



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental
Conservation

SPILL PREVENTION & RESPONSE
Contaminated Sites Program

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July 20, 2020

Mr. Tony Peter
Yukon Flats School District
P.O. Box 350
Fort Yukon, AK 99740

**RE: Beaver School Tank Farm
Hazard ID: 3944**

Dear Mr. Peter,

**** STATE OF ALASKA NOTIFICATION – HAZARDOUS SUBSTANCE LIABILITY****

This notification letter is to advise you of your liability for the contamination identified at the Beaver School Tank Farm site located in Beaver, Alaska. Alaska Statute (AS) Title 46 authorizes the State to respond to this pollution incident and to take appropriate action to minimize potential damage to human health, safety or welfare or to the environment. Under Title 46, any Responsible Party may be held financially responsible for any actions taken by the State.

AS 46.03.822 (Strict Liability for the Release of Hazardous Substances) establishes who is financially responsible or liable for the investigation and cleanup of any release or threatened release of a hazardous substance. State records indicate that you meet one or more of the following criteria:

- owned or controlled the hazardous substance at the time of its release;
- own(ed) or operate(d) the property or facility from which the release occurred;
- own or operate the property at which the hazardous substance came to be located; or
- arranged for transport, disposal or treatment of hazardous substances that were released.

Site History and Background

The spill occurred on January 8, 2019 when a heavy equipment operator for the Beaver Tribal Council hit a fuel line during snow removal operations at the School Tank Farm. The fuel line which supplied the generator building on school property with diesel fuel, was sheared at a joint near the northwest corner of the tank farm where it released approximately 3,000 gallons (revised in the spill response report to be approximately 4200 gallons). This occurred in the same area as historic spills that occurred in have not been characterized or remediated. The Alaska Department of Environmental Conservation, Contaminated Sites Program (ADEC) has reviewed the spill response

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report titled “ Spill Response Report, Cruikshank School Diesel Release, Beaver, Alaska” provided to our office November 14, 2019 by Arctic Data Services. A Letter of State Interest for the Beaver Village Diesel Fuel Spill, spill #: 19309900901 (the current spill) was addressed to Chief Rhonda Pitka of the Beaver Tribal Council sent by Certified Return Receipt Mail on January 22, 2019 by ADEC’s Pollution Prevention and Response Program before the case was transferred to the Contaminated Sites Program.

The information for this spill was added to the existing Beaver School Tank Farm site and has been added to the ADEC contaminated sites database, which is accessible on-line at the following URL: <http://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/SiteReport/3944>

Cost Recovery for State Oversight

AS 46.04.010 (Reimbursement for Cleanup Expenses) and 46.08.070 (Reimbursement for Containment and Cleanup) require that the Alaska Department of Environmental Conservation (ADEC) seek recovery of certain costs, including oversight activities, incurred by the State in responding to the release or threatened release of hazardous substances. Billable oversight expenditures include the direct cost of staff time plus indirect State overhead costs, and could include travel and contractual costs. Billable staff time includes all time spent on activities related to the incident, including site inspections, response and report reviews, correspondence, telephone conversations, meetings, and legal services.

Potential for Future State Action

If you are taking adequate actions to clean up this site, ADEC’s involvement in those cleanup efforts will be limited to approving characterization and cleanup plans and reports, monitoring the progress of cleanup activities, and providing guidance as necessary. However, if response actions by the Responsible Party are not satisfactory, ADEC may assume the lead role in the investigation and cleanup efforts. In the event that ADEC assumes the lead role, you may be held financially liable for any response actions taken by the State. Failure to reimburse the State for billable oversight and response actions incurred by the State to address contamination at this site may result in the filing of liens against property you own, pursuant to AS 46.08.075.

ADEC agrees with the recommendations made by Arctic Data Services to conduct necessary site characterization and cleanup activities. A work plan with proposed activities to:

- achieve a groundwater assessment to determine whether shallow groundwater has been impacted by historic and recent releases,
- conduct groundwater monitoring and resume monitoring the community drinking water well for volatile organic compounds (VOC’s),
- and, develop a cleanup plan to remove and remediate contaminated soil at the school property.

is due within 60 days of today’s date (**September 18, 2020**). If you have specific questions regarding the investigation and cleanup of this site or if you believe someone else may be responsible for this pollution incident, you can reach me at (907) 451-2911 or via email at Laura.Jacobs@alaska.gov

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If you have questions about your liability under Alaska Statute, or you have questions about cost recovery and the billing process, please contact DEC's Cost Recovery Unit by phone at (907) 465-5250 or by email at dec.spar.cr@alaska.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Jacobs".

Laura Jacobs
Project Manager
ADEC Contaminated Sites Program

cc (via email): Rodney Guritz, Arctic Data Services