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NIROP FRIDLEY, MN
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LETTER FROM MINNESOTA POLLUTION CONTROL AGENCY REGARDING CONTINGENT
REMEDY FOR ALTERNATIVE I OF CORRECTIVE MEASURES STUDY CORRECTIVE
ACTION AGREEMENT NIROP FRIDLEY MN
8/20/2007
MINNESOTA POLLUTION CONTROL AGENCY



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

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CERTIFIED MAIL 7002 0510 0001 9397 2749
RETURN RECEIPT REQUESTED

August 20, 2007

Mr. Douglas Hildre, P.E.
Environmental Affairs Manager
BAE Systems
Armament Systems Division
4800 East River Road
Minneapolis, MN 55421-1498

RE: Contingent Remedy for Alternative 1 of Corrective Measures Study
Corrective Action Agreement

Dear Mr. Hildre:

As you are aware, in letter to BAE Systems, dated January 25, 2007, the Minnesota Pollution Control Agency (MPCA) requested a copy of a formal agreement between BAE Systems and the Navy for the use of the Navy's Naval Industrial Reserve Ordnance Plant (NIROP) ground water remedy as a contingent remedy for the Corrective Action Agreement (CAA) Alternative 1 remedy as cited in the Corrective Measures Study that was submitted pursuant to the CAA between the MPCA and United Defense, L.P., dated March 24, 2003.

As explained in the copy of the attached Navy letter, dated July 26, 2007, from Howard Hickey, the Navy's Remedial Project Manager for the NIROP Federal Facilities Agreement, to the MPCA staff, this contingent remedy does not appear to be possible as explained in this letter. Therefore, the MPCA staff hereby requests that BAE Systems identify another contingent remedy to the MPCA staff within thirty days of receipt of this letter.

If you have any questions regarding this letter, please contact me at 651-296-7818.

Sincerely,

A handwritten signature in black ink that reads "David N. Douglas".

David N. Douglas
Project Manager
Superfund Unit 2
Superfund and Emergency Response Section
Remediation Division

DND:csa

Enclosure

cc: Thomas Smith, U.S. Environmental Protection Agency (w/enclosure)
Howard Hickey, US Navy (w/enclosure)



DEPARTMENT OF THE NAVY

NAVAL FACILITIES ENGINEERING COMMAND
MIDWEST
201 DECATUR AVENUE, BUILDING 1-A
GREAT LAKES, ILLINOIS 60088-2801

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SER EV/ 0752
JUL 26 2007

Mr. David Douglas
Project Manager
Remediation Division, Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

SUBJECT: BAE CORRECTIVE MEASURE STUDY (CMS)

Dear Mr. Douglas:

This letter is to provide clarification to my letter of June 5, 2007, in which the Naval Facilities Engineering Command Midwest (NAVFAC MW) concurred with BAE's proposed contingent remedy for Alternative 1, which relies on use of the groundwater treatment system currently installed at the adjacent NIROP Fridley Site. At that time, I was not fully aware of the history of discussions between BAE, and its predecessors, and the U.S. Department of the Navy (DON) and Department of Justice (DOJ) concerning cleanup issues at the FMC Corporation Site that is adjacent to the NIROP Fridley Site. As a result of these historical and ongoing discussions and settlement agreements with FMC, it has always been the DON's position that any hazardous substance releases that originated from the FMC Site are the sole responsibility of FMC and its successors.

Currently, BAE, FMC, DOJ, the DON, and EPA are engaged in discussions regarding settlement of the United States' claims against BAE and FMC for CERCLA response costs incurred by the United States for the NIROP Fridley cleanup. To date, BAE has not raised the contingent remedy issue in these discussions. Nor has it separately raised the issue of funding for DON treatment services should implementation of the contingent remedy become necessary. We therefore do not foresee a contingent remedy that relies on the DON's wells and treatment system and, at this time, recommend against CMS or other decision document language that relies upon the DON's wells and treatment system for this contingent remedy.

I trust that this clarifies the situation for you. Please do not hesitate to contact me if you have any additional questions.

Sincerely,

Howard M. Hickey
Remedial Project Manager
Naval Facilities Engineering
Command MW

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The enclosure*

ldre, BAE Systems
ord File NAVFAC MW