

March 9, 2006

Frederick K. Campbell
Superfund and Emergency Response Section
Remediation Division
Minnesota Pollution Control Agency
520 Lafayette Rd.
St. Paul, MN 55155

RE: Highway 96 Superfund Dump

Dear Fred:

The City Council of the City of North Oaks (City Council) has been actively involved in the finding of volatile organic compounds (VOCs) in residential drinking water wells in the city of North Oaks over the past year. Needless to say, some of us have been involved for more than ten (10) years. We appreciate the opportunity to share our assessment of the current situation and the future course of action.

You will recall that we provided the MPCA with a comprehensive letter on our assessment of the matter at that time. The MPCA subsequently issued an order to the responsible parties to complete certain assignments. We believe that the Minnesota Pollution Control Agency (MPCA) has a lot more to do on this Superfund matter as we find a number of unanswered questions and recommendations we made in our August 2005 letter to the MPCA.

The City Council at its February meeting received reports from the MPCA and Conestoga-Rovers & Associates, Inc. (CRA), on behalf of the responsible parties – Reynolds Metals Company (Alcoa) and Whirlpool Corporation, regarding work completed during the past three and six months and future activities planned for this Superfund Dump situation. We appreciate the cooperation and the regular quarterly communications we have received during the past year. Our input and ideas have been sought and considered, and we thank you for that consideration.

As a residential community, the problem has not been solved even though we received evidence that the intensity of the drinking water problem has been reduced, the breadth of the city area with contaminated drinking water has been narrowed, and an assurance that quality drinking water sources exist in the lower aquifers. Without seeming to be unappreciative of the work and communications completed in recent months, our recent review of the current situation in contrast to the Minnesota Decision Document (MDD) issued in October 1993 supports our assessment and findings.

We have prepared this letter to address our assessment of the state of this matter at this time.

OUR GOAL

As we stated in our August 2005 letter, the City Council of the City of North Oaks requested the Minnesota Pollution Control Agency follow the Minnesota Decision Document (MDD) and the four (4) response action objectives in the MDD. Sadly we don't believe that those objectives have been adequately achieved at this time.

The Minnesota Decision Document (MDD) and the four (4) response action objectives are:

1. "To provide source control by reducing the area, volume and toxicity of the source;
2. To eliminate the contamination of the North Pond, and establish a new wetland;
3. To prevent the migration of contaminated ground water from the Site;

4. To provide safe drinking water for the residents of North Oaks who have received drinking water advisories.” *[Minnesota Decision Document dated October 7, 1993]*

As stated earlier and fully cognizant that certain work has been completed, the MPCA is not able to provide findings and conclusions that each of the response action objectives has been achieved based on what we know at this time. Clearly objectives 3 and 4 have not been completed since October 1993. Objective 3 contains the elements that assist all of us in determining the concentration and movement of the contamination in the aquifers that serve or could serve as the source of drinking water in wells on private residential property in this city. Temporary measures have been provided for “safe drinking water”, but we are not closer to a permanent solution today than we were after 1993.

ASSESSMENT OF THE CITY OF NORTH OAKS REQUESTS RELATIVE TO OUR GOAL

In our August letter, we outlined requests, suggestions and recommendations for strategies and actions that address the “community situation” that we classified into four subject areas –

1. **Future groundwater quality**, including additional monitoring and testing using both residential and monitoring wells, together with appropriate analyses, to enable a better anticipation and prediction of the future of this drinking water quality situation;
2. **Public education and information**, as a commitment to assist our residents to understand the situation, the remediation actions, relevant State laws and regulations, and homeowner responsibilities;
3. **Permanent drinking water solutions** for the residents of North Oaks; and
4. **Responsibility and authority** of the various State and federal government agencies, private parties and the City of North Oaks relative to this particular matter and plans.

City Comment 1:

We continue to appreciate the “current plan”, which has aided us to better understand the current situation. We request that the elements of the current plan continue for the foreseeable future, but related to long-term goals and solutions.

The City Council of the City of North Oaks offered solutions and recommendations, relative to two time periods – (1) current plan and (2) long-term plan, as follows:

- **Current Plan**

The following items are features of the current plan approved by the MPCA:

1. Follow the existing MPCA approved plan, including residential drinking water well monitoring and testing;
2. Encourage the bottled water “solution” in those situations where vinyl chloride is detected; and
3. Continue to communicate with residents and Council directly, along with using the City website.

City Comment 2:

The City of North Oaks insists that the MPCA address thoroughly and timely the two key issues we identified in our August letter:

- 1. *answer the two fundamental questions to enable a definitive remediation plan and reasonable solutions for permanent drinking water in residential homes:***
 - a. *What is the quality of the water in the aquifers used now or might be used in the future for residential drinking water in North Oaks, including the Prairie du Chien aquifer?***
 - b. *What is the future movement of and chemical composition of the contamination plume(s) emanating from the Superfund Dump site, which based on the 1993-94 findings, entered the residential drinking water wells of the North Oaks community?***
- 2. *agree to provide us with solutions through (1) an effective monitoring and testing program, (2) a timely, effective community education and information strategy, and (3) planning for permanent drinking water solutions.***

Referencing the Minnesota Decision Document, the above points are directly related to the last two objectives – (1) migration of contaminated ground water and (2) permanent residential drinking water solutions.

- **Long – Term Plan**

- 1. *What is the quality of the water in the aquifers used now or might be used in the future for residential drinking water in North Oaks, including the Prairie du Chien aquifer?***

CRA reported in February the details of two one-time measurements. We do not believe that is sufficient to reach the conclusion that the Prairie du Chien aquifer is not contaminated. If there is contamination, and it moves in any direction other than the straight line from the site, it could not be detected with this limited testing. We believe that you will need to know the flow rate and direction of the water in the Prairie du Chien aquifer to reach any conclusion and there has been no data presented to support this conclusion.

- 2. *What is the future movement of and chemical composition of the contamination plume(s) emanating from the Superfund Dump site, which based on the 1993-94 findings, entered the residential drinking water wells of the North Oaks community?***

Last summer the City Council held a number of public meetings to gather information and provide for the accurate communication of the information about these matters. We learned that monitoring well nests about the Lake Gilfillan area should be installed to gather the data necessary to characterize the movement and concentrations of contamination. Our information suggested it would be responsible to initially install three well nests east of Lake Gilfillan and two well nests west of Lake Gilfillan. As of this date, only two well nests have been installed - one east of Lake Gilfillan on Edgewater Lane and one west of Lake Gilfillan below Ski Lane off East Oaks Road. The proposed monitoring well nest in the area of 12 and 13 West Shore Road has not been installed, which is the area of highest VOC contamination found in the past year and where three private homes were issued drinking water advisories by the Minnesota Department of Health. To our knowledge there have been no monitoring well nests installed north of the contaminated area, as we requested.

Monitoring wells offer the opportunity to gather the data necessary to characterize the movement and concentrations of the contamination. That fact has been agreed to by all parties involved. The issue remains the quantity of monitoring well nests, the number of wells per nest, and their location. The MPCA "phased approach" is taking far too long to get implemented. At the present pace combined with certain property owner legal challenges, the responsible parties should have the appropriate quantity of well nests installed within the next three years. That is simply not acceptable.

3. *Installation of the monitoring well nests?*

The contamination in the area of 12 and 13 West Shore Road/ 2 Hummingbird Hill needs to be addressed immediately. We have families in this neighborhood who are very concerned about the future of their drinking water wells, which the installation of the monitoring well is critical to the characterization in the area of their homes. CRA has received an approved access agreement from the North Oaks' Home Owners Association, the roadway easement rights holder, and an approved variance from the City for the installation of the wells in the right-of-way. We understand that there is not agreement between the property owners and the responsible parties and the MPCA regarding access rights to install the monitoring well on either property. We encourage parties involved use their best efforts, through compromise or other actions, to complete the access agreement. If an agreement for access cannot be obtained soon, we encourage the MPCA to obtain the access by appropriate means within its authority.

We basically do not understand how the urgency to address the situation in this area has not resulted in the MPCA taking the necessary steps to do so. The need of the larger neighborhood clearly must be considered in requesting the MPCA to act now.

4. *What is the future plan for managing the contamination problem?*

The Minnesota Department of Health in December 1990 issued an informative Fact Sheet, and distributed with an accompanying letter from Ralph Pribble, Minnesota Pollution Control Agency, dated December 14, 1990, which states: "Fortunately, because groundwater moves very slowly in the area, contamination has not spread far." Further these two sources represented that "The drummed wastes were removed in 1987. Groundwater beneath the dump is being pumped out. Over time, this is expected to pull contaminated groundwater away from the homes and protect their wells in the future."

We have received reports that the contamination plume travels at approximately 80 feet per year. Further we know that the following facts about the contamination findings:

Contamination at 17 Gilfillan Rd. in 1993: 2.5 µg/l; in 2005: 0.7 µg/l.

Contamination at 12 West Shore Rd. in 2004: 0.2 µg/l.

Based on these data items, we conclude that the contamination detected at 17 Gilfillan Rd. in 1993 could very likely reach 12 West Shore Rd. (and possibly other West Shore Rd. properties in the immediate area) in 2018, with concentrations at or above the health advisory limit.

The recent CRA report states the contamination likely left the dump site 50 years ago (p. 17 and Conclusion No. 4, p. 25). That seems very unlikely based on reports provided in 1993-94 and again in 2005-06. Furthermore, considering the recorded rates of decline of contamination, the levels passing the East Gilfillan area in 1979 must have been rather

high. The MPCA should be in a position to validate the fact of the rate of movement and the expected concentration levels in areas west of Lake Gilfillan in the future.

In September 1988, Ron Frehner, CRA Project Engineer, made a statement regarding the extraction pumps (as reported by the St. Paul Pioneer Press, September 28, 1988): "Not only does this remedial plan stop the contamination, it removes it from the system." At a neighborhood meeting in North Oaks in September 1990, Ron Frehner stated with conviction: "Within a year we will have contained the problem, if we haven't already." In an interview with the White Bear Press, published in an article on April 21, 1993, Mr. Pribble, MPCA, is quoted about the contamination: "Generally I know it's pretty localized within 1000 feet of the dump, but we don't find normally this many residents living so close to a leaking landfill."

Mr. Frehner at our February 2006 City Council meeting stated that the "Prairie du Chien aquifer is safe". We would like to and want to believe that statement, but the data and research history does not permit us to reach that conclusion from the evidence provided today, especially when contrasted to representations made in the past. We don't believe that you can make the claim that Area 2 of North Oaks will never have any contamination problem associated with the Highway 96 dump.

Further research into the reports made since the early 1990s leaves us with at least one major conclusion at this time. The MPCA must obtain all relevant data from testing, model the data collected, and design a "decision tree" to aid the residents and other interested parties to better understand the future plans for managing the dump contamination. We think there is solid evidence that MPCA personnel have an inclination to support these reports and conclusions based on insufficient evidence by the responsible parties and their agents. We do not have the professional expertise on our city staff to address the hydrogeological study involved, and expect that the MPCA will do so. Will the MPCA work with the City of North Oaks to add the services of an independent consulting hydrogeologist to advise us on this matter at this time? We do not want to be addressing this matter again in another few years and determine then what we should have done in 2006. That is the conclusion we have drawn from the 1993-94 experience.

Request from our August 2005 letter:

We request that the responsible parties be required to prepare and circulate a "decision tree" that outlines the continued monitoring and testing and shows the next implementable actions resulting from either positive or negative detections over the agreed timeline for continued monitoring and testing at each site. We would like to see that information and have an opportunity to comment on it as an element of the CRA plan being approved by the MPCA. We think this will assist the community to understand the future plans and have a "template" we can rely on as predictive of the future course of action depending on preceding findings.

5. Permanent drinking water solutions

Without repeating the content of our August letter, we have also been very interested in learning what permanent solutions will be provide for this groundwater and drinking water well problem. Respectfully, we have not seen it at this time. We know that the Attorney General was asked to provide an official opinion on the breadth of the municipal water solution in the 1993 MDD. We have not seen anything. Considering the concern about the need for further work on the lower aquifer as a resource for deeper individual

residential drinking water wells, time is a major factor that can not be ignored. Property owners concerns, not only for safe drinking water, are compounded by the negative impact the lack of a definitive permanent solutions has on certain properties with or near private homes with drinking water health adversaries.

When can we expect the MPCA to address the permanent solution subject? There is really no reason to delay this decision pending further study or otherwise. The merits of the several permanent solutions can be addressed now.

As you certainly understand, the public concern about health risks and health-related issues in this country and our community are ever-present, and the impact of the Superfund Dump on drinking water in the city of North Oaks is serious. As we said in our August letter, the City Council of the City of North Oaks is committed to "doing what is right" to provide safe drinking water to the residents of North Oaks. Fundamentally, the MPCA must address the objectives described in the MDD and "seeing that our residents are treated fairly" now.

This letter is not intended to suggest that other solutions deemed necessary by experts in this subject area should not be implemented or to suggest that the City of North Oaks takes any responsibility for the implementing any solutions.

We are available to work with the MPCA to correct a situation the North Oaks residents had no responsibility in creating. If you have questions about this communication, please contact me.

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
Jim March, City Administrator