



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Environmental  
Conservation

DIVISION OF SPILL PREVENTION AND RESPONSE  
Prevention, Preparedness, and Response Program

555 Cordova Street  
Anchorage, AK 99501-2617  
Main: 907-269-7557  
Fax: 907-269-7687  
www.dec.alaska.gov

May 28, 2024

Ms. Connie Vanderpool  
P.O. Box 125  
Aguila, AZ 85320

**Certified Mail**  
**Return Receipt Requested**  
**9589 0710 5270 0622 4722 68**

Subject: **150gal Heating Fuel Tank Truck Spill, Aniak AK, ADEC Spill #: 24479904701;**  
**Letter of State Interest**

Dear Ms. Connie Vanderpool:

This letter is to advise you that on or about February 16, 2024, a discharge occurred at or near 17 Boundary Avenue, Aniak AK 99557 for which you may be financially responsible. The discharge occurred from an old tank truck parked at 17 Boundary Avenue, Aniak, leaking an estimated 150 gallons of heating fuel at the residence. The spill migrated onto the roadway causing cars passing by to spread the heating fuel even further. The City of Aniak responded to the incident from February 16, 2024 - May 14, 2024, laying down absorbents as needed. The following disposable spill equipment was used from the State of Alaska spill Connex: (4) Bales 10' absorbent boom, (30) bales of absorbent pads, (1) roll of clear bags, and (2) drums. Alaska Statute (AS) Title 46 authorizes the state to respond to this discharge and to take appropriate action to minimize damage to human health, safety, welfare or to the environment.

Under AS 46.03.740, the discharge of any amount of oil into or upon the waters or land of the state is prohibited unless authorized by the Alaska Department of Environmental Conservation (department). Under AS 46.03.745, an uncontrolled release of a hazardous substance is prohibited. AS 46.04.020 and AS 46.09.020 require the immediate containment and cleanup of oil and hazardous substance releases by the person causing or permitting the release. In addition, AS 46.03.822 establishes who is financially responsible or liable for the investigation and cleanup of any release or threatened release of oil or a hazardous substance. State records indicate that you may meet one or more of the following criteria:

- caused or permitted the discharge/release [AS 46.04.020/46.09.020];
- owned or controlled the hazardous substance at the time of its release [AS 46.03.822(a)(1)];
- own(ed) or operate(ed) the property or facility from which the release occurred [AS 46.03.822(a)(2)];
- own or operate the property at which the hazardous substance came to be located [AS 46.03.822(a)(3)]; and/or

If you undertake response actions, they must be approved in advance by the department under 18 AAC 75.300 - 18 AAC 75.396 and the adequacy of those actions will be evaluated by Mr. Mark Sielaff, the State On-Scene Coordinator's representative for this discharge. Response actions are adequate if they are in accord with state and federal law, including 18 AAC 75. If the department considers your response actions adequate, state involvement in the cleanup actions will be limited to

approving cleanup plans, monitoring the progress of cleanup activities, and providing guidance as necessary. However, if your response actions are not satisfactory, the department may assume the lead role in the investigation and cleanup efforts and recover these costs from the responsible party (RP).

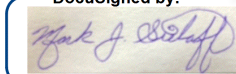
Please be advised that AS 46.08.070 requires the department seek recovery for certain costs, including oversight activities, incurred by the state in responding to discharges. You will be billed for the use of disposable spill equipment identified above, that the city of Aniak used to clean up the spill. As an RP under AS 46.03.822 or AS 46.03.760(d), you may be billed by the state later for state expenditures associated with this discharge, unless the department waives all or a portion of response costs incurred by the state. Department practice is to hold billing until a 5-hour threshold is exceeded and then send a bill for all staff time related to this release in excess of 5 hours. Billable state expenditures include the direct costs of state staff time and indirect state overhead costs, as well as contractual and materials costs and interest for delayed payments. Billable state staff time includes all time spent on activities related to the incident, including site visits, response and report reviews, telephone conversations, meetings, and legal services. Failure to reimburse the state for billable oversight and response actions may result in the filing of liens against property you own, pursuant to AS 46.08.075.

Please submit a final written report within 15 days after the cleanup has been completed as required under 18 AAC 75.300(e). A copy of the final report form is enclosed.

Nothing in this letter shall be construed as a waiver of the state's authority or as an agreement on the part of the state to forego civil, criminal, or administrative enforcement of the above-described violations or to seek recovery of damages, costs, and penalties as prescribed by law. In addition, nothing herein shall be construed as a waiver of the state's enforcement authority for past, present, or future violations not specifically described in this letter.

If you believe someone else may be responsible for this discharge or if you have any questions concerning this matter, please contact me at 907-269-7532 or [mjsielaff@alaska.gov](mailto:mjsielaff@alaska.gov).

Sincerely,

DocuSigned by:  
  
176DEE0FD46D4CA...

Mark J. Sielaff

Environmental Program Specialist

Enclosure: Final Report Form

cc:

Bernie Nowicki, ADEC  
Cost Recovery, ADEC  
Lenore Kameroff, City of Aniak