

**DIVISION OF SPILL PREVENTION AND RESPONSE
CONTAMINATED SITES PROGRAM**

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File # 2100.26.337

June 15, 2007

Kit Duke
Alaska Court System
820 W. 4th Ave
Anchorage, Alaska 99501

RE: Alaska Court System – State of Alaska Courthouse
Record of Decision

Dear Ms. Duke:

The Department of Environmental Conservation, Contaminated Sites Program (ADEC) reviewed the environmental records associated with the Alaska Court System – State of Alaska Courthouse. This site had been contaminated by the release of a hazardous substance; however, based on the information provided to date, ADEC has determined that no further remedial action is required, and that the Alaska Court System – State of Alaska Courthouse can be closed subject to the conditions outlined in this document. The hazardous substance contamination has been adequately addressed and does not pose an unacceptable risk to human health or the environment.

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 ADEC determination.

Introduction

Site Name and Location

Alaska Court System – State of Alaska Courthouse
825 East 4th Ave
Lot 1C, Block 29
Anchorage Original Townsite, Plat No. 87-34
Anchorage, Alaska, 99501

Name and Mailing Address of Contact Party:

Kit Duke
Alaska Court System
820 W. 4th Ave
Anchorage, Alaska 99501

Database Record Key and CS file number:

ADEC Reckey # 1993210006202
LUST file # 2100.26.337

Regulatory authority under which the site is being cleaned up:

18 AAC 78 and 18 AAC 75

Background

Petroleum contamination was encountered during excavation activities prior to construction of the new Alaska courthouse. Potential contaminant sources included Underground Storage Tanks (USTs) at a former auto service station, six heating oil tanks formerly located at the property, and surface spills.

Cleanup Actions

Pre-construction site work required excavation up to 18 feet below ground surface to prepare for the building's foundation. Approximately 17,000 tons of contaminated soil were excavated and transported to Alaska Soil Recycling in Anchorage for thermal treatment.

Following excavation, 38 confirmation samples were collected from potentially contaminated areas. Diesel range organics (DRO) was detected at a maximum concentration of 11,000 mg/kg in a sample from near the center of the excavation. Benzene was not detected.

Groundwater with sheen was observed in one part of the excavation and a groundwater sample collected from the excavation contained DRO at 1.47 mg/l. Monitoring wells were installed, but they may not have accurately reflected potential groundwater contamination at the site. Additional downgradient wells could not be installed due the presence of a parking garage.

During construction of the new courthouse, the design was modified to include a barrier that is impervious to petroleum.

Contaminants of Concern

Diesel Range Organics

Cleanup Levels

The soil cleanup levels established for this site are: 18 AAC 75.341 Tables B1 and B2, Under 40 inch Zone, Migration to Groundwater.

<u>Contaminant</u>	<u>Site Cleanup Level (mg/kg)</u>
Diesel Range Organics	250

Groundwater cleanup levels are those listed in 18 AAC 75.345 Table C.

Pathway Evaluation

The pathways evaluated at this site include the human health exposure pathways of soil ingestion and inhalation of vapors. The inhalation and ingestion pathways may be complete but remaining contamination is beneath the building and is not accessible to receptors. The migration to indoor air pathway is mitigated by the presence of the liner beneath the building.

The migration to groundwater pathway may be complete but a groundwater sample collected from the excavation did not contain contaminants above Table C cleanup levels and additional downgradient characterization of groundwater was not feasible due to the presence of a parking garage.

ADEC Decision

The cleanup actions conducted at the Alaska Court System – State of Alaska Courthouse were effective in removing the majority of impacted soil associated with the former USTs. There is contamination remaining above established cleanup levels but ADEC has determined there is no unacceptable risk to human health or the environment, and this site will be conditionally closed.

This decision is subject to the following conditions:

1. A Notice of Environmental Contamination will be recorded on the ADEC database to document that there is residual contamination remaining on site above the most stringent ADEC cleanup levels;
2. Any proposal to transport soil off site requires ADEC approval in accordance with 18 AAC 78.274(b)

This determination is in accordance with 18 AAC 78.276(f) and does not preclude ADEC 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.

Site closure (without conditions) can be achieved when soil sampling confirms that all soil meets the most stringent ADEC cleanup levels.

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.

If you have questions about this closure decision, please contact William O'Connell at (907) 269-3057.

Sincerely,

Jim Frechione
Environmental Manager