

**Pribilofs Restoration Advisory Board (RAB)
Tribal Council Building
St. Paul, Alaska
Friday, June 18, 2004**

Final Meeting Notes

Participants:

Mr. Victor Mercurief, Sr. (co-chair, St. Paul)
Mr. Bernie Denno (co-chair, NOAA)
Louis Howard, ADEC
Phil Zavadil, Tribal Government of St. Paul
David Kennedy, NOAA
Ellen Clark, NOAA
Stephen Senisch, City of St. Paul
David Schofield, City of St. Paul
Ron Philemonoff, TDX
Anthony Philemonoff, TDX
Jason Bourdukofsky, Member at Large
John Lindsay, NOAA
Sherry Lestenkof, City of St. Paul
Minh Trinh, NOAA
Aquilina Lestenkof, Member at Large
John R. Mercurief, City of St. Paul
Jim Wright, NOAA
Dave Cormany, NOAA
Richard Zacharof, Tribal Government of St. Paul
Phyllis Swetzof, City of St. Paul

WELCOME AND INTRODUCTIONS

- The meeting was called to order at 8:30 a.m.
- A Sign-in Sheet was circulated and introductions were made.
- Since Myron Melovidov was not present, John R Mercurief asked that Steve Senisch act as a voting member for the City during this meeting. Approved.

DISTRIBUTION OF MARCH 4, 2004, RAB NOTES FOR REVIEW AND APPROVAL

- Notes of March 4, 2004 were circulated.
- The March 4 meeting was a joint St. Paul and St. George meeting.
- Page 3- TDX asked that their comment regarding the 10x Rule be expanded to state that they would like the 10x Rule to cover the areas from the Village up to the By-Product site (near government staff quarters)
- The City requested that the map that was distributed at the March RAB be included in the notes so that we are all on the same page.
- The March 4, 2004 RAB notes were approved subject to the above modifications.

UPDATE ON SEASON'S FIELD ACTIVITIES

Revegetation

Vehicle Boneyard

- On a 1-acre site, a cap was placed on area in the fall, and in the spring erosion control mats were placed down after native plants were seeded and the area was fertilized.

Landfill Cell A

- 1 acre comprising the side slopes was seeded and fertilized in spring 2004.

Diesel Seep Site

- Some contamination exists on site causing a sheen in the lagoon. NOAA plans to remove the source of the sheen.
- On Tract 50, adjacent to the Diesel Seep, is a dirt platform contained inside a 3 foot high stem wall that appears to have been built as a building foundation. The foundation and platform was used to store seal oil, diesel drums, and other miscellaneous items. There never was a building there.
- The soil within the foundation of the platform was found by testing conducted by Kelly Ryan in spring 2004 to have diesel contamination. This soil will be removed and a dewatering cell for the Corps of Engineers Harbor Improvement Project will be built at that location.
- The shoreline area at the Diesel Seep will be removed to rid the area of sufficient diesel contamination to eliminate the sheen. Rocks will be placed on the shoreline after remediation to armor the area and prevent erosion. A trench of activated carbon will be placed in this area to absorb any remaining diesel hydrocarbons.

Q. Where are you going to excavate first?

A. We want to excavate the upland area first then go after the shoreline to prevent recontamination of the shoreline area.

Q. When you dredge the shoreline there, is the area being discussed an estimate of where you will stop or is it the exact area?

A. NOAA's obligation at this site is to remove the sheen on the water. The area being considered is an approximation, but NOAA will chase the source of the sheen if contamination is found outside that area.

Blubber Dump Site

Q. How deep are the samples in the test pit?

A. 6 inches to a foot and a half deep. These are about a foot and a half foot deep.

Ice House Lake

- There is just one spot that exceeds State cleanup levels for DRO.

Lukanin Bay PCS Site

- In 2001 several samples were collected. Analysis showed elevated levels of pesticides at this site.
- Further sampling and analysis was conducted in winter 2004 to confirm the pesticide and petroleum detections. Results show that there were no elevated levels for pesticides. NOAA concludes that the first laboratory results were skewed and will not pursue excavation for pesticides at the site, but will excavate soil with elevated petroleum levels which were confirmed.

LAND-SPREADING PCS

- There are several locations where NOAA is considering land-spreading -- Tract 42, the National Weather Service (NWS) Site, and the Vehicle Boneyard Site. To clarify a point

NOAA originally considered land-farming, but following discussions with the State, NOAA is now pursuing land-spreading. Land-farming requires active tilling of the soils, monitoring, and other actions. Land-spreading is a disposal alternative that doesn't require any further action once the soils are put into place.

- Land-spreading would require approximately 14 acres, with soil spread at a depth of 18 inches.
- NOAA conducted groundwater sampling and ran models to determine potential impacts to groundwater.
- Geo-probe samples were taken at the NWS site to determine the natural organic content and depth of the soil above the water table. The soil has high organic content and thus is expected to absorb petroleum contamination, and therefore land-spreading has low potential to adversely affect groundwater.
- Another possible location would be at the current landfill, Tract 42, using the PCS for the construction of a 2-foot cap over the landfill. 3.4 acres of land would be covered with PCS. The State has indicated that this is an appropriate use of the PCS.

Q. What is the main process?

A. There are many ways to conduct land-spreading. Land-farming implies an active process of tilling the soil. NOAA found that because of the nature of the soil at the Weather Service Property it has the ability to absorb diesel hydrocarbons. NOAA is considering spreading the soil at the site and conducting minimal tilling since the oil will evaporate over time.

Q. Why are you placing contaminated soil at an area that is clean ... and right near the road?

A. The State conducted a risk assessment and found no risk to public health or the environment at this location. There is no potential to adversely affect fur seals or groundwater. NOAA plans to till the soil for a season to encourage degradation of the contamination ... but NOAA is not obligated by the State to till the soil. The minimum distance between the road and the land spread will be 50 feet.

Q. Are you going to reseed the area?

A. NOAA will plan to seed and fertilize the area, although much natural seeding tends to occur. If need be NOAA can place erosion mat down.

Q. In the risk assessment were the birds taken into consideration – especially the subsistence kittiwakes?

A. The State did look at bird uptake and concluded there was no evidence of significant risk.

Q. What is NOAA's plan regarding attracting birds?

A. If this area seems to be attracting birds, then NOAA will seek to remediate this situation.

Q. What will you do about the high winds in that area?

A. If this becomes a problem, NOAA would put down erosion control mat to allow the plants an opportunity to take hold.

Comment: An expedited effort to increase the attenuation of the contamination seems to be necessary. The longer the soil sits there, the more risk there is to the environment. TDX would like to see this occur, and perhaps microbes to increase attenuation.

Response: NOAA has looked into additives and found that they don't add much benefit to natural degradation. Aeration seems to be the biggest factor to reduce contamination levels. Adding fertilizer can increase plant activity and plants help increase attenuation.

Comment: Regarding erosion, is the elevation of the land, topography and drainage of the land taken into consideration?

Response: The site is relatively flat. No pools of water form there. The National Weather Service would also like monitoring wells placed there. NOAA is not obligated to do this, but will take it into consideration.

Comment: NOAA should consider placing down erosion mats.

Response: Good suggestion. NOAA will consider this.

Comment: Monitoring wells would help to understand the baseline and future changes to groundwater.

Q. How do you claim an area is a Formerly-Used Defense Site (FUDS) program site? NOAA is declaring FUDS site to walk away from obligation to cleanup. Can the community have a say in whether or not an area is claimed as a FUDS program site? The community should have a say.

A. The community has a right to question this. The Army Corps of Engineers claims these as FUDS on behalf of the military. Congress passed a law saying that NOAA can not spend any money on a FUDS program site. NOAA is not going to deny contributing to the site. The military defines this as a FUDS, and NOAA is precluded from spending money on the site. NOAA did not define what it can spend money on. Congress did and changed the law to ensure we would not spend money there.

Q. How did Congress come to this conclusion?

A. NOAA told Congress that they were spending money on FUDS program sites. NOAA went to the military repeatedly to help clean up the sites. The military ignored NOAA's requests, which lead Congress to pass the law.

Q. Why isn't NOAA looking at areas of the most contamination?

A. NOAA believes it is looking at the areas of most contamination. If there are areas that need attention, please let us know.

Q. What about the equipment shed?

A. NOAA has had that building inspected and it is in decent shape. If the new landowner wishes to use it then they can.

Comment: If the new landowner wishes to tear down the building and contamination is found what happens?

Response: The State of Alaska says it will go after the new landowner to clean it up. The new landowner will share the responsibility with the old landowner. The State would not be responsible but would regulate the cleanup. There is joint and severable liability here.

Comment: The Old Power Plant, Cascade Building, E-shop and duplex areas are all potentially contaminated areas.

Response: NOAA knows that there is contamination under the former power plant, but does not know of any contamination by the annex foundation. The Cascade Building has potential issues. NOAA will sample to see what the issues are and what can be done there. NOAA acknowledges

there are some issues there. NOAA will look at that area. If the values are under the 10x Rule, NOAA may not do anything due to the cross structures under the Cascade Building. At the E-shop, NOAA assumed that after the Navy left, the Bureau of Commercial Fisheries placed the USTs. NOAA cleaned up the area around the USTs and some lead was found 4 feet under the ground. As NOAA has pointed out, the Army Corps of Engineers inspected the site because they considered it a FUDS. NOAA can not spend money at FUDs and has not done any additional work, and NOAA will let the military deal with that area if they choose to.

At the last RAB, the issue was raised about lead near the Head Start building. NOAA is going to conduct analysis on the surface soils near the school. If it is a problem, then NOAA will deal with it, but NOAA will not deal with the lead at depth.

Comment: The City would be held liable for cleaning up contamination at the Cascade Building. The City would like to work with NOAA on this issue regarding testing for contamination to prevent future lawsuits.

Comment: This is just a proposal at this stage. Would the City Council have the opportunity to review this?

Response: NOAA will make sure that the community is given the opportunity to comment on this. The State has told us that NOAA will be responsible for the site and whatever is underneath it.

Comment: Once TDX gets the landfill the City has agreed to accept it. There still could be the possibility that TDX does not accept the landfill and the responsibility stays with NOAA.

Q. Is there any information on land-farming at the vehicle boneyard

A. Part of the evaluation of disposal of PCS soils by land-farming is cost and liability. The cost of moving PCS to Weather Service Property is lower than moving it to the vehicle boneyard, and NOAA's liability would be less than using a third party's property.

Comment: TDX proposed the vehicle boneyard area because it was a dump site and there is no surface water there. TDX finds that there is no risk to the environment and could be the least costly option.

Comment: The Vehicle Boneyard is not 14 acres and the cost of transporting the PCS from Tract 42 to that site is considerably more than transporting it to the NWS site.

Response: NOAA has found there is a very low risk associated with using the National Weather Service Property. This decision will be made at higher levels within the agency.

Comment: There is a perception that you are using clean land when you could be using land that is already contaminated

Response: NOAA had intended to use the landfill site, and the community was adamantly opposed to using this area. NOAA had to look at other areas as an alternative. NOAA has still not received a written proposal from TDX regarding the vehicle boneyard, but considered that area. NOAA had to also look at rookery lands as a disposal option because it is Federal property. There is not enough room at the landfill to conduct all the required land-farming. Perception is one thing to consider, but it is not the only factor.

Comment: Under ANSCA section 3-E, the government is only to keep property for its minimal practical use. Any change to the use of a particular piece of property has to be looked at by the community.

Response: NOAA will review the legal requirements.

Q. How much time has to elapse before the land covered with PCS can be used?

A. NOAA is being told by the state that placing soil at the National Weather Service site poses no threat to human or environmental health, so it has no restrictions.

Comment: By placing a monofill at a class C site, no liner is needed. Because the vehicle boneyard was a landfill, different regulations may apply and be more cost efficient than other options.

- The City would like the PCS to be made available as cover material as it aerates. If there are no objections to this approach, then NOAA will research it and talk more with the City.
- TDX is concerned about the liner under the landfill.

Response: NOAA has only so much time to make decisions regarding disposal of PCS. NOAA will consider the City proposal, but additional options to consider are not feasible at this time given time and money constraints. NOAA needs to make a decision and proceed with it shortly. If there are regulations under ANSCA that NOAA needs to consider we will, but we need to move forward.

Response: This might be a good time to activate the joint management board.

UPDATE 10X RULE AND CRITICAL WATER MANAGEMENT AREA

- As a response to the RAB request for more information regarding the 10x Rule and the Critical Water Management Area (CWMA) NOAA and the State will be holding a public meeting to educate the community on the 10x Rule and the CWMA today at 1:30.
- A figure was provided showing the proposed 10x Rule area and CWMA.
- Gary Prokosch provided a handout that will also be provided at the meeting at 1:30
- A critical water management area is a geographic area that may be designated by the State if there is a potential for toxic contamination rendering the water source unusable.
- The current outline of the 10x Rule is within the village area.
- The State will only allow NOAA to get the 10x Rule within the area of effect, not everywhere NOAA wants.
- Once NOAA gets its proposal more refined it will submit a formal proposal to the State and to the community for review.

Q. In the 10x Rule area, why do we not include the whole village area?

A. The State has told NOAA that it is the responsibility of the other parties to request such a designation. The Village is a private party, and NOAA cannot request this for a private party.

Response: It seems appropriate that the whole village and community be designated. NOAA should take care of all the homeowners now.

Comment: The Tribal Council has gotten the OK from EPA to submit a grant proposal to look at brownfields at the village area and specifically the USTs. The grant is to sample around the USTs to see if there are any problems.

Comment: The State requires that contamination first be demonstrated in groundwater. You can't apply for inclusion in the 10x Rule area until the contamination in groundwater is confirmed. The Tribal Council grant will allow for sampling of areas to see if contamination exists. If so, next steps can be taken.

Comment: TDX believes that the 10x Rule area does not properly address TDX's concerns. TDX believes that NOAA is overreacting to the State guidance and has shrunk the area for reasons unknown to TDX. TDX wants to see the area expanded to up to the by-product area for reasons of interconnectivity. TDX believes that the State is overreacting to private party concerns. TDX thinks that NOAA is going in the wrong direction and will oppose the proposal if it is submitted as shown here. TDX feels NOAA is taking advantage of the State's position.

Response: There seems to be some confusion about this issue. This has nothing to do with the soil. The only involvement of the soil is as a medium for taking the contamination down to the groundwater. If the groundwater is contaminated then 10x Rule applies, but if groundwater is not contaminated then 10x Rule may not be applied. If the groundwater were flowing toward the houses, then the area would be expanded to the houses. NOAA believes that it is not flowing in that direction so that area is not included in the 10x Rule area.

Comment: Why can't NOAA expand the area to the FUDS area?

Response: NOAA does not believe there is interconnectivity between the groundwater in the upper Village and the Headstart/Radio Complex. Because of this, the State says that the ACOE would have to approach the State about the 10x Rule.

Response: The State asks that TDX place its concerns in writing. TDX would like to make a joint request with NOAA.

Comment: Can TDX be a party to this request?

Response: TDX would need to place their request in writing. Are there other parties that would want to be a part of this request? There are state regulations that outline the 10x rule and how this process works.

Comment: The ACOE should be invited to the RAB meetings so that the 10x Rule can be discussed with them as well.

Response: NOAA does not have the ability to get the ACOE to the table. Last time that NOAA tried to do this, the ACOE challenged NOAA to prove it to them. After NOAA completed the analysis, the ACOE would not come to the table to discuss results.

- NOAA would like to have a meeting with TDX and the State shortly.
- The State DNR has not made any determination regarding where the CWMA will be placed. It will wait for public hearing input before making final decision on this issue.
- The boundary is not set in concrete at this time. There is a need to consider many factors and input.
- NOAA has not made formal proposal.

Q. As a homeowner what are the implications this will have on the private property?

A. Right now there is no proposal to include private homes in the 10x Rule area.

Note: A Subcommittee was formed to address the 10x Rule issue. The subcommittee consists of Jason Bourdukofsky, John R. Mercurief, Chris Riggio, Gary Prokosch, Ron Philemonoff, Anthony Philemonoff, Victor Mercurief, Sr., Richard Zacharof, Louis Howard, Bernie Denno, and Minh Trinh.

PUBLIC COMMENTS

- With funding ending within the next year, we'll need to throw a retirement party for John Lindsay.
- Please provide the FUDS report on Telegraph Hill to the Tribal Council when it is complete.

CLOSING REMARKS; TENTATIVE DATE FOR NEXT MEETING

- September 13-17 or following week on Island
- First of second week in December in Anchorage