



Minnesota Pollution Control Agency

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September 8, 2009

Ms. Sarah Illi
Conestoga-Rovers & Associates
1801 Old Highway 8 Northwest
Suite 114
St. Paul, MN 55112

RE: Property Access Negotiations and Conclusions
Proposed Angle Well Installations
North Oaks, Minnesota

Dear Ms. Illi:

The Minnesota Pollution Control Agency (MPCA) has received the letter entitled "Property Access Negotiations and Conclusions; Proposed Angle Well Installations," dated June 1, 2009, from Conestoga-Rovers & Associates (CRA) on behalf of Whirlpool Corporation and Reynolds Metals Company, Responsible Parties (RPs) for the Highway 96 Dump Superfund site (Site). The letter indicates that property owners in Geographic Areas 3, 4, and 5, have not granted the RPs access required for installation of the proposed angle wells as set forth in the Minnesota Decision Document (MDD) Amendment dated August 26, 2008.

As you know, the selected remedy in the MDD Amendment requires a long-term groundwater monitoring program at the Site, including two or three angle wells under the west shore of Gilfillan Lake. The purpose of the angle wells, as proposed in the selected remedy, was to provide an indication of groundwater quality beneath Gilfillan Lake, approximately two years before that groundwater would presumably arrive at the residential wells located on the western shoreline. Such data could then be used for determining whether or not additional response actions may be required. The MDD Amendment recognized that "(o)btaining access to residential property for the placement of the additional (angle) monitoring wells could be a potentially complicating factor."

The MPCA acknowledges that the RPs have made several attempts to obtain access for installing the proposed angle monitoring wells, but have been unsuccessful in negotiating an access agreement with the owners of the private properties needed to install such wells. Although the data gathered from such wells would have provided information for specific data points, such data may not definitively indicate whether or not contamination exists beneath Gilfillan Lake, and whether or not residential wells west of the Lake are threatened by groundwater contamination from the Site.

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As such, at this time, the MPCA will not require the RPs to continue their attempts to obtain access to private properties in order to install the proposed angle monitoring wells, nor will the Agency use its statutory authorities, such as condemnation, to gain access to private properties along the western shore of Gilfillan Lake for the purpose of installing the proposed angle monitoring wells.

If you have any further questions regarding this matter, please contact Nile Fellows at 651-757-2352, or Fred Campbell at 651-757-2260 of my staff.

Sincerely,



Kathy Sather
Division Director
Remediation Division

KS:csa

cc: K. Thomas Vogt, North Oaks Resident
James Kelly, Minnesota Department of Health
I. Daniel Colton, Leonard, Street and Deinard
Carmen Netten, Attorney General's Office
Mark Eisenschenk, North Oaks Resident
Lugene Olson, North Oaks Home Owners' Association
Donald and Margaret Wiley, North Oaks Residents
Keith Benker, Wenck Associates
Sarah Illi, Conestoga-Rovers & Associates
Beth Cliffe, City of North Oaks Council Member
Marty Long, City of North Oaks Council Member
Gregg Nelson, City of North Oaks Council Member
Tim Dunleavy, City of North Oaks Council Member