



Alaska

Uniform Environmental Covenants Act

What is UECA?

A tool to ensure buyers and sellers are fully aware of restrictions placed on contaminated land. These restrictions are only utilized when contamination is at levels that are not protective for unrestricted land use. An environmental covenant ensures the risks posed by the contamination and land use limitations are clearly communicated to future buyers.

UECA helps:

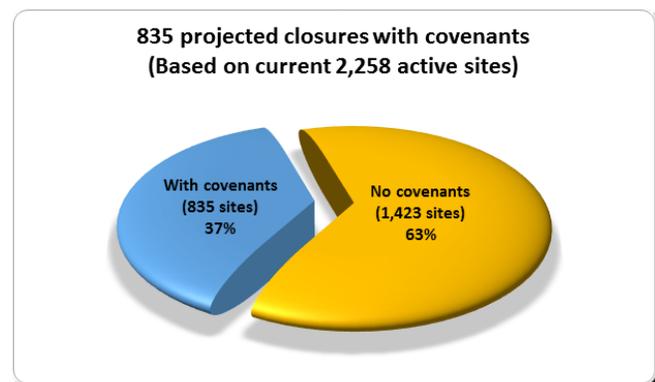
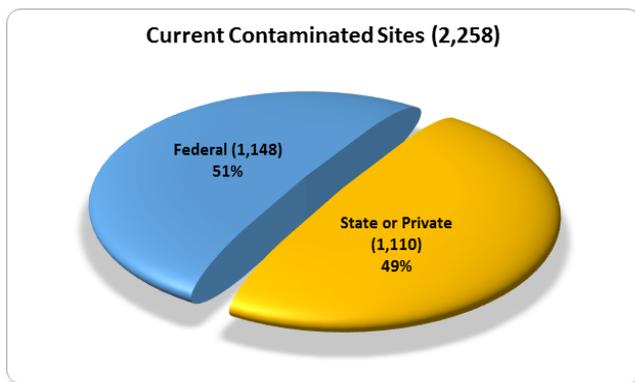
- Transparent Transfers
- Promote Land Reuse
- Protect Human Health
- Protect the Environment

Why do we need it?

UECA provides a better method to communicate land use restrictions than is currently in place. In other states, covenants have aided in the transfer and reuse of blighted and contaminated real property. It will help provide transparency, ensure cleanups remain protective, and manage liability for current and future owners.

Scope of the issue

There are 7,480 total contaminated sites in the state. Seventy percent (5,222) of those sites are closed. Out of the 5,222 closed sites there are currently 1,203 sites that are closed with institutional controls—503 federally owned and 700 state or privately owned. There are currently 2,258 active contaminated sites in Alaska—1,148 are federally owned and 1,110 are state or privately owned. Based on current trends DEC projects approximately 835 of the current sites would be impacted and likely have the new environmental covenant(s).



The graphics show the breakdown of open sites between federal and state or private (left) and the projected sites that would likely be closed with and without environmental covenants (right).

What would the covenants look like?

Like any other residential or commercial protective covenant but it would address areas like land, soil, groundwater, and building construction. Some examples include possible land use restrictions such as: *No Residential Land Use, Restricted Residential Land Use*. Soil restriction such as: *No Disturbance of Soil, Construction Worker Notice, Engineered Controls for Soil*. Groundwater restriction such as: *No Drilling or Use of Groundwater, Engineered Controls for Groundwater, Construction Worker Notice*. Or other restrictions such as construction of buildings in a manner that prevents vapor intrusion risk. DEC is working on standard format and wording for the covenants.

Alaska is
1 of 7 states
that have
not adopted
covenants

Who supports or objects to UECA?

DEC has met with realtor boards and associations, banking and mortgage associations, builders associations, title and appraisal associations, native village and ANCSA land managers, Alaska Municipal League and local governments, all state agencies who own property, federal agencies including DOD, other public/private agencies like Alaska Railroad and Cook Inlet Housing, oil/gas and other industry representatives, and nongovernmental and environmental organizations. Many concerns were explained and addressed. No objections are anticipated and many support UECA.

How much will UECA cost?

Nothing extra—there are no additional costs for state agencies or owners/potential purchasers of contaminated property outside DEC's current cleanup and cost recovery process.

Examples where UECA would have helped

Here are some examples where UECA would have saved time and money in the reuse and redevelopment of contaminated and blighted property:

EIELSON PIPELINE

A portion of the fuel pipeline for Eielson Air Force Base runs through the residential community of



A monitoring well in Moose Creek

Moose Creek. In 2003 a historical spill from this pipeline was discovered. The ensuing investigation found that gasoline and diesel contamination extended off the pipeline right-of-way onto eight adjoining parcels,

some of which have houses with drinking water wells. At least one of these houses was subsequently sold to a buyer who had no knowledge of the contamination or the risk to their drinking water well. Had a covenant been in place on this property, the buyer could have made a more informed decision concerning the purchase.

FORMER COURTNEY'S SERVICE STATION

This site was a former gas station in Anchorage that was closed with institutional controls. The new owner did not abide by the ICs and incurred significant cost when additional contamination was discovered. Had a covenant been in place, this party would have had a better understanding of the liability they incurred

when purchasing this property and the issues that arose would have been more easily dealt with.

ANCSA LAND TRANSFERS

Contaminated lands conveyed to Alaska Native Corporations under the Alaska Native Claims Settlement Act (ANCSA). If the current proposed version of UECA had been in place, activity use limitations may have been in place on the federal lands, which would have identified the contaminant concerns and associated impacts on future land use.

Institutional controls



Institutional controls can be obvious like the sign and fencing above or out of sight like the monitoring well below. UECA would use covenants to help make sure future property owners are aware of these controls.

