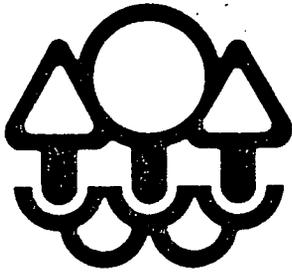


David Smith

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DRS -



Minnesota Pollution Control Agency

April 8, 1988

Mr. R. W. Weaver
Director of Manufacturing
FMC Corporation
Naval Systems Division
4800 East River Road
Minneapolis, Minnesota 55421

Dear Mr. Weaver:

RE: U.S. Navy/FMC Corporation Draft Permit MN3170022914

This letter is in response to comments expressed by FMC Corporation (FMC) in their February 29, 1988 letter to the Minnesota Pollution Control Agency (MPCA). MPCA staff have reviewed FMC's comments and have the following opinions and remarks on the outstanding permit issues:

ISSUE 1

The MPCA concurs with FMC in that closure of Storage Area C can commence earlier than those dates specified within the permit. In addition, FMC can alter their closure plans for Storage Area C, as specified, by dismantling and relocating the building structure. However, MPCA staff is unclear whether this removal and definition of building structure includes the storage area pad or not and if it will be decontaminated. As such, it is requested that FMC decontaminate the storage pad prior to its removal due to the August 15, 1985 reported release of 1,1,2,- Trichloroethylene in the sump area of Storage Area C and the observation of ponded water (frozen and liquid) in the sump area during various MPCA staff inspections.

Regarding to the background soil boring location, MPCA staff will assist FMC in determining the most appropriate spot. Please notify the MPCA at least two working days in advance of the boring date such that appropriate personnel can make plans to be on-site.

ISSUE 2 -Item (3)

The MPCA agrees that the records covered by Part IV. F. of the draft permit apply to only those monitoring activities related to monitoring wells located within the FMC/Navy facility boundaries. Regarding the clause between FMC and the Navy, as to who is to keep what monitoring well records and associated groundwater surface elevations, please refer to my March 24, 1988 letter to R.W. Weaver, requesting clarification on this issue.

Phone: _____

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Mr. R.W. Weaver
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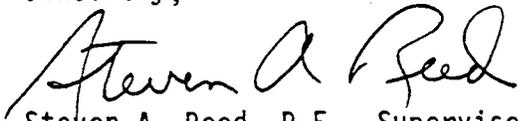
ISSUES 3 and 4

The MPCA is aware of FMC's relationship with the Navy and of FMC's repeated position on enforcement of corrective action at a federal facility. However, the MPCA maintains its position that the Agency has the authority to include and must include Resource Conservation and Recovery Act (RCRA) and State corrective action requirements within the State portion of the proposed permit for the entire facility. Also, as previously stated in the February 2, 1988 letter from Richard A. Svanda to R.W. Weaver and R.W. Warner, "Each department agency and instrumentality of the federal government is required by §6001 of RCRA, 42 U.S.C. §6961, to comply with this rule (Minn. Rules part 7045.0485) to the same extent as any private person". The applicability of State enforced hazardous waste requirements to federal facilities was recently confirmed by a federal district court in State of Ohio v. U.S. Department of Energy, No. C-1-86-0217 (S.D. Ohio, March 18, 1988).

The MPCA believes that the information presented above should satisfactorily address the outstanding factual issues in the draft permit that were previously contested by FMC. Consequently, the MPCA will proceed with the necessary steps to issue the permit.

If you have any questions regarding this letter, please contact Anita Pederstuen of my staff at 612/296-7791.

Sincerely,



Steven A. Reed, P.E., Supervisor
Permit and Review Unit
Hazardous Waste Section
Hazardous Waste Division

SAR/ASP/jmf

cc: Douglas Hildre, FMC Corporation, Minneapolis
William Warren, FMC Corporation, Minneapolis
David Smith, NORTHDIVNAVFACENGCOM, Philadelphia
NORTHDIVNAVFACENGCOM (Code 114), Philadelphia
NAVSEASYSCOM (Code 65413), Washington, D.C.
NAVPRO (BAL), Minneapolis
Stephen Shakman, SAAG
Kathleen Winters, SAAG