

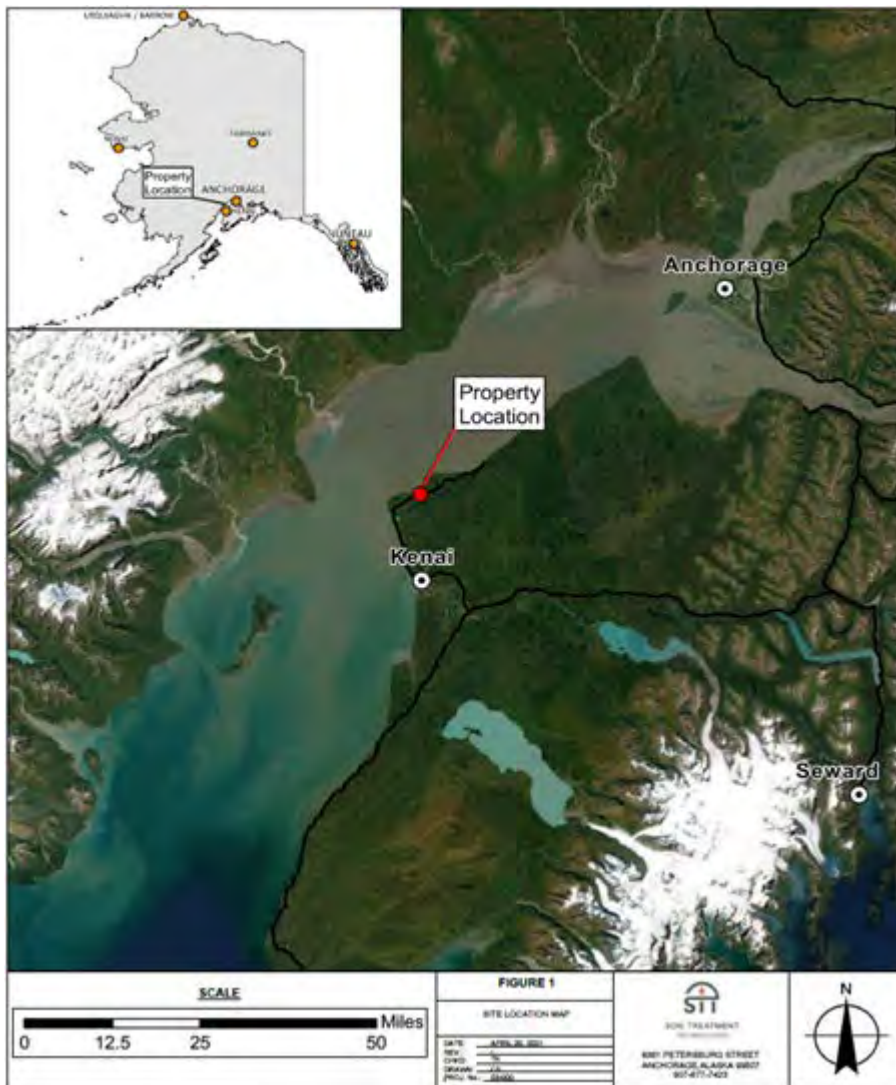
Good afternoon everyone,

I wanted to provide you the latest report and approval letter from the State DEC in regards to the soil burner in Nikiski. All this information can be found directly on the link provided but I have provided the jest of it here for a quick review.

<https://dec.alaska.gov/spar/csp/stt-thermal-soil-remediation/>

OPERATIONS PLAN FOR NIKISKI SOIL TREATMENT FACILITY

Introduction



Property Location Map (Figure 1). Courtesy: STT Operations Plan.



Revised Site Map (Revised Figure 2). Courtesy: STT Operations Plan.

In August 2021, Soil Treatment Technologies (STT) submitted an Operations Plan for a new thermal treatment facility for petroleum-contaminated soil. The facility site is located at 52520 Kenai Spur Highway in Nikiski, Alaska.

The Operations Plan was submitted to the Department of Environmental Conservation (DEC) for approval in accordance with [18 AAC 75.365 and 18 AAC 78.273 \(PDF\)](#).

A public comment period for this application was held from August 21 to September 4, 2021. We thank you for your participation.

All comments were reviewed and considered. As a result, DEC requested changes to the Operations Plan from STT for comments received which identified issues under the regulatory purview of the Contaminated Sites Program. The DEC Contaminated Sites Program has reviewed the revised plan to ensure that procedures are in place to protect human health, the environment, and Alaska's natural resources. The revised Operations Plan and subsequent approval letter are provided below.

Please see the DEC Contaminated Sites Program's Responses to Comments below, which will be available online for 30 days (from this date, November 10). After 30 days, the Responses to Comments will be available by request.

For questions, contact Lisa Krebs-Barsis at 907-269-7691 or lisa.krebs-barsis@alaska.gov.

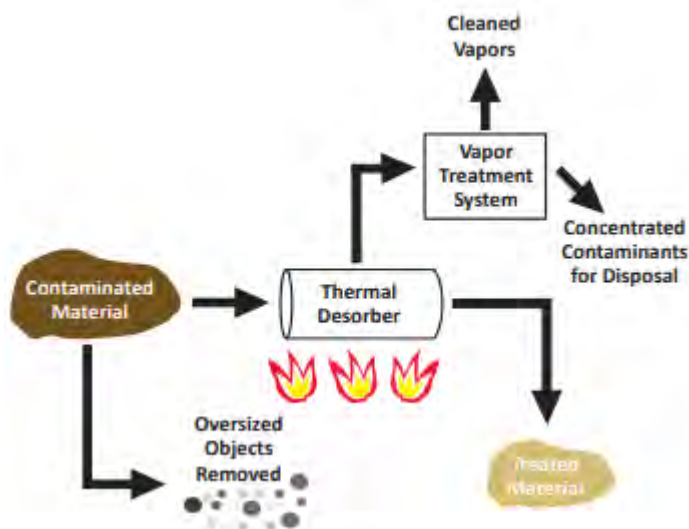
Documents

- [Response to Comments \(PDF\)](#)
- [STT Final Operations Plan \(PDF\)](#)
- [DEC Approval Letter, 11/10/2021 \(PDF\)](#)

What is Thermal Desorption?

STT's facility uses thermal desorption as its treatment method. The following information comes from the Environmental Protection Agency's (EPA) *A Citizen's Guide to Thermal Desorption*:

Thermal desorption removes organic contaminants from soil by heating them in a machine called a "thermal desorber." This evaporates the contaminants. Evaporation changes the contaminants into gases and separates them from the solid material.



Thermal desorber heats contaminated material to evaporate contaminants.
Courtesy: EPA A Citizen's Guide to thermal Desorption

The desorber can be used onsite or offsite. Soil may be prepared for treatment by screening out debris and oversized material. The prepared soil is placed in the thermal desorber to be heated.

Gas collection equipment captures the contaminated vapors. Vapors are destroyed in the thermal oxidizer, which heats the vapors to temperatures high enough to convert them to carbon dioxide and water vapor.

It is important to note that thermal desorption is not the same as an incinerator which heats contaminated materials to temperatures high enough to destroy the contaminants.

For more details on thermal desorption, please see EPA's [A Citizen's Guide to Thermal Desorption. \(PDF\)](#)

Frequently Asked Questions

Show All Answers

How will the proposed facility operate?

What regulatory authority does the DEC Contaminated Sites Program have regarding the Nikiski facility?

How will DEC ensure the facility is operating in accordance with the Operations Plan?

How Will DEC Ensure the Property is Not Contaminated When the Facility closes?

The full contents of all submitted comments and responses are considered public record and will be posted online for 30 days after publication. The Responses to Comments will be available in the DEC Soldotna Office and by request.

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need an accommodation in order to participate in this public process, please contact Brian Blessington at 907-269-7660 or TDD Relay Service 1-800-770-8973/TTY or dial 711 to ensure that any necessary accommodations can be provided.

Thank you,

Melanie Aeschliman, Planning Director

Kenai Peninsula Borough Planning

Phone: (907) 714-2200

Email: maeschliman@kpb.us

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Environmental
Conservation**

DIVISION OF SPILL PREVENTION AND RESPONSE
Contaminated Sites Program

555 Cordova Street
Anchorage, AK 99501
Main: 907-269-7520
Fax: 907-269-7687
www.dec.alaska.gov

Return Receipt:7018 3090 0001 0823 5474

November 10, 2021

Mr. Nathan Oberlee, Principal
Soil Treatment Technologies, LLC
8361 Petersburg St.
Anchorage, AK 99507

Re: **Approval of Soil Treatment Technologies, LLC-Thermal Treatment Operations Plan for Category D Operations**

Dear Mr. Oberlee:

The Alaska Department of Environmental Conservation (DEC or department) has approved the Soil Treatment Technologies, LLC (STT) Thermal Treatment Operations Plan (Plan). The Plan outlines the design and operation of a Category D soil treatment facility and was prepared by STT and reviewed by DEC in accordance with 18 AAC 75.365 and 18 AAC 78.273, and the *Operation Requirements for Soil Treatment Facilities* (DEC, 2013).

Description of Operation

Soil Treatment Technologies, LLC will use thermal desorption to treat soil contaminated by petroleum and petroleum constituents generated by cleanup activities under 18 AAC 75 or 18 AAC 78 as a Category D soil treatment facility.

Terms The approval is subject to the following terms:

1. Proof of Financial Responsibility:

STT retains proof of financial responsibility and proof of pollution liability insurance in accordance with 18 AAC 75.365(a)(2)(A,B) and 18 AAC 78.273(a)(2)(A,B) and the satisfaction of the department.

2. Changes to the Approved Plan:

Substantive changes to the operation as described in Section 1.0 of the Plan may necessitate plan updates. Substantive changes can include items listed in 18 AAC 75.365(a)(1)(B) and 18 AAC 78.273(a)(1)(B), any changes in federal or state laws, regulation, or policy impacting operations of the facility, and any other changes that could substantively impact operations.

3. Inspections:

The department has the right to verify the ability of STT to carry out the provisions of this plan. The department has the right to enter and inspect the facility in a safe manner at any reasonable time for these purposes and to otherwise ensure compliance with the plan and the terms.

4. Compliance with Applicable Laws:

The facility must adhere to all applicable state statutes and regulations as they may be amended from time to time. This approval does not relieve the plan holder of the responsibility to secure other federal, state, or local approvals or permits in order to comply with all other applicable laws.

5. Failure to Perform:

If the owner or operator of an offsite or portable treatment facility fails to process soil to the department's satisfaction under the approved operations plan, the approval will be withdrawn, and that owner or operator may not accept, process, or receive contaminated soil.

If you have any questions, please contact me at 907-269-7691 or lisa.krebs-barsis@alaska.gov.

Sincerely,



Lisa Krebs-Barsis
Project Manager

cc: Bill O'Connell, DEC

Response to Comments
Operations Plan for Soil Treatment Technologies
Nikiski, Alaska
August 21 – September 4, 2021



Alaska Department of Environmental Conservation
Division of Spill Prevention and Response
Contaminated Sites Program

November 2021

Publication Information

This Response to Comments document will be sent by email or mail to commenters that provided contact information.

For 30 days following publication the Response to Comments document will be

- posted on the Alaska Department of Environmental Conservation website at: <https://dec.alaska.gov/spar/csp/stt-thermal-soil-remediation/>
- available to review at the department's offices at 43335 Kalifornsky Beach Road, Soldotna, AK 99669 and 555 Cordova Street Anchorage, AK 99501

After 30 days the document will be available for review upon request at the contact below.

Contact Information

Lisa Krebs-Barsis
Contaminated Sites Program
555 Cordova St.
Anchorage, AK 99501
Phone: 907-269-7691
Email: lisa.krebs-barsis@alaska.gov

ADA Accessibility

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- Attachment 1: Public Notices
- Attachment 2: Attachments Received by Comment
- Attachment 3: Petition
- Attachment 4: Alaska Community Action on Toxics Letter

Introduction

This Response to Comments provides the Alaska Department of Environmental Conservation (DEC) Contaminated Sites Program's reply to public comments received on the Soil Treatment Technologies, LLC (STT) Operations Plan.

The DEC would like to thank the public for their time and consideration in commenting on the Operations Plan.

The Contaminated Sites Program has authority to approve an operations plan for an offsite or portable treatment facility for the remediation of contaminated soil if the operations described in the plan are protective of human health, safety, and welfare, and of the environment.

The DEC Contaminated Sites Program's regulatory authority to review and approve offsite or portable treatment facilities is found in 18 AAC 75.365 and 18 AAC 78.273 and the *Operation Requirements for Soil Treatment Facilities* (DEC 2013) guidance, adopted by regulation.

<https://dec.alaska.gov/media/11991/operation-requirements-for-soil-treatment-facilities-march-15-2013.pdf>

In accordance with the *Operation Requirements for Soil Treatment Facilities* (DEC 2013), a public participation process is required for these facilities, involving a three-day publication of a Soil Treatment Facility Operations Plan Notice in a local newspaper and a two-week public comment period following the last date of publication.

DEC Public Involvement Actions

A public notice was published in the Peninsula Clarion, the local newspaper, for three days. After the third day a public notice was posted on the DEC website for the duration of the Public Comment period. A copy of the public notice posted in the Peninsula Clarion and on the DEC website can be found in Attachment 1. The public notice on the DEC website linked to a webpage that hosts the full Operations Plan and other relevant documents available for review. The full Operations Plan was available for review during business hours at the DEC offices in Anchorage and Soldotna. The public was informed that comments could be submitted to the DEC through the website, in person, or by email, phone, fax, or mail.

Table 1- Public Involvement and Operations Plan Approval Timeline

DEC notifies STT that the Operations Plan is complete	August 16, 2021
Public Notice in Peninsula Clarion begins	August 18, 2021
End of Public Notice in Peninsula Clarion	August 20, 2021
Public Notice on DEC webpage and beginning of Public Comment period	August 21, 2021
End of Public Comment period	September 4, 2021
DEC conducts in-person facility inspection	September 16, 2021
DEC requests updates to the Operations Plan based on comments	September 28, 2021

Response to Comments

DEC received twenty-nine submittals from the public. Most comments were submitted through the website and three comments were received by email during the two-week public comment period.

All submittals, except as described below, are provided in this section as they were received by DEC. Individual comments are provided verbatim. Attachments submitted by commenters are provided in Attachment 2 and labelled to correspond with the correct comment. The DEC responses are shown in *italic font*.

One of the submittals, received by email, was a petition with 203 signatures. Because it was not clear that all the signatories on the petition understood that the petition would be posted on our website, DEC redacted the signatures, addresses, and phone numbers of the people that signed the petition. Names of the signatories are still visible on the petition. The petition is in Attachment 3.

Due to the large number of comments received and similarity between many comments, general comment categories and DEC responses have been included, when appropriate, to address multiple similar comments.

General Comment Categories and Responses

General Response: Air Emissions and Air Quality Permit

The Contaminated Sites Program received sixteen comments regarding air emissions and the Air Quality Permit. Consideration of air emissions and the Air Quality Permit is outside of the scope of the Operations Plan review conducted by the Division of Spill Prevention and Response in accordance with 18 AAC 75.365 and 18 AAC 78.273. Compliance with Air Quality requirements or permits is a condition of approval of operations plans.

<http://dec.alaska.gov/Applications/Air/airtoolsweb/Home/ViewAttachment/17005075/-H3najsAZIS0UzHRGBEe9w2>

General Response: Facility Location

The Contaminated Sites Program received nineteen comments about the facility's location in an area with residences, a bike path, and a school. Some comments proposed alternate locations. Commenters expressed concern that residents would be affected by the proximity of the facility because the facility would potentially impact drinking water, air quality, traffic, and noise. These concerns are addressed in other general responses. The proposed facility, located at 52520 Kenai Spur Highway in Nikiski, is property privately owned by STT. There is no regulatory basis for the Contaminated Sites Program to require the facility to move from its proposed location or deny approval of the Operations Plan due to use of adjacent and nearby properties.

General Response: Adequacy of Public Process

The Contaminated Sites Program received five comments that the department's overall public process was not adequate in when and how the public was notified and the amount of time provided for public comment and input. The public process for the Air Quality Permit is outside of the scope of the Contaminated Sites Program. The public process for the Operations Plan,

administered by the Contaminated Sites Program, is described in the Operation Requirements for Soil Treatment Facilities (DEC 2013) adopted by regulation. The Contaminated Sites Program followed the process and required STT to publish a public notice, approved by DEC, in the Peninsula Clarion, after which a public notice was posted on the DEC website and the public comment period was open for two weeks. The Contaminated Sites Program also created a webpage that included additional information about thermal desorption technology. A voluntary public meeting was held by STT, but this meeting was not part of the Contaminated Sites Program public process.

General Response: Site Background Assessment

The Contaminated Sites Program received three comments that the proposed site and some surrounding properties were already contaminated. The Contaminated Sites Program viewed department records and did not find any documentation of known contamination at 52520 Kenai Spur Highway. Regulations, 18 AAC 75.365(a)(4) and 18 AAC 78.273(a)(4), require the owner or operator of a treatment facility to provide an assessment of background contamination before start up of the facility. On August 24, 2021, STT provided to the department a Baseline Sampling Letter describing soil and groundwater samples collected for the assessment. Soil samples were analyzed for contaminants associated with petroleum contamination. None of the samples had concentrations that exceeded the department's most stringent cleanup levels. Groundwater samples were collected from the water supply well on site and a well on the 52660 Kenai Spur Highway to the east. No contaminants were detected in excess of the applicable cleanup levels.

General Response: Protection of Groundwater

The Contaminated Sites Program received fifteen comments expressing concern for the impact that the proposed operation could have on groundwater.

In response, STT revised their Operations Plan to increase the wastewater sampling frequency from one sample per year to a sample collected every 2,000 gallons of water processed. An increase in sampling frequency will allow for monitoring of the efficacy of the granular activated carbon treatment system.

In this area groundwater wells supply water for drinking and other uses. Regulations, 18 AAC 75.365(a)(1)(A)(3) and 18 AAC 78.273(a)(1)(A)(3), require identification of all wells (drinking water, water supply, monitoring wells) within 500 feet of the operation. Public comments indicated more wells than those originally identified in the Operations Plan were within 500 feet. In response, STT identified seven additional wells on parcels within 500 feet. . The well at the clammary remains the well nearest the facility.

Well logs in the vicinity indicate nearby wells are between 25 and 90 feet below ground surface. Groundwater flow direction on the subject site is believed to flow southwest. A background assessment, conducted by STT and required prior to operations, included sampling of the groundwater well on the facility property and a well on a neighboring property to the east (upgradient). Water samples were analyzed for petroleum compounds and constituents. All compounds analyzed were either not detected or were detected below the cleanup levels. The Operations Plan calls for annual sampling and reporting for the on-site water supply well. The onsite water supply well is near the closest offsite well (at the clammary). Annual reports will be reviewed by the Contaminated Sites Program to identify any changes from the baseline sampling

event. Changes in concentration of compounds in groundwater observed in the sampling activities could necessitate further investigation to ensure the facility's containment and other mitigation measures are adequate.

Bulk fuel will not be stored on the property and contaminated soil will be covered and contained protecting the groundwater from surface water runoff. Portable spill containment known as duck ponds will be used for equipment. The containment, required by regulation, was designed by an engineer, reviewed by a DEC engineer, and inspected for consistency by DEC personnel on September 16, 2021.

General Response: Noise

The Contaminated Sites Program received two comments regarding potential noise from the facility. STT has committed to monitoring decibel levels at the boundary of the property in the Operations Plan, however, threshold levels for noise and other noise considerations are outside of the scope of the Contaminated Sites Program's regulatory authority.

General Response: Traffic

The Contaminated Sites Program received six comments concerning traffic to and from the proposed facility. Consideration of traffic is outside of the scope of the Operations Plan and the Contaminated Sites Program's regulatory authority.

General Response: Operations Capacity

The Contaminated Sites Program received three comments that the stated capacity of the thermal treatment facility, 25 tons per hour, is increased from the operations originally described in the Air Permit. Greater than or equal to 5 tons per hour is the threshold capacity for requiring a Minor Permit for Air Quality Protection. The Minor Permit for Air Quality Protection does not limit STT to processing 5 tons per hour. The submitted Operations Plan is consistent with the approved Minor Permit for Air Quality Protection.

General Response: Dust

The Contaminated Sites Program received six comments concerning dust. STT has committed in the Operations Plan to enforcing a 5 mile per hour speed limit on their property, dispersing water as needed for dust control, and voluntarily shutting down operations if excessive dust is an issue. Dust is addressed in the Air Quality Permit in Condition 13, Section 4.

General Response: Hazardous Waste

Two commenters raised concerns that the proposed facility would accept hazardous waste. Hazardous waste is a specific term defined in the Resource Conservation and Recovery Act (RCRA) and the proposed facility will not be allowed to accept hazardous waste for treatment or disposal. Under state regulation, petroleum hydrocarbons and petroleum constituents are hazardous substances, but not classified as hazardous waste under RCRA. Though the proposed facility will accept soil contaminated with petroleum, most soil contaminated with petroleum is not considered hazardous waste. In Alaska, there are no hazardous waste treatment or disposal facilities. All RCRA hazardous waste that is generated for off-site disposal is shipped outside of Alaska. Before soil will be accepted at the proposed facility the contaminated soil generator will provide STT with information about the contaminated soil which includes a statement that the material is not RCRA hazardous waste. STT will revise their Operations Plan to include the waste profiling form used. STT cannot accept any contaminated soil unless a DEC project

manager has signed a Contaminated Media Transport Treatment and Disposal Form. This form references the spill or contaminated site and is signed by the DEC project manager assigned to that cleanup who is familiar with the source of the contaminated soil. The form can be found here: <https://dec.alaska.gov/media/12127/transport-treatment-disposal-approval-form-for-contaminated-media-fillable.pdf>

General Response: Soil Contaminated with Chlorinated Compounds

The Contaminated Sites Program received three comments concerning the acceptance of waste contaminated with chlorinated compounds at the proposed facility. The commenters expressed concern that treatment of soil contaminated with chlorinated compounds can generate other hazardous substances like dioxins and that soil contaminated with chlorinated compounds are hazardous wastes.

Soil contaminated with chlorinated compounds is not always designated RCRA hazardous waste. The Environmental Protection Agency (EPA) retains authority on RCRA hazardous waste in Alaska. DEC Division of Spill Prevention and Response personnel coordinate with the EPA during clean ups that could generate RCRA hazardous waste and approve transport of cleanup generated waste for disposal or treatment. There are no disposal or treatment facilities for hazardous waste in Alaska.

STT is not currently approved to accept waste containing chlorinated compounds. However when thermal treatment facilities do treat soil contaminated with chlorinated compounds in Alaska, DEC requires that the soil be sampled for dioxins both before and after treatment and any dioxin-contaminated material generated during the thermal treatment process must be disposed of at an appropriate facility.

The Operations Plan allows for testing to be conducted to assess the facility's potential to treat soil contaminated with chlorinated compounds. In order for treatment of chlorinated compounds to become a part of their regular operation, following testing and close coordination with the department, STT would have to update their Operations Plan and undergo another public review.

General Response: Drainage and Runoff

The Contaminated Sites Program received four comments concerning drainage and runoff at the proposed facility. Public comments received included a photograph of pooled surface water near the edge of the property, away from the equipment area.

The proposed facility is located in a former gravel pit that was previously excavated below the surrounding grade creating a raised vegetated berm around the facility. No surface runoff is expected from the facility property to adjacent properties.

The facility equipment is elevated above the rest of the property to prevent run on from entering the soil containment areas. The containment was designed by a Professional Engineer and reviewed by a DEC engineer in accordance with the Operation Requirements for Soil Treatment Facilities (DEC 2013).

In response to comments, DEC personnel conducted a site visit on September 16, 2021 following several days of rainfall and did not observe pooled water near the equipment or containment.

General Response: Post Treatment Sampling Adequacy

The Contaminated Sites Program received three comments that the frequency of field screening and sampling the treated soil is inadequate. The sampling frequency proposed is consistent with regulation, 18 AAC 78.605(b) and practices of other thermal treatment facilities in Alaska. STT is proposing to screen soil with a photo-ionization detector (PID) before collecting samples for laboratory analysis. Samples for laboratory analysis will be collected from locations exhibiting the highest PID results.

General Response: Odor

The Contaminated Sites Program received two comments regarding potential odor from the facility. STT has committed to monitoring volatile organic compounds on the boundaries of the property and covering contaminated soil in the shelter with a liner as needed to reduce odor, however consideration of odor is outside of the scope of the Contaminated Sites Program's regulatory authority.

Individual Comments and Responses

Comments are provided verbatim as received by DEC

Comment 1- Jim Roza

"This is another option you can take to protect the people of Nikiski, Alaska.

The LNG project in Nikiski, is now state owned (Alaska Gasline Development Corp (AGDC), since BP, ConocoPhillips, and ExxonMobile pulled out of the project in 2016.

in this residential area in Nikiski is not going to be a great place to put the dirt burner with all the issues. There is a spot on Heindermann Road. Walker is an independant, served as Alaskan governor from 2014-2018. He led the effort for the state takeover for the LNG project. The state owns the LNG project since around 2014. Now the state & the DEC are pushing this in our residential area. I question why. The parcel ID # is 01504055 is where the contaminated dirt site is that is already set up to burn dirt, with a gas line already in, the electric already there, & water. Sits on 40-50 acres of gravel bed.

The Kenai Soil & Water Conservation District raised concerns about the soil beneath this site. Barrels of contaminants are known to have been buried at the site. The organization asked for the EIS to include a remediation plan if the soil is contaminated.

This is the site that I showed Nathan from STT. He asked who he would have to lease the property from. So here is another alternative than bringing it here among houses."

Response: *On September 27, 2021, the department followed up with Kenai Soil & Water Conservation District (KSWCD) to determine if the comment reflected their position and if KSWCD had information regarding contamination at the subject property. A representative of KSWCD said that they did not have any information about contamination on the subject property and the comment did not reflect the position of KSWCD.*

Please see the following General Comment Categories and Responses, in the previous section, to

address other concerns described in the comment.

General Response: Facility Location

General Response: Site Background Assessment

Comment 2- Larry Opperman

3.2.2 Solid Waste Process Stream, paragraph 2

The paragraph starts by stating the soil will be heated to 600 degrees Fahrenheit. The permit application and final permit technical analysis report (TAR) states a temperature of 700 degrees Fahrenheit. Recommend STT provide clarification of this discrepancy.

3.5. Air Pollution Control Permitting and Equipment, paragraph 2

As mentioned above. Recommend clarification of temperature discrepancy compared to the permit application. 600 degrees vs 700 degrees in the permit.

4.7. Equipment Fuel Storage and Handling, paragraph 2

Recommend explanation of "Duck Pond" be placed into the operations plan. Persons unfamiliar with spill containment language may be confused with this term and concerned at the connotation. Recommend STT insert a picture of a Duck Pond be placed in the attachments to help explain this type of spill containment.

GENERAL COMMENTS

The page numbers are incorrect throughout the document. Starting at the beginning of the ops plan after page 7 of 43, the next page goes back to page 1 of 43. It also appears there are only 35 pages to the plan instead of 43 before going into the figures and attachments.

Recommend an addition to the operations plan.

In an effort to alleviate public anxiety over the operations of the soil remediation unit, recommend STT place a section in the plan to include the requirements as set forth in the August 3, 2021, Technical Analysis Report, Condition 21, Excess Emission and Permit Deviation Reports.

There are several grammatical errors in the plan but were of minor nature. Mentioned in the event STT wishes to find and correct them.

Response: *STT is revising the Operations Plan to address the temperature discrepancy (600°F versus 700°F) with the Air Quality Final Permit Technical Analysis Report and the page number errors.*

The Contaminated Sites Program did not request a revision of the Operations Plan to define "duck pond" or include the requirements of Condition 21 of the Technical Analysis Report (TAR). The term duck pond is the common name for a portable or collapsible spill containment and no comments were received that indicated the public was confused about the term. The requirements of Condition 21 of the TAR are outside of the scope of the Operations Plan.

Comment 3- Brian Zinck

This soil treatment facility would be best located in the heavy industrial area of Nikiski at Mile 22 of the Kenai Spur Highway. The proposal to permit it at Mile 27.5 Kenai Spur Highway in a residential neighborhood subjects locals to potential air, water and noise pollution.

Response: Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

General Response: Noise

Comment 4- Christine Roza

My family & I have been living in this area for 33 years now. What my main concern is the water table. Due to the machine using so much water, they will be running it through a charcoal filter, then dumping it on the ground. They are supposed to be 100 feet from any well. The building on the facility is set on an angle, the way the aerial map shows. The air quality permit stated 5 tons an hour. Now they are up to 25 tons an hour of dirt to burn. There are 11 houses in this area that actually will be affected in the 500 foot radius from the site. The DEC has not even been to the site to look at it first hand. They would see a lot more than the aerial photo shows. The last groundwater study done in Nikiski was done in 2015 by Dowl. Also, you have a commercial clammy in the 500 foot radius, and the water direction is going right to it. We need studies for traffic, water quality, impact on resident's quality of life. The emissions from 5 tons of dirt burned to 25 tons of dirt burned will be significantly higher and more dangerous. We also worry about contaminates dropping on the ground going from the contaminated dirt storage building, to the burner. With the amount of wind, rain, and snow melt we get in this area, there will be a significant amount of run-off that will take any contaminated dirt or dust, right into the water table. On the air quality permit, it states that the DEC sees an issue but it is outside the scope of the permit (pg 23). The DEC is here to protect the peoples' well-being and health. This is about common sense, not zoning. If you are going to be burning 25 tons of dirt an hour, that is 2 1/2 dump trucks per hour, in a 10 hour day. 25 dump truck loads per day. That is a lot of traffic going by houses and areas that are commonly used by people. The wind blows north-south by the road, towards houses and the town of Nikiski. This dirt burner needs to be moved to an area where there are no residents. There are a few areas like that around here.

Response: The thermal treatment unit is on sealed asphalt and the feeder will be covered. The Operations Plan states that STT will conduct daily maintenance to remove any material that falls on the ground near the storage cell and feeder.

Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

General Response: Operations Capacity

General Response: Dust

General Response: Drainage and Runoff

General Response: Traffic

Comment 5- Elizabeth McKee

I think this is a much needed project for the Kenai Peninsula. I question the location, as it is very close to residential land. I do not think the entire process was adequately presented to the community, or that

actual studies have been done for this particular project to mitigate an nuisances such as chemical dust, impurities leaching into well / groundwater. Adequate signage for slow and large trucks entering road. (people speed like crazy once past the Hall sawmill!!)

Response: Please see the following *General Comment Categories and Responses*, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

General Response: Traffic

General Response: Dust

Comment 6- Nicole Darwin

I'm not sure how many of you that are reviewing these comments are aware of what we are currently facing throughout the world. What the reality of our current situation is. Currently we are in a worldwide war (a war of unconventional tactics)for freedom and liberty against others in high positions of power, with many financial resources, and high status positions all conspiring together to gain more power, wealth, and control. China (using the taliban) to gain access to copper plate and rare earth elements, Russia (working with China) now has completed a railway bridge into China, the globalists (mostly out of America and the UK), and corrupt corporations and government public servants greedy for gain and a seat at the global world domination table. Through out worldwide history every new thing that makes life easier and the world a bit smaller is used by communists, dictators, tyrants, and those greedy for power, status, control, and wealth. Some examples are the industrial revolution, the spread of the railway systems, the Bible being translated for all, weaponry advances revolution, technological/medical revolutions, information becoming widely available and easily accessible. Those last three are currently why the whole world is in a war for freedom and liberty everywhere. Why would I start by pointing this out when writing a public comment about a local issue regarding this TSS dirt burning facilities that a corporation is attempting to place its facilities all throughout my beautiful state of Alaska, you might ask? Those that we are fighting against believe in conquering through any means necessary, any means! Those we are fighting want totally domination and control over the whole world. This means they need us to be reliant on them for all resources. They want us to to beg for food, water, manufacturing supplies, money, and to seek permission of what can or cannot be done or said. Does this corporation have ties to enemies the whole world is attempting to fight off from taking away our freedoms and liberties or maybe an attempt to destroy our waterways, water tables, ecosystems, habitats, flora, fauna, wildlife, fish, subsistence resources, and our vulnerable community members (children, elderly and those with respiratory problems). Below you'll find what I've also posted and shared into communities chat groups message boards:

This has been posted on multiple community chat groups:

All right Nikiski family! This is very important!

Some "big" people are really looking into this TSS dirt burning facilities and our ecosystems environmental concerns that our public has regarding this facility. Problem is no one is giving their opinion or input. Signing the petition is good, but it's not enough.

Step one:

Join Nikiski 411

Step two:

Touch 50th anniversary picture

Step three:

Scroll past 2 pictures and in the forth paragraph down select public comment.

Conclusion and mission:

This is where the public can give it to them straight with no word limit, I'm told. Share with other areas in the Kenai peninsula borough district no matter what city.

Why, because the poisoning of our habitats, waterways, flora, fauna, spawning grounds, water tables, and natural resources for those that rely on subsistence resources to feed their families can not and should not even be allowed the possibility that something this toxic is anywhere near these things. The only place for this toxic facility is a cement jungle in a industrial zone far, far, far away from even the possibility that the wind might blow in the direction of any life or natural subsistence resources and drinking waters! Away from all animal life and people as well. I say NO!

Not ANYWHERE in Alaska. Send this toxic corporation out of our state, away, to where life has already been cemented over or destroyed already!

This has been my warning and request to our local borough district public. I hope like me those reviewing my comment have also been born and raised in Alaska or at the very least have grown to love the beauty and recreation of the outdoors of our unique and wonderful state. I've noticed recently that the word equity has made it into the language of our local legislative assemblies and committees that make decisions regarding the beautification of our communities and into our parks and recreation assemblies decision making in local legislative bodies. This is unsettling because equity means our state be the same as all other communities around the world and our country. I don't know about you, but as for me, I want Alaska to remain exceptionally beautiful and breathtaking and not equitable with any other communities or places in the world. I hope some of you will help find others to step up to help with our chores of self governance and oversight to help guard our state from the horrible things that would make us equitable and harm our resources that feed and clothe us. Like Afghanistan, Alaska also has huge untapped prospects of rare earth elements. That those seeking to control all supplies are trying to force this new "green" energy technologies on others for semiconductors and electric vehicles demands to skyrocket so they can profit off of this market. Alaska needs to be guarded against this and stop this from happening. The only thing green about the new "black" climate agreement agenda is the money going into the pockets of those seeking to remove all freedoms and liberties across the face of the earth. A zero CO2 emissions goal is unattainable and all life on the face of our planet would die if that goal could ever be reached. They would have to plug up all volcanic activity to reach that goal. Still think green energy goals are a good idea? No! They are nothing but a way to weaken infrastructures worldwide! Our enemies are not agreeing to comply with climate agenda farce because they know without fossil fuels they will be weak and unable to attain their goals to become a world power nation. Conservation of resources and climate agendas are two very different things and it is pure arrogance to think people, insignificant to planetary cycles of life, could effectively "save the planet." The ones pushing to try, are in fact, poisoning our planet's life giving resources so that they can control all. Why, because if you don't comply they will refuse to give you food, water, housing, medical care, work, and financial resources. Don't let these tyrannical wicked humans kill our beautiful state and life giving resources!

That is all. Thank you. God bless you and may His face shine upon you. Should you chose to join the battle, may God bless all your endeavors to be successful!

Nicole Darwin

Response: *Comment acknowledged. Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.*

General Response: Protection of Groundwater

Comment 7- Melissa Roza

The chlorinated hydrocarbons that is suppose to be released from this dirt burning are toxic for the environment. What if something doesn't get filtered properly or checked on properly?

Even if this has the chance of being safe, what if someone does something wrong? People makes mistakes all the time and it could be a huge problem for all the residential area. All we want is for this to be moved. There is already an area down by where the L&G project was suppose to be that was already used for this exact thing. Nobody lives there and probably won't for a while.

The purposed plan states in section 5.2.2 that "filtered lab results below ADEC cleanup levels will be discharged into the ground surface Atleast 100 feet away from any known drinking water wells or surface water bodies." Due to gravity and pressure I find this highly unlikely that it would stop the water from getting to anyones wells or any other body of water. Where they are wanting to place this plant (in a residential area) is ignorant. There is another place in nikiski where they have already done this and where nobody lives by. Where this facility can go and not hurt people. Are they going to be including and measuring all the emissions from the truck that are hauling the dirt back and forth as well? It seems like this is going to hurt us WAY more then help us.

Response: *Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.*

General Response: Facility Location

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

General Response: Traffic

General Response: Soil Contaminated with Chlorinated Compounds

Comment 8- Amy Kivi

I have been against this since I found out a few months back. There are plenty of other places in Nikiski where it is not this close to residential homes. We are not zoned out here, but putting this site close to people's homes is ridiculous! There is also a high school not far from the site and the bike path that is across the road is used constantly by kids and adults. This to me is a no Brainer! Please do not allow this to happen to my community.

Response: *Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.*

General Response: Facility Location

Comment 9- Tami Johnson

Thank you for the opportunity to comment on this subject. No opposition to the facility, just the location. The owners have been shown different locations, that are not close to residences and already have much of the work done for them, with regards to the construction involved. There needs to be more oversite into what the potential damage that will be done in this location. There have been comments detailing the specifics and attention should be paid to the concerns of the

community. Again, thank you.

Response: *Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.*

General Response: Facility Location

Comment 10- Rebecca Ward

We do not need a dirt burner in our little community. It needs to be move to a less lived in area. We the people needed to be informed sooner than we were.

Response: *Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.*

General Response: Facility Location

General Response: Adequacy of Public Process

Comment 11- Christine Roza

“This is another option you can take to protect the people of Nikiski, Alaska.

The LNG project in Nikiski, is now state owned (Alaska Gasline Development Corp (AGDC), since BP, ConocoPhillips, and ExxonMobile pulled out of the project in 2016.

in this residential area in Nikiski is not going to be a great place to put the dirt burner with all the issues. There is a spot on Heindermann Road. Walker is an independant, served as Alaskan governor from 2014-2018. He led the effort for the state takeover for the LNG project. The state owns the LNG project since around 2014. Now the state & the DEC are pushing this in our residential area. I question why. The parcel ID # is 01504055 is where the contaminated dirt site is that is already set up to burn dirt, with a gas line already in, the electric already there, & water. Sits on 40-50 acres of gravel bed.

The Kenai Soil & Water Conservation District raised concerns about the soil beneath this site. Barrels of contaminants are known to have been buried at the site. The organization asked for the EIS to include a remediation plan if the soil is contaminated.

This is the site that I showed Nathan from STT. He asked who he would have to lease the property from. So here is another alternative than bringing it here among houses.”

Response: *On September 27, 2021, the department followed up with Kenai Soil & Water Conservation District (KSWCD) to determine if the comment reflected their position and if KSWCD had information regarding contamination at the subject property. A representative of KSWCD said that they did not have any information about contamination on the subject property and the comment did not reflect the position of KSWCD.*

Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

General Response: Site Background Assessment

Comment 12- Christine Roza

Info on petition sent out. Please see downloads below.

DEC Note: The full petition, submitted as Comment 27, contains 203 signatures and can be found in Attachment 3. DEC redacted signatures and phone numbers as it was not clear that signatories were aware that the petition would be posted on line. The names of the signatories are still visible on the petition.

Response: *The Operations Plan requires state approval. An Environmental Impact Statement is not required for approval of the Operations Plan. Operations Plan requirements are detailed in 18 AAC 75.365 and 18 AAC 78.273 and the Operation Requirements for Soil Treatment Facilities (DEC 2013) guidance adopted by regulation. (<https://dec.alaska.gov/spar/regulations>)*

Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

Comment 13- Tom Carew

I am against this for a lot of reasons.

Operations plan states waste water being utilized in other operations involving contaminated products will be cleansed using a charcoal filter system and then sprayed over the surrounding area and allowed to dissipate. That means letting any contamination still there will be allowed to soak into our water systems. There is no mention of dust monitors in the plan. These systems build up dust every time they are utilized, even enclosed. Expect a release because it's going to happen. Where is the plan to clean up after the trucks who spread contamination on roads, bike paths, etc. According to dec air quality monitors are not needed below 5 ton per hr. Operations plan states 25 ton per hour with no mention of air quality monitors. Thank you.

Response: *Trucking to and from the facility is outside of the scope of the Operations Plan. However, in accordance with 18 AAC 60.015, loads of contaminated soil must be covered.*

Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

General Response: Dust

General Response: Operations Capacity

Comment 14- Len Niesen

Facility Issues

The Quonset hut as used in the operations plan should be fully enclosed all the way around,

and the floor should be sealed to the walls and drained to a sealed containment area in order to prevent escapement of contaminated dust and water. The structure as-is, which doesn't meet the description in the operations plan, is inadequate.

From the Q&A at https://dec.alaska.gov/spar/csp/stt-thermal-soilremediation/?fbclid=IwAR1B4MrZQWVvGz5StGaOWprlctj--GS34Lk6XbJQ_oGs63m2j8l7hcTo5GM

“Petroleum-contaminated soil will be delivered to the facility and placed into a staging area with a petroleum-resistant surface **inside a covered storage building....Inside the storage building**, the soil will be screened to remove all rocks and material over 2-inches in diameter....The screened soil will be stockpiled on a petroleum-resistant, sealed, asphalt pad in a covered, **enclosed**, containment area while awaiting treatment.” (Emphasis added)

This “storage building” is not fully enclosed, and is not, in fact, a building at all. It is a hood, resting atop four shipping containers with gaps between them, open on both east and west ends and permeable on the sides as well. It is basically ONLY a roof. The building is in no way enclosed. With the high winds we have in Nikiski, there is no way the contaminated dust can be contained inside this structure.

The asphalt laid within the “Quonset” (roofed) area appears to be thin, regular asphalt (with sealant on it, assuming it is done as specified) with no discernable curbs or containment.

Allowing this facility to be defined as an “enclosed structure” indicates to me that the DEC is completely unaware and has not conducted a site visit. This structure should be fully enclosed.



Figure 1: STT "Quonset" hood

Dust

Dust generated from the screen plant, regardless of whether it is located outside or under the unenclosed hood, will be able to freely interact with the high winds we have in Nikiski. Mr. Oberlee indicated he would cover stored piles if the winds were high, but this frequently happens overnight and it is possible no one would be on site, even if simply covering the stockpiles were sufficient, which I doubt. This solution also doesn't account for winds during actual ongoing operations.

Noxious or Pungent Fumes

My research indicates we may expect an unpleasant odor associated with emissions from STT's soil decontamination unit. Per a white paper called "Odor-Treatment Technology for Recovered Hydrocarbons from Oily Waste in a Thermal-Desorption Unit," (by Jilei Fang, Xianghai Meng, Guoling Xu, Yong Yue, Peichao Cong, Chao Xiao, and Wenhui Guo, Yantai Jereh Oilfield Services Group), "the pungent odor is caused by the presence of sulfur and nitrogen compounds." STT, LLC has an allowance of sulfur and nitrogen emissions, which supports the concern that pungent/noxious odors will result from STT's operation.

The DEC's responsibility (per Alaska Code 18 AAC 50.110) includes assurance that "enjoyment of life or property" are preserved. The STT facility is on the main road between my property and Kenai, and will affect me if it emits pungent chemical fumes. Those who live in the area surrounding the plant are very concerned about their continued enjoyment of life and property, to the point where some are considering moving away. This is wrong, and if the DEC allows it, you are shirking your lawful duty.

The operations plan states that emissions will be monitored in accordance with the permit. I assume DEC similarly monitors the Nikiski Marathon Refinery. This refinery regularly emits noxious chemical odors and impacts Nikiski residents negatively. The "assurance" that DEC will be monitoring emissions (from a distance), is therefore no consolation.

Alaska Code 18 AAC 50.110 prohibits any emission which ... would unreasonably interfere with the enjoyment of life or property. Mr. Oberlee acknowledged to me that noise pollution will be a factor, especially from the screening plant. My research indicates that rock screening can exceed 95dB, which would be a hazard for workers and nearby neighbors and a nuisance to road traffic. While not an "emission" that has been addressed in this permitting action thus far, the EPA does consider noise pollution to be an intrusive emission (Ref. Noise Pollution and Abatement Act of 1972, a US statute regulating noise pollution with the intent of protecting human health and minimizing annoyance of noise to the general public). This would have likely been part of an environmental impact assessment, had one been conducted in this case. The EPA delegates responsibility concerning noise pollution to state and local governments, and the DEC should be addressing this.

Groundwater

The STT site is in a hole. It used to be a gravel pit and was mined down to a point probably 20-25 feet below the surrounding ground level. Water tends to collect in this hole after rains. (Photo is attached that was taken in one area of the site after a one-day rain.) The Operations Plan indicates that the water table was encountered at 61.9 feet below ground level. The reason the well is so shallow is that the top of the well is at the bottom of a deep pit. This means the facility site is unusually close, vertically, to the water table. Contaminants will be sprayed and water will collect in the hole, and there isn't a good way to control where the water goes even if it is sprayed under the open hood (which STT calls a "Quonset hut,") where the asphalt has no discernable raised edge or curb. The Operations plan claims that after pressure-spraying contaminated soil, this water will be directed by a shallow "swale" and captured in a 4x4' containment cell (too small for the volume of water required for this pressure washing.) It isn't clear how such a shallow "swale" would contain water in an area that isn't enclosed, and it is nearly unbelievable that the high-pressure water could be contained



Figure 2: Standing Water at STT Site

in such an open area. To make matters worse, the operations plan states that the ground is sloped heavily away from the hooded area, which means escaped contaminated water from pressure-washing will drain out into the site.

In Section 5, it is indicated that the water collected in the 250-gallon tank will be run through GAC in a barrel and then tested once near the start of the season. After that, subsequent water discharged will not be tested? We are expected to trust employees' visual examination? And visual observation will determine whether the GAC is still working? The hole into which the polluted water will be discharged is even closer to the water table than the bottom of the hole in which the facility rests. Before discharge, water should be lab-tested continually throughout the summer, and the GAC should be replaced when pollutant limits trend upward, not after visual observation is enough to show it has already failed. The water should also be tested for TCE/PCE and their byproducts if the plant is permitted to process soils with these substances.

Section 2.5 discusses soil treatment, and indicates that material over 2" in diameter will be screened, washed, and then stored with already-treated soil. It does not discuss organic material such as wood that is petroleum- or chemical-soaked and is mixed with these oversized pieces. Since petroleum will not wash off such wood or organic material (and possibly not off rocks either), it will remain contaminated but mixed with decontaminated material and disposed as though it is clean. If pressure-washing were adequate to clean petroleum products from such materials, we would not need a soil burner.

The plan states that the soil at the facility will be tested before work begins, and will not be tested again until the facility closes. If STT has a five-year permit, and they close in five years, they will be able to pollute the soils (and therefore, the groundwater) for five years before you

are aware. If you renew their permit and they continue for ten years, then you won't know for ten years that they are polluting the soils? If this stipulation is as it sounds, it is irresponsible.

Traffic

Local area traffic impact is not addressed in the operating plan, but should be addressed.

The amount of soil projected to be decontaminated per year by STT, LLC is 10,000 tons. This amount will result in over 700 trucks going two directions (filled, to the TDU, then empty, back to the dock for refill). Because of their intention to receive contaminated soil via the OSK Dock rather than the Rig Tenders Dock, these 700 trucks will drive directly past the Nikiski Middle-High School and into the center of the community where the fire station, gas station, grocery store and post office are located. This is 1400+ truck trips in the "non-frozen" months, which I assume are approximately May-September, five months. This amounts to a significant increase in traffic through this community, which will result in congestion and safety issues, particularly by the school but also elsewhere. Mr. Oberlee, at my suggestion, agreed that he will consider alternate truck schedules to accommodate school opening and closing. While this will help, if he indeed implements it (there is no commitment and it isn't mentioned in the Operations Plan), I don't believe it will be sufficient to address the enormous increase in traffic in the vital center of our community and residents will be negatively impacted.

Operating Hours

There is no commitment concerning operating hours mentioned in the Operations Plan. I asked Mr. Oberlee if 24/7 operation was out of the question and he wouldn't commit to that, stating that he would take into consideration noise generated from the plant, traffic patterns and project workload, but that the permit doesn't restrict his operating hours.

Given that noise (at the very least) will be a factor for residents, I ask that you restrict STT's daily operating hours. This would not be the case if they had not located in a residential area, but since that is the case there does need to be some restriction in place.

Permit Limits

If the plant operates at its limit, 25 tons per hour, and runs 60 hours per week (still a question) for 20 weeks per year (5 months), it can process 30,000 tons of contaminated soil. This amount goes far beyond the minor permit. While emissions might dictate certain limitations, Mr. Oberlee has stated that he may run at 25 tons per hour.

Neither the operations plan nor the permit covers the procedure if STT goes over their allowance. Will DEC know when they exceed? Will they be granted a waiver if they exceed?

Firm limits should be placed on this facility, especially given the fact that it is located in a residential area and completely surrounded by homes and businesses.

DEC meeting with Ben Carpenter

Meeting minutes were published from a meeting between Ben Carpenter and members of the DEC staff, including Lisa Krebs-Barsis, Jim Plosay, Jason Olds, and Stephanie Buss. It was clear from this meeting that the DEC is fully supportive of STT's plant in Nikiski. Ms. Krebs-Barsis even indicated how beneficial the plant will be "for the community." (What community? The oilfield

community? STT is designed to handle large quantities of petroleum-contaminated soil, not your average homeowner's truckload or two from a leaky oil tank. From all appearances, they will be receiving their contaminated soil from the OSK dock area, not from Nikiski proper.)

In the meeting, the DEC employees were almost "selling" the STT plant to Mr. Carpenter, advocating for it as though they have a stake in it. I see this as bias on the part of the DEC. It seems as if the decision is already made, and possibly was made before the first public comment session.

Further, the meeting minutes stated: "Staff explained that the facility is prohibited from remediating hazardous waste or PFAS contaminated soil." This is untrue. PCE/TCE are classified as hazardous material, and STT has DEC allowance to treat these materials. STT should not be permitted to treat these hazardous materials, as the DEC committed to Mr. Carpenter in their discussion.

I would like to see the prior damage from the oilfield community remediated, but, frankly, Mr. Oberlee and his partners chose a poor location for their facility, and the DEC is enabling this without concern for Nikiski's residents. In fact, it is my understanding from Mr. Oberlee that the DEC is partially responsible for this debacle, as their rules required the site to be found before the permit could be applied for, and months before a public comment was open – a scenario that begs for problems in a community. I hope the DEC has reconsidered this requirement.

If the facility were located in an industrial area – and there are many in Nikiski – I think Nikiski would have welcomed STT to locate here. The facility should be relocated to an industrial area.

Response: *In response to the comment, the Operations Plan will be revised to replace the word "enclosed" with "covered."*

The containment was designed by an engineer and reviewed by a DEC engineer in accordance with the Operation Requirements for Soil Treatment Facilities (DEC 2013). Required design elements can be found in the guidance but include asphalt thickness, sealant, and waste water capacity. The contaminated soil containment is elevated above the surrounding gravel pit, it is graded and has a sump to adequately prevent run on of water and contain stormwater that enters the covered facility and wastewater generated by washing. The facility is required to operate in accordance with the design capacity of the water containment.

Details about hours of operation and facility staffing are outside of the scope of the Contaminated Sites Program's regulatory authority. The facility is expected to have adequate staff to comply with their Operations Plan.

Regulation requires that a closure assessment be conducted at the end of the life of the facility. During the facility's operation, areas that would be included in the closure assessment will be covered by equipment and the containment. DEC will not request more frequent soil sampling of the base of the facility site until closure, unless a spill occurs, or previously unknown contamination is discovered or there is other evidence that additional sampling of the facility site is needed.

The Contaminated Sites Program is basing decisions about the Operations Plan on the

regulatory authority of the Contaminated Sites Program and the Operations Plan compliance with applicable regulations and guidance. The potential clients of the facility are not a consideration in the Operations Plan approval process. The proposed facility may serve any clients seeking treatment of petroleum contaminated soil. Potential clients for STT include the oil and gas industry as well as local tribes, governments, commercial entities, and residents.

Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Dust

General Response: Odor

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

General Response: Site Background Assessment

General Response: Drainage and Runoff

General Response: Traffic

General Response: Hazardous Waste

General Response: Soil Contaminated with Chlorinated Compounds

General Response: Adequacy of Public Process

Comment 15- Kaci Gillham

Hello,

I am very concerned about soil, water and air contamination by the proposed facility. It is too close to homes, the school and the highway. I own property in Nikiski and plan to build a home there, with children who will be at that school, traveling the highway and drinking the water.

As I understand there are alternative locations available to use that are not near homes, school and the highway and are better set up. Yes, using these will cost us more in transport but it is worth it to keep our air, soil and water in its current condition.

Please think of our children.

Thank you,

Kaci

Response: *Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.*

General Response: Facility Location

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

Comment 16- Henry Haney

Soil Treatment Technologies, LLC Nikiski, Alaska Operations Plan

6.0 ANNUAL REPORTING

STT will provide an annual report documenting inspections and maintenance of the pad and water treatment discharge results. The annual well sampling results will be included in the report. The report will document the results and findings of the annual groundwater sampling collected from the wells on the property. The annual reports will be submitted no later than the end of February of the following year.

I would propose the following be added to 6.0 ANNUAL REPORTING section

During the first season of operation there is to be a "mid-season" full site inspection conducted per the protocols listed in the 6.0 ANNUAL REPORTING Section. Testing would be conducted after no less than four and no more than six weeks of operation. This mid-season report would be submitted no later than August 31 of the first season of operation.

The purpose of this mid-season testing, and report would be as follows:

1. To verify operations are taking place per the work plan.
2. To confirm the work plan is creating a non-polluting operation per Engineering expectations.
3. To create a public awareness of operations compliance and reduce public concern about pollution by proving that the operations are complying, are not polluting, the operation is abiding with DEC regulations, and following their Work Plan as written.

Response: *In response STT increased the wastewater sampling frequency to collect a sample every 2,000 gallons. Descriptions of reporting requirements for the increased sampling frequency will be updated. Annual reports and other compliance documents are public records and available to the public upon request.*

Comment 17- Nicole Darwin

The fact this corporate entity along with DEC tried to cut environmental studies corners and strategically placed this toxic facility build hidden in plain sight back in May 2021, without posting a sign prior to starting this build shows me they do not care about poisoning our water and subsistence resources. It would appear that, that is the ultimate goal. Poison the land to push people into the cities or out altogether. The fact that DEC let Tesoro refinery now owned by marathon in conjunction with Harvest Alaska, which has Chinese communist party ties, to poison soils with raw sulfur and allowed this to put arsenic into some water wells is an atrocity! You think that because you already failed to protect our ecosystems, water, and subsistence resources we should just let you continue to poison them! No! The purpose of conservation is to heal and stop these atrocities to preserve and conserve our valuable survival resources! DEC, the public is done allowing you to profit off of poisoning our resources! We will go above you and fight to stop you from allowing this poisoning of our survival resources all across Alaska. We say NO to allowing this corporation to move in and destroy all of Alaska's ecosystems and survival resources!!

Response: *Comment acknowledged*

Comment 18- Bill Bookout

To Whom it May Concern:

As a Nikiski resident I am opposed to allowing this project to move forward without further prominent attempts to increase public awareness. The data and analysis submitted are not at all accurate in assessing the potential impact to residents, businesses and the school which are all in close proximity to the site. I also feel that the process has taken place without nearly enough opportunity for public input. Many, many people in Nikiski and the surrounding area are still not aware of the project and it seems that it is trying to be snuck through and intentionally kept very low key.

Please delay moving forward until the public has been informed of the exact purpose of the project, hazardous materials intended to be processed and possible impact on long term public health and

Nikiski residents. Start with a prominently placed announcement in the Clarion. If those behind the project are so confident in the report, why wouldn't a prominent announcement in public news papers be objected to?

Response: Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

General Response: Adequacy of Public Process

Comment 19- James Roza

9/4/2021

1.0 Introduction

Is the company really going to be able to run this machine efficiently? They have never run this machine before; they just bought it. With all the issues and problems that we have been commenting on, I really worry about peoples' health, and the environment, and the safety issues.

2. The facility diagram in the operations plan does not show how many houses or wells that are really around the area of the property in question. There are not just two, like it shows, but 10 houses, 1 clammy, and 11 wells, one of which is food grade, in a 500' radius. The building is not set on an angle. Don Rappe's well next door, or the clammy's well, next door the other way, have not been tested. With the groundwater flow direction marked on this diagram, the groundwater and any contaminates in or around it would flow right into the clammy's well.

3. Post-Treatment sampling. There should be a liner underneath their facility. A liner should be under the machine, and another liner under the contaminants. I would say that the public has a right to see pictures of what has been done building this facility.

4. The building sets is actually straight, parallel to the property line. The set back is wrong. The building is not completely enclosed. This facility does not have any retaining walls. It has huge cement blocks, that weigh 4000 - 5000 lbs each. If they are stacked on the asphalt, it will break. The plan says the asphalt is 2" thick. To haul dumptrucks at around 39,000 lbs; and belly dumps at around 79,000 lbs; I don't think the 2" of asphalt is going to hold up. So with all the blocks and the seams, how are they going to seal this from all the rainwater, wash water, etc.?

Where they have drilled the well at the facility, there is water that sits in that whole area in the spring. It sits close to the clammy's well water aquifer. The DEC has not even come to look at the facility, or the neighborhood it is in. They are going off of aerial photos, which are old. Has the DEC even been here since they started this project? The drains, the compaction, the inches in asphalt, the start up to finish of this operation. Where are the photos? Where are the engineer's drawings?

5. Engineering plans. The community, and I, would like to see the engineering plans for this operation. There needs to be a second containment pit liner under the contamination building. There needs to be a pit liner underneath the dirt burner itself, for a second containment so nothing gets into the water table. The engineering plan says that this machine is under a cover. Is there actually going to be a pit liner under the material already burnt, when they stockpile it?

6. Site monitor procedures. When they come out with the 5 ton permit, it just had hydrocarbons. Now they need, on all 4 corners of the property, they need air and emission monitors and a camera on the exhaust, for the community to review. They also need monitoring wells on all 4 corners of the property, because they are dumping so much water in the area. They need to be monitored probably twice a week. There needs to be a chain-link fence around the facility to prevent kids and animals from getting in the area.

1.1 Site description: Don Rappe's place is NW from the facility. South is towards town. Someone

needs to take a yardage gun and a gps and measure all this stuff the right way, instead of guesstimating and using outdated aerial photos. There are 10 houses and 11 wells right by the facility. The facility itself is in a 22' - 30' deep hole. They show only 2 water wells only 500' by the facility. That is not correct.

2.0 Financial Responsibilities.

1.1 This facility should insure everything that is in the 500' perimeter boundary. They need an insurance policy to protect every person in this boundary, the houses, properties. The vehicular traffic. The pedestrians going by. All this should be insured, in case there is a breach in operations. Fire, health, safety, explosions. Fire or explosions due to the bag house. They should have coverage in case something does happen. They should also have an environmental impact insurance coverage for this area. Talking to Kathy at DEC, the bag units have a tendency to catch on fire or explode. Will our neighborhood be covered by insurance, from the company, for this?

3.0 Air pollution control systems.

They need air monitors, emission monitors, and dust control monitors.

3.1 Overview: Greater than 2" to be washed with power washer. How are you going to deal with any garbage, plastics, chunks of wood; that come into the site unawares?

3.2 Solid waste & process streams. Is the water from this just going to drip all over the ground? Is a pit liner going to be under the process stream?

3.2.1 Washing the material with the pressure washer: what happens to the material that you get, by mistake, that is soaked with contaminants? How can that be treated? What is your plan to take care of this stuff?

The water used to wash the contaminated stuff should be taken to injection wells that the oil companies own. Dust and vapors are going to be very bad in this 500' perimeter boundary, where people live.

3.2.4 The building's ends are both open. The water spray will be going in and out from the pressure washer, rain, wind. The catch basin is setting right where all the water comes down off the quanset hut, thus more contamination if it overfills. On the basin: it is set in the ground. What if the drains break from frost, earthquake, etc.? What happens when we get rain downpours like we do? Can you keep up with the overflow? What is your plan for that? The treatment water, infiltrating into the ground, 100' from the well. Anywhere you dump that in the yard, is only 60' from the well, not 100'. When they discharge this water, they plan to test it, but then they plan to look for oil sheens, and smell the odor, then use absorbant pads to catch the excess oil on the ground. This I find maddening. There is no way anybody is going to keep the water in the property boundaries (480,000 gallons of water).

3.2.3, 3.2.4 In this process of what they are talking about, the machine is only as good as its operators. In this operation, they speak of dust, vapors, noise, fumes, loaded trucks. What time are they going to be working? How many employees? Two shifts? How are the workers going to deal with the complicated sounding start up and shut down processes? Will they be too tired at the end of their shifts to deal with the procedures coheritantly? They say they are going to work 12 hours a day, 6 days a week. The foot traffic for that time period for the dumptrucks is going to be maddening. I worry about the family with the little kids playing in the front yards, within the 500' area of the processing plant. They will get hit with all the dust and odors from the dumptrucks alone. You look at the hours they want to run, and the days a week. It will be statewide, hauling dirt from all over Alaska. This is NOT an industrial area!

3.5 Air pollution control: When they started with the air permit, they said they were only going to do 5 tons an hour, and only hydrocarbons. Now its up to 25 tons an hour, along with hydrocarbons, doc's and other materials. What are we actually looking at for the emissions? That is why we need 4 monitors set up around the site, to protect the people. I think all this stuff here needs to be considered for this residential area. It's not about zoning, its about common sense. I also think there

needs to be another party to do all the monitoring so STT can be held accountable for mistakes.

4.4.1 I would like to have public comment on all the pictures that the professional engineer has done on this site.

4.4.3 This is what is scary: at 230 miles away from Anchorage, DEC has yet to come down to look at the property and situation. The DEC needs to be on the project from start to finish.

4.5.2 Cover. Is there going to be there 24/7 to watch the tarps, etc. when we have bad rain, wind storms, etc.? On the general maintenance, they really need to enforce the monitors 24/7. This way if they are gone, the emissions or whatever are being watched.

4.8 Ground water monitoring. Instead of testing peoples' wells, they need to have four monitoring wells on each corner of the property. They should test the said wells every two weeks. They are dropping 480,000 gallons of water on the surface.

Samples: the number of soil samples needs to be a lot more than the company plans to do, considering how much soil is going to be burned. Its' in a residential area. This company, and the DEC, need to go up and above what they are currently doing for this. One small sample for 10 yards of dirt? Are you kidding me???

The company would not have to do all this stuff in an industrial area.

I am going to say it again. This gravel pit is all used up. The 20-30' difference in the elevation, for a water buffer, is way too close. When you actually dump that much water in an area where it is 60' from the water table, it is way too close to discharge the water on the surface.

Also why are they using cheap filters? They need to buy the good ones instead of going cheaper.

This operation is going to affect everyone around here. It really needs to be looked at a lot better; even reconsidered.

Response: *This comment detailed numerous concerns. Many of these are addressed in the general responses.*

Details about hours of operation and facility staffing are outside of the scope of the Operations Plan. The facility is expected to have adequate staff to comply with their Operations Plan.

The proposed facility is not approved to accept solid waste that is not contaminated soil.

Garbage or debris should be removed before the material is transported to the facility.

Incidental garbage and debris, mixed in with the soil waste, will be removed and disposed at an appropriate disposal facility by STT. The waste profiling form has been added to the Operations Plan.

The Engineering Plan is Attachment 1 of the Operations Plan. STT is updating the Engineering Plan and it will be stamped by a registered professional engineer. As-built diagrams of the facility, stamped by a registered professional engineer, will also be submitted when construction is complete.

There will be containment under the entire treatment system and post treatment stockpiles except the feed hopper loading ramp which will be maintained daily. The containment was designed by an engineer and reviewed by a DEC engineer in accordance with the Operation Requirements for Soil Treatment Facilities (DEC 2013). Required design elements can be found in the guidance and include asphalt thickness, sealant, and waste water capacity. The contaminated soil containment is elevated above the surrounding gravel pit, it is graded and has a sump to adequately prevent run on of water and contain stormwater that enters the covered facility and

wastewater generated by washing. The facility is required to operate in accordance with the design capacity of the water containment.

Much of the Kenai Spur Highway runs north-south, but portion of the Kenai Spur Highway adjacent to the STT property is east-west. The directions identified on the aerial photograph are correct.

In addition to the financial assurance required to cover the cost of treating contaminated soil if the facility shut down, the facility is also required to carry pollution liability insurance and has a pollution insurance policy in place.

DEC personnel conducted a site visit September 16, 2021 to observe the layout of the property. The DEC site visit confirmed that the facility's position in the Operations Plan was not shown correctly. STT is updating Figure 2 in the Operations Plan to show the correct position of the facility structures. DEC personnel observed site topography and the containment area during the site visit and found both to be consistent with drainage described in the Operations Plan.

Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

General Response: Dust

General Response: Noise

General Response: Odor

General Response: Operations Capacity

General Response: Traffic

General Response: Drainage and Runoff

General Response: Post Treatment Sampling Adequacy

Comment 20- Christine Roza

See uploaded file first please.

9/ 4/ 2021

This burn site has not been put in the public's awareness enough. There were no public comments at the beginning of this. The public never knew about this.

On the concerns, there are 10 houses and 11 wells in this area, one well being for a commercial, food-grade business in the summer. That business sits around 150' higher than the dirt burner property, right next door, on the back right-hand corner of the property. Rep. Ben Carpenters' house is a mile away from the burn site.

We do not have water contamination problems outside of the red-zone in Nikiski. No problems by the burn site. The red zone is behind the high school, to the inlet, and by Wic Road to the inlet; and up to Merrill McGahan's airstrip.

Nobody in the DEC has been out to Nikiski to look at this site yet. They are going off aerial photos, of which we do not know how old they are. By the aerial photos they are looking at, north, south, east, & west are all marked in the wrong direction.

I asked these people about the "other sites". In the plans for the "other sites", do they have 10

houses/families living around them? Have they considered the quality of life & human health; all the interactions of people in our community, around this site? Are they willing to put an umbrella insurance policy to protect everybody in this area? At least 500' around the perimeter boundary? What about the people who are walking or driving by? What IS the insurance policy that STT has for this operation? Is the DEC, the Kenai Peninsula Borough, and the state of Alaska going to be on this policy also? Their actions are uncalled for. They are turning a blind eye to the concerns the people have. What will the repercussions be if there is a catastrophic failure? DEC should NOT come up with a waiver for this company, with all the air quality comments, the petitions, the radio announcements, and the borough assembly meetings. I think we would have had a lot more comments if the original first public announcement would have been put out a lot more, rather than just a news paper, of which not everybody reads! It really should have been mailed to everybody in this area.

The testing will be very very small for the amount of material being tested. The tests are too far and few in between also. There should be testing of the material at least every month. Not at the beginning and end of the whole process. What if there is a problem a month or two out? How would you know of the problem or the scope of it? It could keep getting worse. The engineered containment - how will it actually prevent secondary contamination from water? Is a charcoal filter actually going to work as well as you think? Who is going to oversee the charcoal filtering system? Also, there really should be monitoring wells on every corner of the property.

To Rep. Ben Carpenter: How did you actually know that this was a "done deal" by the 16th of July? Also, this needs to be monitored a lot better - it's gonna be too late if there is illicit activity, or a breach of any kind, at this burn site. Air and water quality could be ruined by the time the problem was seen or figured out.

Where they are putting this facility for dirt burning is already jeopardized by removing 35' of soil and clay, which could have buffered any contaminants.

As for the advantage this facility provides the community: HOW? You are NOT looking at the homes and residents! There is a more suited place to do this!

Response:

This public comment included an email from the DEC to Representative Ben Carpenter dated July 21, 2021. The email was a follow up to a meeting held with Representative Carpenter on July 21, 2021. The email can be found in Attachment 2 of this document.

This comment detailed numerous concerns. Many of these are addressed in the general responses.

DEC personnel conducted a site visit September 16, 2021 to observe the layout of the property and verify information provided in some of the public comments. As a result of the site visit STT will update the position of the facility on the figure in the Operations Plan. At the time of the site visit, the construction of the facility was otherwise consistent with the Operations Plan. Much of the Kenai Spur Highway runs north-south, but portion of the Kenai Spur Highway adjacent to the STT property is east-west. The directions identified on the aerial photograph are correct.

In addition to the financial assurance required to cover the cost of treating contaminated soil if the facility shut down, the facility is also required to carry pollution liability insurance and has a pollution insurance policy in place.

Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

General Response: Post Treatment Sampling Adequacy

General Response: Adequacy of Public Process

Comment 21- James Roza

Please go to the EPA website, and look at Sulfur Dioxide (SO₂) Pollution

Response: *Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.*

General Response: Air Emissions and Air Quality Permit

Comment 22- Deanna Roza

I think that this facility should be at least moved. I am not against anyone burning dirt but this is in a rural area. There are homes nearby and all of this dirt burning will contaminate our air supply. It could ruin our water supply as well. At least move it somewhere else AWAY from all the homes around here!

Response: *Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.*

General Response: Facility Location

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

Comment 23- Christina Parnell

I'm really worried about the air and water pollution in a condensed residential neighborhood. There has to be a better location for this facility.

Response: *Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.*

General Response: Facility Location

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

Comment 24- Tracie Longan

My husband worked 30 years in the oil field putting the stuff in the ground that they will be burning and he knows exactly how hazardous this material is this is something we don't want near our home we don't want to be at risk breathing something that can cause cancer or something worse cause some of the acids that are used will eat through your bone there is no way to fully contain the dirt from falling off the trucks going right past our house and even with a cover over the top dust is still going to be blowing everywhere and I'm also very much concerned about our water well and how it

could be affected I don't understand why you would pick a residential area to put something so dangerous there are way more suitable places to put this that not putting people's lives at stake so we're totally against this place being put right across the road from our house

Response: Please see the following *General Comment Categories and Responses*, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

General Response: Dust

General Response: Traffic

Comment 25- Tracie Longan

This comment is the same as Comment 24 and appears to have been submitted by the same commenter twice.

Comment 26- Jack Stolz

BLUF this facility needs to be in a industrial area, not a residential area. Zoning or not you take one look and anyone can see that this is the wrong area. Move the facility to the industrial area of Nikiski near Marathon/Agrium. I spent too much time around these facilities on deployment to Iraq and Afghanistan, I can tell you from experience that you don't want to be around it.

Response: Please see the following *General Comment Categories and Responses*, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

Comment 27- Steven Chamberlain

I have D.E.C. file photos of 55 gallon drums of toxic liquid laying on their side actively spilling the contents (intentionally) onto the ground. The photos were taken by D.E.C. employees. The photos prove that D.E.C. employees kicked or pushed the barrels over, then took pictures of the crime they had just committed.

This is just one example of the criminal nature of the Alaska Department of Environmental Conservation. I have proof of dozens of similar crimes committed by D.E.C. employees that were appointed by Frank Murkowski, Ted Stevens and Don Young and others. These appointees were clearly willing to do anything for a paycheck and a pretty pension.

The current D.E.C. employees are just as criminal as the ones from the past and their paychecks and pensions are bigger and more inviting to these criminals and the cabal they work for. It's not stupidity or ignorance that drives them. It is pure evil and greed fed by criminals like Frank, Ted and Don.

Just so everyone knows, several of the properties surrounding this proposed site are contaminated at the surface and in the ground water. I could tee up a ball on top STT's soil burner and hit a driver and pitching wedge to at least four different unknown contaminated sites. All of the parties involved in making this insane idea a reality know this. They don't want anyone to know this so that they can blame any future contamination issues on the "Dead Neighbors" from the past.

I'm not going to mention any names out of respect for the dead, but in the last three years at least seven people have died from cancer who lived within 300 yards of this site. Several more have been battling horrible unknown illnesses. A couple of them I know moved out of state and may need to be added to the death toll.

This site has clearly been chosen because it is already contaminated. STT will blame any

contamination on the sawmill, the sawmill will blame it on the old diesel shop across the street, the diesel shop will blame it on John Stoltz's junkyard and in the end the D.E.C. will protect Big Oil and STT and blame it all on "Dead Men" Ain't that convenient!

Everything I say here is true and accurate. Investigate the surrounding properties. You will find toxic contamination in ALL directions. I gave you some good clues, feel free to contact me if need more information.

If you (D.E.C.) grant STT permission to do this without investigating what I have said I will work tirelessly to expose ALL of the criminals involved. You will lose your paycheck and pretty pension. You may even spend time in prison, but most of all you will burn in Hell for eternity.

Good Day Criminals!

Steven Chamberlain

(907)776-5540

Response: *There are no documented releases or contamination on 52520 Kenai Spur Highway or adjacent properties. Alaska state law requires all oil or hazardous substance releases to be reported to the department. Information on reporting releases can be found here:*

<https://dec.alaska.gov/spar/ppr/spill-information/reporting>.

Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Site Background Assessment

Comment 28- Petition submitted via email by Amy Kivi

DEC Note: The full petition contains 203 signatures and can be found in Attachment 3. DEC redacted signatures, phone numbers, and addresses as it was not clear that signatories were aware that the petition would be posted on line. The names of the signatories are still visible on the petition.

Response: *The Operations Plan requires state approval. An Environmental Impact Statement is not required for approval of the Operations Plan. Operations Plan requirements are detailed in 18 AAC 75.365 and 18 AAC 78.273 and the Operation Requirements for Soil Treatment Facilities (DEC 2013) guidance adopted by regulation. (<https://dec.alaska.gov/spar/regulations>)*

Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

Comment 29- Letter submitted via email by the Alaska Community Action on Toxics, Pamela Miller

DEC Note: This comment, submitted as a letter by email can be found in Attachment 4. The comment discussed a number of issues that are mostly addressed by the general response

Response:

The STT Operations Plan identifies the requirements for acceptance of contaminated soil in the Section 4.1. The Operations Plan will be approved to only accept petroleum-contaminated soil as part of regular operations. Treatment of other contaminants as a regular operation could only occur after testing and revision of the Operations Plan.

Successfully treated soil where sampling has demonstrated that contaminant concentrations are below the most stringent cleanup levels can be sold or transported off site for unrestricted use.

STT will submit the post treatment sampling results to the DEC Contaminated Sites soil treatment facility project manager for review and determination that the soils are eligible for unrestricted use.

The retention time of the dryer is based on recommendations of the equipment manufacturer, percent moisture, soil type, and contaminant concentrations. If the retention time is not adequate the soil will not be successfully treated which would be revealed by the post treatment analyses. That soil would be returned to the unit and treated again. Retention times would need to be adjusted if post treatment analyses indicate that retention time is not adequate.

Consideration of potential for fires and explosions are outside of the scope of the Operations Plan. The facility is required to follow any applicable state or local fire codes.

Please see the following General Comment Categories and Responses, in the previous section, to address other concerns described in the comment.

General Response: Facility Location

General Response: Adequacy of Public Process

General Response: Air Emissions and Air Quality Permit

General Response: Protection of Groundwater

General Response: Drainage and Runoff

General Response: Hazardous Waste

General Response: Soil Contaminated with Chlorinated Compounds

General Response: Post Treatment Sampling Adequacy

Attachment 1: Public Notices

PUBLIC NOTICE
STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

An Operations Plan for an Offsite or Portable Treatment Facility for the remediation of contaminated soil has been submitted to the Department of Environmental Conservation (DEC) for approval in accordance with 18 AAC 75. 365 and 18 AAC 78.273. The plan details are as follows:

Applicant: Soil Treatment Technologies, LLC.
8361 Petersburg Street
Anchorage, AK 99507

Location: 52520 Kenai Spur Highway, Nikiski Alaska

Any person wishing to submit comments regarding this Operation Plan may do so electronically via our public notice site at <https://dec.alaska.gov/comment/>. If you are unable to submit comments via this site, you may submit them in writing to Lisa Krebs-Barsis, Department of Environmental Conservation, SPAR/CSP, 555 Cordova St., Anchorage, AK 99501, 907-269-7691 (phone), 907-269-7687 (fax), or lisa.krebs-barsis@alaska.gov. The full contents of all submitted comments are considered public records and will be posted online in full during the public comment period.

Comments submitted in writing directly to the Ms. Krebs-Barsis will be uploaded to the public comment site. It is preferable for commenters to submit directly through the public comment site.

The public comment period for this application begins on August 21, 2021 and ends at 11:59 p.m. on September 4, 2021. Comments must be received by 11:59 pm on September 4, 2021. It is the responsibility of the commenter to verify that facsimile and email submissions are received by the deadline.

Copies of the Operations Plan are available for public review at the following locations: the department's offices at 43335 Kalifornsky Beach Road, Soldotna, AK 99669; 555 Cordova Street Anchorage, AK 99501; and the department's website at <https://dec.alaska.gov/spar/csp/offsite-remediation>.

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need an accommodation in order to participate in this public process, please contact Brian Blessington at 907-269-7660 or TDD Relay Service 1-800-770-8973/TTY or dial 711 to ensure that any necessary accommodations can be provided.

Attachment 2: Attachments Received by Comment

- Attachment for Comment 11- Christine Roza
- Attachment for Comment 12- Christine Roza
- Attachment for Comment 19- James Roza
- Attachment for Comment 20- Christine Roza

Comment 11 Attachment- Christine Roza

07/24/2021

8-24-21

This is another option you can take to protect the people of Nikiski, Alaska.

The LNG project in Nikiski, is now state owned (Alaska Gasline Development Corp (AGDC), since BP, ConocoPhillips, and ExxonMobile pulled out of the project in 2016.

in this residential area in Nikiski is not going to be a great place to put the dirt burner with all the issues. There is a spot on Heindermann Road. Walker is an independant, served as Alaskan governor from 2014-2018. He led the effort for the state takeover for the LNG project. The state owns the LNG project since around 2014. Now the state & the DEC are pushing this in our residential area. I question why. The parcel ID # is 01504055 is where the contaminated dirt site is that is already set up to burn dirt, with a gas line already in, the electric already there, & water. Sits on 40-50 acres of gravel bed.

The Kenai Soil & Water Conservation District raised concerns about the soil beneath this site. Barrels of contaminants are known to have been buried at the site. The organization asked for the EIS to include a remediation plan if the soil is contaminated.

This is the site that I showed Nathan from STT. He asked who he would have to lease the property from. So here is another alternative than bringing it here among houses.

I have emailed the above comment to:

- c pierce
- J Bjorkman
- B Carpenter
- Pamela@akaction.org
- Krebs-barses
- natalee travis
- Bob@inketkeeper.org

dec commissioners
(Brune)
Peter
micciche



STT Soil Burning Remediation Plant re-location

Petition

The reason for this petition is to change the location of the proposed STT dirt burner site. The location chosen mile 27.4 is in close proximity to the high school, aquifers, residences, the Clamery and bike path. The STT dirt burner will put off gasses like SO₂ into the air which will contaminate water aquifers and water wells, SO₂ is not safe for humans, animals or plants. We believe a remote area in Nikiski is better suited for this site.

The STT dirt burner is allowed by the DEC to burn up to 5 tons an hour, and only keep a log book. They do not have to test the air. Because of the potential for creating health problems, water well problems, and wetland areas that drain into the Cook Inlet an environmental impact study need to be done. One is not scheduled as of yet.

The DEC has given the Kenai Peninsula Borough until September 3rd to come up with a solution to this problem or propose an alternate plan to move this dirt burning facility to a more suitable location. The DEC has only seen aerial photos and has not been to the site.

The bag unit they intend to use has a tendency to explode. The DEC is aware of this and says they have a pressure inspection in place. This should not be near residences!

Sulfur dioxide (SO₂) is a gaseous air pollutant composed of sulfur and oxygen. SO₂ forms when sulfur containing fuel such as coal, oil or diesel is burned. Sulfur dioxide also converts in the atmosphere to sulfates, a major part of fine particle pollution in the eastern US.

Sulfur dioxide causes a range of harmful effects on the lungs, as the EPA's most recent review of the science concluded:

- Wheezing, shortness of breath, chest tightness and other problems, especially during exercise or physical activity.
- Continued exposure at high levels increases respiratory symptoms and reduces the ability of the lungs to function.
- Short exposures to peak levels of SO₂ in the air can make it difficult for people with asthma to breathe when they are active outdoors.
- Rapid breathing during exercise helps SO₂ reach the lower respiratory tract, as does breathing through the mouth.
- Increased risk of hospital admissions or emergency room visits, especially among children, older adults and people with asthma.
- SO₂ can also harm trees and plants by damaging foliage and decreasing growth.
- SO₂ and other sulfur oxides can contribute to acid rain which can harm sensitive ecosystems.

Nikiski 411

STT Soil Burning Remediation Plant re-location

Petition

The reason for this petition is to change the location of the proposed STT dirt burner site. The location chosen Mile 27.4 is in close proximity to the high school, aquifers, residences, the clamery and the bike path. The STT dirt burner will put off gasses like SO2 into the air which will contaminate water aquifers and wells; SO2 is not safe for humans, animals or plants. We believe a remote area in Nikiski is better suited for this site.

Name	Signature	Address	Phone#
AS OF 9/3/21			
	WE have over 200 signatures on this petition. Ben Carpenter & Lisa Krebs - Barsis have each gotten a copy of this petition.		
Representative,	Ben. Carpenter @ akleg.gov		
Lisa. Krebs - barsis@alaska.gov			

Comment 19 Attachment- James Roza



well
Dow Rappers has
not been tested

North

South

Joe Ross has
been tested

to reuse
1 clarimetry

11 wells
In south

The unit is on
the north side
of the site it is
A. D. R. but it is
proposed to be
stopped

(fast track)

FW: Rep. Carpenter re: Nikiski soil remediation facility

[REDACTED]
Date: 09/02/2021 12:38PM

To: "snowwizard@alaska.net" <snowwizard@alaska.net>
[REDACTED]

Subject: Rep. Carpenter re: Nikiski soil remediation facility

Good afternoon -

DEC program staff and Legislative Liaison Laura Achee met with Representative Ben Carpenter this morning to discuss a new soil thermal remediation facility in his district. While the location for the facility is not zoned as a residential area, there are residences within a mile of the site, so there have been constituent concerns. Rep. Carpenter's house is one of the nearby residences. There is a great deal of local concern that this facility will cause hazardous contamination to the air and ground water, in part due to past drinking water contamination in the area.

Jim Plosay and Jason Olds from the Air Quality Division and Stephanie Buss and Lisa Krebs-Barsis from the Contaminated Sites program provided information on the permitting/plan approval process and the safeguards that will be put in place to protect public health and the environment. The draft air emissions permit is out for public comment, and the approval of the operations plan is still in process. Staff discussed the expected plant operations and emissions, as well as future compliance oversight and inspections. They put the operations in context of similar plants and emissions from other facilities in the district.

Staff explained that the facility is prohibited from remediating hazardous waste or PFAS contaminated soil. Contaminated materials are tested for hazardous substances prior to DEC's approval for remediation at the facility, and SPAR project managers will not grant approval to transport to the facility any hazardous waste or prohibited contaminants. An engineered containment will prevent secondary contamination from contaminated waste and runoff from the operation. A baseline soil investigation of the property will occur before operations begin and another assessment of the property will occur when the facility closes.

Rep. Carpenter shared community concerns that STT could remediate hazardous materials outside of DEC's knowledge, and asked how DEC would know. Staff explained that we can't completely prevent illicit activity, but that the operators have a history with DEC of legal operations, and that if DEC discovered illegal activities we would be able to take action, including shutting down the facility.

Lisa Krebs-Barsis noted Rep. Carpenter's discussions with STT regarding a physical barrier for the materials being remediated, and she will note that in the approved plan documents. Staff confirmed for the Representative that self-reporting, scheduled inspections, and the ability to conduct unscheduled inspections are all in the permit documents or will be included as a condition of approval.

Lisa Krebs-Barsis noted the advantage this facility provides to the community, allowing for lower cost and more immediate remediation of local contaminated soil. The latter helps contain and prevent additional contamination following discovery.

Laura Achee
Information Officer & Legislative Liaison
Alaska Department of Environmental Conservation
Desk: (907) 465-5009
Mobile: (907) 419-3151

Attachment 3: Petition- Comment 28

STT Soil Burning Remediation Plant re-location

Petition

The reason for this petition is to change the location of the proposed STT dirt burner site. The location chosen Mile 27.4 is in close proximity to the high school, aquifers, residences, the Clamery and the bike path. The STT dirt burner will put off gasses like SO₂ into the air which will contaminate water aquifers and wells; SO₂ is not safe for humans, animals or plants. We believe a remote area in Nikiski is better suited for this site.

Name	Signature	Address	Phone#
Greg Hyatt		47551 Sunflower	
Joli Upton		53180 Bell Ave	
Jodi Bellows		53180 Bell Ave	
Callie Liebes		51614 Yalmaki way	
SAM Cox		48305 RS AVE	
Jessica Smith		PO Box 8183	
Don Smith		PO Box 8193	
Don Matthews		50945 Vandevre Kona	
Alicia Mathew		50945 Vandevre Kona	
Rylee Jackson		1412 Redoubt Kona	
Verity Feltman		1412 Redoubt Kona	
Josiah McElmin		50690 Littmitz ave	
Ben Reaves		n/a	
Andrew Wall		53180 Bell Ave	
Kodiak Upton		53180 Bell Ave	
Jennifer Cottrill		54620 Asper Lane A1	
Whitni Stecker		52058 Marlere Ave	
HUNT, DEBRA		47392 Sunflower St	

* Please Sign this ☺

MAM Market 8/18/21

STT Soil Burning Remediation Plant re-location

Petition

The reason for this petition is to change the location of the proposed STT dirt burner site. The location chosen Mile 27.4 is in close proximity to the high school, aquifers, residences, the Clamery and the bike path. The STT dirt burner will put off gasses like SO2 into the air which will contaminate water aquifers and wells; SO2 is not safe for humans, animals or plants. We believe a remote area in Nikiski is better suited for this site.

Name	Signature	Address	Phone#
Rosemary Bird		50615 Shermay Way	
Kentonia Wise		50060 Island Lake Ave	
Leslie Richards		51019 Eagle Ave	
Honeycutt, David's		32899 Kingery Rd	
Sierra Wallis		19700 Kotsina St.	
Richard C. Walker		Nikiski AK	
Christina Sahaenrock		NIKISKI, AK	
Amber Whls		50677 LK St NIKISKI	
Brian Zinck		50150 Hatlampight	
Alexa Peppinger		51035 Nulph	
Paul Hollingsdale		50565 TaKoda St	
Mark Tommi		33642 Keystone Dr	
Christina Grossl		50663 Dossow St.	
Lisa Traxinger		50664 Dossow St	
Mariah McAmmon		55198 Rangview Ct	
Ty Smith		50342 Wrangell Dr.	
Pat Ambrose		48809 Shamrock St	
Margana McLead		54420 Wilma	

8-19-21

M+M Market

STT Soil Burning Remediation Plant re-location**Petition**

The reason for this petition is to change the location of the proposed STT dirt burner site. The location chosen Mile 27.4 is in close proximity to the high school, aquifers, residences, the Clamery and the bike path. The STT dirt burner will put off gasses like SO₂ into the air which will contaminate water aquifers and wells; SO₂ is not safe for humans, animals or plants. We believe a remote area in Nikiski is better suited for this site.

Name	Signature	Address	Phone#
Randy Huckabay		P.O. Box 8656	
Marta Bliffel		P.O. 7336	
Jill Hardee		P.O. Box 7501	
Eric Hermanson		P.O. 7932	
Gary Goldbett		Box 8158	
Paula Zimmerman		PO Box 7321	
Jeremy Malloy		PO Box 7501	
Chris Gould		BA 7934	
Samantha Angleton		P.O. Box 7248	
Chris Oils			
Robert Fanning		PO Box 9393	
Paul Nelson		PO BOX 1864	
MARY LYALL		PO Box 7443	
Rhiannon Maudal		PO BOX 2582	
Tom Bashm		51126 Vandusee	
Jefferson Shyle		50500 Ketchikan Rd	
Scott CARSON		82090 MARIE AVE	
Geri Brigham		50401 Byrd Ave	

STT Soil Burning Remediation Plant re-location

Petition

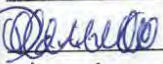
The reason for this petition is to change the location of the proposed STT dirt burner site. The location chosen Mile 1.4 is in close proximity to the high school, aquifers, residences, the Clamery and the bike path. The STT dirt burner will put off gasses like SO₂ into the air which will contaminate water aquifers and wells; SO₂ is not safe for humans, animals or plants. We believe a remote area in Nikiski is better suited for this site.

Name	Signature	Address	Phone#
Don Chamberlain		PO Box 8186 Nikiski	
Steve Starvo		51710 Koola Ln Nikiski	
Lana Nalos		55240 Chinook Rd Nikiski	
Lora Martin		56206 K.S.H	
ETHEL Dykstra		PO Box 71169, Nikiski	
Mark LeBlanc		51150 CHICKADEE ST. NIKISKI	
Paul Walukewicz		51964 Holt Way Nikiski	
Ernie Bremer		51478 pipeline Rd	
Tom LeGuerrier		4520 SILVER ST	
Amanda Hayes		50625 Takoda ave, Nikiski	
Angela Metaban		PO Box 7146, Nikiski, AK 99625	
John Jackson		52500 Leal St, Kenai 99611	
Reggie Israel		Bernice Lake	
Teri Litzen		50715 Maranatha Ln Kenai	
Christy Kegler		52237 Hilltop Rd, Kenai	
Patricia Thompson		Village Ave	
John Jackson		Box 7175 Nikiski	
Deborah Denton		53597 Izigan	

STT Soil Burning Remediation Plant re-location

Petition

The reason for this petition is to change the location of the proposed STT dirt burner site. The location chosen Mile 27.4 is in close proximity to the high school, aquifers, residences, the Clamery and the bike path. The STT dirt burner will put off gasses like SO2 into the air which will contaminate water aquifers and wells; SO2 is not safe for humans, animals or plants. We believe a remote area in Nikiski is better suited for this site.

Name	Signature	Address	Phone#
Dolores M Rappe		70 Box 8209 Nikiski, AK 99635	
Robin Andersen		52090 MARLENE AVE PO Box 8416 Nikiski	
GARY Kluge		PO Box 7287 ^{NIKISKI} AK 99635	
Angel Kluge		PO Box 7287 Nikiski, AK 99635	
Carol Cook		PO Box 1252 Kenai, AK	
Jacob Montagna		Box 476 Nikiski, AK 99635	
Jacob Montagna		Box 8274 Nikiski, AK 99636	
Rebecca Ward		50718 Kenai Spur	
Kyanna Davenport		PO Box 2816 Nikiski	
DHN P. KEANAN		51776 LINE ST. KENAI	
Kurt L Melvin		49173 Orchard Cir Kenai, AK 99611	
		PO Box 3526 Nikiski, AK	
Lisa Pine-Dorsey			
Christopher Griffin		5000 Island Cir	
Tracie Thomas		52715 Kenai Spur	
Ray Bjork		Spur Hwy	
Michael Pizz		Diamond St Nikiski	
Amy Keir		50590 Romanov Dr. Nikiski	

STT Soil Burning Remediation Plant re-location

Petition

The reason for this petition is to change the location of the proposed STT dirt burner site. The location chosen Mile 27.4 is in close proximity to the high school, aquifers, residences, the Clamery and the bike path. The STT dirt burner will put off gasses like SO₂ into the air which will contaminate water aquifers and wells; SO₂ is not safe for humans, animals or plants. We believe a remote area in Nikiski is better suited for this site.

Name	Signature	Address	Phone#
Heather Rucker		52092 Merrill Ave	
Danae Moore		52305 K Spur Hwy ^{Nikiski}	
Mark T. Gage		52092 Merrill Ave	
Monica McCall		52525 Leab St	
Sam Moore		52305 Kerei spur hwy	
Kate Schwarzer		47582 Belmont Cir Niki	
Michele Begor		51635 McGowan Rd	
Christopher Ross		52232 Rediske Ave	
Kaitlyn Ross		52232 Rediske Ave	
Nichole Monroe		50590 Romanas Drive	
Charlene Johnson		52877 Bumer Dr	
Sarah Stanton		1114 First Ave	
Dave Shoemaker		47041 Emerald Street	

Attachment 4: Alaska Community Action on Toxics Letter- Comment 29



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**Comments on Proposed Operations Plan for the Soil Treatment
Technologies, LLC Thermal Treatment Facility, Nikiski, Alaska
August 4, 2021**

These comments are submitted by Alaska Community Action on Toxics (ACAT), a statewide non-profit public interest environmental health and justice research and advocacy organization dedicated to protecting public health. We are submitting comments on the Operations Plan for the proposed Soil Treatment Technologies, LLC thermal treatment facility ("STT facility"), 52520 Kenai Spur Highway in Nikiski, Alaska. ACAT has members and their families who live, work, attend school, and recreate in the immediate area that would be affected. Members who live in the immediate vicinity have contacted us to express their concerns and opposition to the proposed facility.

The majority of the 50+ comments on the proposed permit were in opposition to the STT facility and based on legitimate concerns of people in the community about adverse effects that this facility will have on air and water quality, public health, property values, businesses and the local economy, wetlands, and wildlife. Over 200 local residents signed a petition in opposition to the facility. ADEC failed to conduct a meaningful public review process and issued the "Minor Permit" without regard or due consideration of the public health, safety, and property rights issues raised in the public comments. People raised concerns about the lack of public notice, lack of adequate time for review, that the process was biased toward the applicant rather than the interests of the community and public health, and that many people were at unfair disadvantage in the process because they do not have computers or internet access. By issuing the permit, ADEC failed to meet the obligation to its mission of: *"Conserving, improving, and protecting Alaska's natural resources and environment to enhance the health, safety, and economic and social well-being of Alaskans."* It is within the Department's authority and pursuant to its obligations under the Constitution of the State of Alaska, the Public Trust Doctrine, and statutes and regulations to heed the public health threat posed by this proposed facility and to protect the rights and common welfare of present and future generations of Alaskans by revoking the permit and rejecting Operations Plan. The public review process and comment period for both the permit and operations plan (two weeks) has been insufficient.

The permit states that air pollution is prohibited and that “no person may permit any emission which is injurious to human health or welfare, animal or plant life, or property, or which would unreasonably interfere with the enjoyment of life or property.” Yet, the facility is permitted to release annually up to 18 tons of NO_x, 12 tons of CO, 27.9 tons of SO₂, 5.9 tons of PM₁₀, 2.5 tons of PM_{2.5}, and 27.4 tons of VOCs. Refer to Table 1 for a summary of health effects associated with these air pollutants. These emissions present a serious public health hazard to the community of Nikiski and in particular to the people downwind and living within ½ mile of the proposed facility and to the children, teachers, and workers attending school at the middle and high school.

A recent study published in the American Journal of Public Health stated: “Air pollution exposure has been linked with preterm birth and low birth weight, known risk factors for many neurodevelopmental disorders in children. A growing body of human studies associate exposure to combustion-related air pollutants (PM_{2.5}, polycyclic aromatic hydrocarbons, nitrogen dioxide, black carbon) with adverse effects on brain development, including deficits in intelligence, memory, and behavior. Polycyclic aromatic hydrocarbons, a component of PM_{2.5}, have been associated with developmental delay; reduced IQ; symptoms of anxiety, depression, and inattention; ADHD; and reduced size of brain regions important for processing information and impulse control. Other studies have linked roadway proximity, traffic-related PM, elemental carbon, or nitrogen dioxide to decreased cognitive function, including deficits in memory and attention. The effect of polycyclic aromatic hydrocarbon exposures during fetal development on cognitive and behavioral outcomes is magnified by material hardship or maternal demoralization. Low-income communities are thus disproportionately exposed and uniquely vulnerable because of family and community economic hardship. Increasing evidence links prenatal exposure to combustion-related air pollutants and PM_{2.5} to autism spectrum disorder.”¹ Emerging research, including a study from Harvard T.H. Chan School of Public Health,² finds that breathing more polluted air over many years may itself worsen the effects of COVID-19.

¹ Devon C. Payne-Sturges, Melanie A. Marty, Frederica Perera, Mark D. Miller, Maureen Swanson, Kristie Ellickson, Deborah A. Cory-Slechta, Beate Ritz, John Balmes, Laura Anderko, Evelyn O. Talbot, Robert Gould, and Irva Hertz-Picciotto, 2019: Healthy Air, Healthy Brains: Advancing Air Pollution Policy to Protect Children’s Health, *American Journal of Public Health* **109**, 550-554, <https://doi.org/10.2105/AJPH.2018.304902>.

² <https://doi.org/10.1126/sciadv.abd4049>

ACAT Table 1. Summary of Adverse Health Impacts for Major Harmful Air Pollutants

Pollutant	Health Impacts
Nitrogen Oxides	NO ₂ specifically: lower logical memory ¹ , more severe allergic responses, reduced pulmonary function, asthma, lower birth weight, and increased risk of preterm birth ² , increased risk of stroke ⁴ , deteriorates spatial learning and potentiates amyloid production ⁷ , contributes to an increased incidence of chronic cough ²⁰
Sulfur Dioxides	Respiratory irritant ²⁰ , increased risk of stroke ⁴ , induces inflammation of membranes, causes bronchial narrowing, and slows mucus flow ²³
PM ₁₀	Contributes to more severe allergic responses, increased risk of preterm birth, increased risk of pneumonia, and reduced lung function ²
PM _{2.5}	Penetrates deep in to the respiratory tract wherein it can be absorbed in to the blood stream ²¹ , can be translocated to organ tissue through blood circulation, contributes to more severe allergic responses, decreased birth weight, and asthma ² , lower verbal learning performance ¹ , increased cardiovascular mortality ^{4,5} , reduced cardiovascular function ^{5,22} , has the ability to enter the olfactory epithelium and can be transported to the olfactory bulb causing olfactory dysfunction ¹⁹ , induces inflammatory reactions across organ systems ²²
Formaldehyde	Eye, nose, and throat irritant resulting in cough, wheezing, chest pains, and bronchitis; a carcinogen resulting in increased incidence of lung and nasopharyngeal cancer ^{5,26}
Toluene	Physiological depression of the central nervous system ^{16,17} , cardiotoxic ¹⁷ , causes renal tubular acidosis and can cause headache, dizziness, confusion, muscle weakness, and even muscle paralysis ¹⁷
Xylenes	Nose and throat irritation, severe lung congestion, pulmonary hemorrhages, edema, impaired short-term memory, as well as alteration in equilibrium or body balance ⁹ , reduced muscle power, depression of the central nervous system inducing symptoms such as headache, dizziness, and vomiting ⁹ , pathological changes in ovarian tissue, ovary atrophy ¹⁰
Acetaldehyde	Carcinogenic and genotoxic ^{1,27} , can cause mild respiratory irritation ²⁷
Ethyl Benzene	Ototoxic (having a toxic effect on the ear or its nerve supply) ^{24,25}
Benzene	Reduced pulmonary function ² , decreases the number of cells in bone marrow causing blood disorders ²⁵ , genotoxic causing genetic damage including DNA cross linking and sister chromatid exchanges ^{3,18} , increases cardiovascular risk and injury ⁶ , shortness of breath and lethargy ¹⁷ , carcinogenic ¹⁸
Phenol	Accelerates pubertal development and disrupts estrogenic activity ^{12,13}
Hexane	Inhibits follicular development, damages ovarian cell ultrastructure, and can cause menstrual abnormalities ¹⁴ , gestational inhalation can alter the reproductive cycle of female offspring ¹⁵

The Alaska Department of Environmental Conservation (ADEC) issued a "minor" permit (AQ1657MSS01) that would allow a waste treatment company, Soil Treatment Technologies, LLC (SIT) to burn waste and generate toxic pollution

within yards of people's homes. ADEC's contravenes the Resource Conservation and Recovery Act (RCRA) and the Clean Air Act (CAA) and denies Alaskans vital health and environmental protection these statutes were enacted to provide.

There can be no question that the purpose of STT's "soil treatment unit" is to burn waste, specifically petroleum and solvent wastes that have been dumped or spilled in soil. According to the scanty information provided in ADEC's permit, the unit will cook contaminated soil in a rotary drum and then burn the organic chemicals that process yields in a thermal oxidizer. ADEC has made no effort to identify – let alone specify – the contaminated soils that can be burned in this unit. Nor has ADEC made any effort to identify the hazardous air pollutants that will be emitted from this unit, let alone provide assurance that they will not harm the health of the people who are forced to breathe this unit's pollution.

Of particular concern is ADEC's disregard of its own expectation that the unit will be treating soil contaminated with "chlorinated compounds." Heating and then burning chlorinated compounds will create dioxins, polycyclic organic matter, and other complex and persistent hazardous air pollutants. Even assuming that the thermal oxidizer will destroy 99 percent of volatile organic compounds, it will not destroy these organic chemicals. Moreover, because pollutants such as dioxins and furans are persistent, bioaccumulative, and extremely toxic even in tiny quantities, allowing the unit to create and emit even miniscule amounts of these pollutants will create long-term contamination of nearby neighborhoods and put the residents of these neighborhoods at risk of cancer and other serious adverse health effects.

A. ADEC's Reliance on a One-Line Narrative Prohibition on Treating Hazardous Waste Contravenes RCRA and Defeats Its Preventative Purpose.

It is well established that Congress enacted RCRA to be a preventative statute – a law that would prevent the harms that arise from treating hazardous wastes rather than just seeking to mitigate these harms after they occur. Discarded chlorinated solvents are hazardous wastes. The permit contemplates that STT will burn just that, soil into which "chlorinated compounds" have been dumped. Despite this, ADEC assumes that a single line in the permit will suffice to prevent precluding STT from burning hazardous waste. It will not. ADEC needs to establish testing and reporting requirements to ensure that STT does not burn hazardous waste. Otherwise, it is putting STT's neighbors at risk.

Nor does it suffice for the permit to say that "During a phone conversation

on April 7, 2021, the Permittee indicated that soils contaminated with chlorinated compounds may be treated on a case-by-case basis following approval by the Department's Division of Spill Prevention and Response, Contaminated Sites Program (CSP).¹ STT's vague "indicat[ion]" that CSP will review and approve the treatment of chlorinated solvents falls far short of ensuring that STT does not burn hazardous wastes. First, a statement of what STT has "indicated" is not a requirement of any kind. Second, neither CSP nor ADEC nor the people living near STT have any way of knowing whether STT will actually alert CSP and seek approval before it treats waste contaminated with chlorinated compounds, let alone whether those wastes are actually hazardous wastes for which a RCRA permit would be required. Third, the permit does not say what criteria CSP would apply in deciding to allow STT to treat wastes contaminated with chlorinated compounds, and provides no reason to expect that CSP's decisions will be adequately protective of public health and the environment.

B. Even if It Does Not Treat Hazardous Waste, STT's Facility Is an Industrial Waste Incinerator That Must Comply With Clean Air Act Incinerator Standards.

Assuming *arguendo* that SST will not be burning hazardous waste, it will be burning solid waste and is therefore subject to the Clean Air Act's requirements for solid waste incineration units.

ADEC states that the contaminated soil will first be cooked at 700 degrees Fahrenheit in a "rotary dryer drum." The stated purpose of the rotary dryer drum, however, is not to dry the contaminated soil but to "volatilize" the volatile organic compounds contaminating it. The same high high-temperatures that volatilize these compounds will also, necessarily, combust some of them. Because there at least some combustion will occur in it, the so-called "dryer drum" is in fact a combust unit. And because the soil being combusted in that unit, it is a solid waste incineration unit within the meaning of Clean Air Act § 129(g), 42 U.S.C. § 7429(g). Section 129(g) provides "[t]he term "solid waste incineration unit" means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels)." *Id.* It is well established that the term "any" means "any."

Even if solid waste combustion will not occur in the "rotary drum dryer," it will occur in the thermal oxidizer. ADEC states the exhaust gases from the "dryer" – which by ADEC's admission could include chlorinated organic compounds – will be burned in a "thermal oxidizer." Gases contained within STT's thermal oxidizer

are “contained” gases that come from the waste that STT puts in the dryer. They are, therefore, solid waste within the meaning of RCRA and the Clean Air Act. The Clean Air Act provides that “solid waste” has the meaning established by EPA pursuant to RCRA, 42 U.S.C. § 7429(g)(6), and RCRA provides expressly that “[t]he term “solid waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities,” 42 U.S.C. § 6903(27). Because it burns these contained gases, STT’s unit is a solid waste incineration unit.

Lastly, even if the dryer and thermal oxidizer could be viewed as something other than incinerators individually, they must be viewed together as a “distinct operating unit” of STT’s facility. Viewed together, they are a solid waste incineration unit that must meet the requirements of Clean Air Act § 129.

Because the Clean Air Act’s incinerator requirements apply unambiguously to all solid waste incineration units of any kind, STT must obtain a Clean Air Act Title V permit and meet all the requirements of EPA’s Clean Air Act for industrial incinerators. STT cannot avoid these requirements by obtaining a “minor” permit. Section 129 applies to all incinerators, regardless of their size. Indeed, Congress’ decision not to provide a size cutoff for the incinerator requirements in § 129 reflects its understanding that the pollution from all incinerators is especially dangerous even in small quantities and needs to be controlled, monitored, and reported to the public.

The Operations Plans falsely claims that it is protective of human health and the environment. There are major deficiencies in the Operations Plan, including:

- Failure to prevent excessive releases of hazardous air pollutants in close proximity to a residential area, school, and recreational trails. There are homes, wells, a school, a seafood processing plant and other small businesses, and recreational paths in the near vicinity of the proposed facility. This is unacceptable. These hazardous air pollutants threaten human health.
- Failure to adequately demonstrate that it can prevent contamination of drinking water sources, including public and private wells in the area. The operations plan must include a hydrological analysis.
- Failure to adequately demonstrate how it will protect wetlands, surface waters, and wildlife, including aquatic life, bald eagles, sandhill cranes, moose, and other species.

- P 6—the operations plan does not specify how it is determined that the material has had an adequate retention time in the dryer.
- P 7—the operations plan does not define for what “beneficial uses” the treated soils will be used.
- P 7—the operations plan does not provide a sufficient explanation for the safe disposal of the concentrated, contaminated dust and particles from the filter bags.
- P 8—the operations plan states that “clean gases are exhausted to the atmosphere at approximately 800 degrees F.” What are these “clean” gases?
- P 8—it is not acceptable to merely inspect water collected in the catch basin before discharging it onto the post-treated pile. The water should be sampled to ensure it meets appropriate water quality standards.
- P 11—soils contaminated with chlorinated hydrocarbons should never be burned in a facility such as this (for reasons stated above). On P 12, it states that STT will not accept any characteristic or RCRA hazardous waste, yet it is proposed that the facility might accept soils contaminated with chlorinated solvents. This is a contradiction.
- P-15—who determines if soil is “no longer deemed “contaminated?”
- P 2 of 43—the number of samples per cubic yard is totally inadequate to properly characterize the post-treatment excavated soil.
- The operations plan fails to address and identify measures to prevent safety hazards such as fires and explosions (e.g. originating in baghouse or other parts of the facility).
- STT could remediate hazardous materials outside of DEC’s knowledge. The operators do not have a demonstrated record of safe operations or compliance. There is a lack of public trust in STT as reflected in public comments on the proposed permit.

Based on the threat to public and environmental health, the permit (AQ1657MSS01) should be revoked, and the proposed operations plan rejected. Safe non-combustion alternatives should be required for the destruction of contaminated soils.

Comments prepared by Pamela Miller, Executive Director and Senior Scientist with Alaska Community Action on Toxics, in consultation with James Pew, Senior Attorney with the public interest environmental law firm Earthjustice.

CC EPA Region 10 Office of Air and Radiation, and RCRA Program

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