Response to Comments
Analysis of Brownfield Cleanup Alternatives
34-Mile Stockpile Haines Alaska

May 8 - June 5, 2025

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

June 2025

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/brownfields/assessment-cleanup/dbac-projects/haines-34-mile-abca/
- After 30 days the document will be available on the Contaminated Sites Database website at: https://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/SiteReport/27892

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Introduction

This Response to Comments provides the Alaska Department of Environmental Conservation (DEC) Contaminated Sites Program's reply to public comments received on the Analysis of Brownfield Cleanup Alternatives (ABCA) for the 34-Mile Haines Highway Stockpile contaminated site in Haines, Alaska.

The DEC would like to thank the public for their time and consideration in commenting on the ABCA. The ABCA is a required component of a DEC Brownfield Assessment and Cleanup (DBAC) project. The regulatory authority for oversight of treatment and disposal of contaminated soil is found within 18 AAC 75 Article Three.

In accordance with EPA programmatic requirements, the ABCA must include a public participation process. The public participation process for the 34-Mile Haines Highway Stockpile ABCA involved submitting a community relations plan to EPA, providing notice to the general public through the distribution of educational materials about the site and preferred cleanup alternatives, accepting public comments on the ABCA for four weeks, preparing a written response to significant and appropriate comments and presenting the ABCA findings to the Haines Borough Planning Commission during a public meeting. An administrative record containing all documents pertinent to cleanup decision will be available on DEC's Brownfields webpage.

DEC Public Involvement Actions

A finalized Community Relations Plan (CRP) was submitted to EPA on April 24, 2025. The public comment period for the ABCA began May 8, 2025 and ended on June 5, 2025. It was announced by mail to residents living near the stockpile, published online via the State of Alaska's public notice system, and physically posted on noticeboards in Haines at the post office, library, grocery stores, and the Haines Borough Administration building. The public notices described how to gain access to and submit comments on the ABCA to DEC's online public comment form or mailing address. The ABCA and an informational fact sheet about the site and preferred cleanup alternatives were published online, and hard copies of these materials were available for review at the Haines Borough Administration building. On May 15, 2025, DEC staff presented information about the ABCA to the Haines Borough Planning Commission and responded to questions from the commissioners. DEC met with Haines Borough staff and Chilkat Indian Village representatives on June 11, 2025 to discuss submitted public comments. A written response to comments containing all documents pertinent to the cleanup decision were published to the DEC Brownfields webpage on June 26, 2025. Additionally, as part of the administrative record, this response to comments document was posted on the Contaminated Sites Database under File No. 1508.38.034.

Table 1: Community Engagement Related to ABCA Public Comment Period

DEC provides ABCA to the Haines Borough and Chilkat Indian Village for final review prior to posting for public comment	April 23, 2025

DEC provides Community Relations Plan to the Environmental Protection Agency	April 24, 2025
30-day Public Comment Period Notice and ABCA documents posted on the DBAC and State of Alaska Online Public Notices websites.	May 8, 2025
Hard copy of the ABCA documents made publicly available at the Haines Borough office at 103 3rd Ave. Haines, Alaska	May 8, 2025
Notice of public comment period and project factsheet posted at the Post Office, Library, and two Grocery Store advertisement boards in Haines, Alaska	May 8, 2025
The project Factsheet with details on how to make a public comment was mailed to all residents within 1 mile of the proposed project site.	May 8, 2025
DEC staff attend the Haines Borough Planning Commission Meeting to publicly discuss the ABCA and open public comment period.	May 15, 2025
Public Comment Period Closed	June 5, 2025
DEC met with Haines Borough and Chilkat Indian Village staff to discuss public comments submitted.	June 11, 2025
DEC posts response to public comments on the DEC Brownfields and State of Alaska Online Public Notice websites.	June 26, 2025

Response to Comments

DEC received one submittal from the public. The submittal was received through the website during the four-week public comment period. The public notice is included as Attachment 1.

The submitted comments as it was received by DEC are included as Attachment 2. The submittal includes comments and information on items that are not part of the ABCA document and DEC has already followed up on these items by letter. The comments noted below are summarized from the submittal.

Comments and Responses

Comment on Alternative 2: Landfarm Onsite to Levels Acceptable for Landfill Beneficial Use.

The commenter expressed concerns with the eligibility of the soil for disposal or beneficial reuse at the Haines Borough Landfill, citing the DEC Solid Waste Program regulations and the proximity of the landfill to Portage Cove.

DEC Response

There were a number of concerns with Alternative 2 and as noted in Section 5.1 of the ABCA, Alternative 2 was ultimately rejected in favor of Alternative 3.

Comment on Alternative 3: Landfarm Onsite to Levels Acceptable for Unrestricted Use.

The commenter expressed concerns with the proximity of the proposed landfarm to nearby drinking water wells and potential impacts to groundwater.

DEC Response

A review of available records indicates the nearest well appears to be approximately 350 feet away. The nature and age of contaminants presented in the stockpile indicate a low risk to groundwater. Soil samples collected next to the stockpile in 2023 indicated contaminants had not migrated from the stockpile. DEC will further evaluate this concern by collecting soil samples below the existing stockpile prior to landfarming the soil, and below the landfarm when the landfarming process is completed. If sampling results indicate a risk to groundwater, DEC will follow up to protect human health and the environment outlined in 18 AAC 75.

Comment on Alternative 4: Offsite Treatment at Bicknell Landfarm in Juneau

The commenter indicated that this was not a practical alternative to consider due to the high cost.

DEC Response

The purpose of the ABCA was to evaluate the most viable cleanup alternatives and develop rough cost estimates for each. This alternative was included because the disposal facility is located in Juneau; is approved by DEC; and has accepted similar soil for treatment in the past. The cost for this alternative was not formally developed until it was included in the ABCA. As noted in Section 5.1 of the ABCA, Alternative 4 was rejected due to the high cost.

Comment on Recommended Alternative

The commenter recommended that the preferred alternative be integration of the contaminated soil stockpile into asphalt, as this was the remedy that was initially proposed for the stockpile and is an inexpensive and effective alternative.

DEC Response

As noted in the 34 Mile Haines Highway Stockpile Cleanup fact sheet provided with the ABCA as part of the public comment process, the soil was rejected for use in asphalt due to high organic content. Even if those organics have degraded, organic matter and fine silt are not suitable for use in asphalt. DEC did contact the Alaska Department of Transportation and Public Facilities, as well as the Haines Borough and neither identified an asphalt project where this material could be used. Furthermore, only a portion of the soil that met material specifications would be suitable for integration into asphalt, so while the overall volume could potentially be reduced via this process, there would still be a portion of the stockpile remaining that required treatment or disposal and only after significant coordination and material processing efforts. DEC will be considering options such as screening and further testing for reducing the overall volume of soil requiring treatment as part of the landfarm project development effort.

Attachment 1: Public Notices

Alaska Department of Environmental Conservation
Contaminated Sites Program

Request for Public Comments on the Analysis of Brownfield Cleanup Alternatives
34 Mile Haines Highway Stockpile, Haines, Alaska

The Alaska Department of Environmental Conservation (DEC) is accepting public comments on the Analysis of Brownfield Cleanup Alternatives for a stockpile of petroleum contaminated soil at mile 34 on the Haines Highway.

The stockpile consists of 1,300 cubic yards of petroleum contaminated soil that was moved from a decommissioned sawmill to a Haines Borough-owned rock pit at mile 34 on the Haines Highway with the intention of incorporating the soil into asphalt for the Haines Highway reconstruction project. The soil was never incorporated into the highway and remains at the rock pit today.

DEC is evaluating options to remediate the stockpile so that it can be managed without further risk or restriction on future site activities due to the presence of contaminated material.

Copies of the Analysis of Brownfield Cleanup Alternatives are available for public review at the following locations:

Haines Borough Administration Office
103 3rd Ave
Haines, AK 99827

The DEC Brownfields Program website:
https://dec.alaska.gov/spar/csp/brownfields/assessment-cleanup/dbac-projects/haines-34-mile-abca/

Scan QR code to learn more

Comments on the Analysis of Brownfield Cleanup Alternatives can be submitted to DEC through the website above or by mail to DEC Contaminated Sites Program ATTN: Henry Leasia, P.O. Box 1535, Haines, AK 99827.

The online form is the recommended method for submitting comments. Please be aware that all comments submitted to DEC for the Analysis of Brownfields Cleanup Alternatives will be made available to the public online.

Comments on the Analysis of Brownfield Cleanup Alternatives will be accepted from May 8, 2025 through June 5, 2025 at 5:00 PM.

It is the responsibility of the commenter to verify submissions are received by the deadline.

DEC complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need accommodation in order to participate in this public process, please contact Megan MacPherson at megan.macpherson@alaska.gov, 907-269-3096, Alaska Relay Service/TTY/TDD 800-770-8973, or dial 711 within 10 days prior to closure of this public notice period to ensure that any necessary accommodations can be provided.

Attachment 2: Letter from Chilkat Indian Village to DEC

CHILKAT INDIAN VILLAGE
"Yee gu.aa yax x'wan."

An Indian Reorganization Act Village
Under Act of Congress June 15th 1935
32 Chilkat Avenue Klukwan, Alaska
HC60 Box 2207 Haines, Alaska 99827
Phone: (907) 767-5505
Fax: (907) 767-5518
Email: klukwan@chilkat-nsn.gov

May 14, 2025

Via electronic mail to:

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Jamie McKellar, Unit Manager
Anne Marie Palmieri, Unit Manager
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RE: Comments on 4/23/25 ABCA for 34 Mile Haines Highway Stockpile

Dear Manager O'Connell, Manager McKellar, Manager Palmieri, Manager Durand, Specialist Leasia, and other ADEC contaminated sites staff,

This letter is being submitted by the Chilkat Indian Village (Tlákw Aan – Klukwan) Tribal Council on behalf of its Tribal Members and the residents of the Village of Klukwan. Chilkat Indian Village (Tlákw Aan – Klukwan) (CIV hereafter)[1] is a federally recognized Tribal Government submitting this comment on the Analysis of Brownfields Alternatives (ABCA) report for the 34 Mile Haines Highway Stockpile. We understand the stockpile was transported to the site in 2000 with approval by ADEC. The 34-mile stockpile was characterized by Chilkat Environmental for the responsible party, Chilkoot Lumber Company (CLC), in 2009 at the direction of ADEC Contaminated Sites Program. Results showed exceedance of Diesel Range Organics (DRO) and Residual Range Organics (RRO) above cleanup levels and little change since previous characterization. Rather than being assigned its own Contaminated Site designation, this stockpile was managed under the CLC site. No further discussion occurred until 2022 when CIV sent the 2009 report to Haines Borough and ADEC and requested DEC Brownfields Assessment and Cleanup (DBAC). ADEC lost track of this stockpile and without CIV bringing it to their attention these discussions may not be occurring. The ABCA is disingenuous without recognizing the role CIV played in this process and the obvious error ADEC made in losing track of the stockpile. This oversight reflects a broader pattern of underrecognizing Tribal leadership and technical capacity—something that must be corrected through meaningful inclusion going forward.

[1] CIV is a Tribal government with inherent sovereignty to protect our Tribal lands and the interests of our Tribal members. CIV is organized pursuant to the authority of the Acts of Congress of 18 June 1934 (48 Stat. 984) and 1 May 1936 (49 Stat. 1250) (Alaska IRA) and in accordance with Alaska IRA §§ 16 & 17. CIV is also federally-recognized by the U.S. Bureau of Indian Affairs. See 89 Fed. Reg. 944, 947 (Jan. 8, 2024).

I. Discussion of CIV-ADEC Partnership and Request for Meaningful Inclusion

CIV, through its Tribal Response Program (TRP), has maintained active involvement in contaminated sites throughout its traditional territory and provided critical technical leadership regarding the 34-mile stockpile. As previously stated, it was CIV who resubmitted the 2009 Chilkat Environmental report to ADEC and the Haines Borough in 2022 and initiated the request for DEC DBAC services—effectively restarting a process that had stalled due to ADEC's failure to track this site. The current ABCA process would not be occurring without CIV's intervention. It is therefore unacceptable that the ABCA fails to acknowledge CIV's technical contributions and community-based stewardship responsibilities. Going forward, CIV expects to be meaningfully included as a technical partner in all cleanup design, implementation, and closure activities. This includes co-review of sampling strategies and cleanup workplans, advance notice of all site-related technical activities, and integration of CIV's site-specific knowledge and environmental expertise into project decision-making. ADEC must treat CIV not as an afterthought, but as a sovereign government and co-steward with direct interest in the health and safety of our traditional territory. Failure to do so undermines the goals of the Brownfields Program and the principles of equitable Tribal participation it claims to uphold. As a first step, meaningful inclusion requires that ADEC give serious and good-faith consideration to CIV's proposed cleanup alternative—reintegrating the stockpile into asphalt—which has the potential to resolve the issue more effectively and affordably than the alternatives currently under consideration.

II. Discussion of Alternatives in ABCA

Alternative 1: *No Action*
No comments.

Alternative 2: *Landfarm Onsite to Levels Acceptable for Landfill Beneficial Use*
DRO levels encountered in 2023 were as high as 3,280ppm, while Landfill Beneficial Reuse must be under 2000ppm and on-site cleanup level is 230ppm. While the majority of the stockpile already meets requirements for Class III landfill disposal, CIV has concerns about this alternative.

Criteria from 18 AAC 60.025(b):
Soil must originate from the clean-up project of a single spill incident within the community served by the landfill.
Soil must contain only petroleum contaminants.
Total quantity of soil to be disposed must be less than 500 cubic yards.
If your project does not meet these criteria, please contact ADEC Solid Waste Program to review disposal options.

Single Spill Incident:
This stockpile results from scraping up the ground at the mill in the area of the cherry pickers. The contamination did not result from a single spill incident but instead from chronic leaks over decades at a site where many other types of contamination were present.

Only Petroleum:
PCB's have been tested and shown to not be a concern, however other non-petroleum analytes have not been tested for to meet 18 AAC 60.025(b) including, dioxin waste from the adjacent fly-ash precipitator where dioxin cleanup occurred, metals, et al.

Quantity:

The total volume has to be under 500 from a single spill event.

Beneficial Use of Polluted Soil in a Permitted Class III Landfill under 18 AAC 60.025(c)

The beneficial use of polluted soil in a Class III landfill is allowed under 18 AAC 60.025(c) and approval will be granted on a case-by-case basis if both of the following are demonstrated to the satisfaction of the SWP:

1. There is a legitimate beneficial use for the polluted soil at the landfill. This means the proposed use:
    - will provide a direct benefit at the landfill other than providing payment for the acceptance of the polluted soil; and
    - can be accommodated within the established operational practices at the landfill, or within the existing maintenance, closure, or expansion plans for the landfill.
2. The applicant completes a polluted soil demonstration in compliance with the conditions and requirements of 18 AAC 60.025(d-e).

In the case of Haines or Klukwan, we understand that both of these facilities dig holes and bury waste, creating excess soil. Not only do they not need soil, the excess they have already created is often a problem. The benefit has to be measurable beyond the benefit of payment. We are challenged to understand how the soil could find a beneficial reuse at these sites. In contrast, some landfills are filling a void in the ground and need daily fill to cover it.

Assuming the only gain would be monetary, it does not appear congruent with 18 AAC 60.025(c). Further, the Haines Community Waste Solutions (CWS) landfill effluent discharges through a beautiful landscaped residential yard in portage cove and into an area used heavily for swimming recreation and subsistence of seaweed, crab and shrimp. It is not clear that CWS has sufficient site controls to accept contaminated soil, nor that this would be a direct benefit to the community as described in the ADEC Beneficial Use Legitimacy Justification Procedure.

Beneficial Use Legitimacy Justification Procedure

The factors involved in meeting the legitimacy criteria are unique to each beneficial use proposal and each landfill. Therefore, it is necessary for the polluted soil generator to work closely with the SWP and the community throughout the process.

The polluted soil generator must demonstrate that the polluted soil will provide a direct benefit to the community that is both reasonable and realistic. The beneficial use proposal should describe and show there is a need for the polluted soil material at the landfill. The amount of polluted soil being proposed for beneficial use also needs to be discussed in relation to the size of the landfill and the proposed use. If soil for cover, construction, or closure is available within the community, then the polluted soil generator must explain what materials are being replaced by the polluted soil and why using this soil is a benefit to the community. They must also demonstrate that the polluted soil is as well-suited for the proposed use as the materials it will replace.

The beneficial use of polluted soil at a Class III landfill must also consider the current and future landfill operations and designs. The polluted soil generator needs to demonstrate that the beneficial use of polluted soil at the landfill will not negatively impact operations or future expansion/closure plans. The plan must include a narrative describing how, when, and where the polluted soil will be used within the landfill. If the proposed beneficial use requires stockpiling prior to actually being used, then the polluted soil generator must outline where and how the material will be stockpiled so that it will not hinder daily operations. The polluted soil generator must also provide documentation that the landfill permittee or operator has the personnel and equipment to manage and place the polluted soil or that the polluted soil generator agrees to fully manage placement of the polluted soil in the landfill.

The beneficial use proposal must conform to the community's needs for the material. The community must be fully informed about the proposed use of the soil and the contaminants contained within the soil, and must be willing to accept responsibility for the soil once placed in the landfill. If the SWP determines that the community does not have a clear understanding of all of the intricacies involved with accepting the polluted soil for the proposed beneficial use, the request will be denied.

***Alternative 3**: Landfarm Onsite to Levels Acceptable for Unrestricted Use*

DRO levels encountered in 2023 were as high as 3,280ppm, while the on-site cleanup level is 230ppm. In 2009 the DRO samples at 2ft depth ranged from 950 to 1500ppm whereas 2023 the DRO levels ranged from 646 to 1090ppm at the same depth. The stockpile has been uncovered for 25 years but still requires reduction in DRO as much as 93% to meet cleanup standards. The contamination is persistent and continued on-site treatment with nearby drinking water wells in a neighborhood is not an attractive alternative to CIV. Regular covering and uncovering of the stockpile, maintenance of the cover, mixing and treatment are a significant undertaking and do not eliminate the concern for Ground Water (GW) impacts which direct the cleanup level for this site.

Alternative 4: *Offsite Treatment at Bicknell Landfarm in Juneau*

This option is not practical to consider because we understand ADEC does not have sufficient resources to consider it. Only options that are practical should be included so it is awkward that this was included in the ABCA.

III. Recommended Alternative: Asphalt

The original intension of trucking the soil to 34-mile was for integration into asphalt because it generally met the material requirements. ADEC and ADOT approved this action and the responsible party paid to truck the soil to this site with temporary permission to store it by Haines Borough. Upon inspection, the construction contractor observed a component of sawdust, woodchips and bark resulting in refusal. Subsequent analysis by Chilkat Environmental in 2009 and Nortech in 2023 observed no organic content in the gravel / rock matrix, which has potentially degraded.

Integration into an asphalt mix is potentially the cheapest and most effective method to cleanup this site. Options for integration could include current ADOT highway projects, future highway projects, borough projects, driveways, pullouts, parking lots, etc. There is an asphalt batch plant in Haines. CIV contends it is a mistake not to give this alternative further consideration when it has the possibility of addressing the entire problem for the lowest cost.

Inexpensive testing can be performed to determine the usability of this stockpile in an asphalt mix. This could include sieve analyses such as ASTM C136 to determine what additional material might need to be added to meet structural requirements, or to identify material to be screened out, such as large rocks. Additional analyses are sometimes performed on the angularity of particles to determine mix. CIV requests ADEC consider integration into asphalt as an alternative in the ABCA. The state has done this many times in the past and CIV understands this is a proven and effective solution for this type of contaminated gravel matrix. The state of Alaska has the authority to develop or modify contracts with roadbuilding contractors to require integration of specific aggregate in mixes and define additional cost to integrate the material. Further, Haines Borough may have asphalt needs, in which case resources intended to address this contaminated stockpile could subsidize local construction efforts.

CIV urges ADEC to take accountability for past oversights and move forward in genuine partnership with the Tribe. The current ABCA must be revised to acknowledge CIV's role, reflect the technical viability of asphalt integration, and meet the standard of meaningful Tribal inclusion that this process demands. CIV remains ready to collaborate on a cleanup strategy that is environmentally sound, cost-effective, and respectful of our sovereignty and stewardship responsibilities. We look forward to your formal response.

Gunalchéesh,

Jones P. Hotch Jr.
President

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