

Dapcevich, Sam D (DOT)

From: Dapcevich, Sam D (DOT)
Sent: Wednesday, April 7, 2021 8:58 PM
To: Kelly Rose McLaughlin
Cc: Storey, Benjamin M (DOT); Cummings, Sammy L (DOT); MacKinnon, John S (DOT); O'Connell, Bill A (DEC); Gleason, Erin P (DEC); Whitney Rapp; Nicole Grewe; claire@ktoo.org; Tom Williams; Kristi.Warden@faa.gov
Subject: RE: Gustavus airport project
Attachments: faa_email_20200420b.pdf

Dear Ms. McLaughlin:

Ben Storey is currently out of the office, and I was asked to reply in his absence. Thank you for reaching out about the upcoming airport construction project, Gustavus Airport Apron, Runway, and Taxiway Pavement Rehabilitation (State No. Z675170000), and the potential for the project to be out of compliance with any applicable federal laws related to environmental reviews and determinations. The Department was able to coordinate this Joint Response with FAA.

Please let me clarify first that the FAA-approved 2011 Environmental Assessment (EA) you have referenced was for a different project, Gustavus Airport Runway Safety Area Improvements (State No. Z682870000), already constructed. The current project's environmental documentation was originally approved by Federal Aviation Administration (FAA) in February 2017.

As you are aware, PFAS was discovered in private wells in August of 2018. The DEC and DOT&PF response actions were immediately focused on mitigating the risk to human health by providing alternative water and expanding the sampling area to delineate the extent of the contamination. In January 2019, PFAS first emerged as a concerning challenge for the rehabilitation project and the current project plans in-hand review. In February 2019, the project's environmental analyst reached out to the FAA requesting to draft and have the FAA approve a new environmental document to account for the emerging PFAS concern (e-mail attached). The FAA responded, stating a new document would not be necessary as under federal guidance, "PFAS contamination is not a Federally recognized contaminant and therefore, remediation is not AIP funding eligible." Following this determination, the project did not require a reevaluation of the Environmental document in order to still receive construction funding for non-PFAS related work that was becoming available in the summer of 2020.

Recognizing the importance of the PFAS challenge to the Department and, more importantly, the people of Gustavus and their resources, the DOT&PF project team reached out to the DEC, ADF&G, and USFWS to better understand the potential impacts of PFAS to their resources, and to develop methods to ensure contamination would not be spread further into non-contaminated areas. This led to the determination that any potentially contaminated materials generated during construction should stay immediately adjacent to the area it was already occupying or, if absolutely necessary, be moved to an area of known PFAS contamination. In April and then October of 2019, DEC issued two technical memorandums providing guidance on sampling groundwater and drinking water. Interim guidance for the treatment of contaminated materials, such as soils, was later developed and provided by the EPA nationally in December 2020.

As required by DEC regulations, a completed site characterization started in October 2019, with the final report of that work submitted to DEC in March 2020.

In April 2020, before project grant approval, the DOT&PF reengaged with the FAA on the need to reevaluate the environmental document concerning the PFAS challenge. The FAA reinforced the determination they made in February 2019, as mentioned above (e-mail attached). Shortly thereafter, the project received approval and funding from the FAA to move into the construction phase.

During the review of the proposed stockpiling of likely contaminated soils, the DEC requested a soil management plan be developed by the DOT&PF to limit and manage any possible risk regarding the potential spread of PFAS contamination during earth-disturbing construction activities. This plan was developed between the DEC and DOT&PF beginning the fall of 2020 and approved in March 2021.

In March of 2021, the community brought forth additional concerns regarding PFAS material in and around the asphalt pavement. This has prompted a series of tests on activities at the airport, with the latest effort exceeding 33 tests to further identify and confirm the presence or lack of PFAS within any asphalt pavements. DEC approved this testing plan, and their samplers are collecting the samples for further analysis.

In the meantime, in coordination with, and with approval from DEC, DOT&PF and the contractor developed appropriate mitigation strategies to control and manage PFAS on the job as if it exists in all pavement work. Taking these steps will help ensure the material does not spread from locations where it is already present. When the final test results come back in the coming days, DOT&PF and the contractor will appropriately handle any and all asphalt containing PFAS on the job per the DEC method already approved.

As you can see, the DOT&PF and DEC have been working to maintain the project's compliance for handling the State-identified contaminant of PFAS well above and beyond the Federal government guidance.

Additionally, the current project is funded through the FAA, making the referenced web link for documentation from FHWA not applicable in this case. While the FAA does mimic some of the FHWA's guidance, the FAA has developed its own set of orders and references for NEPA documentation guidelines located here: <https://www.faa.gov/airports/environmental/nepa/>

As for the DOT&PF's own guidance being referenced, the Department's Environmental Procedures Manual was developed in conjunction with the FHWA per the State of Alaska assuming FHWA responsibilities under USC 326 and subsequent 327 for completing environmental-related work on the FHWA funded projects. For the FAA projects, the DOT&PF must adhere to the orders and guidelines as provided at the web link mentioned above.

As the discussion above demonstrates, the DOT&PF only has the delegation to complete an FAA project's environmental documentation, but the FAA retains ultimate authority over the final product and determines whether a reevaluation of a project is warranted or not.

As the project moves forward, the DOT&PF will continue evaluating, in coordination with the DEC, and responding to concerns raised by Gustavus residents to ensure compliance is maintained and that the project continues to look out for the best interest of the public's health and safety.

I appreciate you taking the time to confirm that the DOT&PF is addressing the community's concern, wellbeing, and maintaining environmental compliance. Please let me know if you have any questions/concerns regarding how the FAA environmental process is conducted separately from the FHWA.

Sincerely,

Sam Dapceвич

Public Information Officer

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"Keep Alaska Moving through service and infrastructure."

From: Kelly Rose McLaughlin <kellyrose.alaska@gmail.com>
Sent: Wednesday, March 31, 2021 9:18 AM
To: Storey, Benjamin M (DOT) <benjamin.storey@alaska.gov>
Subject: Gustavus airport project

Good morning, Ben,

It has recently come to our attention that the airport project slated to begin tomorrow, i believe, in Gustavus is out of compliance with federal law.

Unfortunately the NEPA analysis that was completed was finished in 2011 prior to knowledge of substantial PFAS contamination.

We respectfully request that a new EA be completed, with a sufficient public comment period.

This is the FHWA guidance here, which ADOT/PF must adhere to:

https://www.environment.fhwa.dot.gov/legislation/nepa/reevaluation_guidance_08142019.pdf and DOT's own guidance at 4.9 in this document here.

Please let me know if I can be of any further help, and please advise on how DOT will proceed.

Thank you!

--

Kelly McLaughlin

Gustavus PFAS Action Coalition (GPAC) Chair

PO Box 234

Gustavus, Alaska 99826

From: [Haynes, Emily R \(DOT\)](#)
To: [St Aime, Virgil M \(DOT\)](#); [Tripp, Charles M \(DOT\)](#)
Subject: FW: Gustavus Airport Pavement Rehab - Z-67517-0000 / 3-02-0111-007-2019
Date: Monday, April 20, 2020 2:51:40 PM

From: venus.larson@faa.gov <venus.larson@faa.gov>
Sent: Wednesday, February 20, 2019 8:56 AM
To: Haynes, Emily R (DOT) <emily.haynes@alaska.gov>
Subject: RE: Gustavus Airport Pavement Rehab - Z-67517-0000 / 3-02-0111-007-2019

I will be handling Southcoast in general as EPS and PM.

I have to caution that if Gustavus project area is declared a contaminated site, it will prevent it from getting a grant. PFAS contamination is not a Federally recognized contaminant and therefore, remediation is not AIP eligible. A new CED is not required for the grant. I understand that state law recognizes PFAS as a soil contamination. It will have to be a state funded remediation.

V/R,

VENUS RIVERA LARSON, PE, LEED AP
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From: Haynes, Emily R (DOT) <emily.haynes@alaska.gov>
Sent: Wednesday, February 20, 2019 8:31 AM
To: Larson, Venus (FAA) <venus.larson@faa.gov>
Subject: Gustavus Airport Pavement Rehab - Z-67517-0000 / 3-02-0111-007-2019

Venus,

Do you know who is handling the Gustavus Airport Apron, Runway, and Taxiway Pavement Rehabilitation project (DOT&PF No. 67517) / AIP 3-02-0111-007-2019? We received an approved CED on February 21, 2017 and we will need to do a new document to cover the impacts of the recently-discovered PFAS contamination at the airport.

Thanks!

Emily R. Haynes
Environmental Analyst

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