

# STATE OF ALASKA

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

Frank Murkowski, Governor

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<http://www.state.ak.us/dec/>

File: #507

November 24, 2003

Mr. Joel J. Carroll  
P.O. Box 863  
Homer, Alaska 99603

Re: Sunny Chevron Service  
ADEC Spill #1989-23-00-082-01  
UST Facility I.D. #0413  
Conditional 'No Further Remedial Action Planned' (NFRAP) Determination

FILE COPY

Dear Mr. Carroll:

On May 23, 2003, the Kenai Area Office of the Alaska Department of Environmental Conservation (ADEC) received the May 22, 2003 Groundwater Monitor Well Sampling #2 report for the above referenced facility. The report was prepared by Rozak Engineering on your behalf.

Based on the information provided in this report, and all prior reports and information provided to the ADEC for this facility, no further remedial action is required in association with the petroleum release reported at this facility (release identified by Spill #1989-23-00-082-01), at this time. ADEC issuance of the NFRAP essentially means that the department has determined that no further remedial action is planned for this site. This decision is also subject to any future ADEC determination that the cleanup is not protective of human health, safety, or welfare, or of the environment.

This determination does not alter the groundwater monitoring plan, which requires continued groundwater testing. Once the groundwater monitoring plan has been completed and groundwater contaminant levels are documented as consistently meeting those levels established under 18 AAC 78, all monitoring wells must be decommissioned as outlined in the approved work plan.

Petroleum contamination remains in an area along the south edge of this property within the road right-of-way. Petroleum hydrocarbon concentrations within this soil exceed the ADEC Method 2 soil cleanup levels in 18 AAC 75; however groundwater quality monitoring data indicates that this soil contamination has not caused significant impacts to groundwater quality. Under Alaska law you are liable for any remaining soil and/or groundwater contamination resultant from your former UST systems. Future right-of-way projects may involve excavation, exposure, or relocation of contaminated soils in the right-of-way adjacent to your project site. Should ADEC

become aware of any activity producing exposure to these subsurface right-of-way soils, you may be required to develop and submit a work plan to ADEC. The work plan shall provide for the monitoring and measuring of contaminant concentrations in the exposed right-of-way soils and for the proper management, treatment and disposal of any excavated soils. On-site oversight shall be provided, utilizing the services of a qualified impartial third party consultant.

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 of this facility have been routed for filing in the Kenai Area Office under the file name, "Sunny Chevron Service – Homer, ADEC Spill #1989-23-00-082-01, ADEC UST Facility ID #0413".

Thank you for your cooperation in complying with the ADEC's UST release investigation and corrective action regulations. If there are any questions regarding this determination, please feel free to call me at (907) 262-5210, extension #229.

Sincerely,



Monica English  
Environmental Specialist

C: Rozak Engineering