



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

REGIONAL ADMINISTRATOR

**MAR 23 2010**

Colonel Reinhard W. Koenig  
District Commander  
U.S. Army Corp of Engineers  
P.O. Box 6898  
Elmendorf AFB, Alaska 99506-0898

Dear Colonel Koenig:

On September 24, 2009, Mathy Stanislaus, the Environmental Protection Agency (EPA) Assistant Administrator for the Office of Solid Waste and Emergency Response and other EPA staff met with Tribal representatives from St. Lawrence Island, Alaska, and the Alaska Community Action on Toxics (ACAT) to discuss their concerns about ongoing U.S. Army Corps of Engineers (USACE) cleanup work at the Northeast Cape and Gambell "Formerly Used Defense Sites" located on St. Lawrence Island. Mr. Stanislaus has delegated this matter to the EPA Region 10 office to take the lead in reviewing the issues raised by ACAT. The purpose of this letter is to request information from the USACE to determine whether the cleanup at the NE Cape and Gambell sites are consistent with EPA requirements and to determine EPA's future role at these sites.

I understand that ACAT and Tribal representatives also met with the USACE in September 2009 to discuss their concerns about the Northeast Cape and Gambell sites. ACAT sent Mr. Stanislaus a letter on November 11, 2009 addressing the concerns they presented at the September 24, 2009 meeting. Enclosed is a copy of that letter.

ACAT specifically requested that EPA place the sites on the Superfund National Priorities List (NPL) and provide them with a copy of the current Hazard Ranking System evaluation. ACAT and the Tribal delegation also raised concerns about the adequacy of site characterization, cleanup, and oversight. As you know, in 2002 EPA evaluated the NE Cape and decided not to pursue an NPL listing because we believed that listing the site on the NPL would not significantly improve conditions or cleanup progress at the site. Our decision took into account the USACE's clean-up efforts.

We are considering ACAT's current request to re-evaluate the sites for NPL listing, as well as our future role at this site. However, we want to ensure that we coordinate with the USACE prior to responding to ACAT and that we base our decisions on the most current information.

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In order to be responsive to ACAT and Tribal concerns, EPA requests that the USACE:

- Provide a response to the 10 bulleted issues ACAT presents on page 3 of their November 11, 2009 letter.
- Include a summary of site investigation and cleanup activities performed to date, as well as your future plans.
- Include a list of any waste and contaminants that will remain on St. Lawrence Island after completion of remediation, and the plans for long term monitoring.

Both the USACE and EPA have a trust responsibility for the two Tribes on St. Lawrence Island. I ask that you detail the efforts you have made to honor the Government to Government consultation duties we share. During the meeting with EPA, the Tribal delegation indicated their desire for greater inclusion of the Tribes in the decision-making process, including direct concurrence on the Record of Decision (bullet item #10).

I request that you direct your response to Dan Opalski, Director, Office of Environmental Cleanup. It would be most helpful if you can provide a response within thirty days. If you have any questions regarding our request, please contact Dan Opalski at (206) 553-1855. I appreciate your consideration of this request and look forward to your response.

Sincerely,



Dennis J. McLerran *for*  
Regional Administrator

Enclosure

cc: Steve Bainbridge  
Alaska Department of Environmental Conservation

Jennifer Roberts  
Alaska Department of Environmental Conservation

John Halverson  
Alaska Department of Environmental Conservation

Curtis Duncan  
Alaska Department of Environmental Conservation

Carey Cossaboom  
U.S. Corp of Engineers

## **Alaska Community Action on Toxics**

505 West Northern Lights Boulevard, Suite 205

Anchorage, Alaska 99503

(907) 222-7714; (907) 222-7715 (FAX)

[www.akaction.org](http://www.akaction.org)

November 11, 2009

Mr. Mathy Stanilaus  
Assistant Administrator  
Office of Solid Waste and Emergency Response  
EPA West  
1301 Constitution Avenue NW, room 3146B  
Washington DC 20314-1000

### ***RE: THANK YOU***

Dear Mr. Stanilaus:

On behalf of the St. Lawrence Island Delegation and Alaska Community Action on Toxics (ACAT), thank you for meeting with members of our delegation on Thursday September 24, 2009. We appreciated the time that you took with us to discuss the pressing needs of the people of St. Lawrence Island, including the toxic contamination of formerly used defense sites (FUDS), the need for proper site characterization and EPA oversight at Gambell and Northeast Cape FUDs, thorough and aggressive clean up, and the inclusion of Northeast Cape on the National Priorities List. The Yupik people of St. Lawrence Island have disproportionate health problems that may be associated with exposures to chemical contamination from the formerly used defense sites and long-range transport, including cancers, diabetes, reproductive problems, thyroid disease, nervous and immune system disorders, and learning disabilities. Actions are needed to protect the health and well-being of present and future generations, the lands, waters, and traditional subsistence way of life of the Yupik people. Climate warming exacerbates the mobilization and transport of persistent organic pollutants (POPs) from local and distant sources in the Arctic. Synergistic effects of climate warming and increasing levels of contaminants in the Arctic threaten food security and the survival of the Yupik people.

As we discussed, we are concerned about the contamination and environmental health issues associated with the formerly used defense sites on St. Lawrence Island at Northeast Cape and Gambell. The island's military installations and residents served important strategic roles during the Cold War. However, when the bases were shut down, large quantities of hazardous wastes and debris were left behind. At Northeast Cape, massive fuel spills, PCBs, pesticides, heavy metals, asbestos, and solvents were dumped on the surface or buried in unlined landfills that are leaching to the Suqitughneq (Suqi) River and coastal waters. The village at Northeast Cape was displaced after the military contaminated the area and cannot be re-established until effective remedial measures are implemented and finalized.

At Gambell, the wastes, including fuels, solvents, unexploded ordnance, and metal debris were buried in the unconsolidated gravel which forms the foundation of the village. At Gambell, we are concerned about the vulnerability of the shallow (about 10 feet) aquifer that

serves as the community water source. We are also concerned that the school and residential areas are located on areas overlying military contamination. The toxic waste dumps on St. Lawrence Island have devastated the lands and waters, and have continued to affect the traditional food gathering and health for more than 50 years.

In addition to the military contamination, the Yupik people of St. Lawrence Island are also suffering from the contamination that arrives on wind and ocean currents into our region via long-range transport. As you know, the Arctic has become a hemispheric sink for POPs that travel hundreds and thousands of miles northward on wind and ocean currents, where they accumulate in the bodies of wildlife and people of the north. This contamination harms our traditional foods and the health of our people. Arctic Indigenous peoples carry some of the highest levels of these contaminants in their bodies. The chemicals include legacy chemicals such as PCBs and DDT, as well as currently used industrial chemicals and pesticides such as brominated flame retardants, fluorinated substances, and endosulfan. We ask for your support in preventing the production and release of these chemicals through reform of our federal laws, the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). We also ask for U.S. participation and leadership internationally through the Stockholm Convention on Persistent Organic Pollutants (POPs). It is only through national and international actions that we can protect the health of the peoples of the Arctic.

U.S. leadership is critical to the success of international efforts to eliminate the world's most dangerous substances. We are eager to work with the Environmental Protection Agency, Department of State, and Congress to enact legislation that reflects the precautionary spirit and scientific rigor of the Stockholm Convention and enable swift action by the U.S. on POPs chemicals. We are committed to ensure ratification of a strong, protective treaty.

The Preamble of the Convention recognizes the special vulnerability of Arctic Indigenous Peoples and states: *"Acknowledging that the Arctic ecosystems and indigenous communities are particularly at risk because of biomagnifications of persistent organic pollutants and that contamination of their traditional foods is a public health issue."* Some Arctic Indigenous populations have shown "levels of contaminants in blood and breast milk [that are] higher than those found anywhere else on the Earth." This recognition inspired the negotiation of the Stockholm Convention, as noted in the preamble, and must now motivate the Convention's strong implementation. This is not an abstract issue for the Yupik people and other Arctic Indigenous peoples—it affects their daily lives and the health of future generations. They depend on traditional foods from the land and sea for their physical, cultural, and spiritual well-being—foods that are contaminated with POPs chemicals. Our own community-based research has found high levels of such POPs chemicals as PCBs and other "legacy" chemicals in the traditional foods and blood serum of the Yupik people. The most recent Arctic Monitoring and Assessment Programme report also raises concerns about increasing levels of "new" POPs chemicals in the Arctic such as the polybrominated diphenyl ethers (PBDEs) and perfluorinated substances. With the rapid decline of sea ice, scientists predict greater atmospheric loading of such chemicals as endosulfan into the marine environment. We must take swift national and international actions to eliminate the production and use of

these chemicals that threaten the integrity of ecosystems and public health in the Arctic and around the globe.

The people of St. Lawrence Island need your help to move forward and to renew their way of life. We want to ensure that Northeast Cape is safe and healthy for the restoration of the Suqi River watershed and re-establishment of the village. Our research in the Suqi River watershed indicates the presence of PCBs, pesticides, polycyclic aromatic hydrocarbons associated with past fuel spills, polybrominated diphenyl ethers (PBDEs), and heavy metals. In Gambell, we must also ensure protection of the drinking water source, the school, and residential areas.

We request your support to ensure proper regulatory oversight, enforcement, and funding for characterization and responsible cleanup of the formerly used defense sites. This includes provisions for use of innovative clean-up technologies relevant to the Arctic, accountability to the leadership of the communities of Savoonga and Gambell, government-to-government consultation with Tribes, and citizen participation in remedial decisions. Tribes, as sovereign governments, must have the right to determine clean-up standards and serve as official parties to the Records of Decision. We also request your support to achieve restoration and removal of the contamination rather than premature closures, partial excavations, natural attenuation, and/or land use controls. We request the following actions to address and prevent further health and environmental effects of military contamination on St. Lawrence Island.

Specifically, the matters of primary urgency for your attention and action include:

- Complete removal of the solid and hazardous waste materials at the Northeast Cape Site 7 landfill;
- Removal and treatment of the White Alice site soils and groundwater to effectively remove associated contaminants;
- Removal/remediation of contaminants in the Northeast Cape Main Complex soils and groundwater, as well as on-going monitoring to ensure safe drinking water supplies;
- Effective remediation and long term monitoring of the Suqi River drainage basin sediments and surface water (fuels and PCB contamination);
- Complete removal or destruction of the contaminants identified at the former village site at Northeast Cape;
- Restoration of the Suqi River watershed and shallow groundwater resources within the area of the Main Complex and up-gradient regions of the Main Complex to ensure adequate and safe drinking water at Northeast Cape;
- Removal of contaminant sources at the village in Gambell including those up-gradient from the municipal water supplies and those beneath the residential areas, the school and community buildings;
- Long term, bi-annual monitoring of contaminants of concern within the municipal water supply areas;
- Establishment of a safe drinking water source at Gambell that is up-gradient of the contaminated sites; and
- Institute the tribes as official signatories/Parties to any Records of Decision (RODs).

- Protect the health of children and other vulnerable populations in Alaska and elsewhere through reform of the Toxic Substances Control Act (TSCA) and the federal pesticide law (FIFRA). Include provisions to: 1) phase out persistent, bioaccumulative toxics (PBTs), and chemicals that harm health; 2) require safe substitutes and solutions; 3) give the public and workers the full right-to-know and participate; and 4) require prior, comprehensive safety data for all chemicals.
- Take swift, bold measures to substantially reduce the greenhouse gases to protect communities of the Arctic from climate change impacts.
- U.S. participation and leadership is critical to the success of international efforts to eliminate the world's most dangerous substances that threaten the north/Arctic. Ensure passage of strong, effective implementation legislation for the ratification of the Stockholm Convention, the international, legally-binding treaty on POPs.

Again, we very much appreciate your time in meeting with the delegation. ACAT is a non-profit organization that empowers individuals and tribes throughout Alaska who are seeking assistance with toxic contamination issues that affect the health of people and the environment. We look forward to working with you to address the concerns of the Yupik people of St. Lawrence Island.

If you have any questions or need additional information, please do not hesitate to contact us directly or to reach us through our Washington D.C. representative—The Raben Group (contact: Ellie Collinson at (202) 587-4935 or [ecollinson@rabengroup.com](mailto:ecollinson@rabengroup.com)).

Sincerely,



Vi Waghiyi  
Environmental Health and Justice  
Program Director



Pamela K. Miller  
Executive Director

cc            Senator Lisa Murkowski  
              Senator Mark Begich



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, ALASKA  
P.O. BOX 6898  
ELMENDORF AFB, ALASKA 99506-0898

APR 9 2010

Programs and Project Management Division  
Environmental Special Projects

Mr. Dan Opalski, Director  
Office of Environmental Cleanup  
Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

Dear Mr. Opalski:

We received a letter from the EPA Regional Administrator, Dennis J. McLerran, dated March 23, 2010. Mr. McLerran requested that we respond to you on three specific points regarding the USACE Formerly Used Defense Sites (FUDS) on St. Lawrence Island, Alaska.

The Alaska Community Action on Toxics (ACAT) group has been involved for many years with FUDS projects on St. Lawrence Island, specifically our Gambell and Northeast Cape Projects. ACAT has consulted with the two Tribal IRA Councils in Gambell and Savoonga, and they appear to have a great deal of influence with the Tribal leaders.

We understand the need to be responsive to Tribal concerns. We recognize the trust responsibility we have for the Tribes and the open dialogue we must maintain with their chosen advisors. We welcome your inquiries and are pleased to provide the information requested in EPA's March 23 letter.

The following paragraphs are the USACE Alaska District's responses to the 10 bulleted issues ACAT presented in their November 11, 2009, letter to the EPA. These are the same issues that ACAT sent by letter November 4, 2010, to USACE Headquarters (Mr. Stacey Hirata) in Washington, D.C.

- *Complete removal of the solid and hazardous waste materials at the Northeast Cape Site 7 landfill*

We believe that the excavations and capping of the Site 7 landfill accomplished during the summer of 2009 removed the contamination sources from this site. Previous investigations indicated that little if any leachate migrates from the landfill, and the groundwater results were

essentially clean. The effort completed this past summer exceeded our expectations. Drum removal was extremely thorough, batteries and PCB-ballasts were completely removed, and 50 tons of visibly-stained soils were removed. Based on the completed cleanup efforts and new cap, we are confident Site 7 meets protective health-based standards.

- *Removal and treatment of the White Alice site soils and groundwater to effectively remove associated contaminants*

Removal of remaining PCB-contaminated soils at the White Alice Site is planned for 2010. The groundwater near the former White Alice site is not contaminated.

- *Removal/remediation of contaminants in the Northeast Cape Main Complex soils and groundwater, as well as on-going monitoring to ensure safe drinking water supplies*

Removal of PCB-contaminated soils at the Main Operations Complex is scheduled for 2010. Cleanup of the petroleum-contaminated soils at the Main Operations Complex is planned for 2011. We tested chemical oxidation techniques for both soil and groundwater in 2009 (at the advice of the Restoration Advisory Board (RAB) meetings). However, it does not appear that the oxidation techniques will be effective in the peat-rich soils that are petroleum contaminated at the northern edge of the Main Operations Complex. Since chemical oxidation processes were not successful, the contingency approach of soil excavation will be implemented. Our remediation objective remains the same: cleanup of petroleum contaminated soils (maximum depth of 15 feet, as required for future unrestricted use), to meet the site-specific, risk-based cleanup levels approved by the Alaska Department of Environmental Conservation and specified in our approved Decision Document. After source removal is completed, monitored natural attenuation of the groundwater will be implemented. The Main Operations Complex should not be considered a good source for drinking water in the near future. A restriction on installing a drinking water source within the contaminated zone of the Main Complex should be made unless future data confirms cleanup levels are achieved. Clean sources of groundwater for a future community exist up gradient from the Main Operations Complex.

- *Effective remediation and long term monitoring of the Suqi River drainage basin sediments and surface water (fuels and PCB contamination)*

Testing conducted by USACE has demonstrated that the Suqi River drainage basin does not exhibit significant levels of contamination in sediments, except near the Main Operations Complex. The approved Decision Document includes a plan to excavate the contaminated sediments immediately adjacent to the Main Complex and a portion of the narrow down-gradient channel.

- *Complete removal or destruction of the contaminants identified at the former village site at Northeast Cape*



The former village site at Northeast Cape was not a DoD facility and is, therefore, not eligible under the FUDS program. The DoD has shown a willingness to assess conditions at the former village site under the Native American Lands Environmental Mitigation Program (NALEMP).

- *Restoration of the Suqi River watershed and shallow groundwater resources within the area of the Main Complex and upgradient regions of the Main Complex to ensure adequate and safe drinking water at Northeast Cape*

Cleanup of contamination sources at the Main Operations Complex and the sediments in the nearby Drainage Basin will significantly improve the overall Suqi River watershed. We believe that our remediation efforts will improve the shallow groundwater at Northeast Cape, but we acknowledge that groundwater in the Main Operations Complex will not be suitable as potable water in the near future. However, the groundwater just up gradient of the Main Operations Complex is not contaminated and would be a suitable place for a potable water well that could serve a future community.

- *Removal of contaminant sources at the Village in Gambell including those up-gradient from the municipal water supplies and those beneath the residential areas, the school and community buildings*

USACE conducted active investigation and cleanup efforts in Gambell between 1994 and 2006. All known, eligible military sources of contaminants were removed. The State of Alaska Department of Environmental Conservation approved the investigation and cleanup reports and concurred that no further action is necessary at the site. Debris was cleared from beneath the school during its construction and moved to Site 8C near the city landfill. The NALEMP project removed the military debris material during the summers of 2008-09. We have heard reports that some houses were built on top of scrap wastes. Based on previous debris removal efforts, we have found that only rarely does buried debris in Gambell contain contamination. The NALEMP crew will address concerns about debris beneath residential areas as close as practical, but we cannot justify moving buildings to access debris that is not a source of contamination. The remaining buried debris does not constitute a health hazard or endangerment and is therefore not eligible under the FUDS program. The DoD continues to work with the Native Village of Gambell through NALEMP to assess conditions and cleanup additional military impacts or debris. This NALEMP project is run by the Tribe, and as such, they are responsible for mitigating environmental hazards associated with this buried debris.

- *Long term, bi-annual monitoring of contaminants of concern within the municipal water supply areas*

To our knowledge, the drinking water source in Gambell has never been compromised by activities attributed to the Department of Defense. One monitoring well cross-gradient from the community well showed fuel contamination in the past, but subsequent investigations demonstrated no significant contamination remains. To our knowledge, the community well in Gambell has never been contaminated except for one act of juvenile vandalism.

- *Establishment of a safe drinking water source at Gambell that is up-gradient of the contaminated sites*

The drinking water source in Gambell has not been compromised by activities attributed to the Department of Defense. Therefore, the DoD is not responsible for creating a new water source in Gambell.

- *Institute the tribes as official signatories/Parties to any Records of Decision (RODs)*

The Corps cannot seek tribal signatures on Records of Decision because the tribe does not have jurisdiction over the land itself. CERCLA (Comprehensive Environmental Response, Compensation and Liability Act of 1980) regulations (see 40 CFR 300.515) require that Indian tribes have jurisdiction over the site in order to be afforded substantially the same treatment as states. However, the State of Alaska maintains jurisdictional authority over territory other than Native allotments or other lands set aside under the superintendence of the federal government. Therefore, it would not be appropriate to request Tribal signatures on Decision Documents.

According to FUDS Program Policy (ER 200-3-1, May 2004), the Department of the Army, Assistant Chief of Staff for Installation Management (ACSIM) is the approval authority for all decision documents that have a selected remedy with a present worth cost estimate of more than \$10 million. Lt General Robert Wilson approved the overall cleanup plans (Decision Document) for the Northeast Cape Air Force Station FUDS on 3 September 2009.

The EPA March 23 letter requested us to provide a summary of site investigation and cleanup activities performed to date as well as future plans. We have enclosed two Project Closeout Reports (HTRW and CON/HTRW) for our Gambell Project and two Decision Documents for our Northeast Cape Project to summarize work completed on these projects.

As mentioned earlier, environmental remediation efforts under the FUDS program at Gambell have been completed. However, environmental mitigation efforts continue in Gambell under the DoD-funded NALEMP. NALEMP eligibility requirements are more liberal than FUDS criteria; buried debris in Gambell can be excavated even though it doesn't present an immediate hazard. The NALEMP Strategic Project Implementation Plan (SPIP) is being updated by the Native Village of Gambell's environmental contractor. The SPIP briefly covers the NALEMP history in Gambell from 2003 to present.

The remedial actions outlined in the Northeast Cape Site 7 Cargo Beach Road Landfill CON-HTRW Decision Document at Northeast Cape were completed in 2009. The final Construction Completion Report is pending. Our contractor went above and beyond the stated scope and dug through the entire landfill, removing all drums and stained soils, before placing a new cap on the Site 7 Landfill.

The remedial actions outlined within the Northeast Cape HTRW Decision Document were initiated in 2009 with the chemical oxidation pilot study for the petroleum-contaminated soils at the Main Operations Complex. Unfortunately, layers of peat at this location rendered chem-ox

treatment ineffective. Our Decision Document included a contingency scenario identified as the excavation of soils and monitored natural attenuation of groundwater. The remedial actions outlined in the Decision Document will be implemented starting this field season, and continue over the next several years as funding is available. Long-term monitoring and 5 years reviews will extend beyond 2012.

Another point the EPA March 23 letter requested that we address was to include a list of any waste and contaminants that will remain on St. Lawrence Island after completion of remediation, and the plans for long term monitoring. The following paragraphs address those areas.

Wastes and/or contaminants that are likely to remain behind in Gambell after completion of NALEMP remediation efforts include:

- Some debris, largely consisting of scrap metal, that exists under the city water tank
- Empty former latrine drums beneath the city snow fence
- Debris that is speculated to be beneath the new city housing area
- Scattered .30-caliber ammunition rounds at the bottom of Troutman Lake

No long term monitoring is slated for Gambell.

Wastes and/or contaminants that are likely to remain behind at Northeast Cape after completion of remediation efforts include:

- Petroleum-contaminated soils deeper than 15 feet at the Main Operations Complex
- Petroleum-contaminated groundwater at the Main Operations Complex
- Small residual pockets of petroleum-contaminated soil/sediment within the wetland drainage basin below the Main Operations Complex
- DRO-contaminated soils in wetlands at Site 8 (monitored natural attenuation)
- Non-hazardous solid waste debris beneath the two newly-capped disposal areas (Site 7 and Site 9)

Long-term monitoring will occur at the Main Operations Complex, Site 8, and the Site 7 and Site 9 landfills.

The last area that the EPA March 23 letter requested that we address was to detail our efforts to honor the Government to Government consultation duties. To honor the Government to Government consultation with the Tribal leaderships on St. Lawrence Island, we routinely have our Project Manager meet separately with the Tribal President and IRA Council Members prior to scheduled Restoration Advisory Board (RAB) Meetings. In addition, several former Alaska District Commanders have met with Tribal Leaders in the past, both on St. Lawrence Island and here on Elmendorf Air Force Base. The most recent meetings took place in January 2007 (Col. Wilson traveled to Gambell), April 2006 (Col. Gallagher traveled to Savoonga), and July 2002 (Lt. Col Gingras here at Elmendorf AFB). I also intend to visit St. Lawrence Island this summer.

If you have any remaining questions or concerns, please contact our St. Lawrence Island Project Manager, Mr. Carey Cossaboom, at (907) 753-2689, or by e-mail at [carey.c.cossaboom@usace.army.mil](mailto:carey.c.cossaboom@usace.army.mil).

Sincerely,



Reinhard W. Koenig  
Colonel, Corps of Engineers  
District Commander

Enclosures

cc: S. Bainbridge, ADEC  
J. Roberts, ADEC  
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C. Dunkin, ADEC  
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