



DEPARTMENT OF THE NAVY

NAVAL FACILITIES ENGINEERING COMMAND

200 STOVALL STREET

ALEXANDRIA, VA 22332-2300

IN REPLY REFER TO

February 19, 1991

Stephen Shakman
Special Assistant Attorney
General
Office of the Attorney General
520 Lafayette Road
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Jerome Kujawa
Assistant Regional Counsel
U.S. Environmental Protection
Agency, Region V
230 S. Dearborn St.
Chicago, IL 60604

Re: FFA for NIROP Fridley, MN

Dear Steve and Jerry:

This letter is to confirm, on the basis of our telephone conference this morning, the resolution of several issues regarding the Federal Facility Agreement (FFA) for the Naval Industrial Reserve Ordnance Plant Fridley, Minnesota. Jerry represented that the Environmental Protection Agency (EPA) will be distributing a revised draft FFA to the Parties today. We agreed to have another telephone conference at 2:00 p.m. (my time zone) on Thursday, February 28, 1991. I am sure that each of you share my desire for that to be the last negotiation session for this FFA.

With regard to the three open issues in my letter dated February 15, 1991 we made the following agreements: Paragraph 25.3 will be deleted. The Navy has agreed to EPA's request to re-insert paragraph 25.3 in the FFA, if modified. EPA and the State have agreed to the Navy's modifications of that paragraph. "Schedule" and "timetable" will have the same definition and will cross-reference each other.

With regard to the open issues listed in the attachment to my letter dated February 15, 1991 (which is an annotated copy of the attachment to my letter dated January 29, 1991), we made the following agreements: Item 5 - "NCP" will be inserted. Item 6 - "on-site" definition will be deleted. Item 10 - Navy's draft of Scope section is acceptable to EPA and the State. Item 14 - Community Relations Plan will be a secondary document. Item 16 - Paragraph 19.7 will be entirely deleted and "and the timeliness of the request" will be inserted at the end of paragraph 33.1(2). Item 21 - "EPA or MPCA" will replace "a Party" in the proposed modification. Item 27 - The State agreed to withdraw its proposed modification to the model language. Item 29 - Only part of this item has been resolved. "[U]nder this Agreement" will be deleted from paragraph 40.6, which will now refer to the "Navy's national implementation requirements".

The following items are still unresolved: Item 9 - EPA is still considering minor aspects of the Navy's proposal regarding Area C. Item 22 - Steve is going to speak further with EPA headquarters regarding stipulated penalties. Item 25 - The project managers are still working on the deadlines section. Item 29 - The State is considering the Navy's position on the State's proposed change to the model funding provision. Item 30 - The State is considering the Navy and the Department of Defense's position on reimbursement of State oversight costs. Item 32 - The project managers are still working on the technical attachments.

Please feel free to contact me to discuss these matters further, if necessary. I appreciate your cooperation in this matter and look forward to hearing from you.

Sincerely yours,



RAY GOLDSTEIN
Assistant Counsel (Environmental)

cc: R. Hanson
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