



16450
August 16, 2019

Lower Kuskokwim School District
ATTN: Daniel Walker
PO Box 305
Bethel, AK 99559

Administrative Order: Lower Kuskokwim School District (ANC-N-013) 03-2019

Dear Mr. Walker,

Pursuant to 33 U.S.C. §§ 1251-1376 (c), 33 U.S.C. 1251-1376 (e) (1) (B), 33 C.F.R § 1.01-80, and 40 C.F.R. Part 300.130 (d), I have determined that an imminent and substantial threat exists to the public health or welfare, or the environment because of a threatened discharge of oil from a Lower Kuskokwim School District (LKSD) fuel storage facility in the village of Napakiak. Any potential discharge may present an imminent and substantial endangerment to the public health or welfare of the United States, including fish, shellfish, and wildlife, public and private property, shorelines, beaches, habitats, and other living and nonliving resources under the jurisdiction or control of the United States.

On August 12, 2019, it was reported a fuel storage facility owned and operated by the LKSD was within 50 yards of the Kuskokwim River and at risk of river bank erosion. The fuel storage facility contains an estimated total potential discharge of 36,000 gallons of home heating oil. You were issued a Notice of Federal Interest of an oil pollution incident on August 14, 2019. The oil products remaining in the fuel storage facility pose an environmental hazard. Consequently, the threat of discharge presents an imminent and substantial endangerment to the public health or welfare of the United States.

For these reasons, and under the authority referred to above, you are hereby ordered to take the following actions:

1. Remove all fuel oils from the Napakiak School fuel storage facility, to an alternate location not subject to coastal or riverine erosion by August 30th 2019.
2. Maintain communications with Coast Guard Sector Anchorage, at a rate of at least three times a week, providing both operational and planning updates concerning the transfer and removal of all fuel oils within the Napakiak School fuel storage facility.
3. Immediately report any significant erosion on the Kuskokwim River to Coast Guard Sector Anchorage.
4. At any time this Administrative Order may be rescinded or superseded should significant changes in the rate of river bank erosion occur necessitating expedited response actions.

Under the Oil Pollution Act of 1990, the responsible party is liable for, among other things, removal costs and damages resulting from this condition. The failure or refusal to comply with this Administrative Order will eliminate any defense or entitlement to limited liability, which might otherwise be available under the Act (33 U.S.C. §§ 2701-2762). Be advised that the following may result from your failure to properly carry out the actions as ordered to protect the environment, public health, and welfare. The responsible party, owners, operators, or persons in charge of the vessel or facility from which oil is discharged are subject, under the Federal Water Pollution Control Act, to a civil penalty of up to \$47,357 per day of violation or up to three (3) times the cost incurred by the Oil Spill Liability Trust Fund. Failure to comply with the requirements of this Administrative Order may result in the federal government assuming full or partial control of removal actions.

This Administrative Order becomes effective immediately upon receipt. You may request, either orally or in writing, that I reconsider this order within 24 hours of its issuance. I may be reached for this purpose at 907-428-4100 or SectorAnchorageIMD@uscg.mil. If you desire to appeal my decision on reconsideration, or the Administrative Order itself, you must direct the request for an appeal in writing to the district courts of the United States.

The act of requesting reconsideration or placing an appeal does not stay this order, but reviewing offices have the authority to take such action if they believe circumstances warrant it.

Please address all inquiries concerning this matter to PO2 Dane M. Grulkey at 907-428-4208.

Issued at U.S. Coast Guard Sector Anchorage.

Sincerely,

S. C. MACKENZIE
Captain, U. S. Coast Guard
Federal On-Scene Coordinator
Western Alaska

Acknowledgement:

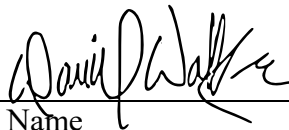
Daniel Walker

8/16/19

Name

Date

Signature:



8/16/19

Name

Date