



## Alaska Department of Transportation and Public Facilities Construction General Permit Noncompliance Notification

DEC Toll Free: 1(877) 569-4114 Fax: (907) 269-4604

### GENERAL INFORMATION

<b>DOT&amp;PF Region:</b> Central	<b>Project Name:</b> Seward Hwy: MP 100-105 Improvements HSIP: CR Traffic Safety Corridor Left Turn Lanes	<b>Project Location:</b> Seward Highway MP 100-105
<b>DOT&amp;PF CGP Tracking Number:</b> AKR10GE57	<b>Contractor:</b> Mass Excavation, Inc	<b>Contractor CGP Tracking Number:</b> AKR10GE56
<b>Person Reporting:</b> Joshua James	<b>Phone Numbers of Person Reporting:</b> 907-242-4027	<b>Reported How? (e.g. by phone):</b> By phone (907) 269-7550 ADEC WQ Hotline email
<b>Date/Time Event was Noticed:</b> March 27, 2020 11:30 am	<b>Date/Time Reported to DEC:</b> April 2, 2020 Oral @ 8:14 am April 8, 2020 Written @ 12:50 pm	<b>Name of DEC Staff Contacted:</b> Katrina Chambon ADEC WQ Hotline email

**VERBAL NOTIFICATION MUST BE MADE TO DEC WITHIN 24 HOURS OF DISCOVERY OF NONCOMPLIANCE**

### INCIDENT DETAILS (attach additional sheets, lab reports, and photos as necessary)

#### Period of Noncompliance

**Start Date/Time (exact):** March 27, 2020 11:30 am

**End Date/Time (exact):** April 7, 2020 8:00 pm

If noncompliance has not been corrected, provide a statement regarding the anticipated time the noncompliance is expected to continue:

#### Description of the noncompliance and its cause (be specific):

At the time of notification, Mass Excavation, Inc. had suspended project activities from March 26-29, 2020 due to a possible COVID-19 exposure on the job site. The only project activity during this time frame was performed by Alaska Directional Drilling. Mass Excavation, Inc. resumed project activity on March 30, 2020.

On Friday March 27, 2020, DOT project staff was notified by U.S. Forest Service (USFS) Officer Michael Loughton that waste material was discovered on Forest Service property. It was determined from photographs the material was most likely drilling slurry. The DOT Project Engineer contacted Alaska Directional Drilling, a subcontractor for Enstar Natural Gas Company, and put them in touch with USFS Officer Loughton. Over the week of March 27<sup>th</sup> to April 3<sup>rd</sup>, 2020, the Seward Highway road construction project was able to verify that drilling waste slurry was dumped without permission in unpermitted areas at two locations on USFS property and one location on Alaska Railroad (ARRC) property. The USFS locations are on Portage Valley Road at MP 1.0 the Moose Flats Day Area with two dumpsites, and one site on the north side of Portage Valley Road at MP 4.8 in a roadside ditch adjacent to a vehicle pullout. The ARRC location has two dumpsites on the Seward Highway at MP 87.5 near the Kern's Point avalanche gun mount. Waste material was contained at the dumpsites due to a combination of freezing temperatures, a thick layer of ground ice, and large snow berms. Discharges to water bodies were not observed at any location.

Alaska Directional Drilling was performing work on the Seward Highway MP 100-105 Project in the permitted project area. Work included boring to relocate the gas utility in advance of the Seward Highway construction project. The contract to relocate the private utility is under the direction of Enstar, as stated in the Utilities Agreement made with the DOT&PF Utilities Section. The Utilities Agreement authorizes DOT&PF to reimburse Enstar for the relocation work. Under this agreement, Enstar is responsible for all gas line relocation work, including the disposal of waste material generated by the relocation work. Since work occurred concurrently, Mass Excavation, Inc., as the highway construction general contractor and a co-permittee for the Project corridor, is required to allow Enstar and Enstar's subcontractors to perform the work under the Project SWPPP upon signing a SWPPP Subcontractor Certification. All relocation activities requiring Temporary Erosion and Pollution Control (TEPC) are required to be coordinated with

the Project permittees. The decision to dispose of waste materials from the Project area in unpermitted locations was not made with the approval, knowledge, or consent of the permittees - the Department of Transportation and Public Facilities or the highway construction general contractor, Mass Excavation, Inc.

**Actions taken to reduce, eliminate, and prevent reoccurrence of noncompliance:**

DOT&PF and Mass Excavation, Inc. will continue to inspect the five dumpsites on the Seward Highway and the Portage Valley Road until seasonal thaw is complete. This is to ensure any additional corrective action that may be required, and is currently hidden by the snow pack will be taken care of as soon as practical. Alaska Directional Drilling will be on-call during this period of inspection to respond to and perform any additional corrective action related to this incident, as needed. Any additional waste will continue to be disposed of at the American Landscaping facility.

The DOT and the Mass Excavation, Inc. will request utility companies performing relocation work in the permitted construction corridor to provide an AK-CESCL certified Utility SWPPP inspector, per the Utility Agreement. The Utility SWPPP inspectors will coordinate their specific construction activities that require TEPC measures and participate during regular site inspections of the relocation work areas. The Utility SWPPP inspectors will verify relocation work performed on site is in compliance with the Project's SWPPP and the CGP. The Utility SWPPP inspectors will verify utility companies are disposing waste materials at permitted facilities.

**Pollutant: Bentonite clay, silty sand**

**Corrective Actions:**

Waste material was excavated to a clean ground surface without disturbing underlying soils.

Excavated waste materials have been hauled to a permitted facility for disposal operated by American Landscaping daily when corrective action has been required.

March 30, 2020 - Alaska Directional Drilling began corrective actions on the two dumpsites at the Seward Highway MP 87.5 location using a vacuum truck, excavation, and haul equipment to load out waste material.

March 31, 2020 - Corrective actions at the Portage Valley Road MP 1.0 Moose Flats Day Area began.

March 31, 2020 - A site inspection determined cleanup efforts on the Seward Highway and at Portage Valley Road MP 4.8 needed to continue. The Portage Valley Road MP 1.0 sites were inaccessible to the inspector because a locked access gate.

April 1, 2020 - Cleanup continued at the Portage Valley Road MP 1.0 sites, and corrective action began at the Portage Valley Road MP 4.8 site.

April 2, 2020 - Cleanup continued at the Portage Valley Road MP 4.8 site.

April 3, 2020 - A site inspection of all five sites determined corrective actions need to continue.

April 4, 2020 - Cleanup continued, and completed at the Portage Valley Road MP 1.0 and MP 4.8 sites.

April 7, 2020 - Cleanup continued, and completed at the Seward Highway MP 87.5 sites.

April 7, 2020 - A site inspection determined corrective actions were complete at both Portage Valley Road MP 1.0 sites and the Portage Valley Road MP 4.8 site. The co-permittees agreed with USFS to continue with weekly inspections of the dumpsites until thaw conditions are complete.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:	Joshua I. James	Title:	CR ESC Advisor	Signature:		Date:	April 8, 2020
-------	-----------------	--------	----------------	------------	--	-------	---------------

FORM MUST BE SENT TO DEC WITHIN FIVE DAYS OF BECOMING AWARE OF THE EVENT.

THIS REPORT HAS BEEN APPROVED BY ANDY DAVIDSON, MASS EXCAVATION, INC. SUPERINTENDENT, AND JAMES LOMBARDO, AK DOT&PF PROJECT ENGINEER, CONSENT WAS GIVEN TO JOSHUA JAMES TO  
Form 25D-143 REPORT THIS EVENT FOR MASS EXCAVATION, INC. September 2015



## Alaska Department of Transportation and Public Facilities Construction General Permit Noncompliance Notification

DEC Toll Free: 1(877) 569-4114 Fax: (907) 269-4604

### GENERAL INFORMATION

<b>DOT&amp;PF Region:</b>  Central	<b>Project Name:</b> Seward Highway: MP 100-105 Improvements HSIP CR Traffic Safety Corridor Left Turn Lanes	<b>Project Location:</b>  Seward Highway MP 100-105
<b>DOT&amp;PF CGP Tracking Number:</b> AKR10GE57	<b>Contractor:</b> <b>Mass Excavation Inc.</b>	<b>Contractor CGP Tracking Number:</b> <b>AKR10GE56</b>
<b>Person Reporting:</b> Joshua James	<b>Phone Numbers of Person Reporting:</b> 907-242-4027	<b>Reported How? (e.g. by phone):</b> By phone (907) 269-4114
<b>Date/Time Event was Noticed:</b> May 7, 2020 04:00 am	<b>Date/Time Reported to DEC:</b> May 7, 2020 Oral @ 9:10 pm May 11, 2020 Written @ 3:00 pm	<b>Name of DEC Staff Contacted:</b> ADEC WQ Hotline email

**VERBAL NOTIFICATION MUST BE MADE TO DEC WITHIN 24 HOURS OF DISCOVERY OF NONCOMPLIANCE**

### INCIDENT DETAILS (attach additional sheets, lab reports, and photos as necessary)

#### Period of Noncompliance

**Start Date/Time (exact):** May 7, 2020 04:00 am

**End Date/Time (exact):** May 7, 2020 05:00 am

**If noncompliance has not been corrected, provide a statement regarding the anticipated time the noncompliance is expected to continue:**

**Description of the noncompliance and its cause (be specific):**

**On Thursday May 7, 2020 Mass Excavation, Inc. (Mass Ex) was performing stream channel realignment and restoration work on the Indian Creek Tributary stream channel, per ADF&G Fish Habitat permit FH19-II-0053. The work was in response to corrective actions found during an inspection of the stream bank restoration by ADF&G Habitat Biologist Will Frost on May 3, 2020. At the time of the inspection, the reconstructed stream channel was not holding water flow for the full length, and percolated underground. The water flow reappeared at the confluence with Indian Creek. One of the corrective actions resulting from this inspection required fines to be added to the Indian Creek tributary stream channel to improve surface water flow, and reintroduce herbaceous and woody vegetation to the stream banks above the water line.**

**At approximately 4:00 am on May 7, 2020 a DOT staff member witnessed a Mass Ex Hitachi 200 excavator adjacent to the stream channel preparing material to implement this corrective action. During this operation about 1 cubic yard of silty-sand and gravel was deposited into the active stream channel resulting in a discharge of turbid water into Indian Creek. The lighting conditions at the time were full darkness with the piece of equipment providing the only illumination. Water-body perimeter controls installed at the time for storm water consisted of straw wattles on the Indian Creek Tributary and compost wattles on Indian Creek.**

**At 04:05 am DOT project staff notified Mass Ex Superintendent, Andy Davidson, of the discharge and verbally directed him to cease operations. Mr. Davidson was further directed to install a water pump at the Indian Creek confluence to pump the turbid water into a silt sack and locate it in a dense stand of vegetation about 50 feet away from the tributary.**

**By 04:30 am Mass Ex had installed two 2-inch diameter pumps at the confluence of Indian Creek Tributary and Indian Creek, and were actively pumping the turbid water into the silt sack. The water being pumped through the silt sack and vegetation visually appeared to clean up the turbidity.**

At 04:45 AM water flowing from the Tributary into the pump at the Indian Creek confluence no longer showed visible signs of turbidity. The two 2-inch pumps continued operation until the end of the shift..

At 06:30 AM the two water pumps were turned off and taken out of service. The water flowing from the Tributary into Indian Creek continued to show no visible signs of turbidity, and had not since 5:00am.

**Actions taken to reduce, eliminate, and prevent reoccurrence of noncompliance:**

Two water pumps were installed at the confluence of the Indian Creek Tributary and Indian Creek, and turbid water was pumped through a silt sacks set in vegetation within the project limits, about 50 feet from the stream banks, to remove as much sediment and turbidity as possible.

Any additional work within or adjacent to the Indian Creek Tributary will have a pumped water diversion temporarily installed upstream of the proposed work to prevent a recurrence of turbid water. Also, water pumps will be installed downstream of the proposed work to pump water away and through a sediment sack to prevent a repeat of this incident.

**Pollutant: Turbid water from silty-sand and gravel**

**Corrective Actions:**

Mass Excavation, Inc. will continue to perform the work to address the corrective actions identified by ADF&G for Fish Habitat Permit FH19-II-0053 inspection. Prior to this work beginning, Mass Ex will install a temporary pumped water diversion and discharge the water through a sediment sack and over vegetation to prevent erosion and enhance the removal of sediments until the immediate work is completed. They will stay in operation until a visual inspection confirms turbidity has been removed from the pumped water.

Upon completion of the corrective actions, the disturbed soils will be stabilized with hydromulch and permanent seed before removing any of the perimeter control BMPs.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:	Joshua Ian James	Title:	AK DOT&PF ESC Advisor	Signature:		Date:	5/11/2020
-------	------------------	--------	--------------------------	------------	--	-------	-----------

FORM MUST BE SENT TO DEC WITHIN FIVE DAYS OF BECOMING AWARE OF THE EVENT.

*This report has been approved by James Lombardo - AK DOT Project Engineer, and Andy Davidson - Mass Excavation, Inc. Superintendent. Consent has been given to Joshua James, Central Region AKDOT Stormwater Specialist, to report this event.*



# Alaska Department of Environmental Conservation

Division of Water, Compliance and Enforcement Program

555 Cordova Street

Anchorage, Alaska 99501

Nationwide Toll Free: 1(877) 569-4114 Anchorage/International: (907) 269-4114

Fax: (907) 269-4604 E-mail address: [dec-wqreporting@alaska.gov](mailto:dec-wqreporting@alaska.gov)

## NONCOMPLIANCE NOTIFICATION

<b>GENERAL INFORMATION</b>		PERMIT# (if any): AKR10GC64 – QAP & AKR10GC69 – AK DOT & PF	
<b>Owner or Operator:</b> Todd Porter - QAP Wolfgang Jung - DOT	<b>Facility Name:</b> Minnesota Dr: Seward to Tudor Pavement Preservation & HSIP: Weaving Lane - Int'l Airport to Raspberry	<b>Facility Location:</b> Minnesota Dr. Seward to Tudor	
<b>Person Reporting:</b> Joshua James	<b>Phone Numbers of Person Reporting:</b> 907.242.4027	<b>Reported How? (e.g. by phone):</b> Email	
<b>Date/Time Event was Noticed:</b> 4.23.2020	<b>Date/Time Reported:</b> 4.30.2020	<b>Name of DEC Staff Contacted:</b> ADEC WQ Hotline email	

**VERBAL NOTIFICATION MUST BE MADE TO ADEC WITHIN 24 HOURS OF DISCOVERY OF NONCOMPLIANCE**

### INCIDENT DETAILS (attach additional sheets, lab reports, and photos as necessary)

<b>Period of Noncompliance</b>	<b>Start Date/Time (exact):</b> 5.1.2020	<b>End Date/Time (exact):</b> 5.20.2020
--------------------------------	--	---

**If noncompliance has not been corrected, provide a statement regarding the anticipated time the noncompliance is expected to continue:**  
Due to COVID-19 medical restrictions, employee pre-employment testing facilities have limited the number of appointments to 10% of their normal capacity. Currently, QAP does not have staff available to take care of corrective actions identified during the initial spring inspection. QAP is planning to begin work by 5.18.2020, and complete the corrective actions by 5.20.2020.

**Estimated Quantity involved (volume or weight):**  
NA

**Description of the noncompliance and its cause (be specific):** The initial spring inspection found two corrective actions. CA #003 identified straw wattle perimeter control needs to be maintained between sta. 335+60 – 336+75 RT and 325+00 to 335+00 LT. CA #004 identified road side trash that needed to be picked up between Raspberry to International and at Dimond interchange. The project had been in winter shut down until 4.25.2020 no construction activities are occurring currently, and the project is unstaffed. As stated previously, the project was not planning to begin construction activities until 5.18.2020. As limited staff becomes available during this time period these corrective actions will be completed.

**Actions taken to reduce, eliminate, and prevent reoccurrence of noncompliance and Actual/Potential Impact on Environmental Health (describe in detail) (e.g. Supplied drinking water to nearby well owners and informed well owners not to drink from wells until further notice)**

COVID-19 has hindered QAP's ability to dispatch capable employees in a timely manner. Additionally, upon further investigation, QAP found that frozen ground made BMP maintenance impossible until the ground thaws further. These incidences of non-compliance were unavoidable due to the circumstances.

**Permit Condition Deviation (Identify each permit condition exceeded during the event.)**

<u>Parameter (e.g. BOD pH)</u>	<u>Permit Limit</u>	<u>Exceedance (sample result)</u>	<u>Sample Date</u>
--------------------------------	---------------------	-----------------------------------	--------------------

**Corrective Actions (Attach a description of corrective actions taken to restore the system to normal operation and to minimize or eliminate chances of recurrence.)**

No corrective actions have been taken to date.

**Environmental Damage: (if yes, provide details below)**       Yes       No       Unknown

**Actual /Potential Impact on Environment/Public Health (describe in detail)**

No environmental damage has been or will be caused by this non-compliance event.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

**Name:** Joshua Ian James      **Title:** CR ESC Advisor      **Signature:**       **Date:** 4/30/2020

**FORMS MUST BE SENT TO ADEC WITHIN FIVE DAYS OF BECOMING AWARE OF THE EVENT.**

This report has been approved by Kevin Hendrickson – AKDOT project engineer, and Kris Jensen – QAP Superintendent. Consent has been given to Joshua James, Central Region DOT Stormwater Specialist, to report this event for QAP.

**From:** [JENSEN, Kris \(ANQAP\)](#)  
**To:** [MONAGHAN, Thomas \(ANQAP\)](#); [James, Joshua I \(DOT\)](#)  
**Cc:** [Hendrickson, Kevin K \(DOT\)](#)  
**Subject:** RE: Notice of non-compliance & DAIR  
**Date:** Thursday, April 30, 2020 4:02:44 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Josh,

This looks good. Please proceed on reporting this on behalf of QAP.

Thanks,  
Kris



QUALITY ASPHALT  
PAVING

**Kris Jensen**  
**Area Manager**  
**240 W. 68<sup>th</sup> Avenue**  
**Anchorage, Alaska 99518**  
**Office: (907) 522-2211**  
**Fax: (907) 344-5798**  
**Cell: (907) 947-6061**  
[kjensen@colaska.com](mailto:kjensen@colaska.com)

---

**From:** MONAGHAN, Thomas (ANQAP) <tmonaghan@colaska.com>  
**Sent:** Thursday, April 30, 2020 3:29 PM  
**To:** joshua.james@alaska.gov  
**Cc:** JENSEN, Kris (ANQAP) <kjensen@colaska.com>; kevin.hendrickson@alaska.gov  
**Subject:** Notice of non-compliance & DAIR

Please see attached.

Thanks,  
Tom Monaghan



Project Engineer  
240 W. 68<sup>th</sup> Avenue  
Anchorage, AK 99518  
(907) 602-0943 (c)  
(907) 522-2211 (o)