

**RECEIVED****DIVISION OF MINING, LAND AND WATER**

NOV 26 2004

**MANAGEMENT RIGHT ASSIGNMENT**ADL 417263**CONTAMINATED  
SITES  
FAIRBANKS***(Arctic Surplus Superfund Site Conservation Easements 1-5)*

The Alaska Department of Natural Resources (DNR), Division of Mining, Land & Water (DMLW) hereby assigns to the Department of Environmental Conservation (DEC), Division of Spill Prevention and Response (SPAR), jurisdiction and management of five (5) Conservation Easements, described with recording information in Exhibit "One," subject to such stipulations and conditions as identified in Attachment "A." The five (5) Conservation Easements shall be managed collectively as one (1) parcel of land.

The State of Alaska accepted title to the subject property under Conservation Easements, pursuant to AS 38.05.035(a) and AS 34.17.010 – 34.17.060. The administrative record for the acquisition is LSH 557.

This Management Right Assignment is intended to protect human health, safety, and welfare and the environment for so long as the Conservation Easements are in effect. The property is listed on the United States Environmental Protection Agency's (EPA's) National Priorities List as the Arctic Surplus Superfund Site. EPA issued a Record of Decision (ROD) and 2003 Explanation of Significant Differences (ESD) for environmental cleanup of the Property.

Administrative management and jurisdiction over the above-described land shall be consistent with the terms and conditions of the Conservation Easements (Exhibit "One"), AS 46, the regulations implementing AS 38.05 and AS 46, the EPA's ROD and ESD, the attached stipulations and conditions (Attachment "A"), and the attached operation and maintenance requirements for the landfill cover system (Attachment "B"). DMLW shall have no administrative responsibility for the Conservation Easements. The administrative responsibility of SPAR shall be retroactive to the instant when title was accepted by DNR on behalf of the State of Alaska for management by SPAR.

SPAR hereby agrees to be bound by the terms and conditions of this Management Right Assignment, the referenced Conservation Easements (Exhibit "One"), the attached stipulations and conditions (Attachment "A"), and the attached operation and maintenance requirements for the landfill cover system (Attachment "B"). This Management Right Assignment remains in effect as long as the land is needed to meet the objectives for which it was acquired. Upon the EPA's written notification that the provisions herein are no longer required by EPA to protect human health and the environment, SPAR, or its successor agency in administrative authority, may terminate the Conservation Easements by recording a Release of Conservation Easement. The land affected by these Conservation Easements must be officially surveyed prior to issuing a Release of Conservation Easement and SPAR may not release the Conservation Easements

Management Right Assignment ADL 417263LSH 557

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without independent surveys of each portion of the lands being released from the terms of the Conservation Easements. No portion of the lands affected by these Conservation Easements may be released from the obligations if no surveys are completed on the lands. SPAR shall immediately notify DMLW of such termination of the Conservation Easements, so that DMLW may remove the interest from the State's administrative land ownership records and close the Management Right Assignment file of record.

Dated this 29 day of September, 2004.

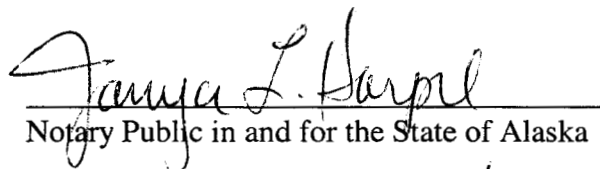
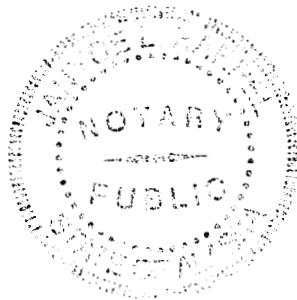


Tom Irwin  
Commissioner  
Department of Natural Resources

UNITED STATES OF AMERICA )  
State of Alaska )  
Third Judicial District )

THIS IS TO CERTIFY that on this 29 day of September, 2004, before me personally appeared Tom Irwin of the Department of Natural Resources, State of Alaska, who executed the foregoing Management Right Assignment and acknowledged voluntarily signed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year shown above.

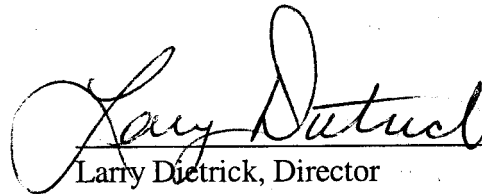


Janyia L. Harpel  
Notary Public in and for the State of Alaska

My commission expires: 9/12/2006

**ACCEPTANCE BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,  
DIVISION OF SPILL PREVENTION AND RESPONSE**

The Department of Environmental Conservation, Division of Spill Prevention and Response, State of Alaska this 15<sup>th</sup> day of SEPTEMBER, 2004, hereby accepts the terms and conditions of the interest conveyed herein.




Larry Dietrick, Director  
Division of Spill Prevention and Response  
Department of Environmental Conservation

UNITED STATES OF AMERICA )  
State of Alaska )  
First Judicial District )

THIS IS TO CERTIFY that on this 15<sup>th</sup> day of September, 2004 before me personally appeared Larry Dietrick of the Division of Administrative Services, Department of Health and Social Services, State of Alaska, who executed the foregoing Management Right Assignment and acknowledged voluntarily signed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year shown above.



Notary Public in and for the State of Alaska

My commission expires: 3/12/05

## **Attachment "A"**

Standard Definitions,  
Standard Stipulations,  
And Special Stipulations

**ATTACHMENT "A"**  
**MANAGEMENT RIGHT ASSIGNMENT**  
**ADL 417263**  
**Arctic Surplus Superfund Site Conservation Easements 1-5**

**I. Standard Definitions:**

- A. ADEC – State of Alaska, Department of Environmental Conservation.
- B. DNR – State of Alaska, Department of Natural Resources.
- C. OHMP - Office of Habitat Management and Permitting within the Department of Natural Resources.
- D. DMLW – The Division of Mining, Land & Water within the Department of Natural Resources.
- E. DPOR - The Division of Parks & Outdoor Recreation within the Department of Natural Resources.
- F. State - State of Alaska
- G. "Holding Agency" – A State agency that acquires funding to purchase (or acquires by donation or exchange) land or land interest for the State to be utilized to further its mission, but does not have statutory authority to hold title to land in the name of the State. The Director of the DMLW, DNR must accept title on behalf of such an agency and issue it a Management Right. The land or land interest acquired is owned by the State of Alaska and administered by DNR who in turn assigns (delegates) limited administrative authority to another agency (the Holding Agency) to utilize the land or land interest for its legislatively directed purpose.
- H. "Land or land interest" - This term is applied to the ownership interest in real property acquired by the State. The interest may be the full "fee" title interest - an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited; or a limited fee title interest such as a split estate (minerals, timber rights, land estate etc). The interest may be a possessory interest - in which one has a physical interest in the land without title ownership such as leasehold interest for a term of years. Or it may be a form of non-possessory interest such as a non-exclusive easement, equitable servitude, a conservation easement, or a combination of the above.
- I. "Personal Property" - That kind of property, or chattel, which usually consists of things temporary and movable, as opposed to property of a local or immovable character (such as land or houses), the latter being called "real property."

- J. "Public Building, Public Facility or Utility Facility" is as defined at AS 35.95.100(6), (7) & (9) :

(6) "public building" means a building owned or controlled and held by the state for government or public use;

(7) "public facility" or "public work" means a structure or project constructed or maintained by the department [Department of Transportation and Public Facilities] except airports and highways, and includes public buildings, boat harbors, port facilities, dikes, jetties, and breakwaters;

(9) "utility facility" includes poles, plants, lines, trenches, bridges, utilidors, tunnels, pipelines, and any other system for furnishing, producing, generating, transmitting, or distributing power, electricity, communications, telecommunications, water, gas, oil, petroleum products, coal or other mineral slurry, steam, heat, light, chemicals, air, sewage, drainage not connected with a public facility drainage system, irrigation, or another substance; "utility facility" also includes a system for furnishing transportation of goods or persons by means of a railway, tramway, cableway, conveyor, flume, canal, tunnel, pipeline, or a similar means.

- K. "Real Property" - Land, and generally whatever is erected or growing upon or affixed to land. Real property interests (such as gravel or trees) severed (removed) or constructively severed (right to remove) from the land become personal property. Personal property affixed to the land, that can be removed without material damage to the realty, remain personal property. Otherwise such fixtures become part of the real property interest.

- L. "Conservation Easement" - is as defined in AS 34.17.060(1):

(1) "conservation easement" means a non-possessory interest of a holder in real property imposing limitations or affirmative obligations to retain or protect natural, scenic, or open space values of real property, ensure its availability for agricultural, forest, recreational, or open space use, protect natural resources, maintain or enhance air or water quality, or preserve the historical, architectural, archaeological, or cultural aspects of real property;

- M. "Valid and Existing Rights" - All conveyances are issued subject to valid and existing rights. These "third-party" interests, or dominant rights or encumbrances, condition the quality or extent of title received under the conveyance document. All title is subject to the sovereign rights of taxation, escheat, eminent domain and police powers. Other rights may have been created by operation of law, grant, dedication, actual possession, or mutual agreement. These rights may be conditional, for a term of years, or perpetual.

- N. "Grandfathered improvements" - Improvements to real property existing at the time that the Conservation Easement was issued to the State of Alaska. These improvements may include access roads, constructed utilities not under lease or easement, residential buildings, barns, sheds, garages, hay storage structures, fences, water wells, septic systems, and other outbuildings. All such improvements may be maintained or removed, but may not be replaced or substantially modified without concurrence from the holder of the Conservation Easement.

## II. Standard Stipulations:

- A. If land or land interest is acquired under a specific statutory authority, the Agency delegated to function under that authority is the designated Holding Agency. If joint management of the land or land interest is intended in a signed purchase agreement for the acquisition of the land or land interest ("Purchase Agreement"), the agency that had the acquisition funding authority is the lead Holding Agency responsible to enter into a Joint Management Agreement and provide a copy to the Director, DMLW to document the file as to the responsible party actions.
- B. The Holding Agency shall comply with the requirements of AS 38.95.160. AS 38.95.160 requires that publicly financed improvements costing more than \$100,000 be documented by a recorded plat.
- C. Municipalities cannot tax land owned by the State. However, if a special assessment district is created and the landowners involved vote it in, the State is required to pay its fair share of the assessment. Although the State is not required to provide amenities to its land (i.e. electricity, sewer lines, natural gas, etc.), if adjacent landowners want these amenities, the State will not stand in their way, unless it is in the State's best interest. The Holding Agency must respond to any notices of the creation of a pending assessment district and if passed, pay the assessed value affecting the land. The Holding Agency must act as a responsible land manager and protect the interest of the State by not allowing a lien to attach to the land.
- D. If a right-of-way or easement is required by another State agency, municipality, federal entity or a private sector utility across the land, or to provide support easements for the "Public Building," "Public Facility," or "Utility Facility" or other improvements on the land managed by the Holding Agency, and if the Holding Agency has statutory authority to grant such a right, it may do so upon giving written notice to the Director, DMLW within 60 days of such a grant. In the absence of such statutory authority, the Holding Agency is authorized by the management right assignment to grant rights-of-way or easements necessary for the actual construction or operation of the public building or support facilities. The written notice to the Director, DMLW shall contain necessary documentation such as properly executed documents, legal descriptions, maps and an as-built survey. If the Holding Agency does not have statutory authority, and the right-of-way or easement does not support the facility, the requester must obtain the grant from DMLW, which will coordinate

with the Holding Agency as to alignment and any special stipulations. The Holding Agency has the right to withhold concurrence and appeal to the Commissioner of DNR, if it concludes that the grant will adversely affect its mission.

- E. If the land or land interest has a "Public Building," "Public Facility," or "Utility Facility" or other substantial improvements located on the land at the time of acquisition, the Holding Agency is responsible for maintenance of these improvements. The Director, DMLW must be notified in writing of any additions to or disposal of these improvements so that the records are documented for risk management and asset value purposes.
- F. The Holding Agency may not take an action of omission or commission that will cause the land to revert to a previous owner. If the Holding Agency desires to abandon use or improvements, the Holding Agency shall do so in a manner so as to avoid violating use restrictions, contaminating the site with hazardous materials, or creating a public nuisance requiring increased cost to abate. The Holding Agency will be responsible for abatement, remediation, termination and litigation costs.
- G. Any environmental contamination that may occur to the land or land interest while the land or land interest is managed by the Holding Agency, must be immediately cleaned up to the satisfaction of the Director, DMLW and meet ADEC remediation standards. No contamination shall be allowed to migrate beyond the land or land interest managed by the Holding Agency.
- H. Unless otherwise provided in advance or required by law, when the land or land interest is no longer needed by a Holding Agency for the purpose for which it was acquired, and the Holding Agency desires to surrender or relinquish its administration and management, the administrative responsibility must be formally assigned back to the DNR, DMLW, or it's successor in administrative function, to be retained in the public land corpus of the State. Prior to the Director, DMLW accepting the administration of the land or land interest, the following conditions must be met:
  - i. If the land or land interest has been improved or pre-existing improvements (Grandfathered improvements) were removed or relocated or substantially modified, an as-built survey depicting the location of existing improvements, capped wells, utilities, active or abandoned septic systems, waste disposal areas, fuel storage areas, water wells, encroachments, fences, trails, and roads must be prepared.
  - ii. DNR will not accept the return of management jurisdiction from a Holding Agency until the land or land interest has been restored to the satisfaction of the Director, DMLW and meets or exceeds ADEC hazardous material remediation standards. DMLW standard must be met even if the restoration requirement exceeds ADEC remediation standards for institutional controls. The intent of the



DMLW standard is to allow full economic development of the land, or other uses of the land, if the title interest will support that standard.

- iii. All structures and improvements that do not qualify as a "Public Building," "Public Facility," or "Utility Facility" must be disassembled and removed in a safe and proper method and any reclamation action completed at the cost of the Holding Agency, unless an alternative solution is agreed to in writing by the Director, DMLW.
- iv. A "Public Building," "Public Facility," or "Utility Facilities" as defined under AS 35.95.100(6), (7), or (9) (1998), may be transferred to or removed from the land in compliance with applicable Department of Administration regulations and procedures. However, such improvements may not be physically or constructively severed from the land except with the written concurrence from the Director, DMLW. Staff coordination and costs of such actions, including any necessary survey, will be born by the Holding Agency.

### III. Special Stipulations:

- A. The purpose of the Conservation Easements is to place institutional controls on the Property through Conservation Easements under the Uniform Conservation Easement Act and common law, to grant the easement to the State and a third party right of enforcement (including access) to the United States in order to protect and maintain the cleanup remedy, to protect natural resources, water quality and the environment, and to protect human health and safety.
- B. Past use of the Property caused groundwater and soil contamination from hazardous substances, including lead and polychlorinated biphenyls (PCB's). There is an old military landfill on the Property and the Property is listed on the United States Environmental Protection Agency's (EPA's) National Priorities List as the Arctic Surplus Superfund Site. EPA has issued a 1995 Record of Decision (ROD) and 2003 Explanation of Significant Differences (ESD) for environmental cleanup of the Property.
- C. These Conservation Easements shall run with the land in perpetuity and are binding upon the grantors of the Conservation Easements, and their heirs, successors, and assigns. Following EPA's written notification that the provisions herein are no longer required by EPA to protect human health and the environment, the State may terminate the Conservation Easements by recording a Release of Conservation Easement. Prior to recording a Release of Conservation Easement, the entire Property must be officially surveyed and any portion being released from the Conservation Easements must also be individually surveyed. In no instance shall any portion of the lands affected by these Conservation Easements may be released from the obligations contained within the Conservation Easements without an official survey.

D. In addition, the land is subject to the following:

I. Restricted Activities:

Unless otherwise specifically authorized in writing by the United States, through the EPA, the following activities are prohibited:

- a. Damaging or interfering with the cleanup remedy over the landfill area, including digging, drilling, or use that might penetrate, damage or interfere with the landfill cover system, the fence, or drainage systems, and any activity exceeding the operating limitations described in the attached operation and maintenance requirements for the landfill cover system (Attachment "B");
- b. Damaging or interfering with groundwater monitoring wells or other structures or systems designed to monitor groundwater contamination;
- c. Placing wells and using groundwater for drinking water, dewatering, or other uses, unless approved in writing. This prohibition does not apply to wells used to monitor contamination;
- d. Digging or moving soil that creates additional exposure to contaminants or an environmental or health and safety risk, and transporting soil off-site, unless approved in writing. This does not prohibit using the Property for commercial or industrial purposes consistent with the attached operation and maintenance requirements for the landfill cover system (Attachment "B");
- e. Residential or agricultural use or similar uses causing exposure to contaminants, such as daycare or school facilities, or other residency-type use. Except for deep-rooted plants, plantings for erosion control and non-consumable plantings outside the restricted landfill area are allowed. These limitations exist as long as contamination exceeds levels allowed by State or Federal law for residential use, or unless approved in writing; and
- f. Attached signs will be posted on 4 sides of soil containment cell fence.

WARNING  
DO NOT DISTURB OR DIG IN FENCED AREA  
TREATED HAZARDOUS WASTE SOIL  
PRESENT BELOW ASPHALT  
For Information Contact State of Alaska  
Department of Environmental Conservation  
(907) 451-2360

or  
United States Environmental Protection Agency  
1-800-424-4272

Sign dimensions 24" x 24"  
Capital Letters 2"  
All other letters and numbers 1"  
White background with Red letters

## II. Required Activities:

Unless otherwise specifically authorized in writing by EPA, the following listed activities are required:

- a. Giving notice to EPA within a reasonable time that restricted activities have occurred or are occurring;
- b. Notifying local authorities (Fairbanks North Star Borough, Department of Emergency Operations (907) 459-1481 or Alaska State Troopers (907) 451-5100) if ordnance-related material is discovered;
- c. Including the following language in any Instrument conveying an interest in the Property:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A CONSERVATION EASEMENT, DATED \_\_\_\_\_, RECORDED IN THE ALASKA PUBLIC LAND RECORDS OF \_\_\_\_\_ RECORDING DISTRICT ON \_\_\_\_\_, IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, IN FAVOR OF THE STATE OF ALASKA, AND WITH A THIRD-PARTY RIGHT OF ENFORCEMENT GRANTED TO THE UNITED STATES AND ITS AUTHORIZED REPRESENTATIVES.

- d. Granting access during reasonable hours (or if there is an emergency or incident that could damage the cleanup remedy) to authorized representatives of the State and the United States. This right of entry is granted for the following purposes: maintaining the landfill cover system remedy; monitoring, maintaining and repairing wells and the soil remedy; responding to reports of ordnance and explosive waste; and investigating violations and enforcement of the restrictions listed above.

## III. Items of Record:

- a. Easements, rights and reservations of the United States, and third parties, if any, of record.

**Attachment "B"**

Operation and Maintenance requirements for the  
landfill cover system

**ATTACHMENT "B"**  
**MANAGEMENT RIGHT ASSIGNMENT**  
**ADL 417263**  
**Arctic Surplus Superfund Site Conservation Easements 1-5**

**SUMMARY OF GUIDELINES AND LIMITATIONS FOR SITE USE**  
**ARCTIC SURPLUS SUPERFUND SITE**  
**FAIRBANKS, ALASKA**

This table summarized guidelines and limitations for site use of the consolidation cell portions of the Arctic Surplus Superfund Site. The remedial action (RA) construction has removed contaminated soils from the near-surface environment, and consolidated and solidified them in the consolidation cell that underlies the site. Contaminated treated soils are present beneath the site surface below a geosynthetic clay liner (GCL) and an asphalt cap. The GCL cover system is approximately two feet below the final surface (asphalt cap) of the consolidation cell. To avoid future environmental or human exposure to these soils, operating limitations restrict any activities that would degrade the protective features of the consolidation cell or interfere with their operation. These restrictions may be lifted or modified if appropriate engineering and environmental controls are provided and appropriate EPA approval has been obtained (see Arctic Surplus Operations and Maintenance Plan for details). **A copy of this Plan can be obtained from the Environmental Protection Agency at 1200 Sixth Avenue, Seattle, WA 98101 and is on file at the Fairbanks office of the Alaska Department of Environmental Conservation.**

**Restricted Activities**

- Any acts which might penetrate, expose, or either chemically or physically damage the GCL cover system, including the cover soil and asphalt cap.
- Placement or storage of heavy objects (over 12,000 pounds per square foot).
- Repeated or constant application of water or other liquids to the surface of the consolidation cell.
- Open fires on the consolidation cell surface.
- Paving or covering the sides of the cell in such a way as to inhibit drainage discharge from the slope.
- Developments and operations on or around the consolidation cell must not create ponded water on the cell or interfere with surface water drainage.

**Buildings on the Consolidation Cell**

- There are significant limitations on the construction of any structures placed on the consolidation cell. Written authorization from EPA is required before construction of any structures on the consolidation cell.
- Utilities crossing the consolidation cell must not penetrate the GCL cover system and must remain at least one foot above the top of this system unless special engineering and construction features are adopted.

**Parking and Storage Uses**

- The entire site is generally suitable for parking or storage and loading and unloading of highway-loaded vehicles.
- Generally, the site surface as constructed is suitable for highway-loaded vehicles, but the asphalt surface must be properly maintained, and any cracking or other degradation of the surface must be properly repaired.

**Exhibit 1**

Conservation Easements

## EXHIBIT "ONE"

## MANAGEMENT RIGHT ASSIGNMENT

ADL 417263

## Arctic Surplus Superfund Site Conservation Easements 1-5

Conservation Easement 1 (Western 100 Feet Strip):

Carl Pederson, Grantor; State of Alaska, Division of Mining, Land and Water,  
Realty Services Section, Grantee

Recorded October 22, 2004 as Document # 2004-24000,  
Fairbanks Recording District, Fourth Judicial District, State of Alaska

Conservation Easement 2 (Tax Lot 2111):

Roger McPeak, Grantor; State of Alaska, Division of Mining, Land and Water,  
Realty Services Section, Grantee

Recorded October 21, 2004 as Document # 2004-023885,  
Fairbanks Recording District, Fourth Judicial District, State of Alaska

Conservation Easement 3 (Tax Lot 2131):

Roger McPeak, Grantor; State of Alaska, Division of Mining, Land and Water,  
Realty Services Section, Grantee

Recorded October 21, 2004 as Document # 2004-023882,  
Fairbanks Recording District, Fourth Judicial District, State of Alaska

Conservation Easement 4 (Tax Lot 2112):

Roger McPeak and Betty McPeak, Grantors; State of Alaska, Division of Mining,  
Land and Water, Realty Services Section, Grantee

Recorded October 21, 2004 as Document # 2004-023883,  
Fairbanks Recording District, Fourth Judicial District, State of Alaska

Conservation Easement 5 (Tax Lot 2113):

Roger McPeak and Betty McPeak, Grantors; State of Alaska, Division of Mining,  
Land and Water, Realty Services Section, Grantee

Recorded October 21, 2004 as Document # 2004-023884,  
Fairbanks Recording District, Fourth Judicial District, State of Alaska

 2004-023882-0Recording Dist: 401 - Fairbanks  
10/21/2004 11:23 AM Pages: 1 of 6A  
L  
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S  
K  
AConservation Easement  
Fairbanks Recording District  
Parcel II

Please record this document

Grantor: Roger McPeakGrantee: State of Alaska, Department of Natural Resources, Division of Mining Land & Water, Realty Services Section.Legal:

The part of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW 1/4) of Section Twenty-One (21), Township One (1) South, Range One (1) East, Fairbanks Meridian, more fully described in the Warranty Deed dated January 15, 1979, from Carl Pederson, Grantor, to Roger G. McPeak, Grantee, recorded January 19, 1979 in Book 135, Page 919, Fairbanks Recording District (Tax Lot 2131).

AFTER RECORDING PLEASE RETURN TO:

State of Alaska  
Department of Natural Resources  
Division of Mining Land & Water  
Realty Services Section  
550 W 7<sup>th</sup> Ave. Suite 1050a  
Anchorage AK 99502



CONSERVATION EASEMENT

Fairbanks Recording District

This Conservation Easement is made this 9 day of October, 2003 by Roger McPeak, P.O. Box 58076, Fairbanks, Alaska 99711 ("Grantor"), and the State of Alaska, Department of Natural Resources, Division of Mining, Land and Water, Realty Services Section, 550 West 7<sup>th</sup> Ave., Ste.1050, Anchorage AK 99501-3579 ("State" or "Grantee"), to convey an interest in the property described below. This Conservation Easement is authorized under the Uniform Conservation Easement Act, Alaska Statute 34.17.010 - 34.17.060, and under common law.

RECITALS:

1. Grantor is the owner in fee simple of the tract or parcel of land (hereinafter "the Property") situated within:

That part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Twenty-One (21), Township One (1) South, Range One (1) East, Fairbanks Meridian, more fully described in the Warranty Deed dated January 15, 1979, from Carl Pederson, Grantor, to Roger G. McPeak, Grantee, recorded January 19, 1979 in Book 135, Page 919, Fairbanks Recording District (Tax Lot 2131).

2. Past use of the Property caused groundwater and soil contamination from hazardous substances, including lead and polychlorinated biphenyls (PCBs). The Property is listed on the United States Environmental Protection Agency's (EPA's) National Priorities List as the Arctic Surplus Superfund Site. EPA has issued a 1995 Record of Decision (ROD) and 2003 Explanation of Significant Differences (ESD) for environmental cleanup of the Property.

3. Cleanup activities were conducted to prevent exposure to and migration of contaminants in the soil and groundwater. The cleanup was based on industrial and commercial land use only. Because of remaining levels of lead and PCB contamination and a low risk that ordnance and explosive waste remain on the Property, residential use is not allowed. Institutional controls are required in order to provide long-term maintenance, sampling and repair of the remedy, to restrict land use that could damage the remedy or cause human exposure to contaminants, and to inform future owners of the cleanup remedy and restrictions.

4. The purpose of this easement is to place institutional controls on the Property through a Conservation Easement under the Uniform Conservation Easement Act and common law, to grant the easement to the State and a third party right of enforcement (including access) to the United States in order to protect and maintain the cleanup remedy, to protect natural resources, water quality and the environment, and to protect human health and safety.



2 of 6

2004-023882-0

The United States, through the Environmental Protection Agency, under its third party right of enforcement will be responsible for oversight of the remedy including enforcement of the prohibited and required activities contained in this easement. Nothing herein limits the State's authority to enforce this Conservation Easement.

PROHIBITED ACTIVITIES:

5. Unless otherwise specifically authorized in writing by the United States, through the Environmental Protection Agency (EPA), the following listed activities are prohibited:

- a. Damaging or interfering with groundwater monitoring wells or other structures or systems designed to monitor groundwater contamination.
- b. Placing wells and using groundwater for drinking water, dewatering, or other uses, unless approved in writing. This prohibition does not apply to wells used to monitor contamination.
- c. Transporting soil off-site, unless approved in writing. This does not prohibit using the Property for commercial or industrial purposes that do not cause a risk of exposure to contaminants or a health and safety risk.
- d. Residential or agricultural use or similar uses causing exposure to contaminants, such as daycare or school facilities, or other residency-type use. These limitations exist as long as contamination exceeds levels allowed by State or Federal law for residential use, or unless approved in writing.

REQUIRED ACTIVITIES:

6. Unless otherwise specifically authorized in writing by EPA, the following listed activities are required:

- a. Giving notice to EPA within a reasonable time that restricted activities have occurred or are occurring.
- b. Notifying local authorities (Fairbanks North Star Borough, Department of Emergency Operations (907)459-1481 or Alaska State Troopers (907) 451-5100) if ordnance-related material is discovered.
- c. Including the following language in any Instrument conveying an interest in the Property:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A CONSERVATION EASEMENT, DATED \_\_\_\_\_, RECORDED IN THE PUBLIC LAND RECORDS ON (date), IN BOOK \_\_\_\_, PAGE \_\_\_\_, IN FAVOR OF THE STATE OF ALASKA, AND WITH A THIRD-PARTY RIGHT OF ENFORCEMENT GRANTED TO THE UNITED STATES AND ITS AUTHORIZED REPRESENTATIVES.

d. Granting access during reasonable hours (or if there is an emergency or incident that could damage the cleanup remedy) to authorized representatives of the State and the United States. This right of entry is granted for the following purposes: monitoring, maintaining and repairing wells and the soil remedy; responding to



reports of ordnance and explosive waste; and investigating violations and enforcement of the restrictions listed above.

GENERAL PROVISIONS:

7. This Conservation Easement is for the benefit of the Grantee and conveys to the State, acting through its agencies and authorized representatives, this easement. It also conveys a third party right of enforcement to the United States.

8. This Conservation Easement shall apply to the real property described above and to any grant or other property interest given that covers or describes the Property or any part of the Property. By accepting a grant, lease or any other property interest, each grantee, lessee, or party accepting a property interest (and each of their heirs, successors, transferees or assignees) agrees with Grantors and each other to be bound by the provisions of this Conservation Easement.

9. This Conservation Easement shall run with the land in perpetuity and is binding upon Grantor, and his heirs, successors, and assigns. Following EPA's written notification that the provisions herein are no longer required by EPA to protect human health and the environment, the State may terminate the Conservation Easement by recording a Release of Conservation Easement.

10. Grantor hereby covenants that he is lawfully seized of the Property, in fee simple, has good and lawful right and power to convey the same, and will warrant and defend the Conservation Easement.

11. This Conservation Easement shall be interpreted and governed by the laws of the State of Alaska. Any ambiguities shall be construed to accomplish the purpose for which the Conservation Easement was granted. A determination that any provision or application to any person or circumstance is invalid shall not affect any other provision or application.

12. These provisions shall not be waived due to non-enforcement, violation, or breach of any provision.

13. Prior to granting any approvals under the Conservation Easement, EPA shall consult with the Alaska Department of Environmental Conservation to ensure compliance with applicable state statutes.

14. Required notices shall be in writing and be shall hand carried or sent by first class mail (unless otherwise agreed by the Parties) to the following addresses:

To Grantors:  
Roger McPeak  
P.O. Box 58076  
Fairbanks, AK 99709

To Grantee:  
Dept. of Natural Resources  
Div. of Mining, Land & Water  
Realty Services Section  
550 W.7<sup>th</sup> Ave., Ste. 1050  
Anchorage, AK 99501-3579



4 of 6

2004-023882-0

To the United States:  
 Director, Office of Environmental Cleanup  
 United States Environmental Protection Agency  
 Region 10  
 1200 Sixth Avenue  
 Seattle, WA 98101

In addition, the owner of the Property shall serve a copy of this Instrument either personally or by first class mail (certified with return receipt) to all persons, if any, holding a financial interest in the Property.

IN WITNESS THEREOF Grantor and Grantee have set their hand on this 9 day of October, 2003.

SIGNATURE: Roger McPeak  
Grantor

GRANTOR'S ACKNOWLEDGMENT: (notary) Veronica L. Garrison

NOTARY PUBLIC  
 Veronica L. Garrison  
 STATE OF ALASKA  
 My Commission Expires: 7/4/06

ACCEPTANCE

Pursuant to AS 38.05.035(a)(12), the State of Alaska hereby accepts this CONSERVATION EASEMENT conveying to the State of Alaska, its successors in administrative function and assigns, the interest in the Property described herein.

Dated: 9/27/04

STATE OF ALASKA  
 Department of Natural Resources

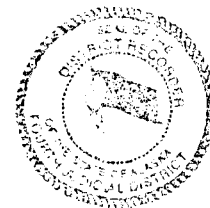
By: [Signature]  
 Director, Division of  
 Mining, Land & Water.



AFTER RECORDING RETURN TO:

State of Alaska, Department of Natural Resources  
Realty Services Section/State Selections  
550 West 7th Avenue, Suite 1050 A  
Anchorage, AK 99501-3579

United State of America )  
State of Alaska ) ss



THIS IS TO CERTIFY that the foregoing is a full, true and correct copy of the document as it appears in the records and files of my office.

IN THE WITNESS WHEREOF I have hereto set my hand and have affixed my official seal at Fairbanks, Alaska.  
this 12 day of July, 2004.  
by Heidi M. Dume  
Recorder II



**2004-023883-0**Recording Dist: 401 - Fairbanks  
10/21/2004 11:23 AM Pages: 1 of 5A  
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Conservation Easement  
Fairbanks Recording District  
Parcel IIIa

Please record this document

Grantor: Rodger McPeak and Betty McPeak

Grantee: State of Alaska, Department of Natural Resources, Division of Mining Land & Water, Realty Services Section.

Legal:

That part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Twenty-One (21), Township One (1) South, Range One (1) East, Fairbanks Meridian, more fully described under Parcel I in the Warranty Deed dated August 24, 1976, from Carl Pederson and Mabel Pederson, Grantors, to Rodger G. McPeak and Betty McPeak, Grantees, recorded October 8, 1976 in Book 53, Page 891, Fairbanks Recording District (Parcel I). (Tax Lot 2112)

AFTER RECORDING PLEASE RETURN TO:

State of Alaska  
Department of Natural Resources  
Division of Mining Land & Water  
Realty Services Section  
550 W 7<sup>th</sup> Ave. Suite 1050a  
Anchorage AK 99502

CONSERVATION EASEMENT

Fairbanks Recording District

This Conservation Easement is made this 9 day of October, 2003 by Roger McPeak and Betty McPeak, P.O. Box 58076, Fairbanks, Alaska 99711 ("Grantors"), and the State of Alaska, Department of Natural Resources, Division of Mining, Land and Water, Realty Services Section, 550 West 7<sup>th</sup> Ave., Ste.1050, Anchorage AK 99501-3579) ("State" or "Grantee"), to convey an interest in the property described below. This Conservation Easement is authorized under the Uniform Conservation Easement Act, Alaska Statute 34.17.010 - 34.17.060, and under common law.

RECITALS:

1. Grantors are the owner in fee simple of the tract or parcel of land (hereinafter "the Property") situated within:

That part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Twenty-One (21), Township One (1) South, Range One (1) East, Fairbanks Meridian, more fully described under Parcel I in the Warranty Deed dated August 24, 1976, from Carl Pederson and Mabel Pederson, Grantors, to Roger G. McPeak and Betty McPeak, Grantees, recorded October 8, 1976 in Book 53, Page 891, Fairbanks Recording District (Parcel I). (Tax lot 2112.)

2. Past use of the Property caused groundwater and soil contamination from hazardous substances, including lead and polychlorinated biphenyls (PCBs). The Property is listed on the United States Environmental Protection Agency's (EPA's) National Priorities List as the Arctic Surplus Superfund Site. EPA has issued a 1995 Record of Decision (ROD) and 2003 Explanation of Significant Differences (ESD) for environmental cleanup of the Property.

3. Cleanup activities were conducted to prevent exposure to and migration of contaminants in the soil and groundwater. The cleanup was based on industrial and commercial land use only. Because of remaining levels of lead and PCB contamination and a low risk that ordnance and explosive waste remain on the Property, residential use is not allowed. Institutional controls are required in order to provide long-term maintenance, sampling and repair of the remedy, to restrict land use that could damage the remedy or cause human exposure to contaminants, and to inform future owners of the cleanup remedy and restrictions.

4. The purpose of this easement is to place institutional controls on the Property through a Conservation Easement under the Uniform Conservation Easement Act and common law, to grant the easement to the State and a third party right of enforcement (including access) to the United States in order to protect and maintain the cleanup remedy, to



protect natural resources, water quality and the environment, and to protect human health and safety.

The United States, through the Environmental Protection Agency, under its third party right of enforcement will be responsible for oversight of the remedy including enforcement of the prohibited and required activities contained in this easement. Nothing herein limits the State's authority to enforce this Conservation Easement.

PROHIBITED ACTIVITIES:

5. Unless otherwise specifically authorized in writing by the United States, through the Environmental Protection Agency (EPA), the following listed activities are prohibited:
- a. Damaging or interfering with groundwater monitoring wells or other structures or systems designed to monitor groundwater contamination.
  - b. Placing wells and using groundwater for drinking water, dewatering, or other uses, unless approved in writing. This prohibition does not apply to wells used to monitor contamination.
  - c. Transporting soil off-site, unless approved in writing. This does not prohibit using the Property for commercial or industrial purposes that do not cause a risk of exposure to contaminants or a health and safety risk.
  - d. Residential or agricultural use or similar uses causing exposure to contaminants, such as daycare or school facilities, or other residency-type use. These limitations exist as long as contamination exceeds levels allowed by State or Federal law for residential use, or unless approved in writing.

REQUIRED ACTIVITIES:

6. Unless otherwise specifically authorized in writing by EPA, the following listed activities are required:
- a. Giving notice to EPA within a reasonable time that restricted activities have occurred or are occurring.
  - b. Notifying local authorities (Fairbanks North Star Borough, Department of Emergency Operations (907)459-1481 or Alaska State Troopers (907) 451-5100) if ordnance-related material is discovered.
  - c. Including the following language in any Instrument conveying an interest in the Property:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A CONSERVATION EASEMENT, DATED \_\_\_\_\_, RECORDED IN THE PUBLIC LAND RECORDS ON (date), IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, IN FAVOR OF THE STATE OF ALASKA, AND WITH A THIRD-PARTY RIGHT OF ENFORCEMENT GRANTED TO THE UNITED STATES AND ITS AUTHORIZED REPRESENTATIVES.

- d. Granting access during reasonable hours (or if there is an emergency or incident that could damage the cleanup remedy) to authorized representatives of the State and the United States. This





right of entry is granted for the following purposes: monitoring, maintaining and repairing wells and the soil remedy; responding to reports of ordnance and explosive waste; and investigating violations and enforcement of the restrictions listed above.

GENERAL PROVISIONS:

7. This Conservation Easement is for the benefit of the Grantee and conveys to the State, acting through its agencies and authorized representatives, this easement. It also conveys a third party right of enforcement to the United States.

8. This Conservation Easement shall apply to the real property described above and to any grant or other property interest given that covers or describes the Property or any part of the Property. By accepting a grant, lease or any other property interest, each grantee, lessee, or party accepting a property interest (and each of their heirs, successors, transferees or assignees) agrees with Grantors and each other to be bound by the provisions of this Conservation Easement.

9. This Conservation Easement shall run with the land in perpetuity and is binding upon Grantors, and their heirs, successors, and assigns. Following EPA's written notification that the provisions herein are no longer required by EPA to protect human health and the environment, the State may terminate the Conservation Easement by recording a Release of Conservation Easement.

10. Grantors hereby covenant that they are lawfully seized of the Property, in fee simple, have good and lawful right and power to convey the same, and will warrant and defend the Conservation Easement.

11. This Conservation Easement shall be interpreted and governed by the laws of the State of Alaska. Any ambiguities shall be construed to accomplish the purpose for which the Conservation Easement was granted. A determination that any provision or application to any person or circumstance is invalid shall not affect any other provision or application.

12. These provisions shall not be waived due to non-enforcement, violation, or breach of any provision.

13. Prior to granting any approvals under the Conservation Easement, EPA shall consult with the Alaska Department of Environmental Conservation to ensure compliance with applicable state statutes.

14. Required notices shall be in writing and be shall hand carried or sent by first class mail (unless otherwise agreed by the Parties) to the following addresses:

To Grantors:

To Grantee:



Roger McPeak  
Betty McPeak  
P.O. Box 58076  
Fairbanks, AK 99709

Dept. of Natural Resources  
Div. of Mining, Land & Water  
Realty Services Section  
550 W.7<sup>th</sup> Ave., Ste. 1050  
Anchorage, AK 99501-3579

To the United States:  
Director, Office of Environmental Cleanup  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

In addition, the owners of the Property shall serve a copy of this Instrument either personally or by first class mail (certified with return receipt) to all persons, if any, holding a financial interest in the Property.

IN WITNESS THEREOF Grantors and Grantee have set their hand on this 9 day of October, 2003.

SIGNATURE: Roger McPeak  
Grantor

SIGNATURE: Betty McPeak  
Grantor

GRANTOR'S ACKNOWLEDGMENT: (notary) Veronica L. Garrison

NOTARY PUBLIC  
Veronica L. Garrison  
STATE OF ALASKA  
My Commission Expires: 7/14/06

ACCEPTANCE

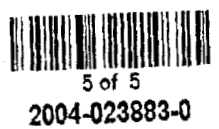
Pursuant to AS 38.05.035(a)(12), the State of Alaska hereby accepts this CONSERVATION EASEMENT conveying to the State of Alaska, its successors in administrative function and assigns, the interest in the Property described herein.

Dated: 9/27/04

STATE OF ALASKA  
Department of Natural Resources  
By: [Signature]  
Director, Division of  
Mining, Land & Water.

AFTER RECORDING RETURN TO:

State of Alaska, Department of Natural Resources  
Realty Services Section/State Selections  
550 West 7th Avenue, Suite 1050 A  
Anchorage, AK 99501-3579



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2004-023884-0

Recording Dist: 401 - Fairbanks  
10/21/2004 11:23 AM Pages: 1 of 5

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Conservation Easement  
Fairbanks Recording District  
Parcel IIIb

Please record this document

Grantor: Rodger McPeak and Betty McPeak

Grantee: State of Alaska, Department of Natural Resources, Division of Mining Land & Water, Realty Services Section.

Legal:

That part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Twenty-One (21), Township One (1) South, Range One (1) East, Fairbanks Meridian, more fully described under Parcel III in the Warranty Deed dated August 24, 1976, from Carl Pederson and Mabel Pederson, Grantors, to Rodger G. McPeak and Betty McPeak, Grantees, recorded October 8, 1976 in Book 53, Page 891, Fairbanks Recording District (Parcel III). (Tax Lot 2113.)

AFTER RECORDING PLEASE RETURN TO:

State of Alaska  
Department of Natural Resources  
Division of Mining Land & Water  
Realty Services Section  
550 W 7<sup>th</sup> Ave. Suite 1050a  
Anchorage AK 99502

CONSERVATION EASEMENT

Fairbanks Recording District

This Conservation Easement is made this 9 day of October, 2003 by Roger McPeak and Betty McPeak, P.O. Box 58076, Fairbanks, Alaska 99711 ("Grantors"), and the State of Alaska, Department of Natural Resources, Division of Mining, Land and Water, Realty Services Section, 550 West 7<sup>th</sup> Ave., Ste.1050, Anchorage AK 99501-3579 ("State" or "Grantee"), to convey an interest in the property described below. This Conservation Easement is authorized under the Uniform Conservation Easement Act, Alaska Statute 34.17.010 - 34.17.060, and under common law.

RECITALS:

1. Grantors are the owner in fee simple of the tract or parcel of land (hereinafter "the Property") situated within:

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2. Past use of the Property caused groundwater and soil contamination from hazardous substances, including lead and polychlorinated biphenyls (PCBs). The Property is listed on the United States Environmental Protection Agency's (EPA's) National Priorities List as the Arctic Surplus Superfund Site. EPA has issued a 1995 Record of Decision (ROD) and 2003 Explanation of Significant Differences (ESD) for environmental cleanup of the Property.

3. Cleanup activities were conducted to prevent exposure to and migration of contaminants in the soil and groundwater. The cleanup was based on industrial and commercial land use only. Because of remaining levels of lead and PCB contamination and a low risk that ordnance and explosive waste remain on the Property, residential use is not allowed. Institutional controls are required in order to provide long-term maintenance, sampling and repair of the remedy, to restrict land use that could damage the remedy or cause human exposure to contaminants, and to inform future owners of the cleanup remedy and restrictions.

4. The purpose of this easement is to place institutional controls on the Property through a Conservation Easement under the Uniform Conservation Easement Act and common law, to grant the easement to the State and a third party right of enforcement (including access) to the United States in order to protect and maintain the cleanup remedy, to



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protect natural resources, water quality and the environment, and to protect human health and safety.

The United States, through the Environmental Protection Agency, under its third party right of enforcement will be responsible for oversight of the remedy including enforcement of the prohibited and required activities contained in this easement. Nothing herein limits the State's authority to enforce this Conservation Easement.

PROHIBITED ACTIVITIES:

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NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A CONSERVATION EASEMENT, DATED \_\_\_\_\_, RECORDED IN THE PUBLIC LAND RECORDS ON (date), IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, IN FAVOR OF THE STATE OF ALASKA, AND WITH A THIRD-PARTY RIGHT OF ENFORCEMENT GRANTED TO THE UNITED STATES AND ITS AUTHORIZED REPRESENTATIVES.

- d. Granting access during reasonable hours (or if there is an emergency or incident that could damage the cleanup remedy) to authorized representatives of the State and the United States. This



right of entry is granted for the following purposes: monitoring, maintaining and repairing wells and the soil remedy; responding to reports of ordnance and explosive waste; and investigating violations and enforcement of the restrictions listed above.

GENERAL PROVISIONS:

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To Grantors:

To Grantee:



4 of 5

2004-023884-0

Roger McPeak  
Betty McPeak  
P.O. Box 58076  
Fairbanks, AK 99709

Dept. of Natural Resources  
Div. of Mining, Land & Water  
Realty Services Section  
550 W.7<sup>th</sup> Ave., Ste. 1050  
Anchorage, AK 99501-3579

To the United States:  
Director, Office of Environmental Cleanup  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

In addition, the owners of the Property shall serve a copy of this Instrument either personally or by first class mail (certified with return receipt) to all persons, if any, holding a financial interest in the Property.

IN WITNESS THEREOF Grantors and Grantee have set their hand on this 9<sup>th</sup> day of October, 2003.

SIGNATURE: Roger McPeak  
Grantor

SIGNATURE: Betty McPeak  
Grantor

GRANTOR'S ACKNOWLEDGMENT: (notary) Veronica L. Garrison

NOTARY PUBLIC  
Veronica L. Garrison  
STATE OF ALASKA  
My Commission Expires: 7/4/06 ACCEPTANCE

Pursuant to AS 38.05.035(a)(12), the State of Alaska hereby accepts this CONSERVATION EASEMENT conveying to the State of Alaska, its successors in administrative function and assigns, the interest in the Property described herein.

Dated: 9/27/04

STATE OF ALASKA  
Department of Natural Resources  
By: [Signature]  
Director, Division of  
Mining, Land & Water.

State of Alaska, Department of Natural Resources  
Realty Services Section/State Selections  
550 West 7th Avenue, Suite 1050 A  
Anchorage, AK 99501-3579



2004-023885-0

Recording Dist: 401 - Fairbanks

10/21/2004 11:23 AM Pages: 1 of 6

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Conservation Easement  
Fairbanks Recording District  
Parcel IV

Please record this document

Grantor: Roger McPeak

Grantee: State of Alaska, Department of Natural Resources, Division of Mining Land & Water, Realty Services Section.

Legal:

The part of the East One Half (E1/2) of the Southwest Quarter (SW 1/4) of Section Twenty-One (21), Township One (1) South, Range One (1) East, Fairbanks Meridian, more fully described in the Warranty Deed dated January 14, 1977, from Clotilda Hilbish, Shirley Ann Legarza, and Ronald Gene Hilbish, Grantors, to Roger Mc Peak, Grantee, recorded February 2, 1977, in Book 62, Page 859, Fairbanks Recording District. (Tax Lot 2111).

AFTER RECORDING PLEASE RETURN TO:

State of Alaska  
Department of Natural Resources  
Division of Mining Land & Water  
Realty Services Section  
550 W 7<sup>th</sup> Ave. Suite 1050a  
Anchorage AK 99502



CONSERVATION EASEMENT

Fairbanks Recording District

This Conservation Easement is made this 9 day of October, 2003 by Roger McPeak, P.O. Box 58076, Fairbanks, Alaska 99711 ("Grantor"), and the State of Alaska, Department of Natural Resources, Division of Mining, Land and Water, Realty Services Section, 550 West 7<sup>th</sup> Ave., Ste.1050, Anchorage AK 99501-3579 ("State" or "Grantee"), to convey an interest in the property described below. This Conservation Easement is authorized under the Uniform Conservation Easement Act, Alaska Statute 34.17.010 - 34.17.060, and under common law.

RECITALS:

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The United States, through the Environmental Protection Agency, under its third party right of enforcement will be responsible for oversight of the remedy including enforcement of the prohibited and required



activities contained in this easement. Nothing herein limits the State's authority to enforce this Conservation Easement.

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NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A CONSERVATION EASEMENT, DATED \_\_\_\_\_, RECORDED IN THE PUBLIC LAND RECORDS ON (date), IN BOOK \_\_\_\_, PAGE \_\_\_\_, IN FAVOR OF THE STATE OF ALASKA, AND WITH A THIRD-PARTY RIGHT OF ENFORCEMENT GRANTED TO THE UNITED STATES AND ITS AUTHORIZED REPRESENTATIVES.

- d. Granting access during reasonable hours (or if there is an emergency or incident that could damage the cleanup remedy) to authorized representatives of the State and the United States. This right of entry is granted for the following purposes: monitoring, maintaining and repairing wells and the soil remedy; responding to reports of ordnance and explosive waste; and investigating violations and enforcement of the restrictions listed above.

GENERAL PROVISIONS:



7. This Conservation Easement is for the benefit of the Grantee and conveys to the State, acting through its agencies and authorized representatives, this easement. It also conveys a third party right of enforcement to the United States.

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10. Grantor hereby covenants that he is lawfully seized of the Property, in fee simple, has good and lawful right and power to convey the same, and will warrant and defend the Conservation Easement.

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To Grantors:

Roger McPeak  
P.O. Box 58076  
Fairbanks, AK 99709

To Grantee:

Dept. of Natural Resources  
Div. of Mining, Land & Water  
Realty Services Section  
550 W.7<sup>th</sup> Ave., Ste. 1050  
Anchorage, AK 99501-3579

To the United States:

Director, Office of Environmental Cleanup  
United States Environmental Protection Agency  
Region 10



4 of 6

2004-023886-0

1200 Sixth Avenue  
Seattle, WA 98101

In addition, the owner of the Property shall serve a copy of this Instrument either personally or by first class mail (certified with return receipt) to all persons, if any, holding a financial interest in the Property.

IN WITNESS THEREOF Grantor and Grantee have set their hand on this 9<sup>th</sup> day of October, 2003.

SIGNATURE: Roger McBeal  
Grantor

GRANTOR'S ACKNOWLEDGMENT: (notary) Veronica L. Garrison

NOTARY PUBLIC  
Veronica L. Garrison  
STATE OF ALASKA  
My Commission Expires: 7/4/04

ACCEPTANCE

Pursuant to AS 38.05.035(a)(12), the State of Alaska hereby accepts this CONSERVATION EASEMENT conveying to the State of Alaska, its successors in administrative function and assigns, the interest in the Property described herein.

Dated: 9/27/04

STATE OF ALASKA  
Department of Natural Resources  
By: [Signature]  
Director, Division of  
Mining, Land & Water.



AFTER RECORDING RETURN TO:

State of Alaska, Department of Natural Resources  
Realty Services Section/State Selections  
550 West 7th Avenue, Suite 1050 A  
Anchorage, AK 99501-3579



United State of America )  
State of Alaska ) ss

THIS IS TO CERTIFY that the foregoing is a full, true and correct copy of the document as it appears in the records and files of my office.

IN THE WITNESS WHEREOF I have hereto set my hand and have affixed my official seal at Fairbanks, Alaska.  
this 12 day of Nov, 2004.  
by Tina M. Palmer  
Recorder II



2004-024000-0

Recording Dist: 401 - Fairbanks

10/22/2004 12:24 PM Pages: 1 of 7

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L  
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S  
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Conservation Easement  
Fairbanks Recording District  
Parcel I

Please record this document

Grantor: Carl Pederson

Grantee: State of Alaska, Department of Natural Resources, Division of Mining Land & Water, Realty Services Section.

Legal:

That part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Twenty-One (21), Township One (1) South, Range One (1) East, Fairbanks Meridian (parcel I) and within the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section Twenty-One (21), Township One (1) South, Range One (1) East, Fairbanks Meridian (Western 100 Feet Strip), as described in the Deed in Lieu of Foreclosure, Book 501, Page 478, recorded on October 16, 1986, Fairbanks Recording District.

AFTER RECORDING PLEASE RETURN TO:

State of Alaska  
Department of Natural Resources  
Division of Mining Land & Water  
Realty Services Section  
550 W 7<sup>th</sup> Ave. Suite 1050a  
Anchorage AK 99502

CONSERVATION EASEMENT

Fairbanks Recording District

This Conservation Easement is made this 9 day of October, 2003 by Carl Pederson, P.O. Box 1229, Fairbanks, Alaska, ("Grantor") and the State of Alaska, Department of Natural Resources, Division of Mining, Land and Water, Realty Services Section, 550 West 7<sup>th</sup> Ave., Ste.1050, Anchorage AK 99501-3579) ("State" or "Grantee"), to convey an interest in the property described below. This Conservation Easement is authorized under the Uniform Conservation Easement Act, Alaska Statute 34.17.010 - 34.17.060, and under common law.

RECITALS:

1. Grantor is the owner in fee simple of the tract or parcel of land ("Property") situated within the Northwest 1/4 of the Southwest 1/4 of Section Twenty-one, Township One South, Range One East, Fairbanks Meridian (Parcel I) and within the Northeast Quarter of the Southwest Quarter of Section Twenty-One, Township One South, Range One East, Fairbanks Meridian (Western 100 Feet Strip), as described in the Deed in Lieu of Foreclosure, Book 501, Page 478, recorded on October 16, 1986, Fairbanks Recording District.
2. Past use of the Property caused groundwater and soil contamination from hazardous substances, including lead and polychlorinated biphenyls (PCBs). There is an old military landfill on the property. The Property is listed on the United States Environmental Protection Agency's (EPA's) National Priorities List as the Arctic Surplus Superfund Site. EPA has issued a 1995 Record of Decision (ROD) and 2003 Explanation of Significant Differences (ESD) for environmental cleanup of the Property.
3. Cleanup activities were conducted to prevent exposure to and migration of contaminants in the soil and groundwater. The cleanup was based on industrial and commercial land use only. A cover system was placed over the landfill. Because of remaining levels of lead and PCB contamination and a low risk that ordnance and explosive waste remain on the Property, residential use is not allowed. Institutional controls are required in order to provide long-term maintenance, sampling and repair of the remedy, to restrict land use that could damage the remedy or cause human exposure to contaminants, and to inform future owners of the cleanup remedy and restrictions.
4. The purpose of this easement is to place institutional controls on the Property through a Conservation Easement under the Uniform Conservation Easement Act and common law, to grant the easement to the State and a third party right of enforcement (including access) to the United States in order to protect and maintain the cleanup remedy, to protect natural resources, water quality and the environment, and to protect human health and safety.

The United States, through the Environmental Protection Agency, under its third party right of enforcement will be responsible for oversight of the remedy including enforcement of the prohibited and required activities contained in this easement. Nothing herein limits the State's authority to enforce this Conservation Easement.



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2004-024000-0

PROHIBITED ACTIVITIES:

5. Unless otherwise specifically authorized in writing by the United States, through the Environmental Protection Agency (EPA), the following listed activities are prohibited:
- a. Damaging or interfering with the cleanup remedy over the landfill area, including digging, drilling, or use that might penetrate, damage or interfere with the landfill cover system, the fence, or drainage systems, and any activity exceeding the operating limitations described in the attached operation and maintenance requirements for the landfill cover system.
  - b. Damaging or interfering with groundwater monitoring wells or other structures or systems designed to monitor groundwater contamination.
  - c. Placing wells and using groundwater for drinking water, dewatering, or other uses, unless approved in writing. This prohibition does not apply to wells used to monitor contamination.
  - d. Digging or moving soil that creates additional exposure to contaminants or an environmental or health and safety risk, and transporting soil off-site, unless approved in writing. This does not prohibit using the Property for commercial or industrial purposes consistent with the attached operation and maintenance requirements for the landfill cover system.
  - e. Residential or agricultural use or similar uses causing exposure to contaminants, such as daycare or school facilities, or other residency-type use. Except for deep-rooted plants, plantings for erosion control and non-consumable plantings outside the restricted landfill area are allowed. These limitations exist as long as contamination exceeds levels allowed by State or Federal law for residential use, or unless approved in writing.
  - f. Attached signs will be posted on 4 sides on soil containment cell fence.

WARNING  
DO NOT DISTURB OR DIG IN FENCED AREA  
TREATED HAZARDOUS WASTE SOIL  
PRESENT BELOW ASPHALT  
For Information Contact State of Alaska  
Department Of Environmental Conservation  
(907) 451-2360  
or  
United States Environmental Protection Agency  
1-800-424-4272

Sign dimensions 24"x24"  
Capital Letters 2"  
All other letters and numbers 1"  
White background with Red letters



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2004-024000-0



REQUIRED ACTIVITIES:

6. Unless otherwise specifically authorized in writing by EPA, the following listed activities are required:

- a. Giving notice to EPA within a reasonable time that restricted activities have occurred or are occurring.
- b. Notifying local authorities (Fairbanks North Star Borough, Department of Emergency Operations (907)459-1481 or Alaska State Troopers (907) 451-5100) if ordnance-related material is discovered.
- c. Including the following language in any Instrument conveying an interest in the Property:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A CONSERVATION EASEMENT, DATED \_\_\_\_\_, RECORDED IN THE PUBLIC LAND RECORDS ON \_\_\_\_\_, IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, IN FAVOR OF THE STATE OF ALASKA, AND WITH A THIRD-PARTY RIGHT OF ENFORCEMENT GRANTED TO THE UNITED STATES AND ITS AUTHORIZED REPRESENTATIVES.

- d. Granting access during reasonable hours (or if there is an emergency or incident that could damage the cleanup remedy) to authorized representatives of the State and the United States. This right of entry is granted for the following purposes: maintaining the landfill cover system remedy; monitoring, maintaining and repairing wells and the soil remedy; responding to reports of ordnance and explosive waste; and investigating violations and enforcement of the restrictions listed above.

GENERAL PROVISIONS:

7. This Conservation Easement is for the benefit of the Grantee and conveys to the State, acting through its agencies and authorized representatives, this easement. It also conveys a third party right of enforcement to the United States.
8. This Conservation Easement shall apply to the real property described above and to any grant or other property interest given that covers or describes the Property or any part of the Property. By accepting a grant, lease or any other property interest, each grantee, lessee, or party accepting a property interest (and each of their heirs, successors, transferees or assignees) agrees with Grantor and each other to be bound by the provisions of this Conservation Easement.
9. This Conservation Easement shall run with the land in perpetuity and is binding upon Grantor, and his heirs, successors, and assigns. Following EPA's written notification that the provisions herein are no longer required by EPA to protect human health and the environment, the State may terminate the Conservation Easement by recording a Release of Conservation Easement.
10. Grantor hereby covenants that he is lawfully seized of the Property, in fee simple, has good and lawful right and power to convey the same, and will warrant and defend the Conservation Easement.



11. This Conservation Easement shall be interpreted and governed by the laws of the State of Alaska. Any ambiguities shall be construed to accomplish the purpose for which the Conservation Easement was granted. A determination that any provision or application to any person or circumstance is invalid shall not affect any other provision or application.

12. These provisions shall not be waived due to non-enforcement, violation, or breach of any provision.

13. Prior to granting any approvals under the Conservation Easement, EPA shall consult with the Alaska Department of Environmental Conservation to ensure compliance with applicable state statutes.

14. Required notices shall be in writing and be shall hand carried or sent by first class mail (unless otherwise agreed by the Parties) to the following addresses:

To Grantor:  
Carl Pederson  
P.O. Box 1229  
Fairbanks, AK 99709

To Grantee:  
Dept. of Natural Resources  
Div. of Mining, Land & Water  
Realty Services Section  
550 W. 7<sup>th</sup> Ave., Ste. 1050  
Anchorage, AK 99501-3579

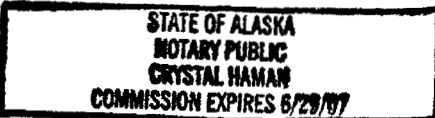
To the United States:  
Director, Office of Environmental Cleanup  
United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

In addition, the owner of the Property shall serve a copy of this Instrument either personally or by first class mail (certified with return receipt) to all persons, if any, holding a financial interest in the Property.

IN WITNESS THEREOF Grantor and Grantee have set their hand on this 9 day of October, 2003.

SIGNATURE: Carl M Pederson  
Grantor

The foregoing instrument was acknowledged before me by GRANTOR'S ACKNOWLEDGMENT: (notary) Carl M. Pederson.



ACCEPTANCE  
Crystal K. Haman

Pursuant to AS 38.05.035(a)(12), the State of Alaska hereby accepts this CONSERVATION EASEMENT conveying to the State of Alaska,

its successors in administrative function and assigns, the interest in the Property described herein.

Dated: 9/27/04

STATE OF ALASKA  
Department of Natural Resources

By: [Signature]  
Director, Division of  
Mining, Land & Water.

AFTER RECORDING RETURN TO:

State of Alaska, Department of Natural Resources  
Realty Services Section/State Selections  
550 West 7th Avenue, Suite 1050 A  
Anchorage, AK 99501-3579



BOOK 501

PAGE 0479

000044

PARCEL 1: A portion of the Northwest 1/4 of the Southwest 1/4 of Section Twenty-One (21), Township One (1) South, Range One (1) East, Fairbanks Meridian, described as follows:

BEGINNING at the Northeast corner of said Northwest One Quarter (NW 1/4) of Southwest One Quarter (SW 1/4); Thence South 0°(00) East along the East line of said 1/16 Section to an intersection of this line with the North limit of the Alaska Railroad right-of-way; Thence North 70°49' West along said railroad to its intersection with the Badger Road right-of-way; Thence in a northerly direction along the Badger Road right-of-way to its intersection with a line from the point of beginning, on a bearing of North 89°58' West; Thence along said line, to the point of beginning-

EXCEPT any portion lying within the 200 foot wide railroad right-of-way.

Situated in the Fairbanks Recording District, Fourth Judicial District, State of Alaska.

*TU  
2101*

WESTERN 100 FEET STRIP:

A parcel of land within the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Twenty-One (21), Township One (1) South, Range One (1) East, Fairbanks Meridian and being a portion of that parcel described in Deed Book 135, Page 910 recorded on January 19, 1979 in the Fairbanks Recording District, more particularly described as follows:

Beginning at the Northwest Corner of said Northeast Quarter (NE 1/4); Thence in a southerly direction along the west side line of said Northeast Quarter (NE 1/4) approximately 937 feet to the Northeast boundary of the Right-of-way of the Alaska Railroad;

Thence in a southeasterly direction along the Northeast boundary of said Right-of-way to a point 100 feet east of said West side line of said Northeast Quarter (NE 1/4) approximately 916.0 feet to a point on the northline of said Northeast Quarter (NE 1/4);

Thence West along the aforementioned northline 100 feet to the point of beginning.

85-23612

B-402

REC. 107

OCT 21 11 02 AM '85

REQUESTED BY

ADDRESS *WY2025*  
*Richard Cole*  
*1255 Airport Way*  
*Ft. Reliance, AK 99701*



**Attachment "C"**

National Priorities List

**U.S. Environmental Protection Agency**

000046

## National Priorities List

[Contact Us](#) | [Print Version](#) Search:  [EPA Home](#) > [Superfund](#) > [Sites](#) > [National Priorities List \(NPL\)](#) > [Locate NPL Sites](#) > [NPL Sites in the US](#) > [NPL Site Narrative for Arctic Surplus](#)[NPL Site Listing Process](#)[Locate NPL Sites](#)[NPL Site Status Information](#)[Current NPL Updates:](#)  
[New Proposed and New Final NPL Sites](#)[NPL Resources](#)  
[Basic Query](#)  
[Advanced Query](#)  
[NPL Sites in the US](#)  
[HRS Toolbox](#)  
[Federal Register Notices for NPL Updates](#)

# NPL Site Narrative for Arctic Surplus

## ARCTIC SURPLUS Fairbanks, Alaska

**Federal Register Notice:** [August 30, 1990](#)

**Conditions at proposal (October 26, 1989):** The Arctic Surplus Site covers 22 acres in the southeast part of Fairbanks, Alaska. The site is bounded to the north by a residential subdivision, to the south by the Alaska Railroad, to the west by Fort Wainwright, and to the east by low-density residential property. On-site are a variety of buildings, storage trailers, and discarded military equipment.

Salvage operations at the site were conducted from 1946 to 1976 by a number of parties, including the Department of Defense (DOD). Approximately 3,500 to 4,000 drums are visible on-site. They contain unknown quantities of various oils, fuels, and chemicals; many drums are leaking. Other wastes on-site include unknown quantities of asbestos rolls, batteries and battery acid that was drained onto the ground during battery recycling activities, and ash piles from incineration of transformer casings.

In September 1988, contractors for the Alaska Department of Environmental Conservation conducted a site inspection and detected significantly elevated levels of lead, zinc, PCBs, phenanthrene, pyrene, and copper in on-site soils. Ground water beneath the site is shallow and contains elevated levels of lead and zinc. Over 12,000 people obtain drinking water from wells within 3 miles of the site.

In May and June 1989, EPA emergency staff assessed the site to determine if a removal action was warranted. An inventory showed that approximately 1,700 drums contained liquids or sludges, some flammable or corrosive. Chlordane, a very toxic pesticide, was detected in soils at concentrations as high as

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320,000 parts per million.

EPA started a removal action in September 1989 to stabilize the site and to prevent unauthorized access. Leaking drums were overpacked, loose asbestos was stabilized, and a chainlink fence was erected. Additional activities are anticipated for the spring and summer of 1990.

**Status (August 30, 1990):** On April 17, 1990, EPA issued a CERCLA Consent Order to DOD to complete the necessary removal activities at the site. A second consent order with DOD, issued on June 21, 1990, calls for a removal action to address all surface and containerized contaminants. The work is scheduled to be completed in two phases, from July 31 through October 15, 1990 and from June 1991 through completion.

*[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination. See 56 FR 5600, February 11, 1991, or subsequent FR notices.]*

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[OSWER Home](#) | [Superfund Home](#) | [Innovative Technologies Home](#)

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[EPA Home](#) | [Privacy and Security Notice](#) | [Contact Us](#)

Last updated on Tuesday, October 21st, 2003  
URL: <http://www.epa.gov/superfund/sites/npl/nar1284.htm>

**Attachment "D"**

Explanation of Significant Differences from the  
Record of Decision September 1995



## EXPLANATION OF SIGNIFICANT DIFFERENCES

for the

## ARCTIC SURPLUS SUPERFUND SITE

Fairbanks, Alaska

From the

Record of Decision (ROD), September 1995

## I. INTRODUCTION

## A. Site Name and Location

Arctic Surplus Salvage Yard Site  
Fairbanks North Star Borough, Alaska

## B. Lead and Support Agencies

The lead agency for site clean up activities is the U.S. Environmental Protection Agency (EPA). The Alaska Department of Environmental Conservation (ADEC) is supporting EPA at this site.

## C. Explanation of Significant Differences

This document addresses a significant change to the Selected Remedy for soil contaminated with lead and polychlorinated biphenyls (PCBs) as defined in the Record of Decision (ROD), signed by the U.S. Environmental Protection Agency (EPA), Region 10, on September 28, 1995. This document provides an Explanation of Significant Differences (ESD) as required under Section 117c of CERCLA, and the National Contingency Plan (NCP), 40 C.F.R. Section 300.435(c)(2)(1).

## D. Circumstances Leading to the Changes to the ROD

Since the ROD was signed in 1995, additional site characterization and design data support the need to modify the ROD remedy. Specifically;

Recent site characterization studies indicate that: (1) the lead and PCB contamination in soil is largely commingled; (2) the volume of lead and PCB contaminated soil is less than originally estimated in the 1995-ROD; and (3)

the volume of soil containing PCB concentrations greater than 50 mg/kg (i.e., defined as "hot-spots" in the ROD) is significantly less than originally estimated in the 1995 ROD.

Recent engineering studies comparing the long-term performance of the ROD remedy cap and an alternative cover system suggest that the alternative cover consisting of a geosynthetic clay liner (GCL) is more resistant than the 2-foot thick compacted silt layer to cracks caused by freeze-thaw cycles and more cost-effective. In addition, policies regarding future use of Superfund sites have changed to encourage future reuse of the site where compatible with the remedy. This policy change has resulted in cap design changes that both encourage certain future land uses, such as; parking lots, storage yards, parks, and reduce long-term maintenance costs.

Summarized below are the post-ROD information that form the basis for the proposed changes to the 1995-ROD remedy.

#### E. Administrative Record

This ESD will become part of the Administrative Record for the Arctic Surplus Superfund Site, which is available to the public at the following location:

U.S. Environmental Protection Agency  
Record Center, 7th Floor  
1200 Sixth Avenue  
Seattle, Washington 98101

EPA has also created a local information repository containing the Administrative Record at the Defense Reutilization Material Office (DRMO) across the street from the site on Badger Road. This information repository contains the recent data discussed in this ESD and is available to the public.

#### F. Site Background

The Arctic Surplus Salvage Yard Superfund Site is located in Fairbanks North Star Borough, Alaska. It is a privately owned salvage yard located approximately five miles southeast from the City of Fairbanks. The site, which consists of several land parcels occupies approximately 24.5 acres and is bounded on the south by the Alaska Railroad and the Old Richardson Highway, on the west by Badger Road, on the north by private residences, and on the east by the a sand and gravel company. Figure 1 shows the location of the site.

The western portion of the site was owned and operated as a municipal landfill by the Department of Defense from 1944 to 1956. At closure, the landfill was capped with ash that was produced from a coal-fired power plant at Ladd Field (now Fort Wainwright). Following its sale by the Department of Defense to a private party in 1957, the site has been privately owned and operated as a military surplus goods storage, salvage, recycling, and disposal facility. Battery processing and transformer scrapping activities at the site contributed significantly to site contamination. Specific activities that have impacted the site include:

- Processing of lead-acid batteries to reclaim the lead;
- Draining oil from of transformers, some of which contained polychlorinated biphenyls (PCBs);
- Leaking fluids from salvaged mechanized equipment;
- Apparent use of transformer oils to fuel an incinerator, which in turn was used to burn or melt copper coils from transformers and lead from batteries;
- Accumulation of spent ordnance and explosives scrap, which may or may not have been properly demilitarized;
- Improper storage of oils, chemicals, containerized gases, and other hazardous materials, including bulk asbestos and asbestos-clad vessels; and,
- Frequent site traffic and movement of materials contributed to the distribution of contaminants across wide areas of the site.

In 1986, two representatives from the Department of the Army conducted a site walk-through in response to a complaint about stored waste material with military markings. The ADEC conducted a Preliminary Assessment in 1987 and a Site Inspection in 1989 in accordance with the CERCLA statutes and NCP regulations. The site was proposed for inclusion on the National Priorities List (NPL) on October 26, 1989, and was listed on August 30, 1990.

EPA carried out removal actions in 1989, and the U.S. Department of Defense, Defense Logistics Agency (DLA), conducted removal actions in 1990, 1991, and 1992 under a Removal Order with EPA. During 1989, the site was fenced, approximately 22,000 pounds of asbestos were removed, and approximately 75 gallons of chlordane were transported to off-site treatment and disposal facilities. During 1990, 1991, and 1992, more extensive removal actions included:

- Dismantling and secure storage of an incinerator and associated ash and soil;
- Removal of 1700 drums of liquid waste;
- Removal and disposal of approximately 13 cubic yards of PCB-contaminated soil;
- Removal and disposal of approximately 315 cubic yards of lead-contaminated soil from four of five "battery-cracking" areas; and,
- Removal and disposal of approximately 160 cubic yards of chlordane-contaminated soil from two areas.

The removal actions also included the removal of containerized waste, the removal of intact and broken battery casings, the draining and disposal of transformer oils, and the capping of specific areas of contaminated soils. These actions were taken to control site access, remove potential source material, and stabilize site conditions until the site could be more fully characterized and evaluated by a Remedial Investigation and Feasibility Study (RI/FS).

EPA sent notice letters to Potentially Responsible Parties (PRPs) on February 7, 1992, explaining their potential liability under CERCLA, requesting additional information, and seeking their input to the Superfund response actions at the site. On July 24, 1992, EPA and DLA entered into an Administrative Order on Consent (AOC) in which DLA agreed to implement the RI/FS. On November 4, 1992, EPA entered into an AOC with the Alaska Department of Transportation (ADOT) to clean up their Badger Road right-of-way adjacent to the site as part of the Badger Road improvement project. The other PRPs (land owners) chose not to participate in these actions. Both the RI/FS and the ADOT cleanup projects were completed by 1994. Having completed the RI/FS, EPA documented the selected remedy for the site in the September 28, 1995, ROD.

As part of the design of the proposed remedy, additional site characterization and engineering studies were conducted in September and October 2002. Results from these post-ROD studies led to the changes to the 1995-ROD remedy as discussed in more detail below.

#### G. Site Contamination

Based on the Remedial Investigation work performed in 1992 and 1993, several potential source areas remained after the removal actions, including:

- "Battery cracking" areas,
- Buried materials, including the old military landfill,
- Wide-spread lead and PCB soil contamination,
- Drum storage areas,
- Incinerator areas,
- Transformer processing areas, and
- Salvage and debris piles.

The pre-ROD site studies resulted in the identification of a wide range of contaminants at the site; including inorganic compounds, semivolatile and volatile organic compounds, PCBs, pesticides, dioxins, and furans. Of these contaminants, most have been detected only locally or in low concentrations at the site. According to the human health and environmental risk assessments completed for the ROD, lead and PCB contaminated soil are the primary concerns because of their higher concentrations and dispersion throughout the site. Trichloroethylene (TCE) was found in the groundwater in one on-site well above the maximum contaminant limit (MCL). TCE has not been found in any of the off-site monitoring wells.

Lead - Lead was identified in on-site surface soils especially in areas where battery processing is known to have occurred, or debris from battery processing was deposited. Highly contaminated soils were excavated and transported off site during removal actions. Lead has since been identified at concentrations above 400 mg/kg in surface soils over much of the western portion of the site. It has also been found at elevated levels in a limited number of samples of off-site soils, presumably transported by traffic, filling and grading, or particulate transport from wind and burning.

Polychlorinated Biphenyls (PCBs) – PCB-containing oils were found in old transformers, drums and oil-stained soils in several areas of the site. Free product was removed and heavily contaminated soils were excavated and removed from the site. Analyses of surface soils throughout much of the western part of the site have detected elevated levels of PCB in isolated locations in excess of 50 mg/kg. Historically, PCBs have also been detected in off-site surface soils to the west of the site. Presumably, contaminants were transported by traffic or filling and grading activities, which involved impacted soils. PCB-impacted off-site soils located immediately west of the property boundary were addressed by removal actions conducted by DOT that took place during the Badger Road expansion.

Trichloroethylene - was found above the drinking water MCL in one well in the northwest corner of the site. None of the other wells sampled on-site or off-site have had TCE concentrations above detection limits which are below the MCL value for TCE.

Therefore, as summarized in the 1995 ROD, the health and environmental risks posed by site soil contamination are: (1) direct contact with contaminants in surface soils, primarily lead and PCBs; and (2) leaching and contamination of groundwater which serves as a principal source of drinking water for the region.

## II. REMEDY SELECTED IN THE RECORD OF DECISION (ROD)

The overall objective of the remedial actions for the Arctic Surplus Site is to protect currently- and potentially-exposed humans by limiting direct contact with contaminants in site soils and contaminated groundwater while allowing future access to areas containing salvageable and recyclable material. Specific remedial action objectives (RAOs) stated in the 1995-ROD for site soils are:

- Prevent exposure by ingestion, inhalation, and dermal contact with contaminated soils and dust that would result in: excess lifetime carcinogenic risk above  $1 \times 10^{-5}$ ; noncarcinogenic HI above 1.0; or other health effects posed by exposure to lead in soil.
- Prevent migration of contaminants via soil erosion/surface water runoff, wind erosion, and infiltration/leaching of soil contaminants to groundwater.

The 1995 ROD established numerical cleanup goals for PCBs and lead in soil to meet the RAOs:

PCBs – 1 mg/kg outside the fenced area; 10 mg/kg inside the fenced area. These cleanup goals were based on PCB spill cleanup guidelines EPA promulgated under the Toxic Substances Control Act (TSCA) for unrestricted (i.e., residential) and restricted (fenced industrial) areas.

Lead – 400 mg/kg outside the fenced area; 1,000 mg/kg inside the fenced area. The residential cleanup goal was based on EPA Interim Soil Lead Guidance for CERCLA Sites, which used the IEUBK Model to estimate soil concentrations that will not result in an unacceptable blood lead level in children. Since there were no suitable models for lead exposure by adults, the industrial cleanup goal was based on a comparative analysis of soil cleanup costs for different soil cleanup levels. This evaluation indicated that a soil cleanup goal set at 1,000 or 2,000 mg/kg would not

change the soil cleanup costs significantly. A soil cleanup goal set below 1,000 mg/kg, however, would greatly increase soil cleanup costs. After reviewing industrial cleanup levels for lead at other sites, EPA selected 1,000 mg/kg lead as the industrial soil cleanup goal. In addition, it was determined that lead concentrations of 1,000 mg/kg or less typically do not result in TCLP lead concentrations that would exceed the regulatory threshold of 5 mg/L.

Chlorinated Dioxins and Furans — soil concentrations corresponding to an excess cancer risk of  $1 \times 10^{-5}$  (or 0.44  $\mu\text{g}/\text{kg}$ ).

None of the other site contaminants (e.g., chlorinated pesticides) found in the soils presented a risk great enough to change the overall site risk when added to the risks from PCBs and lead.

The selected remedy in the 1995-ROD consists of the following key components:

- Relocation and processing, including decontamination, of salvage material and debris that must be moved to provide access to contaminated site soil;
- Excavation of contaminated soil and stockpiling for treatment and disposal. Soils outside of the current fenced area with contaminant concentrations above 400 mg/kg lead or 1 mg/kg PCBs; and soils inside the fenced area with concentrations above 1,000 mg/kg lead, 10 mg/kg PCBs, or chlorinated dioxin/furans above risk-based levels of concern will be excavated;
- Treatment of contaminated soil exceeding 50 mg/kg PCBs by solvent extraction, and solidification/stabilization of soils exceeding 1,000 mg/kg lead. Soils contaminated with pesticides and dioxin/furans will be transported to an approved offsite permitted treatment and disposal facility;
- Consolidation of the soil in the containment area and the existing landfill with a TSCA chemical waste landfill cap; and
- Institutional controls including long-term groundwater monitoring, operation and maintenance of the fences and cap; and restrictions to prevent use of groundwater, to maintain a current industrial use, and to prevent unauthorized access or use of the capped area.

The 1995-ROD remedy includes both onsite treatment and containment elements for PCBs and lead, and offsite treatment and disposal elements for chlorinated dioxins, furans and pesticides. The onsite treatment and disposal elements for lead and PCBs are further described below.





III. CHANGES IN THE SELECTED REMEDY REQUIREMENTS IN THE ROD

A. Changes in the Management of PCB-contaminated Soils

Table 1  
Summary of Changes

<u>Parameter (PCB soil)</u>	<u>1995-ROD Requirements</u>	<u>ESD Changes</u>
Off-site soil > 1 mg/kg	Consolidated in TSCA landfill onsite	No change
Onsite soil < 10 mg/kg	No treatment required	No change
Onsite soil between 10 - 50 mg/kg	No treatment - consolidate in TSCA landfill onsite	Treat-solidify/stabilize consolidate in TSCA landfill onsite
Onsite soil > 50 mg/kg	Treat by solvent extraction treated soil consolidated onsite	Remove to off-site treatment facility

The changes in this ESD modify the remedy for soil containing PCBs above the site cleanup goals. Soil with PCB concentrations greater than the cleanup levels but less than 50 mg/kg will be solidified and stabilized along with the lead contaminated soil and placed underneath the cap. The relatively small volume of soils containing greater than 50 mg/kg PCBs will be managed off-site at a commercial facility acceptable under EPA's Off Site Rule (40 CFR 300.440) along with the dioxin/furan- and chlorinated pesticide-contaminated soils already required to be transported off-site by the 1995-ROD. Solidifying and stabilizing soil containing less than 50 mg/kg PCBs will result in further reducing the long-term threat from the soil (with solidified/stabilized PCB contamination) that remains underneath the cap.

Off-site treatment and disposal of the relatively small volume of soil containing greater than 50 mg/kg PCBs would have the same or greater level of protectiveness when compared to the original remedy; because, both the original remedy and the modified remedy would result in no soil with greater than 50 mg/kg PCB left on the site.

## B. Changes in the Cap Design

Table 2  
Summary of Cap Changes

<u>Parameter</u>	<u>1995-ROD Requirements</u>	<u>ESD Changes</u>
Low permeability cap	Compacted silt	GCL
Final shape of cap	Mound with steep sides	Flattened top to allow for reuse of land
Fencing	Protective fence around containment area	No change
Institutional Controls	Not specific	No digging, maintenance of cap
Groundwater monitoring	Specific monitoring wells	No change

This ESD modifies the cover system described in the ROD. Rather than a low-permeability soil liner, a geosynthetic clay liner (GCL) will be placed. In addition, rather than steep slopes that discourage future surface uses of the covered area, more moderate slopes will be used to minimize erosion of the vegetative layer.

## C. Institutional Controls

Specific Institutional Controls (ICs) are being developed for this site as required by the ROD. Currently access to the site is limited for remedial action purposes. The long-term operation and maintenance of the permanent hazardous waste containment area will necessitate arrangements for permanent access. The site will also have permanent groundwater monitoring wells that will be sampled periodically and must be maintained. The ROD is specific that the cleaned up site be used for industrial purposes only. Therefore, no residential use will be considered without further evaluation and cleanup if necessary. Both the DLA and ADEC are evaluating options for permanent ICs to be attached to the property and transfer with the land should it be sold to new owners.

Basis for the Changes

Since the ROD was signed in 1995, additional site characterization and design data support the need to modify the ROD remedy. The 1995-ROD did not discuss the impacts to the design after removal of the highly contaminated PCB soil from the site. Specifically,

- Recent site characterization studies indicate that: (1) the lead and PCB contamination in soil is largely commingled and this change would allow the contaminated soil to be treated in a similar manner; (2) the volume of lead and PCB contaminated soil is less than originally estimated in the 1995-ROD, because of better estimates based on recent sampling data; and (3) the volume of soil containing PCB concentrations greater than 50 mg/kg (i.e., "hot-spots" as defined in the ROD) is relatively insignificant compared to the total volume of contaminated soil and is much less than originally estimated in the 1995-ROD which makes the on-site solvent extraction treatment less cost effective in treating this soil than off-site disposal.
- Recent engineering studies comparing long-term performance of GCL and low-permeability silt liner systems suggest that the GCL (the 1995-ROD alternative cover system) is more resistant than the 2-foot thick compacted silt layer to cracks caused by freeze-thaw cycles and more cost-effective.

Summarized below are the post-ROD study data that form the basis for the changes to the 1995-ROD remedy.

#### Post-ROD Site Characterization

Surface soil samples were collected in September 2002 from 115 locations chosen based on a 100-foot by 100-foot grid system and analyzed for lead and PCBs. In October 2002, surface soil samples were collected from 20 additional locations near the former Pederson residence. Four more soil samples were collected from the southwestern portion of the site and inside and around the three transformer buildings. In addition to these surface soil samples, two sample locations were vertically profiled to understand the vertical distribution of contaminants. The results from the vertical profiling suggest that most of the contamination is limited to the 0 to 6-inch depth as described in the RI and the 1995-ROD. The 2002 data are presented in the Remediation Work Plan Technical Basis.

Figure 2 shows the results of all analysis based on historical site data and the 2002 post-ROD soil sampling effort. As this figure shows, most of the areas containing PCBs in excess of the cleanup goals (10 mg/kg within the fenced area and 1 mg/kg outside the fenced area) also contain lead in excess of the cleanup goals (1,000 mg/kg within the fenced area and 400 mg/kg outside the fenced area). Only two grids out of 48 grids show soil concentrations in excess of PCB cleanup goals, only.

The estimated total volume of soil in excess of soil cleanup goals is 8,300 cubic yards, a volume that is less than that originally estimated in the RI/FS (about 11,600 cubic yards).

The 2002 site characterization data suggest that the estimated volume of soil containing PCB concentrations greater than 50 mg/kg is less than 100 cubic yards (or around 1 percent of the total soil remediation volume). This volume is significantly less than the 5,200 cubic yards (or around 40 percent of the total estimated soil remediation volume) previously estimated in the RI/FS. This finding is further supported by the 2003 resampling soil from previously identified PCB "hot-spot" areas. Therefore the more recent site characterization data suggest that the volume of soil with PCB concentrations greater than 50 mg/kg is relatively insignificant, making solvent extraction of soils with PCBs greater than 50 mg/kg much more costly per cubic yard to treat, and thus a less cost effective remedy than originally assumed in the RI/FS and ROD.

In summary, the post-ROD soil data indicate smaller than expected soil remediation volumes, commingled lead and PCB contamination above cleanup goals, and generally much lower PCB concentrations and relatively minor "hot-spot" volumes than the pre-ROD site data. This data forms the basis for changing the ROD to provide for off-site disposal of the expected small volume of soil containing PCB concentrations greater than 50 mg/kg.

#### Cover System Evaluation

In the 1995 ROD, the cover system was to be designed to minimize future use of the cap area. As a result, the ROD cover system would be elevated 12 feet above ground surface with steep slopes to minimize the surface footprint and discourage any future use of this area of the site. Since the ROD, however, EPA has adopted a more sustainable approach for Superfund sites that encourages reuse of cleaned up sites. As a result of this policy change, the design slopes of the cover system were reevaluated. It was determined that the steep slopes discussed in the ROD to minimize the size of the surface footprint and discourage future land use would also require higher maintenance costs to mitigate surface erosion. Therefore, more gentle slopes that minimize erosion of the upper vegetative soil layer of the cap and to encourage compatible future limited surface uses (e.g., parking lot) were determined to be more suitable under the current EPA policy regarding Superfund sites. Reuse of the containment area will be controlled by the Institutional Controls placed on the access to the site, operation and maintenance of the cap, and restrictions on digging and construction on the cap.

In order to select the optimal cap design, the performance and cost of the 1995-ROD cap were compared to an alternative cap design. The 1995-ROD cap consists of two-feet of low permeability silt layer underneath an 18-inch thick

armoring and erosion control layer of pit run gravel. The alternate cap consists of a low-permeability GCL underneath 18 inches of granular sandy soils and six inches of compacted road base on top to facilitate future surface uses of the cap. Figure 3 shows a conceptual cross-section of both the 1995-ROD and the alternative cap designs. The following criteria were used for the comparison:

- long-term performance relative to freeze-thaw cycles;
- predicted infiltration into the stabilized wastes; and
- capital cost for construction.

#### Long-term Performance Relative to Freeze-Thaw Cycles

The frost depth in the Fairbanks, Alaska is reported to be 8 feet. The frost resistance of the compacted silt liner would be subjected to freeze-thaw cycles and, based on field and laboratory testing, the permeabilities of these liners can change due to the freeze-thaw effect. Based on the specified placement permeability of the silt layer of  $1 \times 10^{-7}$  cm/sec (1995-ROD), in as little as two freeze-thaw cycles the permeability of this silt layer could increase to  $1 \times 10^{-5}$  cm/sec. On the other hand, GCLs have proven to lose only approximately one-half to one order of magnitude in permeability not two orders of magnitude as the compacted silt. Assuming typical GCL placement permeability of  $5 \times 10^{-9}$  cm/sec, after a number of freeze-thaw cycles, the permeability would increase to  $1 \times 10^{-8}$  to  $5 \times 10^{-8}$  cm/sec. This is less permeable than the silt. As Robert Koerner reports in *Designing with Geosynthetics*, 4th Edition, "While the moisture in the bentonite of the GCL can freeze, causing a disruption of the soil structure, upon thawing the bentonite is very self healing and apparently returns to its original state." As long as the infiltration rates remain low, this cover layer will be providing long-term protection against infiltration into the consolidated, solidified/stabilized, contaminated soil.

#### Predicted Infiltration Through the Cap into the Stabilized Soil

The primary measure of effectiveness of the cap is the amount of water infiltrating into the solidified/stabilized soil. The two cover systems are evaluated using the U.S. EPA "Hydrologic Evaluation of Landfill Performance (HELP) Model." The HELP model uses weather, soil, and design data to conduct water balance analyses and estimate a cover system's performance for up to 100 years. The HELP model is a tool to assess the relative effectiveness of the caps to allow a comparative analysis between alternatives. The percolation numbers should not be considered definitive.

Each cap is modeled using the 5-year default climatic data for Fairbanks, Alaska contained in the HELP model database (1972 – 1976). Design data for the cover systems include a 2% top slope, and a surface water runoff number of 94. Table 2 shows the amount of percolation predicted for the cover identified in the ROD and the proposed alternate cover system using long-term permeability values.

TABLE 3  
HELP MODEL RESULTS

Case Number	Cover System Design	Estimated Infiltration Through Cover
1	24-Inch Silt Liner	0.82 inches
2	Geosynthetic Clay Liner	0.71 inches

The estimated infiltration represents approximately 6 to 10 percent of the average annual rainfall of 9.40 inches. In general, the modeling results show that the GCL option allows approximately 13% less infiltration than the silt liner option.

#### Capital Cost of Cover System

The installation cost of each cover system assuming a 1-acre stabilized waste area is presented in Table 2. These costs are presented for comparison purposes and include material purchasing, hauling to the site, placement, construction quality control/assurance, re-vegetation of disturbed areas, equipment mobilization and equipment demobilization. In general, the cost estimates indicate that the GCL option would cost 16% less than the silt liner option. Based on the lower cost and higher short and long term effectiveness, the most attractive cap alternative appears to be the GCL alternative.

TABLE 4  
PRELIMINARY UNIT CONSTRUCTION COST  
FOR PROPOSED COVER SYSTEMS

Case Number	Cover System Design	Estimated Construction Cost per Acre of Coverage
1	24-Inch Silt Liner	\$200,000.00
2	Geosynthetic Clay Liner	\$168,000.00

### Changes to ARARs

With two exceptions, the applicable or relevant and appropriate requirements (ARARs) established in the 1995 ROD are not being changed or modified by this ESD. The TSCA PCB disposal requirements and Chemical Waste Landfill requirements and related waivers established in the ROD are still part of the revised remedy, as are all other ARARs except as noted below.

1. Hazardous Waste Determination. The 40 CFR 261, RCRA Subtitle C, Hazardous Waste Determination is still applicable to identifying soil that must be managed as hazardous waste. Based on results of site treatability studies for lead contaminated soil and the maximum total lead concentrations found in the soil remaining at the site, it is not expected that the soil would fail the TCLP test for lead and thus be a characteristic hazardous waste. The test results for lead contaminated soil did not fail the TCLP test.

The stabilization/solidification treatment for all contaminated soil above the clean up levels is designed to reduce TCLP to below 0.75 mg/l, and thus would no longer be a RCRA HW and would also meet the LDR standards [as promulgated at the time of the ROD as well as current LDR standards]. The LDR treatability variance established in the ROD is no longer needed and is hereby removed from the remedy. It is not needed because: 1) no soils containing 50 ppm PCBs or more will be left on site; 2) EPA has removed the California list provisions from the RCRA LDR regulations; and 3) EPA has temporarily deferred the Universal Treatment Standard requirement to meet the LDRs for PCBs for soil exhibiting a hazardous characteristic due to the TCLP test for metals, including lead. (40 CFR 268.48 Table, footnote 8.)

2. Arsenic MCL. The ROD establishes the federal MCLs are relevant and appropriate for establishing protective groundwater criteria. Since the ROD was signed, the MCL for arsenic has been changed from 50 ug/l to 10 ug/l. This ESD changes the arsenic groundwater protective criteria from 50 ug/l to 10 ug/l or natural background, whichever is less stringent.

The arsenic concentrations in the groundwater at the site range from non-detect to 59.1 ug/l. Samples were taken at monitoring wells and the private residences between September 1992, and May 1997. The results are similar across the site, generally ranging from non-detect to 20 ug/l. The highest concentrations were from the monitoring wells in the northwest corner of the site. This is the location of the part time residence that was on-site and there is a localized change in the concentration levels of many of the groundwater parameters. This was explained by a potential

redox change in the soil due to discharges to a septic system near the residence. There were no sources of arsenic found as hazardous materials on-site. It is also noted that arsenic concentrations above 10 ug/l up to about 20 ug/l are found in the regional groundwater aquifer. Since there is no source of arsenic at the site, and because the arsenic values are widespread, the source of arsenic is thought to be naturally occurring. Arsenic is a compound that will have to be evaluated further if the groundwater at the site is to meet the EPA goals to cleanup up groundwater to drinking water quality. The change in this ARAR will require long-term monitoring for arsenic to determine if the site has an impact on the aquifer. The remedy does not call for the specific cleanup of the arsenic in the groundwater at this time. If the site proves to be a source of high concentrations of arsenic in the groundwater then arsenic will have to be further evaluated for this site.

The overall protection of human health and the environment is preserved with these changes in the management of PCBs and the cover design. The recent changes to the arsenic MCL require that arsenic will be evaluated further and remedial actions may be taken if it is determined that the Arctic Surplus is causing an arsenic problem in the groundwater aquifer. The ICs will be established more precisely with documents which allow long-term access for O&M at the site. The goal to protect human health and the environment remains a purpose of Superfund cleanups.

#### IV. AFFIRMATION OF STATUTORY DETERMINATIONS

Considering the new information on the PCB soil contamination and the cover system design since the ROD was completed, EPA believes that the revised remedy is as protective of human health and the environment and is more cost effective. The revised remedy utilizes permanent solutions to the maximum extent practicable for this Site. It complies with the NCP and other federal and state requirements that are applicable or relevant and appropriate to this remedial action and that were identified in the ROD, or modified by this ESD.

#### V. STATE CONCURRENCE

The Alaska Department of Environmental Conservation has reviewed this ESD and has found it is consistent with state requirements and concurs with this change in the management of PCBs and cover design.

#### V. PUBLIC PARTICIPATION ACTIVITIES



This ESD will become a part of the Administrative Record for the Arctic Surplus Site. The availability of the ESD and a summary of its impact on the site remedy will be announced in a fact sheet sent to the mailing list and published in a local newspaper. For additional information regarding this ESD document, please contact the Superfund Project Manager for the Arctic Surplus site:

Neil Thompson, Project Manager  
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Explanation of Significant Differences  
Arctic Surplus Superfund Site  
Fairbanks North Star Borough, Alaska

Approval:

\_\_\_\_\_  
Michael F. Gearheard, Director  
Environmental Cleanup Office

\_\_\_\_\_  
Date

**Attachment "E"**

Site Location Map

## Arctic Surplus Super Fund Site Location:

FNSB Internet GIS - Netscape

File Edit View Go Bookmarks Tools Window Help

Back Forward Reload <http://gis.co.fairbanks.ak.us/website/fnsbgs/viewer.htm> Print

Home Bookmarks Mapguide State of Alaska Dep... WORK DNR OPL MapGuide LasMapper Convert-me.Com: In... Land Records Info Recorder's Office IN...

**FNSB Internet GIS**

Zoom In

**Layers**

Mobile Addr

- Parcels Info
- Fire Service Areas Info
- Road Service Areas Info
- Zoning Info
- Bodies of Water Info
- Vegetation Info
- Aerial- Fairbanks 2002 (Duckbird) Info
- Aerial- FNSB 1996-99 (Ortho Quad) Info
- USGS Topo- 1992 Metric Info
- USGS Topo- inch to mile Info
- USGS Topo- (Interior AK) Info

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To zoom in, specify a map extent by clicking on the map and dragging a rectangle.