## Owens, Dan (Efdsouth)

**From:** Seely.David@epamail.epa.gov
**Sent:** Friday, May 09, 2003 4:05 PM
**To:** Owens, Dan (Efdsouth)
**Cc:** Meyers, Jeff (EFDSouth); David.Douglas@state.mn.us
**Subject:** RE: NIROP Fridley OU2/3 ROD and response to EPA/MPCA comments

Dan/Jeff:

EPA has completed the review of the Navy's revised Record of Decision (ROD) for Operable Unit (OU) 2 and OU 3 dated March 2003 and received April 2, 2003. EPA has identified a few minor editorial changes that are needed. Additionally as identified below, Comment Response #13 did not fully incorporate EPA's previous comment and therefore remains unresolved. Per my discussion with Dan Owens this afternoon, it was decided that the most efficient course of action would be for me to forward these comments to the Navy and upon resolving the Comment Response #13, I will be in a position of recommending that the ROD be finalized for signatures.

§ 2.1 Page 2-1, 5th ¶, 1st sentence: An editorial comment is noted in this sentence. The sentence should be modified from " ...consists of 82.6 acres of land, or which ..." to " ...consist of 82.6 acres of land, of which...".

§ 2.4 Page 2-5, 3rd ¶, 3rd sentence & Comment Response # 10: EPA accepts the Navy's response, however an additional editorial comment is needed to clarify the discussion throughout the ROD to avoid confusion. Please modify the sentence in Section 2.4 referenced above from "addresses the principal threats posed" to " addresses the primary risks present at the site".

Comment Response #7: Although the Navy has made changes to the text consistent with the intent of the comment, EPA requests additional clarification of the remedial action objectives. EPA provides suggested language for the bulleted RAOs below:

1st bullet: "Prevent unacceptable risks due to residential or other unrestricted exposures to contaminated soils at the site."

2nd bullet: "Prevent unacceptable risks to industrial or construction workers due to exposures to contaminated soils at the site."

Comment Response #11 (2): The Navy has moved the land use classification definitions to Section 2.9 of the revised ROD. Although it is appropriate to include this information in Section 2.9, it is important to also have this information in the section for the selected remedy (Section 2.12) to minimize any confusion to what is being selected/restricted in the remedy. The section for the selected remedy needs to provide enough details to be clear as to what uses are allowed and what uses are restricted. The land use classification definitions should be also included in the selected remedy section along with a statement indicating that additional details describing these restrictions will be provided in the LUC Remedial Design document.

Comment Response # 13, Proposed Deadline for LUC Remedial Design Work Plan: The revised ROD specified that the LUC Remedial Design would be provided to the regulators for review 90 days from the ROD signature instead of 21 days per EPA's previous comments. The response did not indicate the reasons for not fully addressing this comment. The schedule for the LUC Remedial Design will significantly impact the ability to document that the NIROP facility has achieved construction completion for all required Remedial Actions by the September 30th.

Since previous discussions indicated that the preparation of the LUC Remedial Design would be started even before the ROD was signed, please change this scheduled date to be compliant with EPA's original comment. If this change is not agreeable to the Navy, please notify EPA immediately so that this issue can be resolved as soon as possible.

Please notify me if you have any questions or concerns.

-David Seely-
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