

August 15, 2007

Douglas Wetzstein
Superfund and Emergency Response Section, Remediation Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

RE: Highway 96 Dump Superfund Site – Application of 1993 MDD

Dear Douglas:

The City Council of the City of North Oaks (City) provided our comments in a letter to you dated May 10, 2007. In that letter we also inquired about the application of the 1993 Minnesota Decision Document (MDD) to the situation on the west side of Lake Gilfillan. We have not had this request addressed. I am sending this letter to again request an explanation of the need to amend the 1993 Minnesota Decision Document (MDD). The next section was included in our May 10th letter to you:

Review and Comment on the Response Actions in the 1993 MDD

In addition to our input to alternative solutions for the feasibility study, we respectfully request that the MPCA provide the City with an explanation for the need to amend the original MDD at this time. Why the need for an amendment considering the findings and response actions in the MDD? We know that one residential drinking water well on the west side of Lake Gilfillan (12 West Shore Road) was found with vinyl chloride in the early 1990s and is noted in the 1993 MDD. In addition and other than finding two additional private residential home drinking water wells with VOCs, primarily vinyl chloride, in 2004, what has occurred that wasn't found or known at the time of issuing the 1993 MDD?

Second, the MDD refers to the "Site" and "the area of the Site" a number of times and generally defines the dump site as the "Site", but also refers to the "area of the Site" as an area in North Oaks with groundwater contamination that "... has affected the drinking water of a residential area in the city of North Oaks".

Third the 1993 MDD makes specific provisions for response actions related to the previously referenced MDD objectives. There are response actions for source control, ground water and residential drinking water. To illustrate the point regarding residential drinking water, page 5 of the MDD provides in item 1 under the Heading "Residential Drinking Water Operable Unit:" that "... municipal water connections will be provided ..." and "... of sufficient design capacity for the entire affected area (Figure 1)" [reference: 1993 MDD, page 5]. I have also enclosed copy of Figure 1 from the MDD.

Respectfully, we firmly believe that, based on the reference to the "entire affected area" as shown in Figure 1, along with test results on the two additional residential wells (13 West Shore Road and 2 Hummingbird Hill) and continued migration of the plume, we can not find any "real" new findings that should create the need to alter the solutions in the 1993 MDD. Isn't the "area of the Site" well defined by Figure 1 in the MDD for all of the above reasons? The City of North Oaks believes that is unequivocally true and certain.

As we said previously, the City Council of the City of North Oaks is committed to working with the MPCA and others to "do what is right" to provide safe drinking water to the residents of our city who had no responsibility in creating the situation. We will appreciate the MPCA's address of each of our

Douglas Wetzstein
Minnesota Pollution Control Agency
August 15, 2007
Page 2

questions regarding the application of the 1993 Minnesota Decision Document (MDD) to the present situation.

If you have questions about our request, please contact me at 651-490-1653. Thank you.

Sincerely and respectfully
on behalf of the City Council of the City of North Oaks,

Thomas N. Watson
Mayor

cc: Council members, City of North Oaks
Jeffrey Roos, City Engineer
Thomas Newcome III, City Attorney
Fred Campbell, MPCA
Nile Fellows, MPCA
Ron Frehner, CRA
Lugene Olson, North Oaks Home Owners' Association
Senator Sandy Rummel
Representative Paul Gardner
Representative Carol McFarlane