NPRCF
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Perkins, Brandon

From: Russ Maddox [PII [redacted]
Sent: Tuesday, June 18, 2013 1:58 PM
To: Garcia, Lisa; Perkins, Brandon; Grass, Running
Subject: Fw: Response from Comissioner Hartig
Attachments: 13.120 Maddox response letter.pdf

----- Forwarded Message -----
From: "Bower, Luann K (DEC)" <luann.bower@alaska.gov>
To: PII [redacted]
Cc: "Hartig, Lawrence L (DEC)" <larry.hartig@alaska.gov>
Sent: Thursday, May 23, 2013 11:34 AM
Subject: Response from Comissioner Hartig

Dear Mr. Maddox,

Attached is Commissioner Hartig's response to your May 3rd email.

LuAnn Bower
Administrative Assistant II
Department of Environmental Conservation
Comissioner's Office
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THE STATE of ALASKA
GOVERNOR SEAN PARNELL

Department of Environmental Conservation

OFFICE OF THE COMMISSIONER

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May 23, 2013

Via Email:
russmaddox@yahoo.com
Mr. Russ Maddox

Dear Mr. Maddox:

Thank you for contacting me to let me know about your concerns and the concerns of some of the residents in the North Pole sulfolane contamination area. I appreciate your efforts to seek current and accurate information from the State agencies. I understand that Alaska Community Action on Toxics is hosting a meeting Thursday evening, May 23rd with North Pole residents. DEC and the Department of Health and Social Services have offered to attend to provide information about the site and agency activities but that offer has been declined.

DEC has forwarded your email on to the Department of Health and Social Services to address the health related questions/concerns.

You raised a concern about Flint Hills' efforts to settle with residents in the area. Those concerns need to be raised directly with the company. However, I understand that you and some residents are concerned about what they perceive as "pressure" from Flint Hills during public meetings to sign settlement agreements. The public meetings have included both agency and company representatives to ensure that questions and concerns from the community can be thoroughly addressed during the meetings. DEC does not plan to prohibit Flint Hills from mentioning at future public meetings that "settlements" with the company are available, but we will tell Flint Hills that the public meetings are not the place to encourage residents to settle with them. To address the concern that some residents may be avoiding joint State/Flint Hills public meetings, DEC plans to host an Open House on June 25 independent of Flint Hills representatives.

I've summarized and responded to your DEC-related concerns below:

Concern about lack of analysis for BTEX in residential wells:

DEC has overseen monitoring of benzene and other compounds in groundwater at the refinery since 1986 and will continue to do so into the future. We know from examining these many years of monitoring data that benzene has been contained on the refinery property. This information has been on our website since the early months of the response and is updated periodically. A map of recent monitoring results for benzene is now available on our website at http://dec.alaska.gov/spar/csp/sites/north-pole-refinery/documents/benzene-concs-qtr4-2012.pdf. Based on this data, DEC has no reason to believe that benzene has moved off of the refinery property and therefore, no basis to require Flint Hills to conduct this type of additional monitoring of the private, offsite wells. We would appreciate your conveying this information to people who you know may be concerned about the possibility of petroleum compounds in their wells. As you know, DEC does not regulate private water wells generally, and therefore the testing which is ongoing is limited to sulfolane contamination. Those who have concerns that their well contains

contamination other than sulfolane (which might be from another source) could choose to have their well tested independently.

Concern about the possibility of continued human exposure to sulfolane:

DEC has taken significant steps to reduce the possibility that people may continue to be exposed to sulfolane. We are currently unaware of any residents in the area with continued exposure to sulfolane-contaminated water above the established clean-up level. Flint Hills has confirmed that it has contacted virtually every homeowner in the plume area, and all have been offered alternative water. Most have permanent solutions for an alternative water supply. Unfortunately, there are a few homeowners that have not been reachable despite many attempts. Several have chosen not to talk to or work with Flint Hills, which is responsible for providing the alternative water supply. If you encounter anyone who lives in or near the plume area and has not had their water tested, please encourage them to contact the Flint Hills Groundwater Office (907-488-0723) to have that done. Flint Hills is using an independent, third party sampler and laboratory and the work is done under a DEC-approved quality assurance plan. Residents may also contact DEC if they have any questions or concerns regarding testing for sulfolane or the provision of alternative water supplies.

Alaska law mandates that the responsible or liable party immediately report a release to DEC and then undertake all necessary interim measures to avoid human or environmental exposure while a full cleanup proceeds, under DEC oversight. In this case Flint Hills provided the necessary individual notifications and also has committed to provide an alternative clean water supply to all residents whose drinking water wells have been contaminated. Flint Hills leads the investigation and cleanup effort, under DEC oversight. The state has the authority to take over the cleanup if the responsible party is unwilling or unable to respond. To date, Flint Hills has been responsive.

Concern about insufficient outreach and information to local residents:

Upon discovery of the sulfolane contamination, Flint Hills responded very swiftly and developed a strong program to test private wells and supply alternate water. Their contractor, Shannon and Wilson, went door to door to get permission to test wells, explain the situation, offer delivery of bottled water, and develop more permanent solutions for any well determined to be contaminated. DEC's outreach program has been robust and extensive since discovering sulfolane in residential wells. The agency is continually seeking ways to inform people who may have been missed and our outreach effort will continue.

DEC developed an email listserve and sends frequent emails and letters to local residents and interested public. We've sent 43 update emails to everyone on the listserve since January 2010, with printed copies mailed to almost 30 people who don't have internet or prefer a hard copy. These emails provide information, let people know about upcoming events, and invite dialog. You and others can join the listserve by signing up on the bottom of this web page: http://dec.alaska.gov/spar/csp/sites/north-pole-refinery/contact.htm or by asking to be added to the DEC hard copy mailing list.

DEC created a website in November 2009 outlining the current status and progress. Maintained since that time, the web pages provide a consistent and reliable source of accurate, in-depth information, both technical and non-technical, including answers to frequently asked questions, plume maps, health information, fact sheets and reports. DEC also maintains a call-in number for questions and information: 907-451-2182. The Technical Project Team (TPT) formed to guide the investigation and cleanup has held open house events, issued quarterly newsletter updates, and conducted public surveys to discern public sentiment, concerns and/or issues.

The risk communication subgroup of DEC's TPT conducted a community survey at the end of 2011 asking which areas of the project are of the most concern to stakeholders affected by the sulfolane release. Responses indicated that the internet was viewed as a good source of information on the project. Contacting each and every person can be difficult. We understand and share your concerns about reaching individuals in the area who don't watch television, have internet, read the papers, or listen to common news outlets. While the number of persons in this category may be small, we continue to seek to inform everyone who might be exposed. Please let us know if you are aware of anyone in the plume area that has not received information and, if they are willing to, provide their contact information to DEC and their preferred method for us to contact them. The Department is exploring ways to inform new residents moving in to the area.

Suggestion to post signs at the edge of the plume:

Thank you for the suggestion to post signs at the edge of the plume. Due to the complex behavior of the sulfolane plume, both vertically and horizontally, DEC believes that the placement of signs is not the best approach to keep the community informed about groundwater contamination in the area. While there is precedent for posting signs warning of contamination, those situations are most often where there is an opportunity for exposure to otherwise uninformed public such as unrestricted access to surface soil contamination or surface water contamination. That situation does not exist with the North Pole sulfolane groundwater contamination.

In this situation, signs may concern people needlessly and may also be misleading. For examples - there are areas of the plume where there are no known detections in the existing wells, and areas where detections are lower than the cleanup level of 14 parts per billion. Concentrations are unique to the depth of the wells. If a well is installed at a different depth from its neighbor the concentrations present at that depth may be different, rendering signs potentially inaccurate. Placing signs may also cause areas to bear an inappropriate stigma of contamination where it does not exist. A "don't drink the water" sign might also confuse people who receive uncontaminated city water. The new city wells, approved for operation in April of 2012 and tested frequently, have never had any detections of sulfolane. A "don't drink the well water" sign could confuse people who have the in-home treatment systems provided by Flint Hills. Again, we are unaware of any current exposure to groundwater sulfolane contamination at concentrations above the clean up levels. If you are in touch with residents who believe they are being exposed, we encourage you to put them in touch with DEC. We will continue to work with the community to find acceptable and thorough ways to reach people about this issue.

Concern that DEC's focus is Flint Hills' "bottom line":

While DEC does make efforts to find reasonably cost-effective solutions to contamination, I assure you that our primary goals and legal responsibilities are to ensure protection of public health and the environment. The DEC website for the sulfolane contamination identifies the following priorities:

- Eliminate exposure to sulfolane.
- Pursue aggressive on-site remediation.
- Eliminate off-site contaminant migration.
- Achieve and maintain source control:
    - Maintain an inspection process that eliminates releases or leaking issues and minimizes the potential for new spills.
    - Aggressively respond to and clean up any new spills.
- Understand the size and shape of the contaminant plume and its potential for future movement in order to develop a comprehensive and protective cleanup plan.
- Complete an evaluation of risk that accounts for all exposure pathways and cumulative risk.

The DEC website for the sulfolane contamination includes information responsive to many questions. DEC is available to discuss issues regarding this site with you and others. Please feel free to raise any additional questions and concerns with the DEC site manager, Tamara Cardona at 907 451-2192 or tamara.cardona@alaska.gov.

Sincerely,

Larry Hartig
Commissioner