



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Environmental Conservation

DIVISION OF SPILL PREVENTION AND RESPONSE  
Contaminated Sites Program  
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File: 2658.38.001

June 11, 2024

North Pacific Seafood, Inc.  
P.O. Box 1359  
Edmonds, WA 98020-9998

Re: Institutional Controls (ICs) Verification for:  
**Togiak Fisheries**, Togiak Bay, Togiak, Alaska 99678

The Contaminated Sites Program conducts periodic verification of closed sites where institutional controls (land use restrictions) are required under 18 AAC 75.375. We have identified Togiak Fisheries as a site with institutional controls.

As the current owner of the property you should be aware that there are ongoing obligations for this site.

In order to prevent people from being exposed to any remaining contamination on the property, **this letter is being sent as a reminder** of the conditions placed on the property as part of the 2012 Cleanup Complete Determination – Institutional Controls granted by the Alaska Department of Environmental Conservation (ADEC). At the time of closure, soil and groundwater contamination were documented as remaining on the property.

Policy and regulations have evolved since this site was closed with conditions in 2012. Please be advised that the Togiak Fisheries site is subject to the following standard and site-specific conditions and/or institutional controls:

1. Any future change in land use may impact the exposure assumptions cited in the Decision Document. If land use and/or ownership changes, current institutional controls may not be protective and ADEC may require additional remediation and/or institutional controls. Therefore, current landowner will report to ADEC every five years to document land use, or as soon as the current landowner becomes aware of any change in land ownership and/or use. The report can be sent to the local ADEC office or submitted electronically to [CS.Submittals@alaska.gov](mailto:CS.Submittals@alaska.gov).
2. NPSI shall provide a plan to ADEC at least 30 days prior to conducting any activities at the site, including within the adjacent tidelands, that could reasonably be expected to result in disturbance of contaminated soil or sediments or that could render accessible soils previously inaccessible including earthmoving, excavating, filling, dredging, building, dock or piling demolition.

3. ADEC may require characterization and/or cleanup of areas that become accessible through removal or alteration of structures.
4. Prior to construction of any structure intended for human occupancy, submit for ADEC approval an updated Conceptual Site Model and supporting documentation that potential exposure pathways have been abated or mitigated, shown to be incomplete, or otherwise determined not to pose an unacceptable risk to human health.
5. ADEC must be notified if NPSI becomes aware that groundwater use is taking place or is proposed within 600 feet of NPSI's only landward property boundary.
6. Groundwater is currently not used at the site and may not be used in the future for any purpose including drinking water or food processing without prior ADEC plan review and approval. Any use of the groundwater including placement of additional monitoring wells requires prior review and approval by ADEC.
7. ADEC approval is required prior to moving any soil or groundwater off any site that is, or has been, subject to the site cleanup rules [see 18 AAC 75.325(i) / 18 AAC 78.600(h)]. A "site" [as defined by 18 AAC 75.990 (115) / 18 AAC 78.995(134)] means an area that is contaminated, including areas contaminated by the migration of hazardous substances from a source area, regardless of property ownership. In the future, if soil will be excavated or groundwater will be brought to the surface (for example to dewater in support of construction) it must be characterized and managed following regulations applicable at that time and ADEC approval must be obtained before moving the soil or water off the property. *This is a standard condition.*
8. Movement or use of contaminated material in a manner that results in a violation of 18 AAC 70 water quality standards is prohibited. *This is a standard condition.*
9. 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. *This is a standard condition.*

**In addition to the conditions above, you are required to notify the ADEC if there are any changes in land use or ownership.** Failure to maintain these requirements may result in re-opening the site by the Contaminated Sites Program, in which case, further remediation could be mandatory.

In accordance with 18 AAC 75.380(d)(2), ADEC may require additional site assessment, monitoring, remediation, and/or necessary actions at this facility should new information become available that indicates contamination at this site may pose a threat to human health or the environment.

If you seek to have the institutional controls removed from this site, you can choose at any time to voluntarily conduct additional assessment, monitoring or further cleanup to demonstrate that contamination at the site now meets the applicable cleanup levels under 18 AAC 75 / 18 AAC 78.

This site information is a matter of public record and is available through ADEC's online database record at: <http://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/SiteReport/322>

The ADEC will issue a reminder letter such as this on a scheduled basis, every five years. If you have any questions regarding this site, please contact me at (907) 465-5229 or [evonne.reese@alaska.gov](mailto:evonne.reese@alaska.gov) and I will be glad to assist you.

Sincerely,

A handwritten signature in blue ink that reads "Evonne Reese". The signature is written in a cursive, flowing style.

Evonne Reese  
Environmental Program Specialist  
Institutional Controls Unit

Encl: 2012 Cleanup Complete Determination – Institutional Controls