

## DEPT. OF ENVIRONMENTAL CONSERVATION

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### DIVISION OF SPILL PREVENTION AND RESPONSE CONTAMINATED SITES REMEDIATION PROGRAM

December 19, 2001

Mr. John Lindsay  
Pribilof Project Manager  
U.S. Department of Commerce, NOAA  
National Ocean Service  
Office of Response and Restoration  
7600 Sand Point Way NE BIN C15700  
Seattle, WA 98115-0070

RE: Draft Closure Report for NOAA Landfill Cliffside Dump and Reef Point  
TPA 8 Saint Paul Island November 2001

Dear Mr. Lindsay:

The Alaska Department of Environmental Conservation (ADEC) has received the above document on November 2001. Below are ADEC's comments.

#### Section 4.3 Phase III Contaminated Soil Removal

18 AAC 75.315(d) states: If ADEC determines that the lowest *practicable*<sup>1</sup> level of contamination has been achieved under this section, a responsible person (NOAA) is not required to perform additional containment or cleanup. ADEC will base a determination under this section on the most current and complete information available to the department. ADEC will require a responsible person (NOAA) to perform additional containment or cleanup if subsequent information indicates that:

- (1) the level of contamination that remains does not protect human health, safety, or welfare, or the environment; or
- (2) the information ADEC relied upon (to make its decision) was invalid, incomplete, or fraudulent.

Based on a review of the data presented in the report, ADEC concurs no further remedial action (NFA) is required for the site known as *NOAA TPA - Cliffside Landfill (Dump) and Reef Point Landfill (Dump)* located adjacent to Zolotoi Bay and Reef Point Seal Rookery respectively.

This NFA determination is only for TPA 8: TPA 8 will **not** be assigned a closed status in ADEC's contaminated site database since the levels of lead contamination are above those

<sup>1</sup> *practicable* means capable of being designed, constructed, and implemented in a reliable and cost-effective manner, taking into consideration existing technology, site location, and logistics in light of overall project purposes; "practicable" does not include an alternative if the incremental cost of the alternative is substantial and disproportionate to the incremental degree of protection provided by the alternative as compared to another lower cost alternative.

levels, which would allow for unrestricted use. The NFA decision is based on the following facts presented in the document:

- the steepness of the slope adjacent to the Cliffside landfill which requires special equipment and logistics to get to the site which is a limiting factor for access by people;
- all loose granular (contaminated) soils acting as a source of contamination were removed to a hard basaltic shelving underlying the former battery site;
- no indications of soil staining or other possible petroleum contamination was observed at the site;
- groundwater is not threatened by the residual contamination since groundwater is not present at the site nor is the site within an area which could be considered a groundwater recharge zone for drinking water source(s);
- the residual contaminated soil (less than 2 cubic feet), is largely inaccessible by conventional excavation techniques and may already be displaced by the scouring action of St. Paul's periodic and intensive shore-side storm activity.

However, further investigation and/or remedial actions will be requested of NOAA by ADEC at TPA 8 based on an ADEC determination that the cleanup is not protective of human health, safety, or welfare, or of the environment, which includes, but is not limited to: *area of public concern, ecological receptors, environmentally sensitive areas and marine waters.*

*Area of public concern* means a geographic area that, in ADEC's judgment, deserves special protection, including

- (a) an area of unique cultural value, historical significance, or scenic importance;
- (b) an area of substantial residential or public recreational value or opportunity;
- (c) an area where fish hatcheries or other facilities primarily dependent upon the use of potentially affected water are located;
- (d) an area significantly used for commercial, sport, or subsistence hunting, fishing, and gathering; and
- (e) an area where concentrations of terrestrial or marine mammals or bird populations primarily dependent on the marine environment are located.

*Ecological receptor* means a

- (a) member or local population of plant or animal species in the geographic area of the site; and
- (b) habitat on or adjacent to the site.

*Environmentally sensitive area* means a geographic area that, in the department's determination, is especially sensitive to change or alteration, including

- (a) an area of unique, scarce, fragile, or vulnerable natural habitat;
- (b) an area of high natural productivity or essential habitat for living organisms;
- (c) an area of unique geologic or topographic significance that is susceptible to a discharge;
- (d) an area needed to protect, maintain, or replenish land or resources, including floodplains, aquifer recharge areas, beaches, and offshore sand deposits;
- (e) a state or federal critical habitat, refuge, park, wilderness area, or other designated park, refuge, or preserve; and
- (f) an area that merits special attention as defined at 6 AAC 80.170.

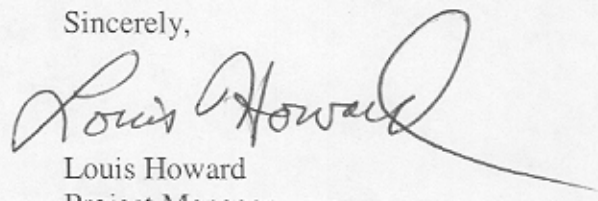
*Marine waters* means all saltwater environments, including saltwater wetlands, estuaries, and the intertidal zone

ADEC reserves its rights, under 18 AAC 75 Oil and Other Hazardous Substances Pollution Control regulations and AS 46.03 to require NOAA to conduct additional assessment and/or corrective actions, if information indicates the site conditions at TPA 8 pose an unacceptable risk to human health, safety, or welfare, or to the environment.

NOAA needs to be aware of 18 AAC 75.396 Local Control which also states: Subject to AS 29.35.020, AS 46.04.110, and AS 46.09.060, the requirements of 18 AAC 75.300 - 18 AAC 75.390 do not preempt *local control*<sup>2</sup> that is as stringent as, or more stringent than, those requirements, and that is consistent with a regional master plan prepared under AS 46.04.210.

If you have any questions regarding this letter, call me at (907) 269-7552.

Sincerely,



Louis Howard  
Project Manager

cc: Jennifer Roberts, DEC Anchorage  
Pribilof Islands RAB Members

<sup>2</sup> local government (control) means any borough, city, town, village, or other political subdivision of the state or any Indian tribe or authorized tribal organization; "local government" includes any rural community or unincorporated town or village