



# MEMORANDUM

## STATE OF ALASKA

### Department of Natural Resources

Division of Mining, Land and Water  
Northern Regional Office

**DATE:** June 16, 2017

**TO:** LAS 31771 – Travis/Peterson Environmental Consulting

**FROM:** Adam Leland

**RE:** Adjudication Summary

#### **I. Requested Action**

Travis/Peterson Environmental Consulting, Inc. has proposed using one acre of Master Material Site ADL 419650 (MS 680-110-2) at milepost 56.5 of the Elliot Highway to stockpile gravel associated with a 1,500 gallon fuel spill of Ultra Low Sulfur Diesel fuel at a New Horizons Telecom Site ADL 420183. The first proposed stockpile would contain clean material to be returned to the telecom site; the second proposed stockpile would contain contaminated material to be transported for cleanup. Contaminated material will be placed in a lined and bermed stock pile which will be transported from the site to a cleanup location daily. The site will be used for the term of the cleanup period, approximately seven days.

#### **DMLW is proposing the following:**

Issuance of the land use permit as proposed.

#### **Related Case Files:**

ADL 419650 Master Material Site  
ADL 420866 Material Sale Contract to New Horizon  
ADL 420183 New Horizon Telecom Site

#### **II. Statutory Authority**

AS 38.05.850

#### **III. Decision Scope**

The scope of the decision is to determine if it is appropriate for DNR to issue a land use permit for the proposed activity after considering the application materials.

#### **IV. Location Information**

##### **Geographic Location:**

At milepost 56.5 of the Elliot Highway.

##### **Legal Description:**

Located within: Section 6 of Township 7 North, Range 3 West, Fairbanks Meridian

**Latitude:** 65.4580 **Longitude:** -148.2457 **Datum:** NAD83

#### **V. Land Status Information**

The land is managed by the State, acquired under General Grant GS3484 and patented on September 8, 1988 under patent number 50-88-0354, with standard reservations, and subject to right-of-way F02577 (ADL 413417) for an access road for the Trans-Alaska Pipeline. The land is designated as Material

under the Yukon Tanana Area Plan (YTAP) Management Unit T-93 and Classification Order NC-10-005. The issuance of a land use permit for staging material is not a prohibited use.

The proposed location for the staging site is within Master Material Site ADL 419650 (MS 680-110-2) at milepost 56.5 of the Elliot Highway. There is an active material sale contract, ADL 420866, issued to New Horizons Telecom within this site, and this contract is associated with the work proposed under this land use permit. Additional state authorizations include a public easement ADL 412440 issued to the Department of Transportation and Public Facilities for the Elliot Highway, and the Wilbur Creek Land Sale Project ADL 420480 adjacent to the material site.

#### **Other Land Information**

**Municipality:** Unorganized Borough

**Zoning:** N/A

**Regional Corporation:** Doyon Ltd

**Village Corporation:**

**School Trust Lands:** N/A

**Special Use Area:** N/A

**Game Management Unit:** 20F

**Federally Recognized Tribe:** N/A

#### **VI. Background**

On November 28, 2016, a spill of approximately 1,500 gallons of Ultra Low Sulfur Diesel fuel was discovered at an unmanned amplifier site leased to AT&T Alascom (ADL 420183) and managed by New Horizons Telecom, Inc. Cleanup of the contaminated site will be conducted by Travis/Peterson Environmental Consulting, Inc. (TPECI). As part of cleanup operations, TPECI applied for a land use permit to stage two stock piles of gravel within a nearby material site (ADL 419650): one lined and bermed stockpile of contaminated material, and one stock pile of clean material to be returned to the amplifier site. The site will be used for temporary storage of material during cleanup operations and contaminated materials will be regularly transported to a cleanup facility (Organic Incineration Technologies, Inc.). Operations are expected to take 5 – 7 days.

Equipment used on site will include a John Deere 135 excavator and 624 loader, as well as traffic associated with hauling trucks, and smaller transportation and support vehicles. Spill kits will be available on site, and any used spill response materials will be placed in secondary containment for disposal off site. Any equipment maintenance (oil or hydraulic fluid) will be done with drip pans and secondary containment. Fueling will not occur within 100 feet of any drainage or waterbody and duck ponds will be used to prevent any fuel spillage. Portable toilets service by a commercial waste management operator will be available, and waste disposed of at a commercial facility.

#### **VII. Project Review and Agency Notice/Public Notice**

Because of the short time frame associated with the adjudication of this permit, due to the need for a rapid response to the continuing contamination, agency and public notice will be conducted after the issuance of this permit.

#### **VIII. Environmental Risk**

The risks associated with the movement and storage of contaminated material include failure of the containment methods (lining and/or berms), spilling and cross contamination as material is moved between storage and transportation, and leakage of fuel or hydraulic fluid from heavy equipment.

#### **IX. Performance Guaranty**

Performance guarantees are means to assure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the permit document. They are

also used to protect state land from damage and to make certain that improvements are removed and that the land is returned in a usable condition upon termination of the permit.

**Performance Guaranty Narrative:** Pursuant to 11 AAC 96.060, a performance guaranty in the amount of \$7,500, typically in the form of a bond or other security, will be required. The intent of this bond is for any environmental damage sustained over the duration of this land use permit. The bond will be retained to insure compliance and cleanup of any environmental damage, such as leakage of fluids from equipment or containment failure.

## **X. Insurance**

Insurance is a means to protect the state from liabilities incurred through the use of state property, or from damage to state property as a result of accidental or catastrophic events. This type of protection is necessary in the event of an accident or negligence that was consequentially connected to activities conducted on state land, and/or if the state is named in a lawsuit as a result of an accident or negligence.

**Commercial General Liability:**  
\$1,000,000

**Commercial Auto Liability:**  
Not Required

**Aviation Liability:**  
Not Required

**Pollution Liability Insurance:**  
\$1,000,000

**Insurance Narrative:** Per 11 AAC 96.065 (Insurance) the permittee shall secure, and maintain in force during the term of the permit, insurance in the amount and type that the department determines necessary to protect the permittee and the state. For the proposed activity, the permittee shall obtain \$1,000,000 commercial general liability and \$1,000,000 pollution liability insurance.

## **XI. Fees**

**Fee:** \$250

**Relevant Fee Regulation(s):** 11 AAC 05.010(e)(5)

**Fee Narrative:**

Based on the proposed land use area of 1 acre and an annual use fee of \$250 for the first acre, a total fee of \$250 is charged.

## **XII. Discussion**

Travis/Peterson Environmental Consulting, Inc. is applying for a land use permit to store stock piles of clean and contaminated material from the site of a fuel spill at a telecommunications amplifier site leased to AT&T Alascom (ADL 420183) and managed by New Horizons Telecom, Inc. The adjudication of this land use permit is being completed in a highly accelerated time frame to facilitate rapid cleanup operations, and minimize continued contamination exposure and migration from the spill site. Cleanup activities and storage of contaminated materials is expected to occur over 5-7 days, after which the material site will be returned to its original condition.

In addition to this land use permit, New Horizons Telecom, Inc. has a material sale (ADL 420866) for 1,000 cy of gravel from the material site where stock piles shall be stored. The gravel from this contract will be used on the amplifier site cleanup operations. The material sale contract and the land use permit are not expected to interfere with one another as they are part of the same project.

**XIII. Adjudicator Recommendation**

Issue Permit.

Based upon the information provided by the applicant, as well as review of relevant documents, statutes, and regulation related to this application, it is my recommendation to issue this Land Use Permit on condition that all permit stipulations are followed as described in the attached permit. During the period of the permit an inspection may be conducted at the discretion of the DNR to ensure permit compliance.



Adam Leland

July 16, 2017

Date