



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Environmental Conservation

DIVISION OF SPILL PREVENTION AND RESPONSE
Contaminated Sites Program

410 Willoughby Avenue, Suite 303
P.O. Box 111800
Juneau, AK 99811-1800
Phone: 907-465-5390
Fax: 907-465-5218
www.dec.alaska.gov

File: 1513.26.078

August 15, 2016

Jim Hurley
Robbins-Hatrup Partnership
2410 Boyer Ave. East, Suite 1
Seattle, WA 98112

Re: Decision Document: Marine View Center
Cleanup Complete Determination – Institutional Controls

Dear Mr. Hurley:

The Alaska Department of Environmental Conservation (ADEC), Contaminated Sites Program (CSP) has completed a review of the environmental records associated with the Marine View Center located at 230 South Franklin Street in Juneau. Based on the information provided to date, it has been determined that the contaminant concentrations remaining on site do not pose an unacceptable risk to human health or the environment and no further remedial action will be required as long as the institutional controls are maintained and effective and no new information becomes available that indicates residual contamination poses an unacceptable risk.

This Cleanup Complete with Institutional Controls (ICs) determination is based on the administrative record for the Marine View Center which is located in the offices of the ADEC in Juneau, Alaska. This decision letter summarizes the site history, cleanup actions, regulatory decisions, and specific conditions required to effectively manage remaining contamination at this site.

Site Name and Location:
Marine View Center
230 South Franklin Street
Juneau, AK 99801

Name and Mailing Address of Contact Party:
Robbins-Hatrup Partnership
2410 Boyer Ave. East, Suite 1
Seattle, WA 98112

DEC Site Identifiers:
File No.: 1513.26.078
Hazard ID.: 26521

Regulatory Authority for Determination:
18 AAC 78 and 18 AAC 75

Site Description and Background

The Marine View building is located in downtown Juneau at 230 South Franklin Street and is a 9 story building. The first floor serves as retail space and maintenance and storage facilities, the second floor has private offices, the third and fourth floors are used as office space for the City and Borough of Juneau, and the fifth through ninth floors are residential apartments. The building is close to the downtown Juneau waterfront and has a parking garage adjacent to it.

On March 24-25th of 2015, two underground storage tanks (USTs) were decommissioned at the Marine View residential and office building located in downtown Juneau. A 675 gallon tank and a 15,000 gallon tank were located side by side between the foundations of the Marine View building and the parking garage. The larger tank formerly held heating oil and the smaller tank held diesel fuel for backup generators.

The 15,000 gallon tank was unregulated due to its use on site for heating oil only, per Alaska Statute (AS) 46.03.450. The 675 gallon tank was an ADEC regulated tank because it was for backup generation purposes (ADEC Facility # 3593).

As there had been no previously documented releases at the site and tank closure activities were performed according to the 18 AAC 78 Underground Storage Tanks regulations under the oversight of the ADEC Underground Storage Tanks Program. However, once contaminated soil had been identified, the site was added to the ADEC Contaminated Sites Database on February 16, 2016 and further regulatory oversight was provided by the ADEC Contaminated Sites Program.

Contaminants of Concern

During the site investigation and cleanup activities at this site, samples were collected from soil and analyzed for diesel range organics (DRO), gasoline range organics (GRO), residual range organics (RRO), polycyclic aromatic hydrocarbons (PAHs), and benzene, toluene, ethylbenzene, and xylenes (BTEX). No groundwater was encountered during the investigation and surface water was unaffected. Based on these analyses, the following contaminants were detected above the applicable cleanup levels and are considered Contaminants of Concern at this site:

- DRO
- 1-methylnaphthalene

Cleanup Levels

DRO and 1-methylnaphthalene were detected in soil above the approved Method 2 migration to groundwater cleanup levels for the over 40-inch precipitation zone, established in 18 AAC 75.340, Tables B1 and B2.

Table 1 – Approved Cleanup Levels

Contaminant	Soil (mg/kg)
DRO	230 ¹
1-methylnaphthalene	6.2 ¹

mg/kg = milligrams per kilogram

¹ – Migration to groundwater pathway, 18 AAC 75.340 Method 2

Characterization and Cleanup Activities

Characterization and cleanup activities conducted under the regulatory authority of the Contaminated Sites Program began in February of 2016. These activities are described below.

On March 24-25th of 2015, two underground storage tanks (USTs) were decommissioned at the Marine View residential and office building located in downtown Juneau by Cheeseman Construction and Nortech Inc. The 15,000 gallon tank was closed in place and the 675 gallon tank was removed. A Site Assessment and UST Closure Report (Closure Report) dated April 22, 2015 was submitted by Nortech Inc. According to the Closure Report, the 15,000 gallon tank was filled with slurry and concrete after remaining fuel was removed. Four analytical soil samples (and a duplicate) were collected from the vent and fill ends (7-14 feet below ground surface) as well as near the center of the tank at 14 feet below ground surface. These samples were analyzed for DRO, GRO, RRO, PAHs, and BTEX. Only DRO and 1-methylnaphthalene were present above 18 AAC 75.340 Method 2 cleanup levels. The highest concentration of DRO detected was 7,500 mg/kg at 7 feet below ground surface near the vent end of the tank. One sample collected from the bottom had a 1-methylnaphthalene concentration of 11.2 mg/kg which was also greater than the ADEC cleanup level. Due to space constraints, this soil was not excavated.

The 675 gallon UST was excavated and removed from the site. Six analytical soil samples and a duplicate were collected from under the fill port, between the slabs near the piping, the east and west sides, the fill end, the parking lot side, and the bottom center. These samples were analyzed for DRO, GRO, RRO, PAHs, and BTEX. The results indicated that DRO was present above ADEC cleanup levels up to 12,000 mg/kg. Further excavation could not be achieved due to the small space in which the tank was located and the proximity to the building itself.

One of the samples collected from the 675 gallon tank excavation had a DRO concentration of 12,000 mg/kg. Due to the potential for vapor intrusion of petroleum vapors into the building, the ADEC requested on February 19, 2016 that the potential for vapor intrusion be investigated. This potential was evaluated and the results documented in a letter dated April 19, 2016 submitted by Nortech Inc. The letter report stated that the concrete and steel building is equipped with a roof mounted air handling unit. Although there is no vapor barrier in place at this time, the report indicated that there is positive air pressure on the first floor of the building which reduces the risk of vapor intrusion into the interior living spaces. In addition, the first 4 floors of the building closest to the petroleum contaminated soil are presumably occupied during business hours only and no reports of odor or air quality issues have been reported. Due to the non-residential use of the floors closest to the contaminated soil, the positive air pressure in the building, and the presence of an air handling unit, the ADEC concurred that the potential for vapor intrusion into the Marine View Building is likely to be low.

Cumulative Risk Evaluation

Pursuant to 18 AAC 75.325(g), when detectable contamination remains on-site following a cleanup, a cumulative risk determination must be made that the risk from hazardous substances does not exceed a cumulative carcinogenic risk standard of 1 in 100,000 across all exposure pathways and does not exceed a cumulative noncarcinogenic risk standard at a hazard index of one across all exposure pathways. Based on a review of the environmental record, ADEC has determined that residual contaminant concentrations meet the cumulative risk criteria for human health.

Exposure Pathway Evaluation

Following investigation and cleanup at the site, exposure to the remaining contaminants was evaluated using ADEC's Exposure Tracking Model (ETM). Exposure pathways are the conduits by which contamination may reach human or ecological receptors. ETM results show all pathways to be one of the following: De-

Minimis Exposure, Exposure Controlled, or Pathway Incomplete. A summary of this pathway evaluation is included in Table 2.

Table 2 – Exposure Pathway Evaluation

Pathway	Result	Explanation
Surface Soil Contact	Pathway Incomplete	Contamination is not present in surface soil (0 to 2 feet below ground surface).
Sub-Surface Soil Contact	Exposure Controlled	Contamination remains in the sub-surface beneath a concrete slab and is inaccessible.
Inhalation – Outdoor Air	De-Minimis Exposure	Contamination remains in the sub-surface, but is below inhalation cleanup levels.
Inhalation – Indoor Air (vapor intrusion)	De-Minimis Exposure	A vapor intrusion investigation found that there was low potential for vapor intrusion inside the building and no odors have been reported.
Groundwater Ingestion	Pathway Incomplete	Groundwater is not used for drinking water in the City of Juneau and no groundwater was encountered during the investigation.
Surface Water Ingestion	Pathway Incomplete	Surface water is not used as a drinking water source in the vicinity of the site and surface water was not affected by the contamination.
Wild and Farmed Foods Ingestion	Pathway Incomplete	Contaminants of concern do not have the potential to bioaccumulate in plants or animals and the site is not used for subsistence resources or farming.
Exposure to Ecological Receptors	Pathway Incomplete	Contamination is only present in the sub-surface. Ecological receptors are not present.

Notes to Table 2: “De-Minimis Exposure” means that in ADEC’s judgment receptors are unlikely to be affected by the minimal volume or concentration of remaining contamination. “Pathway Incomplete” means that in ADEC’s judgment contamination has no potential to contact receptors. “Exposure Controlled” means there is an institutional control in place limiting land or groundwater use and there may be a physical barrier in place that prevents contact with residual contamination.

ADEC Decision

Petroleum contamination remains in sub-surface soil above levels suitable for unrestricted future use; however ADEC has approved the use of institutional controls to limit potential future exposure and risk to human health or the environment. A Notice of Environmental Contamination has been recorded in the land records maintained by the Alaska Department of Natural Resources and a copy is attached to this letter.

Institutional controls necessary to support this closure determination include a Deed Notice of Environmental Contamination having the following conditions:

1. Notice Required for any Change in Land Ownership or Land Use

If land ownership or zoning of the property changes, the owner or operator of the property is required to notify the ADEC as soon as these changes occur.

2. Excavation Restriction

No excavation shall occur on the property without ADEC approval; characterization will have to be completed before excavation activities begin.

3. No Offsite Transport of Contaminated Material

Any proposal to transport soil or groundwater off-site requires ADEC approval in accordance with 18 AAC 7.325(i). A "site", as defined by 18 AAC 75.990 (115), means an area that is contaminated, including areas contaminated by the migration of hazardous substances from a source area, regardless of property ownership.

4. Contamination of Surface Water Prohibited

Movement or use of contaminated material in a manner that results in a violation of 18 AAC 70 water quality standards is prohibited.

5. Groundwater Use Restriction

DEC shall be notified before any new groundwater wells are drilled at this site.

ADEC has determined the cleanup is complete as long as the institutional controls are properly implemented and no new information becomes available that indicates residual contamination may pose an unacceptable risk. The ADEC Contaminated Sites Database will be updated to reflect the change in site status to "Cleanup Complete with Institutional Controls" and will include a description of the contamination remaining at the site.

The institutional controls be removed in the future if documentation is provided that shows concentrations of all residual hazardous substances remaining at the site are below the levels that allow for unrestricted exposure to, and use of, the contaminated media and that the site does not pose a potential unacceptable risk to human health, safety or welfare, or to the environment. Standard conditions 1-3 above will remain in effect after ICs are removed.

This determination is in accordance with 18 AAC 75.380 and does not preclude ADEC from requiring additional assessment and/or cleanup action if the institutional controls are determined to be ineffective or if new information indicates that contaminants at this site may pose an unacceptable risk to human health or the environment.

Appeal

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.195 – 18 AAC 15.340 or an informal review by the Division Director in accordance with 18 AAC 15.185. Informal review requests must be delivered to the Division Director, 555 Cordova Street, Anchorage, Alaska 99501-2617, within 15 days after receiving the department's decision reviewable under this section. Adjudicatory hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800, within 30 days after the date of issuance of this letter, or within 30 days after the department issues a final decision under 18 AAC 15.185. If a hearing is not requested within 30 days, the right to appeal is waived.

If you have questions about this closure decision, please feel free to contact me at (907) 465-5207 or email at danielle.duncan@alaska.gov.

Sincerely,



Danielle Duncan
Project Manager

Enclosure:
Copy of recorded NEC-IC Agreement

cc: Spill Prevention and Response, Cost Recovery Unit, via electronic mail
Anne Marie Palmieri, Environmental Program Specialist IV, ADEC, via electronic mail

CC

A
L
A
S
K
A

2016 – 003883 – 0

Recording District 101 Juneau

08/12/2016 12:04 PM

Page 1 of 4



Notice of Environmental Contamination

Grantor: State of Alaska
Department of Environmental Conservation
Contaminated Sites Program

Grantee:
Robbins-Hatrup Partnership
2410 Boyer Ave. East, Suite 1
Seattle, WA 98112

Legal Description: 230 South Franklin Street, Juneau, AK 99801
Lots 1 & 2, Block 82 Tidelands Addition to the City of Juneau according to Plat 354, located in
Juneau, Alaska

Recording District: Juneau

Return to: Danielle Duncan
CS Project Manager
Division of Spill Prevention and Response
Department of Environmental Conservation
410 Willoughby Ave., Ste. 302
P.O. Box 111800
Juneau, AK 99811-1800
907-465-5207

State Business- No Charge

NOTICE OF ENVIRONMENTAL CONTAMINATION

Recording District: Juneau
Official State Business – No Charge

As required by the Alaska Department of Environmental Conservation (ADEC), Grantor, pursuant to 18 AAC 75.375 b (3), Robbins-Hattrup Partnership, Grantee, as the owner [and operator] of the subject property, hereby provide public notice that the property located at:

230 South Franklin Street, Juneau, AK 99801, and more particularly described as follows:
Lots 1 & 2, Block 82 Tidelands Addition to the City of Juneau according to Plat 354, located in
Juneau, Alaska

has been subject to a discharge or release, regulated under 18 AAC 75, Article 3, as revised April 8, 2012. This release is documented in the Alaska Department of Environmental Conservation (ADEC) contaminated sites database at http://www.dec.state.ak.us/spar/csp/db_search.htm under Hazard ID number 26521.

On March 24-25 of 2015, two (2) regulated underground storage tanks (USTs) were decommissioned at the Marine View Center located in downtown Juneau. There were a 675 and a 15,000 gallon UST located side by side between the foundations of the Marine View Center and the parking garage. The 15,000 gallon tank was closed in place and the 675 gallon tank was removed. Due to the confined working space, a complete excavation of petroleum contaminated soil was not achieved. There is remaining diesel range organics (DRO) contamination at concentrations up to 12,000 mg/kg and benzene, toluene, ethylbenzene, and xylenes (BTEX) contamination, both in exceedance of Alaska Department of Environmental Conservation (ADEC) cleanup levels for petroleum contaminated soil as set forth by Table B2 of 18 AAC 75.341. In April of 2016, a vapor intrusion study was conducted at the Marine View Center and found that there was low potential for vapor intrusion due to the positive air pressure in the building and the presence of an air handling unit. In addition, there have been no reports of petroleum vapors or fumes within the building. Due to the impracticality of removing the petroleum contaminated soil, the soil shall remain in place until such time that it can be accessed. When it can be accessed, the soil must be characterized by an environmental professional according to 18 AAC 75.335.

The property is subject to the following conditions in order to ensure human health is protected until such time that a cleanup can be completed. These conditions, known as institutional controls per 18 AAC 75.375 a (2), consist of the following:

1. Notice Required for any Change in Land Ownership or Land Use
If land ownership or zoning of the property changes, the owner or operator of the property is required to notify the ADEC as soon as these changes occur.
2. Excavation Restriction
No excavation shall occur on the property without ADEC approval; characterization will have to be completed before excavation activities begin.



3. No Offsite Transport of Contaminated Material

Any proposal to transport soil or groundwater off-site requires ADEC approval in accordance with 18 AAC 7.325(i). A "site" [as defined by 18 AAC 75.990 (115)] means an area that is contaminated, including areas contaminated by the migration of hazardous substances from a source area, regardless of property ownership.

4. Contamination of Surface Water Prohibited

Movement or use of contaminated material in a manner that results in a violation of 18 AAC 70 water quality standards is prohibited.

5. Groundwater Use Restriction

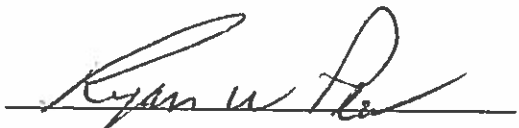
DEC shall be notified before any new groundwater wells are drilled at this site.



This notice remains in effect until a written determination from ADEC is recorded that states that soil [and/or groundwater] at the site has been shown to meet the most stringent soil cleanup levels in method two of 18 AAC 75.340 [and/or groundwater meets the cleanup levels in Table C in 18 AAC 75.345] and that off-site transportation of soil [and/or groundwater] is not a concern.

For more information on the contaminated site in this Notice of Environmental Contamination, please see ADEC Contaminated Sites Program file number (1513.26.078) for the site named Marine View Center.

The GMK Trust agrees to the terms and conditions of the Institutional Controls as stated in the DEC letter and property deed notice dated July 12, 2016 and filed with Alaska Department of Natural Resources Recorder's Office, concerning the (site).



Signature of Robbins-Hatrup Partnership

7-25-16

Date



Signature of Authorized ADEC Representative

8-4-16

Date

