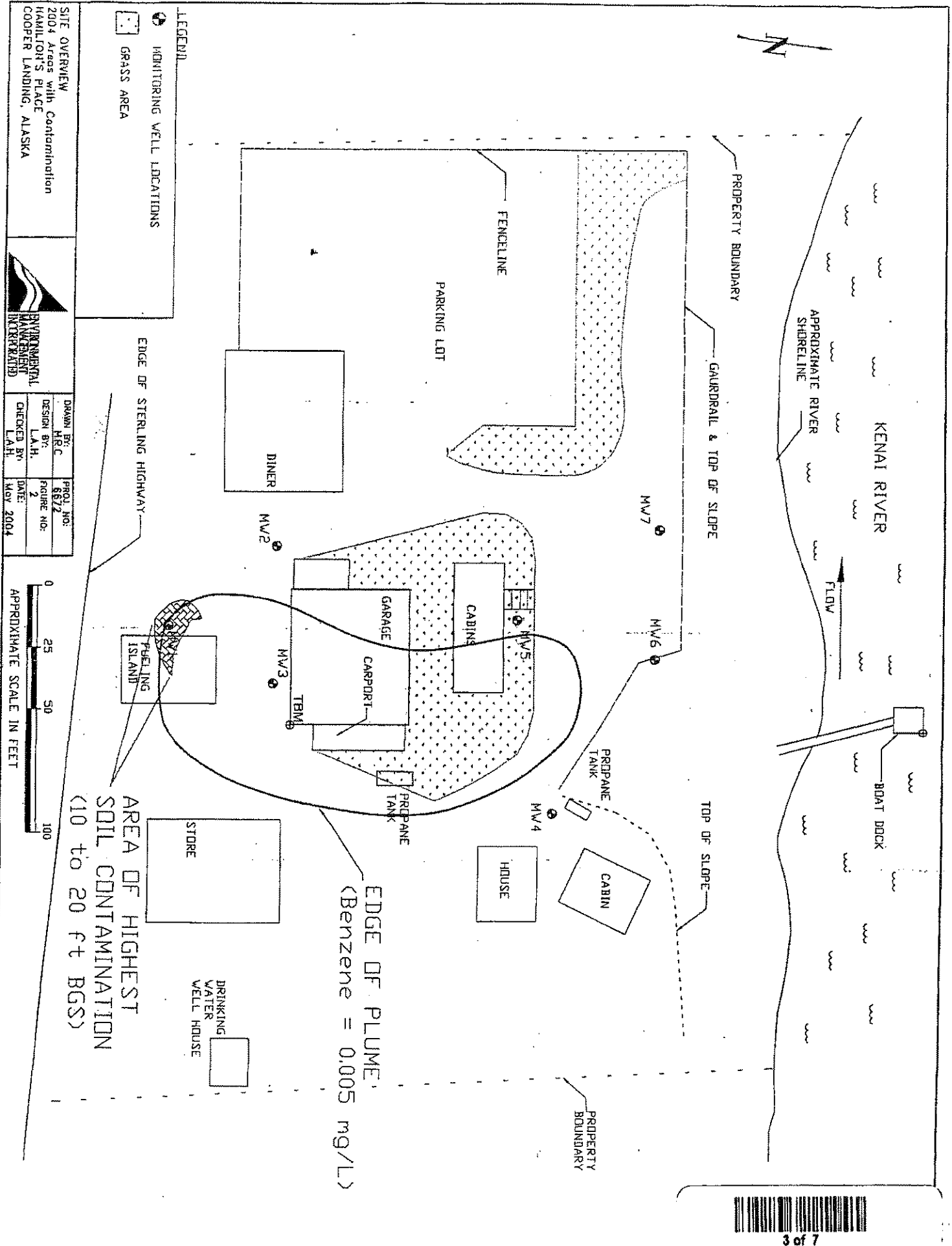
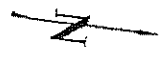
Notary Public in and for the State of Alaska
My commission expires: With Office

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.

STEVEN J SKOLNICK
POSTMASTER
PO BOX 9998
COOPER LANDING AK 99572-9998



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LEGEND
 ● MONITORING WELL LOCATIONS
 □ GRASS AREA

EDGE OF STERLING HIGHWAY

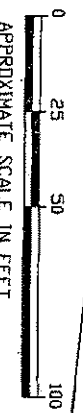
AREA OF HIGHEST
 SOIL CONTAMINATION
 (10 to 20 ft BGS)

EDGE OF PLUME
 (Benzene = 0.005 mg/L)

SITE OVERVIEW
 2004 Areas with Contamination
 HAMILTON'S PLACE
 COOPER LANDING, ALASKA



DESIGNER L.A.H.	PROJECT NO. 08/2
CHECKED BY L.A.H.	FIGURE NO. 2
DATE MAY 2004	



STATE OF ALASKA

Frank Murkowski, Governor

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

43335 K-Beach Road, Suite 11
Soldotna, AK 99669
PHONE: (907) 262-5210
FAX: (907) 262-2294
<http://www.state.ak.us/dec/>

File: 794

July 8, 2004

Mark and Dolores Wilson
Hamilton's Place
P.O. Box 505
Cooper Landing, Alaska 99572

Re: Hamilton's Place - Cooper Landing, AK
ADEC Spill #1994-23-00-123-01, UST Facility I.D. #2561
ADEC Conditional Determination of No Further Remedial Action Required

Dear Mr. & Mrs. Wilson:

On June 7, 2004, the Alaska Department of Environmental Conservation (ADEC) received a May 2004; Monitor Well Sampling Report, Contaminated Soil Removal & Remediation Report and a 2004 Site Characterization Report, for the above referenced facility. Environmental Management Incorporated (EMI) prepared these reports on your behalf.

The monitor well sampling report provided analytical results from three groundwater monitoring wells (MW1, MW3 & MW6). The groundwater sample data collected from these three wells in comparison with historic groundwater data tends to demonstrate stable contaminant concentrations.

The contaminated soil removal and remediation report provided documentation for the removal and disposal of approximately 400 cubic yards of contaminated soil. The report also contained field screening and analytical results for contaminant levels in soils remaining at the extent of the excavation.

The site characterization report provided a summary of environmental-related data collected at the site during 2004, and presented a current characterization based on the data presented.

In addition to information presented in these three reports, prior assessment reports and groundwater monitoring reports have been reviewed in order to make a determination regarding the environmental status of this property.

The following information is a summary of the issues associated with petroleum hydrocarbon contamination at the subject property:



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Soil

The 2004 Site Characterization report identified residual subsurface soil contamination at locations beneath the dispenser island and under the existing double walled fuel lines; in soils around the excavation; and at the water table in the "smear zone"; which exceed ADEC soil "migration to groundwater" cleanup levels. To the extent possible, the cleanup efforts removed the soil that was accessible by excavation in these locations. However, not all contaminated soil could be removed due to depths and the potential for compromising the integrity of the existing underground fueling system.

Groundwater

Groundwater at this site was encountered approximately 45 feet below ground surface (bgs) in the area of the former release. Gasoline range organics (GRO) and benzene have been detected in the 45 foot deep groundwater near the former gasoline underground storage tanks at concentrations exceeding the 18 AAC 75.345 Table C groundwater cleanup levels.

In the most recent 2004 sampling for monitoring wells MW1, MW3 and MW6, only MW3 exceeded the 18 AAC 75.345 Table C groundwater cleanup levels.

The existing drinking water supply well serving this facility withdraws groundwater from a depth of approximately 90 feet below ground surface, and has tested free of gasoline contamination.

Soil and Groundwater Cleanup Levels

ADEC reviewed the various soil contaminant pathways that might be present at this site. They include: migration to groundwater; ingestion; and inhalation. ADEC recognizes that the migration to groundwater pathway is complete. Therefore, the soil cleanup levels applicable for this site are the 18 AAC 75.341 Method 2 soil cleanup levels for migration to groundwater.

The areas of the site that exceeded the established groundwater cleanup levels will be identified in an institutional control that must be attached to the property. The applicable groundwater cleanup levels are those established in 18 AAC 75.345 Table C.

ADEC Decision

Based on the information provided in the three aforementioned reports, as well as all other reports and information provided to the ADEC for this facility, and contingent upon compliance with the conditions identified and listed below, no further remedial action is required in association with the former underground storage tank system at this Property (releases identified by ADEC Spill ##1994-23-00-123-01), at this time. This decision is subject to any future ADEC determination that the cleanup is not protective of human health, safety, or welfare, or of the environment.

The Property, as used in the following Conditions, is hereby defined as:

Towle Subdivision No. 1, Lots 1 through 8, Sections 28 and 29, Township 5 North, Range 3 West, Seward (B-8) Quadrangle, and any future subdivision(s) of this Property.

This decision is subject to the following Conditions:

1. The groundwater monitoring wells are identified in the 2004 Site Characterization report, and defined as MW1, MW2, MW3, MW4, MW5, MW6 and MW7. They are located as shown on Figure No: 2, Site Overview, dated May 2004. A copy of Figure No. 2 is attached. These wells shall be protected for future water quality sampling and monitoring purposes. Any damage to the wells shall be repaired and/or the wells replaced by the property owner.
2. Because ADEC soil cleanup levels for 'migration to groundwater' were exceeded in several residual areas, human health risks from future exposure to shallow ground water (ingestion), present approximately 45 feet beneath the ground surface, are considered to be unacceptable. Residual groundwater contamination still exists over limited areas of this property. An estimate of the limits of groundwater contamination is identified on the attached Figure No. 2. Groundwater contamination is deemed a "potential source of contamination" in both Alaska Drinking Water (18 AAC 80) and Wastewater Disposal (18 AAC 72) regulations. Any new public drinking water wells installed on this property must be installed in compliance with the existing, required separation distance in Alaska Drinking Water regulations, for "other potential sources of contamination". Any new private drinking water wells installed on this property must be installed in compliance with the existing, required separation distance in Alaska Wastewater Disposal Regulations, for other potential sources of contamination. Any new public or private water wells installed on this property must be tested for gasoline contamination using EPA Method 524.2, prior to utilization for drinking water supplies. Should gasoline contamination be detected, the owner of this property must report the contamination to ADEC.
3. The groundwater shall be monitored once every two years by sampling wells MW3, MW5 and MW6 between the months of July and September, in accordance with an ADEC approved workplan. The next sample event is required in 2006. The water samples shall be analyzed using methods AK101 and EPA method 8021B. If the monitoring indicates that the concentration trend is increasing, ADEC may require additional follow-up monitoring and additional cleanup. If the monitoring indicates that the concentration trend is stable or decreasing, and that hazardous substance migration is not occurring, ADEC will decrease or discontinue the monitoring frequency and locations, if ADEC determines that continued monitoring is not necessary to ensure protection of human health, safety, and welfare, and of the environment.
4. In order to document the nature and extent of any contamination remaining at the site and to record the requirements or restrictions that apply to the property, the attached NOTICE OF ENVIRONMENTAL CLEANUP AND RESIDUAL SOIL AND GROUNDWATER CONTAMINATION has been prepared. This notice must be signed and recorded with the appropriate State of Alaska Land Recorder's Office. A copy of the recorded notice must be provided to this office.

As the property owner of this facility, under Alaska Statute, you remain liable for any residual soil and groundwater contamination at this facility. The conditions attached to this No Further Remedial Action Required determination remain in effect until ADEC issues a written determination that the conditions are no longer necessary to ensure protection of human health,



safety, and welfare, and of the environment. If these conditions are not complied with, then this determination is nullified, and additional cleanup response actions may be required at your facility.

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.

For future reference, all records for this facility have been routed for filing in the Kenai Area Office under the file name, "*Hamilton's Place - Cooper Landing, ADEC Spill #1994-23-00-123-01, ADEC UST Facility ID #2561*".

Thank you for your cooperation in complying with the ADEC's Underground Storage Tanks release investigation and corrective action regulations, and Oil and Other Hazardous Substances Pollution Control regulations.

If there are any questions regarding this determination, you may contact me at (907) 262-5210, extension #229.

Sincerely,



Monica T. English
Environmental Specialist

Attachments: Figure No. 2 - Site Overview map
Notice of Environmental Cleanup

CC: Larry Helgeson, Environmental Management Incorporated
Scott Pexton, ADEC Anchorage Office

