

STATE OF ALASKA

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

SARAH PALIN, GOVERNOR

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File: 475.38.013

May 22, 2009

Mr. Carey Cossaboom
U.S. Army Engineer District, Alaska
Mail Code CEPOA-PM-P
P.O. Box 6898
Elmendorf AFB, Alaska 99506-6898

Re: ADEC Additional Law Department Comments on the Northeast Cape
Site 7 Decision Document

Dear Carey:

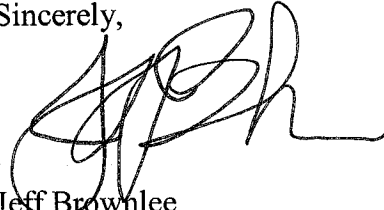
The State Department of Law reviewed and has additional comments on the document titled *Decision Document, Site 7 Cargo Beach Road Landfill, Containerized Hazardous, Toxic, and Radioactive Waste (HTRW) Project # F10AK096905, Northeast Cape Formerly Used Defense Site (FUDS) Saint Lawrence Island Alaska*. We received the document in September, 2008. Below are the law department comments:

1. Section 1.2, third paragraph, 4th sentence: Please add "and the environment" after "humans, animals".
2. Section 1.2, fourth paragraph, and throughout the document: Please change "DEC concurs" to "ADEC agrees that the remedy selected complies with CERCLA and state law."
3. Section 1.4, Description of Selected Remedy, 4th bullet: Please add criteria that determine what "severely stained" soil means.
4. Section 1.4, paragraph after bullets: Please add sentence explaining if large amounts of drums are found the remedy will be reevaluated.
5. Signature Page for the State: See comment number 2.
6. Section 2.5, first paragraph: Please change the last sentence in this paragraph that starts "After removal of any full drums" to "After removal of any drums containing liquid".
7. Section 2.6.6, second paragraph: Please explain if this area of elevated DRO in soil is planned to be under the cap and if any additional samples were collected after the area was disturbed.
8. Section 2.7.1: State who the landowner is.
9. Section 2.7.3: Please specify where the surface water testing was done – upstream of Cargo Beach Road, downstream, or both.
10. Section 2.8.1, first paragraph: Please specify the ADEC designated the area around the Cargo Beach Road Landfill to not be a reasonably expected future drinking water source.



11. Section 2.8.2, third paragraph: Explain if this area of high DRO in soil is going to be under the cap and if the high sample point was ever retested.
12. Table 6: Costs for land use controls seem excessive. The cost for land use controls on Table 7 is listed as \$170,000. Please clarify.
13. Table 6: \$4.6 million to cap the landfill seems excessive. Does this amount include a dedicated move and demobe?
14. Section 2.11.8: See comment #2.
15. Section 2.13.2, 4th bullet: Please define "severely stained".
16. Section 2.13.5, first paragraph: There is no bias against offsite disposal in CERCLA. Please change the text.
17. Section 2.13.5, 5th paragraph: Please reword the second sentence in this paragraph to read, "USACE has determined that the selected remedy provides.... ADEC agrees that the remedy selected complies with CERCLA and state law".
18. Section 2.13.5, State Acceptance: See comment #2.

Sincerely,



Jeff Brownlee
Environmental Program Specialist

Copy: Jennifer Currie, Dept. of Law, Anchorage
Lisa Geist, COE - Anchorage