

AFCEC meets milestones with Moose Creek Environmental Covenants

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JOINT BASE ELMENDORF-RICHARDSON, Alaska – Two important milestones were recently achieved in the effort to bring drinking water to the community of Moose Creek, Alaska. Moose Creek, located just to the north of Eielson Air Force Base, has been affected by Per- and Polyfluoroalkyl Substances (PFAS) contamination and the Air Force, in partnership with the City of North Pole (CONP), is constructing a \$41.4 million expansion of the North Pole water system to service the community.

The Moose Creek construction project is well underway, with significant infrastructure components complete, and project completion projected for the fall of 2021. All eighteen miles of water main have been installed, and the transmission main from the CONP to Moose Creek, the north distribution loop, and the new pumphouse and water storage tank in Moose Creek are all in operation. Upcoming 2021 construction activities include finalizing the water treatment plant upgrades and upsizing the well pumps in the CONP in the spring. This will be followed by commissioning the six-mile south distribution loop installed in 2020, installing water services to each eligible residence, decommissioning wells per Alaska Department of Environmental Conservation (ADEC) guidelines, and removing Air Force installed granular activated carbon (GAC) filtration systems and temporary water holding tanks installed throughout the community.

The CONP needed a minimum of 75% of the 174 Moose Creek properties with a drinking water well to connect to the water system to ensure the long-term financial viability of the utility, and at the end of February 2021 that milestone was achieved when the 130th water service agreement was received. The project now stands at 78% of service agreements received and more are expected as the effort continues. Recruiting water customers has been an ongoing challenge over the last nine months as the team worked through property ownership issues and negotiations with property owners with unique issues, all the while being sensitive to the fact that many owners are still unhappy due to the contamination.

The second milestone was the recording of the first Environmental Covenants (ECs) in Alaska at the beginning of February 2021. ECs are required by Alaska statute whenever restrictions in land use are imposed due to contamination. The statute establishing ECs was only passed in 2018, and Moose Creek is the first ever use of ECs in the state. The EC package prepared by the Air Force was a collaborative and extensive effort between the Air Force Civil Engineer Center, the Secretary of Air Force (SAF) Office of the General Counsel (GCN), and the Air Force Environment Law Field Support Center (JAOE-FSC), with input from the CONP, the Environmental Protection Agency (EPA), ADEC, Alaska Department of Law, and Alaska Department of Natural Resources (ADNR). All properties in Moose Creek, both developed and undeveloped, require ECs.

Because the ECs restrict the owner's use of the property, the Air Force is offering financial consideration for owners agreeing to ECs. Once recorded, the ECs will run with the land, and will be binding on all current and future owners. The activity and use restrictions of the ECs will restrict the use of any amount of groundwater, and will preclude the installation of new wells, among other provisions.

The legal support provided by SAF-GCN and JAOE-FSC throughout the entire EC process has proved immeasurable, and has greatly contributed to the success of the Air Force Civil Engineer Center in meeting its EC milestones, and efforts will continue over the next several months to recruit additional Moose Creek property owners to sign ECs to be recorded with the state.