



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

Reply To: 20-C04

RETURN RECEIPT REQUESTED

Ms. Ashley A. Peck
Partner
Holland & Hart LLP
222 South Main Street, Suite 2200
Salt Lake City, Utah 84101-2194

Re: North Star Paving & Construction, Inc. – Consent Agreement
Docket No. SDWA-10-2021-002
Request for Extension

Dear Ms. Peck:

The U.S. Environmental Protection Agency (EPA), Region 10, is in receipt of your January 12, 2021, letter on behalf of your client, North Star Paving & Construction, Inc. ("Respondent"). In that letter, you write pursuant to Paragraph 4.12 of the Consent Agreement, Docket No. SDWA-10-2021-0002 ("Agreement"), to inform EPA of a force majeure event that has caused a delay or impediment to performance in complying with certain provisions of the Agreement.

Your January 12, 2021, letter on behalf of Respondent requested an extension to the deadline to submit to EPA the Final Well Closure Report as required by Paragraph 4.11(a)(3) of the Agreement. According to Paragraph 4.11(a)(3) of the Agreement, the Final Well Closure Report, which shall include waste manifests, was due to be submitted to EPA on or before December 15, 2020. Respondent states that virtually all activities required by the Consent Agreement have been completed, including closure of the well; removal of the leach field and all associated piping; sealing of the floor drain; removal and excavation of all contaminated liquid and soil from in and around the well; and conducting and submitting confirmation sampling to EPA. Additionally, Respondent states that all removed waste has been stored onsite in covered stockpiles. However, Respondent states that its consultants were unable to fully characterize the soil for disposal and obtain associated approvals from the Alaska Department of Environmental Conservation (ADEC) prior to the ground freezing. Respondent anticipates that it will not be able to complete characterization and disposal work subject to ADEC's oversight until the spring thaw. Respondent states that this has prevented the waste manifests from being included in the Final Well Closure Report submitted to EPA. Additionally, Respondent states that both of its owners suffered from COVID-19, which limited its ability to communicate with EPA and their consultants about this delay.

Respondent requests that the deadline to submit the Final Well Closure Report as required by Paragraph 4.11(a)(3) of the Agreement be delayed until June 30, 2021. Respondent also commits to submitting to

EPA a Draft Well Closure Report formally reporting all activities completed to date on or before January 29, 2021. Respondent anticipates that this Draft Well Closure Report will include all information required by Paragraph 4.11(a)(3) other than the waste manifests.

EPA has determined that the delay has been caused by a force majeure event, that the delay is warranted under the circumstances, that Respondent is using best efforts to avoid and mitigate the effects of the delay and that Respondent has complied with the requirements of Paragraph 4.12 of the Agreement. EPA is granting Respondent's force majeure request to extend the deadline to submit the Final Well Closure Report as required by Paragraph 4.11(a)(3) of the Agreement. As a result, Respondent shall submit to EPA the Final Well Closure Report as required by Paragraph 4.11(a)(3) of the Agreement on or before June 30, 2021. EPA looks forward to receiving the Draft Well Closure Report on or before January 29, 2021.

Respondent is encouraged to maintain an open and continuing dialogue with EPA. Should you have any questions regarding the above or any aspect of this matter, please do not hesitate to contact Patrick Johnson, Assistant Regional Counsel, by telephone at (206) 553-6905 or by email at johnson.patrick@epa.gov.

Sincerely,

Edward J. Kowalski
Director

cc: Ms. Carey Foster
Owner, North Star Paving & Construction, Inc.

Mr. Peter Campbell
EPS III, Alaska Department of Environmental Conservation

Ms. Monica English
Engineer, Alaska Department of Environmental Conservation