

Minnesota Pollution Control Agency

May 16, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David Cabiness, Code 1862
Commanding Officer
Southern Division
Naval Facilities Engineering Command
P.O. Box 1900010
North Charleston, South Carolina 29419-9010

RE: Naval Industrial Reserve Ordnance Plant Superfund Site/
North 40 Barrel Removal Project

Dear Mr. Cabiness:

This letter memorializes an agreement that you and I made May 15, 1996, regarding the following Naval Industrial Reserve Ordnance Plant field investigation issues for the North 40 Barrel Removal Project:

1. The Navy agreed to not place "green sludge-like material" and soil mixed with "green sludge-like material" excavated from A-5 back in the hole until we know what this "green sludge-like material" is and whether or not it is "hazardous" within the meaning of the Minnesota Environmental Response and Liability Act or the Comprehensive Environmental Response, Compensation and Liability Act. Based on this determination, the disposition of the "green sludge-like material" and soil contaminated by the "green sludge-like material" will be determined.
2. If the "green sludge-like material" and the soil contaminated by the "green sludge-like material" is hazardous, the Navy agreed to excavate the west and south sidewalls of A-5 as long as the sidewalls have a plastic liner at the base of the fill to determine if more of this material is present in the area of A-5. (The "green sludge-like material" in the side wall should also be excavated, but this issue was not specifically discussed.)

520 Lafayette Rd. N.; St. Paul, MN 55155-4194; (612) 296-6300 (voice); (612) 282-5332 (TTY)

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Mr. David Cabiness

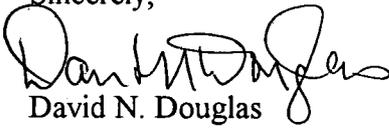
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3. The Minnesota Pollution Control Agency agrees with the Navy that the three structures in A-2 appear to be pieces of concrete and no further investigation of these three structures is necessary based on the current knowledge of the site.

If you have any questions regarding this letter, please contact me at (612) 296-7818.

Sincerely,



David N. Douglas

Project Manager

Response Unit 1

Site Response Section

Ground Water and Solid Waste Division

DD:ch

cc: Thomas Bloom, U.S. Environmental Protection Agency

NAVAL INDUSTRIAL RESERVE ORDNANCE PLANT (NIROP) FRIDLEY, OPERABLE
UNIT #3 (OU3) RI INVESTIGATION

under the FFA and those potential legal liabilities which could result from having contaminant migration via groundwater. Should UDLP officials later elect to initiate their own investigation into contaminant source areas beneath their portion of the NIROP manufacturing building, then the Navy would certainly be willing to entertain discussions with U. S. EPA, MPCA and UDLP representatives on how best to coordinate our joint efforts to identify all potential subsurface source areas beneath the entire plant.

I trust this adequately responds to your question concerning the Navy's position in this particular matter. Should you have any questions please feel free to call me at (803) 820-7484 or e-mail me at dmcabiness@efdsouth.navfac.navy.mil

Sincerely

DAVID CABINESS
Environmental Engineer
Installation Restoration II Division

Copy to:
NAVSEA, Steve Hoffman,
USEPA, Tom Bloom
NAVSEA, Kerry Morrow

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14 May 1996

Mr. David Douglas
Minnesota Pollution Control Agency
Site Response Section
Division of Ground Water & Solid Waste
520 Lafayette Road
St. Paul, MN. 55155-4194

NAVAL INDUSTRIAL RESERVE ORDNANCE PLANT (NIROP) FRIDLEY, OPERABLE
UNIT #3 (OU3) RI INVESTIGATION

Dear Mr. Douglas:

This responds to your letter of March 28, 1996, in regards to the Navy giving further consideration to undertaking the investigation of possible subsurface source areas under the United Defense LP (UDLP) portion of the main manufacturing building at NIROP, Fridley.

Since receipt of your letter representatives from this command have had discussions with officials from both Headquarters, Naval Sea Systems Command, (NAVSEA), and the Office of the Chief of Naval Operations. In turn, NAVSEA officials discussed your request with UDLP representatives. Based upon these discussions, it has been decided that the Navy will not undertake the requested investigative efforts.

As MPCA is aware, the Federal Facility Agreement (FFA) for the NIROP recognizes that there are two distinct properties associated with this industrial facility. It is equally clear that the scope of the Navy's environmental investigation and cleanup responsibilities are specifically tied to the definition of "site" as set forth in Section IV of the FFA. "Site" is defined thereunder as "NIROP Fridley" which is further defined as consisting only of that portion of the NIROP owned by the Navy and any off-site area(s) where contamination from Navy property may have migrated. Hence, under the terms of the FFA we believe we are not responsible for the investigation and cleanup of those separate and distinct source areas, if any, which might exist beneath UDLP's portion of the main manufacturing building. Moreover, in our discussions with them, UDLP representatives indicated that they would not consent to the Navy undertaking such work on their property.

With regards to possible Navy liability for groundwater contamination under UDLP's property, we believe that through our continuing efforts to implement the ROD for ground water remediation we are adequately addressing both our "site" cleanup responsibilities