

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

**DEPT. OF ENVIRONMENTAL CONSERVATION**

Spill Prevention and Response  
Contaminated Sites Remediation Program  
Site Remediation - Anchorage  
555 Cordova Street  
Anchorage, AK 99501

Telephone (907) 269-7500  
Fax (907) 269-7649

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
October 10, 1997

Joe Dygas  
U.S. Department of the Interior  
Bureau of Land Management  
6881 Abbott Loop Road  
Anchorage, AK 99507

Subject: Notice of Violation (18 AAC 75.337, Cleanup) and Request for Interim Corrective Action; Red Top mercury retort site, on the Wood River near Aleknagik, Alaska (ADEC Incident No. 92-2509-286-01)

Dear Mr. Dygas:

During a September 29, 1997 site visit to the Red Top mercury retort site by you and Carl Persson of the Bureau of Land Management (BLM), City of Aleknagik Administrator Mike Shuler, and Eileen Olson of the Department, improper storage of soils contaminated with mercury and petroleum hydrocarbons was observed and documented. The mercury contaminated soils are stored in over 200 fish totes approximately 50 to 100 feet from the Wood River, and in the flood plain of the river. The totes are stacked two and three high and are cracked and otherwise damaged. Some of the stacks are tipped at a precarious angle so that if they fall, contaminated soils will spill out onto the ground surface. The petroleum contaminated stockpile is outside of the fenced area, and is uncovered, vegetated (indicating a prolonged lack of maintenance), and inadequately lined.

Mercury and petroleum hydrocarbon contamination at the Red Top mercury retort site first came to the Department's attention in 1992. The Department's December 21, 1992 Notice of Violation (NOV) to BLM cited violation of AS 46.03.710 (Pollution of the Air, Land, Subsurface Land or Water of the State Prohibited) and AS 46.03.740 (Discharge of Petroleum or Petroleum Products without a Permit Prohibited), and requested that BLM take action to clean up soils contaminated by petroleum hydrocarbons and mercury.

Joe Dygas, BLM  
Notice of Violation  
October 10, 1997

Based on the site conditions noted above, and because BLM did not assess or cleanup contamination in accordance with the Department's NOV of December 21, 1992, the Department has determined that BLM is in violation of Alaska regulations 18 AAC 75.327 (Cleanup, as authorized by AS 46.04.020 and 46.46.09.020), which states that a discharge of a hazardous substance must be cleaned up to the Department's satisfaction. According 18 AAC 75.337(a)(1), if the Department finds that cleanup efforts are inadequate, the Department will, in its discretion, order the person engaged in cleanup operations to use additional measures.

The Department has the following comments, and requires that actions be taken as noted to bring BLM into compliance with Department regulations at the Red Top mercury retort site:

1. Removal of improperly stored soils from the flood plain: The improperly stored mercury- and petroleum-contaminated soils represent an imminent threat to human health, safety and the environment. The soil-filled totes are located in an easily accessible and much-used area. The fence which surrounds the totes is bolted together at the corners and as such is not secure. If the totes collapse and soils spill, people and animals could be directly exposed to soils contaminated with elemental mercury. The Department requires that BLM remove the mercury-contaminated and petroleum-contaminated soils from the flood plain of the Wood River, and relocate it to BLM's old mine site upslope from the retort site as soon as possible and no later than November 5, 1997. This will preclude the possible release of contamination at 1998 spring breakup if the mercury retort site floods.

**The Department requests that your agency submit a work plan to this office no later than October 22, 1997.** The work plan must include moving the contents of the fenced area, which includes totes, drums, and parts of the disassembled retort shack, and the petroleum contaminated soils, to the old mine site. The plan should also include sampling the contents of the totes and the petroleum contaminated soils, although the Department will consider postponement of the sampling until 1998 with adequate justification. Before the fish totes are moved to the mine site, they may require banding with steel both around the horizontal perimeter, to limit further cracking and damage, and around the lid and tote, to protect the soils from wind and rain. Any totes which are too damaged to transport safely will need to be replaced.

Once the totes, petroleum contaminated soils and other materials are transported to the mine site, they need to be stored on a minimum 10-mil thick UV-resistant liner. The petroleum contaminated soils must be separately stockpiled with minimum 10-mil liner and cover, with the cover securely anchored. The work plan must also include a community relations plan, and BLM must schedule a **public meeting** to be held in Aleknagik at a time acceptable to the Department and the City of Aleknagik, but **no later than December 15, 1997**. At that meeting, a report of the site work completed and work planned should be presented.

Joe Dygas, BLM  
Notice of Violation  
October 10, 1997

2. Background and Department need for documentation: Excavation and storage of the soils was done in summer and early fall 1994. Prior to the work being done, soils in the vicinity of the retort were documented to contain visible elemental mercury. The Department has no record of having received a work plan for the work done by BLM at the site, and cannot determine from the documents in our files what the concentrations of mercury within the fish totes are, or whether soils were segregated based on relative mercury contamination. As you know, the Department's record is incomplete, and Department staff have arranged to visit your office next week to copy and add any missing documentation to the Department's files.

3. Conceptual approval of disposal of mercury contaminated soils through subsurface encapsulation: The Department conceptually approves of subsurface permanent encapsulation of the mercury-contaminated soils at BLM's old mine site on adjacent Marsh Mountain. As you know, Mayor Roland Moody of the City of Aleknagik expressed support, and his belief that there is community support for this disposal option in his letter to the Department of October 6, 1997. The Department will work with BLM and the City and residents of Aleknagik during the coming months to develop a plan for the safe disposal of the soils. The regulatory status, conditions and monitoring requirements, for the encapsulated soils will also be addressed this winter, with the goal of community and Department approval and execution of a disposal plan by fall 1998.

Note that additional sampling of the retort site, and of the stored contaminated soils will be required in the future. The Department specifically reserves the right to require additional assessment or cleanup activities as information is developed during the course of site evaluation and remedial actions, and specifically reserves the right to take further action as provided for in Title 46 of the Alaska Statutes. Please contact Ms. Olson, project manager, at (907) 269-7527 if you have questions or require additional information.

Sincerely,



Ronald Klein, Manager  
Site Remediation Section

cc: Tom Allen, State Director, BLM  
Leroy Latta, AGO  
Eileen Olson, CSRP  
Mayor Roland Moody, City of Aleknagik

STATE OF ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



DIVISION OF SPILL PREVENTION AND RESPONSE  
CONTAMINATED SITES REMEDIATION PROGRAM  
555 CORDOVA STREET  
ANCHORAGE, AK 99501-2617

To	<i>Vae Dygas</i>	From	<i>Eileen Olson</i>
Company	<i>BLM</i>		
Phone No.	<i>267-1441</i>	Phone No.	<i>269-7527</i>
Fax No.	<i>267-1304</i>	Fax No.	907-269-7649

Number of pages including cover sheet: 4

COMMENTS: *notice of violation re Red Top mercury  
retort attached.*