

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF SPILL PREVENTION AND RESPONSE CONTAMINATED SITES PROGRAM

555 Cordova Street
Anchorage, AK 99501-2617
Phone: (907) 269-7578
Fax: (907) 269-7649
<http://www.state.ak.us/dec/>

June 14, 2004

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DEPT. OF ENVIRONMENTAL
CONSERVATION

J.H.M. Investments
Attn: Jim Johnson
4551 Fairbanks Street, Suite A
Anchorage, AK 99503

RE: **No Further Remedial Action Planned and Institutional Control (NFRAP/IC)
Record of Decision** for 4748 Old Seward Hwy, Anchorage, Alaska
File #: L55.192, Spill #: 1994210022003, Event ID #: 404, Facility ID #2470

Dear Mr. Johnson:

The Department's Contaminated Sites Program reviewed the site assessment, monitoring, and corrective action reports associated with the above referenced site. Based on the information provided to date, the Department has determined that soil and shallow groundwater contamination remaining at the site exceeds the established cleanup levels but does not pose a risk to human health, safety, welfare or the environment. As a result of this determination, no further cleanup action at the site is required at this time. However, please find enclosed the decision document used in making this determination and the Department's decision regarding the environmental status of this site.

The Department has determined that no further remedial cleanup action is required at this site. The USTs and much of the soil has been removed and the benzene, GRO and DRO contamination in the shallow groundwater appears to be confined to the areas shown on the attached site maps.

The NFRAP status indicates that contamination exceeding established cleanup levels is present at the site (both on and off Johnson Nissan property) but further cleanup action is not required because the contamination does not pose a risk to human health or the environment. An Institutional Control status will be attached to this site that indicates measures have been employed to minimize the risk of contamination remaining there and provide the owners and/or operators of the situation, including the deed notice.

The attached "Notice of Environmental Groundwater Contamination" will need to be recorded on the property deed no later than July 2004 as a condition of receiving No Further Remedial Action Planned/Institutional Control (NFRAP/IC) status for your property.

Please be aware that this NFRAP decision by the Department does not preclude any action that may be required by you to comply with the Environmental Protection Agency (EPA)



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Underground Injection Well (UIC) regulations because of the monitoring wells that acted temporarily as injection wells at the subject site. Final closure of injection wells require 30 day prenotification with EPA prior to closure with the UIC program and additional action may be required. Please contact Mr. Thor Cutler of EPA (206-553-1673) regarding what actions, if any, are required by his agency.

Lastly, as we previously informed you on November 20, 1997 and December 21, 2001, the State of Alaska is authorized, under Federal regulation 42 U.S.C. 699 1 b(h), to recover funds used during oversight of a petroleum cleanup from a leaking underground storage tank (LUST). The State is also authorized by Alaska Statute 46.08.070 to recover money expended by the department to contain or cleanup the release of oil or a hazardous substance, including petroleum. "Oversight" costs can include department staff salaries, travel, equipment, supplies, contracts and services, and general program management. Typical cost expenditures for staff time can include, but are not limited to: performing plan reviews; drafting approval letters; attending site meetings; offering technical assistance via phone; and doing site visits or inspections. Costs eligible for recovery include department staff salaries, travel, equipment, supplies, contracts and services, and general program management. Please be aware that in the near future, the State through the Department of Law will be sending you a bill for the Department's oversight of this contaminated site.

Please call Rich Sundet (907) 269-7578 if you have questions or comments regarding this determination.

Sincerely,



Jim Frechione
Environmental Manager

Attachments: Location Figures 4, 5 and 6 – Area of benzene, GRO and DRO contamination in the shallow groundwater
Notice of Environmental Groundwater Contamination
Record of Decision

cc with attachments:

Rich Sundet, CSP Project Manager
Lotte Michael, Bond, Stephen, and Johnson Property Management
Heather Newman, DWP/ADEC, Anchorage
Mike Krueger, MOA
Rhonda Fehlen Westover, MOA
Thor Cutler, EPA Region X, OW-137
Charles Ronan, ChemTrack, Inc., Anchorage
Kay Rawlings, DOL, Anchorage
Veris Lunasin, DEC, Juneau



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