



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604

JUN 28 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Commander
Naval Sea Systems Command
(Attn: Stephen G. Hoffman, NC3 Rm. 6W44)
2531 Jefferson Davis Highway
Arlington, VA 22242-5160

United Defense LP
Mr. Douglas Hildre, P.E.
Environmental Control Manager
Armament Systems Division
4800 East River Road
Fridley, MN 55421-1498

C/O Joel R. Sanders, Code1868
Naval Facilities Engineering Command
P.O. Box 190010
North Charleston, SC 29419-9010

Re: Request for Information pursuant to Section 104(e) of CERCLA, as amended,
pertaining to the Naval Industrial Reserve Ordinance Plant Superfund Site,
Fridley, Minnesota

Dear Sir:

For some time, the United States Environmental Protection Agency (U.S. EPA) and the Minnesota Pollution Control Agency (MPCA) have been collecting information on the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants at the Naval Industrial Reserve Ordinance Plant site (hereinafter, "NIROP" or "the Site") in Fridley, Minnesota. At this time, U.S. EPA and MPCA are interested in information concerning the "filling in" of areas that are now part of the Anoka County Park. We believe that two "filling in" events occurred following tornadoes in 1965 and 1972. Questions have been raised about the source and the nature of the materials that constituted the "fill." In order to assess whether any additional response is necessary at the NIROP site, U.S. EPA and MPCA wish to examine any documentary evidence available concerning the filling operations.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e), you are hereby requested to respond to the following questions:

1. Do you have any documents relating to placement at any time of fill materials on what is now the Anoka County Park in Fridley, Minnesota? (The map attached to this request shows the boundaries of the Anoka County Park.) By "fill materials," we mean anything placed on the surface of the property. By "document," we mean any kind of record, whether written, electronic, photographic, etc.
2. If you answered yes to question number 1, please submit copies of all such documents.

You should mail your response by July 30, 1999 to:

Thomas Bloom
Remedial Project Manager
U.S. EPA - Region 5 (SR-6J)
77 West Jackson Boulevard
Chicago, Illinois 60604

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each and every request and question in this Information Request by ~~March 22, 1999~~ ^{TBA} July 30, 1999, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e) of CERCLA under which U.S. EPA may seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. U.S. EPA considers "non-compliance" to be not only failure to respond to the Information Request, but also failure to respond completely and truthfully to each separate request and question. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. § 1001.

You may consider *confidential* the information that U.S. EPA is requesting. Under CERCLA you may not withhold information on that basis, but you may ask U.S. EPA to treat the information as confidential. To request that the Agency treat your information as confidential, you must follow the procedures outlined in Attachment 1, including the requirement that you support your claim for confidentiality.

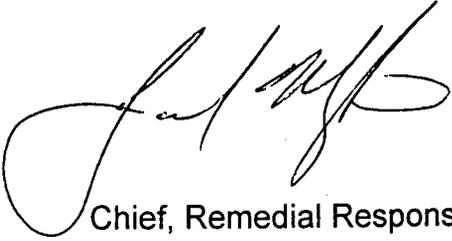
The U.S. EPA has the authority to use the information that it requests in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501 et seq.

If you have any questions, please direct them to Thomas Bloom at (312) 886-1967.

Thank you for you cooperation in this matter.

Sincerely yours,

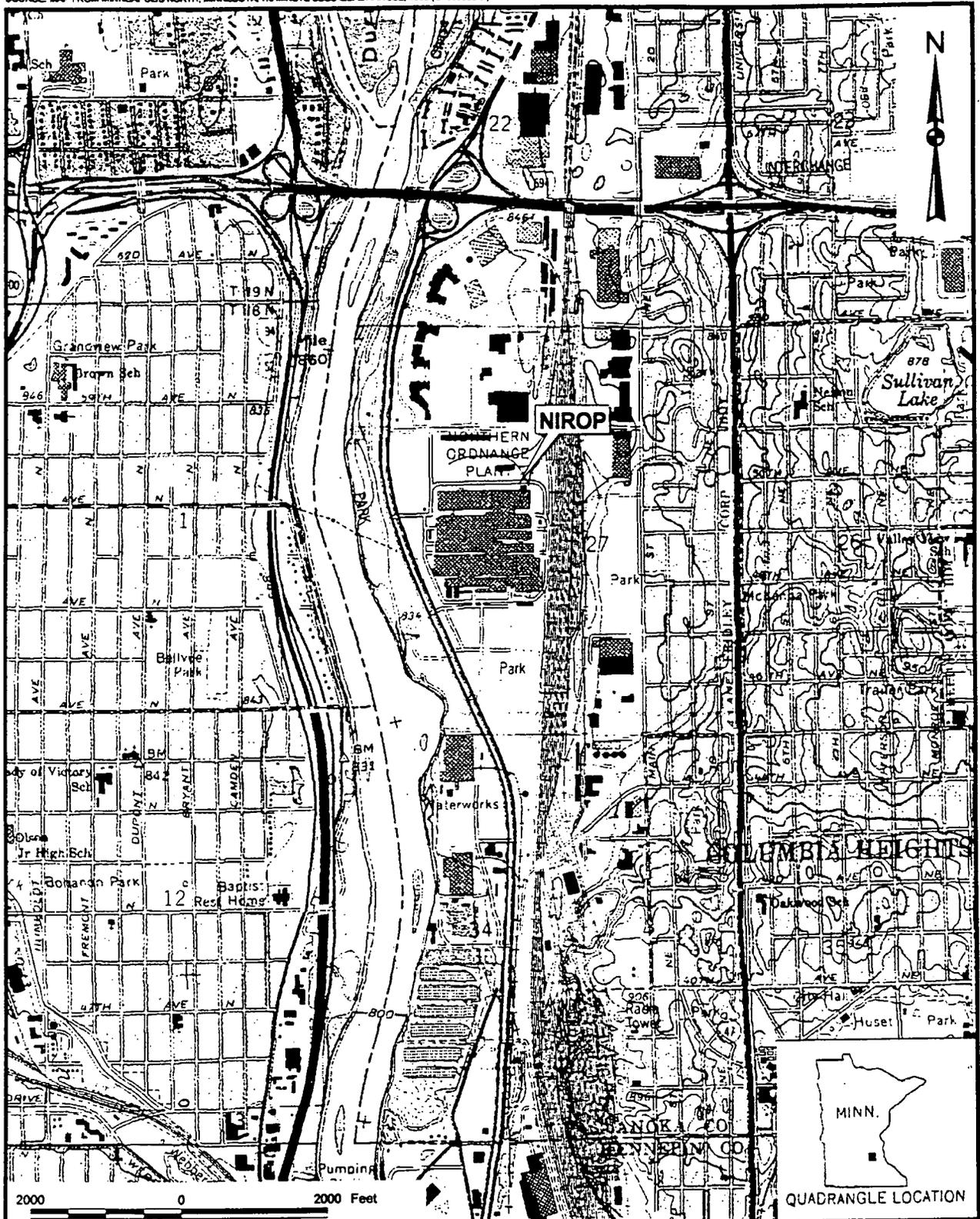
A handwritten signature in black ink, appearing to be "J. M. [unclear]", written in a cursive style.

Chief, Remedial Response Branch 2
Superfund Division

Enclosure

cc: David Douglas, MPCA

SOURCE: MAP FROM MINNEAPOLIS NORTH, MINNESOTA, 7.5 MINUTE USGS QUADRANGLE, 1963 (045083a1.B)



DRAWN BY D. PERRY CHECKED BY COST/SCHEDULE-AREA SCALE AS NOTED	DATE 12-AUG-98 DATE 		SITE LOCATION MAP NAVAL INDUSTRIAL RESERVE ORDNANCE PLANT FRIDLEY, MINNESOTA	CONTRACT NUMBER 	APPROVED BY DATE
					APPROVED BY DATE

P:\GIS\FRIDLEY6906_SITE_ASSESSMENT.APR 12-AUG-98 DNP LOCATION MAP LAYOUT

ATTACHMENT 1

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (U.S. EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 *et seq* require that the U.S. EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Federal Register 36902 *et seq*. (September 1, 1976); 43 Federal Register 4000 *et seq*. (December 18, 1985).) If no such claim accompanies the information when the U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCLA), because, as stated in Section 104(e)(7) (ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the U.S. EPA to treat the information or record as "confidential", you must advise the U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential", and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;
2. The measures that you have taken to guard against disclosure of the information to others;

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3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;
4. Whether the U.S. EPA or other federal agency has made a pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;
5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. 2.201(l). If you make this assertion, explain how the disclosure would tend to lessen the ability of the U.S. EPA to obtain similar information in the future;
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. 2.208(e), the burden of substantiating confidentiality rests with you. The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as "confidential", your comments will be available to the public without further notice to you.