THE STATE of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Environmental Conservation
DIVISION OF SPILL PREVENTION AND RESPONSE
Contaminated Sites Program
P.O. Box 111800
Juneau, Alaska 99811-1800
Main: 907.465.5250
Fax: 907.465.5245
www.dec.alaska.gov

File: 2100.38.003

April 1, 2019

Stephen Deveny & Nicholas Deveny
3603 Wyoming Drive, Unit A
Anchorage, Alaska 99517

Re: Institutional Controls (ICs) Verification Required for:
M&M Enterprises, 3603 Wyoming Drive, Anchorage, Alaska 99517

The Contaminated Sites Program is conducting an audit of contaminated sites closed with conditions (Institutional Controls) to verify that closure stipulations such as periodic monitoring and reporting are being performed by the responsible party of record as required under state law (18 AAC 75.375). This is our third attempt in the last year to c

In April 2017, the Alaska Department of Environmental Conservation (ADEC) granted a Cleanup Complete Determination – Institutional Controls (Decision Document) for the M&M Enterprises – Wyoming Drive site that included conditions requiring annual reporting on (1) any changes in ownership of the site property; (2) continued compliance with the institutional controls (ICs); and (3) results of the inspection of the soil cap, retaining wall system, and the subsurface drainage system. Reports are required to be submitted by September 1st of each year. The Decision Document outlining the original requests is enclosed.

Based on our records, we have not received the initial report for 2017, or the subsequent 2018 report. It is imperative that we hear from you in the next month regarding your intentions.

REQUESTED DOCUMENTATION

In order to ensure that conditions at the site are protective of human health, safety, welfare, and the environment, ADEC requests that you provide the following:

1. Nature of the current land use of the M&M Enterprises, 3603 Wyoming Drive property.
2. Notification of any changes in ownership since the site was closed with ICs in April 2017.
3. Report documenting the status of compliance with the ICs as described in item (1) of the 2017 Decision Document.
4. 2017 inspection report documenting the results of the soil cap, retaining wall system, and subsurface drainage system inspection.

Please be advised that the following site-specific and standard Institutional Controls, as established in the 2017 Cleanup Complete Determination – Institutional Controls Decision Document, remain in effect for the M&M Enterprises site at 3603 Wyoming Drive in Anchorage:

(1) **Notification of change of ownership and annual reports required.** The landowner must notify ADEC prior to any sale or transfer of the property and shall report to ADEC initially during summer 2017, and thereafter annually, to document the status of compliance with the institutional controls described in the 2017 Decision Document. Such notice and reports should be submitted electronically to CS.Submittals@alaska.gov or mailed or delivered to ADEC at:

Alaska Department of Environmental Conservation
Division of Spill Prevention and Response
Contaminated Sites Program
Attn: IC Unit
P.O. Box 111800
Juneau, AK 99811-1800

The initial inspection shall be completed in June or July 2017 and the report submitted to ADEC by September 1, 2017. Subsequent annual inspections shall be completed in June or July and reports submitted to ADEC by September 1st of each year. All reports must include photographs.

(2) No groundwater wells shall be installed within the site without prior ADEC approval.

(3) If the Landowners sell, assign, or transfer the property that includes the site, the Landowners shall include with the sales contract a copy of the recorded Notice of Environmental Contamination and Institutional Controls (NEC). If the Landowners lease, sublease, or rent the home or any portion of the home or property that includes access to or use of the area comprising the site, the Landowners shall either provide a copy of the NEC to the party or parties contracting with the Landowners, or shall incorporate into contracts information contained in items (4) and (5) below and other applicable institutional controls as the situation warrants.

(4) The soil cap, retaining wall system, and the subsurface drainage system shall be inspected at least annually and a report submitted to ADEC as required by item (1) above. The soil cap shall be maintained as needed to ensure the thickness of the fill is not reduced and subsurface contaminated soil is not exposed. No digging, trenching, or excavating is allowed in the capped area, unless it is conducted following a work plan approved by the ADEC Contaminated Sites Program. If fill is added, non-frost susceptible gravel and sand must be used to prevent destabilization of the fill resulting from freeze and thaw cycles. The concrete retaining wall and tied-in timbers (railroad ties stabilized with rebar) that semi-enclose the soil cap in the unexcavated area shown on Figure 2 of the 2017 Decision Document shall be inspected to ensure they continue to be structurally sound and maintained and repaired as needed. Construction details for the retaining wall and stormwater drainage systems are documented in the ERM report dated June 28, 2013, in ADEC files. The subsurface drainage system shall be maintained as needed to ensure it continues to function as designed to divert stormwater to the drywell shown on Figure 2 of the 2017 Decision Document.

You may submit any needed documentation electronically. If your submittal is too large to email (i.e. exceeds 20 megabytes), you may submit it to me through the Alaska ZendTo "drop-off" option at https://drop.state.ak.us/drop/. The Division of SPAR/Contaminated Sites Program prefers and encourages electronic submittals.

(5) **Notification of damage or breach.** If the soil cap is damaged, breached, otherwise modified or not maintained as required by item (4) above, or if the retaining wall or stormwater drainage system are damaged or modified, the Landowners shall notify the ADEC Contaminated Sites Program within five (5) days of becoming aware of such conditions and shall conduct necessary repairs, and characterization and cleanup activities.

(6) For all sites, ADEC approval is required prior to moving any soil or groundwater off-site that is, or has been, subject to the site cleanup rules [see 18 AAC 75.325(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. If soil within the site will be excavated or groundwater will be brought to the surface, for example to dewater in support of construction, the soil or groundwater must be characterized and managed following regulations applicable at that time and ADEC approval must be obtained before moving the soil or water off-site.

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

(8) Groundwater throughout Alaska is protected for use as a water supply for drinking, culinary and food processing, agriculture including irrigation and stock watering, aquaculture, and industrial use. Contaminated site cleanup complete determinations are based on groundwater being considered a potential drinking water source. In the event that groundwater from this site is to be used for other purposes in the future, such as aquaculture, additional characterization and treatment may be required to ensure the water is suitable for its intended use.

The ADEC is concerned that these site conditions remain protective. **Failure to maintain these requirements may result in re-opening of the site by the Contaminated Sites Program, in which case, further remediation could be mandatory.**

Please make contact with me to discuss your intentions, or provide the requested documentation either by hard copy letter or email no later than April 30, 2019.

If you have any questions about these requirements, please do not hesitate to contact me at (907) 465-5229 or evonne.reese@alaska.gov.

Sincerely,

Evonne Reese

Evonne Reese
Environmental Program Specialist
Institutional Controls Unit

Encl: 2017 Decision Document
Recorded Notice of Environmental Contamination (NEC)

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