

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

**DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF SPILL PREVENTION AND RESPONSE
CONTAMINATED SITES PROGRAM**

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February 5, 2004

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APR 13 2004

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 98115-6349

RE: Cottage C (TPA Site 11) St. George Island, January 20, 2004

Dear Mr. Lindsay:

The Alaska Department of Environmental Conservation (the Department) received the above document on January 23, 2004. The Department concurs with the request to remove the Cottage C site otherwise known as Two-Party Agreement (TPA) Site 11 located on Lot 5, Tract 47.

The Department's concurrence on the request does not relieve the National Oceanic and Atmospheric Administration (NOAA) from its responsibility to properly address releases of pollutants, hazardous substances, petroleum products and oil within the meaning of AS 46.03.826¹, AS 46.03.740² and 18 AAC 75.990(35) which have occurred or may have occurred at the Cottage C site regardless if it is on the TPA or not.

The Department will require a workplan to be submitted for its review and comment, prior to any work being conducted, which shall outline the course of the site investigation to properly

¹ "hazardous substance" means (A) an element or compound which, when it enters into the atmosphere or in or upon the water or surface or subsurface land of the state, presents an imminent and substantial danger to the public health or welfare, including but not limited to fish, animals, vegetation, or any part of the natural habitat in which they are found; (B) oil; or (C) a substance defined as a hazardous substance under 42 U.S.C. 9601(14). "oil" means a derivative of a liquid hydrocarbon and includes crude oil, lubricating oil, sludge, oil refuse or another petroleum-related product or by-product

² A person may not discharge, cause to be discharged, or permit the discharge of petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or a residuary product of petroleum, into, or upon the waters or land of the state except in quantities, and at times and locations or under circumstances and conditions as the department may by regulation permit or where permitted under art. IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended.

Mr. John Lindsay
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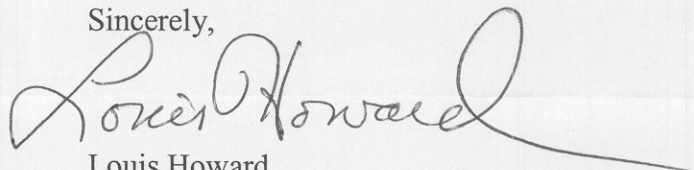
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delineate the nature and extent of contamination in soil and groundwater at Cottage C. Implementation of this workplan shall comply with 18 AAC 75, 78 and the Underground Storage Tank Procedure Manual, where applicable. Field work will be conducted or directly supervised by a qualified³ person as defined in 18 AAC 78.995. The Department expects the workplan to incorporate existing data in the possession of NOAA or its consultants to the maximum extent practicable.

Please contact me with any questions or concerns at (907) 269-7552.

Sincerely,

A handwritten signature in black ink that reads "Louis Howard". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Louis Howard
Project Manager

2004 TPA transfer to Compliance.doc

NOAA St. George Island genl corr

cc: Thanh Minh Trinh, NOAA Office of Environmental Compliance (M/S WC4)

³ "qualified person" or "qualified third party" means a person who actively practices environmental science or engineering, geology, physical science, hydrology, or a related field and has the following minimum education and experience: (A) a bachelor's degree or equivalent from a nationally or internationally accredited postsecondary institution in environmental science or engineering, geology, hydrology, physical science, or a related field; for purposes of this subparagraph, "equivalent" means that the person earned at least 128 semester hours, 168 trimester hours, or 192 quarter hours at an accredited postsecondary institution, and with at least 18 percent of those hours in a science major and at least 13 percent of those hours in upper division-level courses; and (B) at least one year of professional experience in environmental science or engineering, geology, physical science, or a related field, completed after the degree described in (A) of this paragraph was obtained.