Ms. Leslie Patterson

EPA

Chicago

Re: Response to Environmental Protection Agency’s Comments on Draft Focused Feasibility Report and Focused Remedial Investigation Report dated October 3, 2019

Freeway Sanitary Landfill Superfund Site, Burnsville, MN, EPA #MND038384004

Dear Ms. Patterson:

The Minnesota Pollution Control Agency (MPCA) has reviewed the comments submitted by Environmental Protection Agency (EPA) on October 3, 2019 for the referenced Focus Feasibility Report and Focused Remedial Investigation Report and has incorporated the comments, edits, and request for project schedule into the reports. We have highlighted a brief response to each comment below and provided a link to a file share server to allow you to download the revised reports supporting this response.

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*.

**MPCA will complete a vapor intrusion study at the Freeway Transfer building and U.S. Salt building starting in December 2019.**

1. 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, 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.

**The final remedy for the Freeway Landfill project is still fluid at this time and MPCA expects additional investigations and follow-up RRFS will be necessary, before an interim and final ROD is submitted\ approved. MPCA has attached an overall project plan and schedule through selection and implementation of the final remedy that is our intended project target dates.**

Comments on the Focused Remedial Investigation Report

1. **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.

**These items have been incorporated into the report.**

* 1. 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.
  2. **These items have been incorporated into the report.**b. “Phase B/Soil Gas Screening” section: Add a citation to where the data described can be found; in this case, Table 4.
  3. **These items have been incorporated into the report.**
  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”.
  5. **This edit has been completed.**
  6. b. In the “Phase B/Landfill” sentence, add “(FL-TT-09 and FL-TT-10)” after “Two test excavations”.

1. **This edit has been completed.** 
   1. 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.
   2. **MPCA will complete a vapor intrusion study at the Freeway Transfer building and U.S. Salt building starting in December 2019.** 7. Section 6.3**:** Compare concentrations of VOCs to vapor intrusion screening levels as well as drinking water and surface water criteria.
   3. **This comparison work was added to the report**
   4. 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.

**MPCA agrees additional investigation, monitoring and sampling are needed to better define the groundwater flow towards the Minnesota River from the landfill to evaluate possible impacts to surface water standards from waste material has been in contact with groundwater. MPCA is securing access to the site and Barr Engineering is preparing a scope of work for this investigation work.**

* 1. 9. **Section 8.3:** A supplemental RI is anticipated for groundwater, but river impacts and vapor intrusion should also be included.
  2. **MPCA will provide a supplemental RI Report for both the river impact investigation and vapor intrusion study**
  3. 10. Table 1:“PFCs” are not defined; are these PFAS? If so, indicate this with a footnote or by other means.

1. **PFCs has been changed to PFAS.**

Comments on the Focused Feasibility 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.

**MPCA will complete a vapor intrusion study at the Freeway Transfer building and U.S. Salt building starting in December 2019.**

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.

**The majority of U.S. Salt facility property consist of a mixture of demolition fill debris that was brought onto the site decades ago as fill material to allow the site to be buildable and is not considered Freeway Landfill waste. On the southern property line that adjoins Freeway Landfill, there is a thin layer of MSW material that will be removed as part of the final remedy for Freeway Landfill. U.S. Salt and the city of Burnsville will have the ultimate decision to manage the debris as redevelopment occurs in the future.**

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.

**A listing of ARARs are included in Tables 2-1 through 2-5, including interpretations for the specific ARARs.**

**Since this is a permitted solid waste disposal facility, there are a number of wide-ranging federal, state,**

**and local action-specific potential ARARs related to solid waste management activities that were**

**evaluated for the FFS.**

**Since the siting and construction of the Freeway Site largely predates the extensive current solid waste**

**landfill rules, it is recognized that not all aspects of those potential ARARs can be met for on-site**

**containment alternatives that are included in the FFS (e.g., siting requirements, setbacks, etc.). The substantive portions of the solid waste ARARs were incorporated into the FFS alternatives and**

**the design for the alternatives are intended to meet the technical aspects of the ARARs (e.g., liner design,**

**cap requirements, leachate and landfill gas collection, etc.). As the FFS was developed, MPCA sought**

**feedback from stakeholders associated with the potential solid waste ARARs including EPA, Dakota**

**County, and the City of Burnsville.**

**Since the FFS has been prepared to support an interim remedial action to address containment and/or**

**removal of the waste, the evaluation of several potential ARARs related to other media (i.e., groundwater**

**and surface water) have been deferred for later study and evaluation. Although beyond the scope of the**

**FFS, it is recognized that improved waste containment or removal from the Site will be an important**

**component when wider risk pathways are evaluated and addressed in the future.**

14. Section 2.4:1st bullet: replace “contract” with “contact”.

**This edit has been completed.**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.

**MPCA has met with State /Local/County Officials regarding host fees and solid waste taxes that may apply to both alternatives. Final decisions have not been made about what taxes/fees will apply, resulting in the estimated low and high costs in the report. MPCA expects decisions on fees/taxes reductions will be made after we present the final designs options at the public meeting in April 2020.**

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.

**As noted in the previous comment, the exact dollar amount for host tipping fees and local/county taxes has not been reached which resulted in the wide cost 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 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.

**Language was added to the report to address these concerns. LFG flaring will be included as part of the final design for the dig and line option. The dig and haul option would require the waste be moved to a permitted landfill that has LFG flaring system in place.**

As additional site investigation activities and vapor intrusion studies are completed in the next year, the MPCA will be adding the supplemental reports to the FFS and FRI reports for your review and comment. Sarah Larsen and Pat Hanson will continue to have periodical conference calls with you to provide updates as the project progresses.

If you would like to discuss further please call myself at 651-757-2608.

Sincerely

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Manager