



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

BY OVERNIGHT MAIL

March 4, 1991

REPLY TO ATTENTION OF:

To: Members of NIROP FFA Negotiation Team--

Thomas Bloom
Ray Goldstein
Mark Lahtinen
James Shafer
Stephen Shakman

**In Re: The U.S. Department of the Navy, Naval
Industrial Reserve Ordnance Plant, Fridley, Minnesota
Federal Facility Agreement**

Dear Tom, Ray, Mark, Jim, and Steve:

Enclosed with this letter is the sixth, and even closer to final, version of the NIROP NPL Site Federal Facility Agreement. I have incorporated the changes we have agreed to, including the new items Ray raised in his letter of February 27th.

I presume by now that you both have received copies of Attachments A and B, as well as the Deadlines section I telefaxed yesterday. I am including photocopies of the proposed Deadlines Section in this draft, but will not incorporate it into the text of the Agreement until we speak on the 6th.

I believe that we have agreement in principle on all issues. The only issues remaining to be decided are the State's reaction to the Navy's offer regarding stipulated penalties and the wording of the tentative agreement struck between Minnesota, DOD, and the Navy regarding reimbursement of the State's costs. Well I am well aware that these remaining two issues are very important to the State and the Navy, I am hopeful that we can finalize the Agreement in the very near future.

CERCLA Section 120(e)(2) requires that within 180 days after U.S. EPA has reviewed the results of the Remedial Investigation and Feasibility Study, "the head of [the U.S. Navy] shall enter into an interagency agreement with [U.S. EPA] for the expeditious completion by [the U.S. Navy] of all necessary remedial action at [NIROP Fridley]." 42 U.S.C. section 9620(e)(2). Arguably, a citizen might maintain that this review was completed when the Record of Decision for Groundwater Remediation at NIROP was signed by the U.S. EPA on September 28, 1990. By my reckoning, March 27th is 180 days from the date of the signing of the ROD. We at U.S.

EPA are still expecting to have a signed agreement by this Congressionally-mandated deadline. I know that we all have been working hard to conclude this Agreement and are very close to finishing. I certainly appreciate everyone's efforts to meet this March 27th date. I look forward to talking with you, Steve and Ray, to resolve these remaining issues so that I might circulate the final version of the Agreement for signature.

Sincerely,



Jerome Kujawa
Assistant Regional Counsel
U.S. Environmental Protection Agency

cc: Commander Daniel Hogan NIROP (w/enclosure)
Richard Hanson NIROP (w/enclosure)