



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
SR-6J

October 3, 2019

To: Hans Neve, MPCA
Sarah Larsen, MPCA
Pat Hanson, MPCA

CC: Eric Lund, Barr Engineering

Fr: Leslie Patterson, EPA *LP*


Re: *Focused Remedial Investigation Report: Freeway Landfill and Freeway Dump*, dated September 2019, and *Focused Feasibility Study Report: Freeway Landfill and Freeway Dump*, dated August 2019
Freeway Sanitary Landfill Superfund Site, Burnsville, MN, EPA #MND038384004

Thank you for the opportunity to review the draft documents referenced above (“RI Report” and “FS Report”). EPA has the following comments on the reports. The comments pertain only to the Freeway Sanitary Landfill site, because the Freeway Dump is considered by EPA to be a separate release and is not on the National Priorities List.

General comments on the RI/FS:

1. EPA supports the use of early and interim approaches to address the most urgent risks, but the most critical current potential risk, landfill gas/vapor intrusion into the Freeway Transfer building and U.S. Salt facility, was not investigated in the RI or addressed in the FS alternatives. EPA recommends that MPCA plan and implement without delay a vapor intrusion investigation consistent with MPCA’s 2017 guidance document *Best management practices for vapor investigation and building mitigation decisions*.
2. As an interim remedial action, this remedial action will not make the site eligible for construction completion, site-wide ready for anticipated use, site completion, or NPL deletion milestones. Subsequent five-year reviews would not find this remedy fully protective, or may find that not enough data exists to determine protectiveness. In addition to groundwater migration and exposure and direct contact risk to potential future receptors in the surrounding area, potential vapor intrusion risks to future buildings and impacts to the Minnesota River will need to be investigated and, if appropriate, addressed in the follow-up RIFS and final ROD. EPA requests an overall project plan and schedule through selection and implementation of the final remedy.

Comments on the Remedial Investigation Report

3. **Section 3.2:** Mention the 1984 Preliminary Assessment and EPA’s 1986 listing of the site on the NPL, as they are significant actions in the regulatory history of the site.
4. **Section 4.1.1:**
 - a. In the “Phase A/Landfill” paragraph, add “(TS-SB-01 to TS-SB-08)” after “Eight soil borings”. In the next sentence, identify which borings were placed near residential buildings.
 - b. “Phase B/Soil Gas Screening” section: Add a citation to where the data described can be found; in this case, Table 4.
5. **Section 4.1.2:**
 - a. In the “Phase A/Landfill” paragraph, add “(FL-TT-01 through FL-TT-8)” after “Nine test excavations”.
 - b. In the “Phase B/Landfill” sentence, add “(FL-TT-09 and FL-TT-10)” after “Two test excavations”.
6. **Section 4.2.4 and 7.1.2:** The Freeway Transfer Station is listed as a potential landfill gas/soil vapor intrusion exposure pathway in Section 7.1.2, but the summary of landfill gas monitoring in Section 4.2.4 only describes methane concentrations, not volatiles. The U.S. Salt building(s), which overlie waste, would also seem to be a potential VI exposure pathway, but it/they are not included in Section 7.1.2. It is also not clear why neither the transfer station nor the U.S. Salt facility were investigated to see if a complete VI exposure pathway exists, because if they do exist, those would be among the most critical and immediate pathways to mitigate.
7. **Section 6.3:** Compare concentrations of VOCs to vapor intrusion screening levels as well as drinking water and surface water criteria.
8. **Section 7.2.1.2:** The section describes a potential risk of leachate seepage from the landfill to the Minnesota River. Although it may be too early to determine if this is a current pathway, prior to Kramer Quarry’s dewatering (if dewatering started after waste was accepted at the landfill – is the onset of dewatering mentioned in the RI?), groundwater would have been in contact with the waste during normal conditions, and may have discharged into the Minnesota River periodically or continuously for some amount of time. Therefore the river needs to be investigated for potential impacts that may have resulted from historical contaminant discharge.
9. **Section 8.3:** A supplemental RI is anticipated for groundwater, but river impacts and vapor intrusion should also be included.
10.  **Table 1:** “PFCs” are not defined; are these PFAS? If so, indicate this with a footnote or by other means.

Comments on the FS Report:

11. **Section 1.3.5.2, page 8:** This section acknowledges that the Freeway Transfer Station is a building currently onsite that may be at risk for LFG/vapor intrusion, but that concern is not addressed even though it may be immediate. Vapor intrusion/landfill gas impacts to the transfer station should be investigated, and if impacts appear to require action, the alternatives should address this.
12. **Section 2.1:** The (mostly) construction debris waste on US Salt, Inc. will not be addressed in this action, and may potentially be addressed as part of facility demolition/redevelopment. Indicate if Minnesota Rule 7035.2815 is expected to be an ARAR for the waste outside the footprint of this remedial action and the rationale.
13. **Section 2.3:** The only discussion in this section is generic language on what ARARs and TBCs are, while Tables 2.1 through 2.5 provide only the most general information on potential ARARs and TBCs. Include a discussion of the main ARARs to be addressed by the alternatives and briefly describe the specific requirements that will be met.
14. **Section 2.4:** 1st bullet: replace “contract” with “contact”.
15. **Section 4.3, page 18, and Section 5.1.3:** The last sentence on page 18 indicates that Section 5.0 describes why there is such a large range in costs for the low-end estimate (\$235M) and high-end estimate (\$764M) of Alternative 3. This range is greater than the +50% /-30% range that EPA uses to define acceptable uncertainty. It is unclear how the criterion of cost can be adequately considered when the cost estimate for Alternative 3 is so poorly constrained.

Section 5.1.3 talks about uncertainties around state and local fees, but not why there are the uncertainties. Explain why the fees/taxes cannot be estimated more precisely; is it dependent on receiving a variance from state/local governments and the likelihood of the government granting the variance cannot be predicted? If it is simply just that there is market uncertainty in what the tipping fees would be, it does not seem like the market would fluctuate more than +50% /-30%, and the FS could assume a value in the middle of the range.
16. **Section 5.1.2, 5.1.3, and 5.2.4 - various discussions related to reducing toxicity, mobility or volume through treatment:** Consider adding a phrase to the effect that the relevant alternative will reduce mobility of contaminants, even though not by treatment. The FS Report could also identify LFG flaring as treatment that reduces the risk of explosion and the greenhouse gas impacts of LFG, even if it does not reduce TMV.