

May 9, 2006

Mayor Tom Watson  
City of North Oaks  
100 Village Center Drive  
Suite 150  
North Oaks, MN 55127

RE: Highway 96 Dump Superfund Site  
Response to City Letter Dated April 18, 2006

Dear Mayor Watson:

The Minnesota Pollution Control Agency (MPCA) recently received a letter from the City of North Oaks (City) dated April 18, 2006, concerning the MPCA's April 6, 2006 letter approving a report entitled "Ground Water and Residential Well Evaluation North Oaks, Minnesota June 2005 – January 2006". Conestoga-Rovers & Associates (CRA) submitted the report to the MPCA on February 1, 2006 on behalf of Whirlpool Corporation and Reynolds Metals Incorporated, two of the Responsible Parties (RPs) at the Highway 96 Dump Superfund Site (Site).

The City's letter requested clarification of several issues in the report approval letter and expressed displeasure with the MPCA's oversight of investigation and cleanup activities being conducted by the RPs. For example, the letter stated that the City does not believe that the four response action objectives of the October 1993 Minnesota Decision Document (MDD) have been adequately achieved. Furthermore, the City's letter contends that, from the City's perspective, the MPCA has not adequately responded to the City's letters.

The MPCA has prepared the following letter to clarify several issues pertaining to the current status of the Site, and to attempt to respond to the City's specific concerns. The first issue to clarify is the degree to which the objectives of the MDD have been completed. The four MDD objectives are listed below, together with descriptions of the response actions that have been implemented to address the objectives:

1. *To provide source control by reducing the area, volume and toxicity of the source;* As described in the MPCA's July 2005 fact sheet (attached), wastes at the dump (source) were removed and/or consolidated, screened and capped between 1987 and 1995.
2. *To eliminate the contaminated North Pond, and establish a new wetland;* Again, the July 2005 fact sheet explains the response actions to address this objective: "The contractors also drained the pond located within (the North Disposal Area). All of the pond water was discharged to the sanitary sewer. Sediment and material from the pond bottom were screened and drums of waste were removed." As can currently be observed, a new wetland has been established at the Site.

3. *To prevent the migration of contaminated ground water from the Site;* A ground water extraction system has been in place since 1989 to collect ground water from the Lower Sand and St. Peter Sandstone aquifers below the surface and stop the spread of contamination. In 1994, a leachate collection well was installed into and under the consolidated waste at the Site.

This well reduces the potential for degradation of underlying aquifers. The annual monitoring reports submitted since 1989, as well as recent data from monitoring wells located west/downgradient of the Site (see Conestoga-Rovers & Associates (CRA) report entitled "Ground Water and Residential Well Evaluation North Oaks, Minnesota June 2005 - January 2006", dated February 1, 2006) show that the extraction system has effectively prevented contamination from leaving the Site, thereby cutting off the source from the observed remnant plume.

In addition, as required by the MPCA, another Site extraction well was recently installed, and began operating at the Site on January 9, 2006. The new extraction well provides extra capacity to ensure complete capture of the plume, even if one of the extraction wells fails. In this context, it is important to emphasize that contaminated ground water which left the Site before 1989 is responsible for the remnant contamination that has been detected in residential wells east and west of Gilfillan Lake.

4. *To provide safe drinking water for the residents of North Oaks who have received drinking water advisories;* As you know, in May 2005, the Minnesota Department of Health (MDH) issued a drinking water well advisory for one home because of the presence of multiple chemicals in the ground water, including vinyl chloride. However, in March 2005, the RPs began supplying this home and two other homes with bottled water. In the April 6, 2006 letter to CRA, as an interim long-term measure, the MPCA ordered the RPs to install a carbon filter on the well of the home that received an advisory from MDH.

The MPCA would also like to clarify the implementation of further response actions, both interim and permanent, that target the vinyl chloride contaminated ground water on the west side of Gilfillan Lake. As stated in the April 6, 2006 letter to CRA, the MPCA is requiring the RPs to install a carbon filter on the well at 13 West Shore Road. The carbon filter is an interim and potentially permanent response action for this contaminated well. The other two homes that have vinyl chloride-contaminated well water (i.e., 12 West Shore Road and 2 Hummingbird Hill) have not received an MDH well advisory. Thus, at this time, the MPCA will not require the RPs to implement a permanent response action for these two homes. As you know, the RPs have offered to provide a Prairie du Chien aquifer well for these two homes.

As you may recall, the MPCA required the RPs to conduct a single round of sampling in the Duck Pass area based on past detections of other Volatile Organic Compounds (e.g., toluene). Laboratory data from this November 2005 round, together with data collected since 1993, demonstrate that there have been no detections of vinyl chloride in these wells. Regardless, the long-term residential well monitoring program will include sampling of these wells.

Based on the available residential and monitoring well data and unless ground water data to be collected from the property at 13 West Shore Road reveals much more extensive and/or more highly concentrated vinyl chloride contamination, the MPCA will most likely recommend a whole-house Granulated Activated Carbon filter or a deeper, Prairie du Chien (PdC) aquifer well as the permanent response action for 13 West Shore Road or for any future residences that receive a well advisory letter from the MDH on the west side of Gilfillan Lake. The MPCA will review the feasibility of both of these recommended response actions, but at this time both actions appear reasonable and necessary, protect human health, are readily implementable, and are cost-effective.

The MPCA has determined that, at this time, connection to a municipal water supply system is not a reasonable and necessary response action for the currently detected vinyl chloride contamination on the west side of Gilfillan Lake.

Therefore, the MPCA intends to review the feasibility data regarding the selection of a permanent response action that pertains specifically to the west side of Gilfillan Lake and, ultimately, amend the MDD for the Site to memorialize such response action. It is important to note that this proposed MDD amendment will be put on public notice to allow the public to comment on the recommended response action. A long-term residential well monitoring program and an extraction well in the Ski Lane ravine will also be required as part of the amendment.

A third issue that needs clarification is the approximate timetable for past, present and future response actions. The MPCA offers this schedule in lieu of the decision tree/matrix that you requested. It is anticipated that in October 2006, a draft proposed plan to amend the existing MDD will be put out for public comment. Given this approximate schedule, it is possible to produce a schedule of actions that are necessary to complete. The following table outlines additional required tasks and provides approximate dates when the tasks will be accomplished.

RESPONSE ACTION	DATE REQUESTED BY MPCA	DATE COMPLETED BY WHIRLPOOL/REYNOLDS
Continue residential well evaluation	September 1, 2005	Quarterly (Area 3) and Yearly (Areas 4&5) sampling
Install six MWs	September 1, 2005	Two MWs pending due to access issues
Submit work plan for extraction well in 12-13 West Shore Road (WSR) area	September 1, 2005	Pending due to access issues
Conduct six-month residential well evaluation	January 7, 2005	June 30, 2005
Install MWs in Ski Lane ravine area	October 21, 2005 (Recommended by CRA)	December 19, 2005
Install new extraction well at Hwy 96 Dump Site	September 1, 2005	January 9, 2006
Residential well sampling – quarterly round	September 1, 2005	May 30, 2006
(RPs or MPCA obtain MW- and residential well sampling access at 13 WSR	September 1, 2005	June 1, 2006
Install carbon filter at 13 WSR	April 6, 2006	July 1, 2006
Long-term residential well monitoring plan	April 6, 2006	July 15, 2006
Implement long-term ground water monitoring plan	April 6, 2006	August 1, 2006
Vertical Aquifer Profiling (VAP) and MW installation at 13 WSR	September 1, 2005	August 1, 2006
Residential well sampling – quarterly round		August 30, 2006
Extraction well pilot test in Ski Lane ravine	February 1, 2006 (recommended by CRA)	September 1, 2006
Amend MDD	October 1, 2006	November 1, 2006
Residential well sampling – quarterly and annual rounds		November 30, 2006
Install extraction well in Ski Lane ravine	February 1, 2006 (recommended by CRA)	December 1, 2006
Implement permanent response action for 13 WSR	October 1, 2006	December 1, 2006

Mayor Tom Watson

Page 5

May 9, 2006

The MPCA appreciates the assistance that the City has provided on this Site. The MPCA will continue to work with the City as a partner to resolve the short-term and long-term problems posed by this Site. If you have any questions in this matter feel free to call Fred Campbell at (651) 296-7267, or Nile Fellows at (651) 296-7299.

Sincerely,

Michael Kanner  
Manager  
Superfund and Emergency Response Section  
Remediation Division

MK:csa

Enclosure

cc: Sarah Illi, Conestoga-Rovers & Associates  
Lugene Olson, North Oaks Home Owners' Association, Inc.  
Tom Vogt, North Oaks Resident  
Mark Eisenschenk, North Oaks Resident  
Donald and Margaret Wiley, North Oaks Residents  
Jim Kelly, MDH  
Mark Deady, Barr Engineering Company  
Dan Colton, Leonard, Street and Deinard  
Erik Salveson, Gray Plant Mooty  
Jim Payne, The Environmental Law Group, Ltd.  
Carmen Netten, Attorney General's Office  
Honorable Mady Reiter, Minnesota Senator, District 53