

STATE OF ALASKA

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

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January 2, 2002

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, Washington 98115-0070

RE: Draft Site Closure Report TPA Site 7-NMFS Fuel Barges A, B, C, D St. Paul Island,
Alaska November 19, 2001

Dear Mr. Lindsay:

The Alaska Department of Environmental Conservation (ADEC) had received the above document on December 3, 2001. Based on a review of the data presented in the report, ADEC concurs the site does not require any further remedial action and can be considered closed. This closure is only for the site known as *NOAA TPA Site 7 NMFS Fuel Barges A, B, C, and D*. ADEC is basing this determination on the most current and complete information provided by NOAA to the department. ADEC reserves its rights, under 18 AAC 75 Oil and Other Hazardous Substances Pollution Control regulations and AS 46.03 to require 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 (which includes, but is not limited to: *area of public concern, ecological receptors, environmentally sensitive areas and marine waters*); or
- (2) the information ADEC relied upon (to make its decision) was invalid, incomplete, or fraudulent.

Authority:	AS 46.03.020	AS 46.03.740	AS 46.04.070
	AS 46.03.050	AS 46.03.745	AS 46.09.020
	AS 46.03.710	AS 46.04.020	

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:

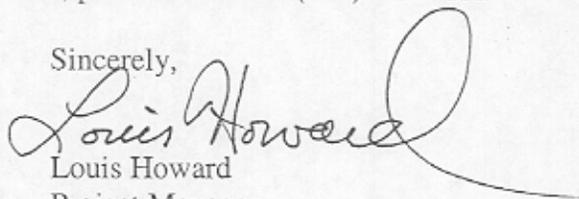
- (A) an area of unique, scarce, fragile, or vulnerable natural habitat;
- (B) an area of high natural productivity or essential habitat for living organisms;
- (C) an area of unique geologic or topographic significance that is susceptible to a discharge;
- (D) an area needed to protect, maintain, or 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.

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*¹ 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, please call me at (907) 269-7552.

Sincerely,



Louis Howard
Project Manager

cc: Jennifer Roberts, ADEC Anchorage
Pribilof RAB Members

¹ 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