



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

June 17, 2011

REPLY TO THE ATTENTION OF:

Mr. Thomas C. Richardson  
Project Manager  
International Paper  
6400 Poplar Avenue  
Memphis, Tennessee 38197

Mr. Greg Jeffries  
Manager, Environmental Remediation  
BNSF Railway Company  
80 44<sup>th</sup> Avenue NE  
Minneapolis, Minnesota 55421

Dear Mr. Richardson and Mr. Jeffries:

Pursuant to Paragraph 55 of Section X of the September 11, 2008 Administrative Settlement Agreement and Order on Consent for Feasibility Study (Docket V-W-08-C-912) the United States Environmental Protection Agency (EPA) approves the April 14, 2011 submission of the Feasibility Study (FS) Report for the St. Regis Paper Company Site with the corrections and additional information contained in your June 8, 2011, response in addition to the modifications listed in this letter. These documents will be incorporated into the St. Regis Site Administrative Record.

General:

EPA modifies the FS Report to add that paving of unpaved roads and paving of the Cass Forest Products property required under Alternatives 2,3,4,7, and 8 is protective of human health and the environment by mitigating the potential for windblown dust.

The FS Report is modified to state that Institutional Controls will be necessary for properties that leave waste in place, including under soil cover, in concentrations above the selected PRG or ARAR for that alternative.

EPA has numbered the responses in your June 8, 2011, letter and will list modifications, as needed, using those numbers.

Response #1:

EPA considers the potential application of the Level 1-Res (or the LLBO HSCA ARAR) PRG to site alternatives of the St. Regis site Feasibility Study consistent with the NCP, CERCLA, and agency guidance by representing, approximately, the lower end of Superfund's acceptable human health risk range. Alternatives 4 and 6 would meet the HSCA cleanup values with either excavation or a combination of excavation and cover; methods that are consistent with EPA

guidance. EPA will not make a final determination regarding HSCA or any other potential ARARs or TBCs until the Agency issues a final Record of Decision. However, the FS Report must acknowledge that if EPA determines that the HSCA is an ARAR, there will be IC implications for any alternative selected that leaves waste in place above the HSCA cleanup values. Those implications are present within the FS Report to clarify the issues and challenges related to that alternative. EPA agrees that ICs on residential properties are challenging to establish. EPA has, nonetheless, sought ICs on residential properties at other Superfund sites through such mechanisms as registries and notices. On the other hand, ICs on the industrial/commercial properties of the site should be readily accomplished by the property owners since all of those properties are owned by the responsible parties themselves. EPA agrees that the HSCA cleanup values would be ARAR-based. EPA reiterates that if the agency determines that HSCA is an ARAR, any properties that exceed HSCA cleanup levels after the selected remedy is implemented, even under cover, are not acceptable for unrestricted use.

#### Response #2

EPA disagrees that there is no new available information to determine the potential for future off-site transfer of COCs from OU2 to nearby properties. On April 13, 2011, EPA provided Barr with validated data collected on the LLBO DRM property from the Band's Brownfield's Assessment that clearly shows site-related contaminants on Band property at elevated levels. The potential for additional contamination from OU2 to the LLBO portion of OU7 is clear and the Brownfield's data provide ample basis to require that OU2 be added to OU1 as having the potential for off-site contaminant migration. With respect to the need for ICs to prevent digging by workers in OU3, EPA does not consider it unreasonable to expect the property owners to protect workers from potential site-related exposures on their properties.

#### Response #3

EPA appreciates the generation of additional cost data and accepts the revision.

#### Response #4

EPA accepts the revised evaluation and conclusions of background contaminant concentrations for the site COCs.

#### Response #5

EPA modifies the FS Report to accept the revision.

#### Response #6

EPA modifies the FS Report to accept the revision.

#### Response #7

EPA accepts the first revision. However, EPA disagrees with the proposed change to Section

5.2.3, Alt. 3. This sentence is modified to read: "This is consistent with the remedial action objectives for OU1 and OU2." Cover to the residential PRGs on OU1 and OU2 will prevent the potential for future transfer of contaminated surface soil from OU1 and OU2 to OU7 that is above residential PRGs.

Additionally, EPA did not request in its February 28, 2011 comments that for Alternatives 2 and 3, ICs would be needed for residential properties that exceed Level 1-R PRGs after remediation. These references are removed. EPA did inadvertently require that for Alternative 5, ICs were needed for any property that did not meet Level 1-Res. If EPA determines that the LLBO HSCA is an ARAR, IC's will only be sought on those residential properties requiring a soil cover under Alternative 4.

#### Response #8

EPA modifies the FS Report to accept the revision.

#### Response #9

EPA modifies the FS Report to accept the revision.

#### Response #10

EPA accepts the clarification. Five-Year Reviews are required when contaminants are left in place. ICs are required on properties when there is not unrestricted use based on the selected PRGs. Since groundwater contaminants and the contaminated soil containment vault will remain regardless of the soil cleanup alternative chosen, Five-Year Reviews for the St. Regis site will be required for all alternatives. ICs will likewise be required, at a minimum, at OU1, OU2, and OU3, due to the continued presence of the vault and groundwater contamination plumes. ICs will also be needed on properties for those alternatives that leave soil contamination, including covered contamination, that is above the selected PRGs. Any alternative that requires a cover will need ICs for the identification and protection of that cover.

#### Response #11

EPA accepts the revision and agrees that ICs on residential property are difficult. The FS Report adequately mentions this difficulty in many portions of the text.

#### Response #12

EPA modifies the FS Report to accept the revision.

#### Response #13

EPA modifies the FS Report to accept the revision.

#### Response #14

EPA modifies the FS Report to accept the revision.

Response #15

EPA accepts the revision. In a May 20, 2011 memorandum, recommendations from EPA's National Remedy Review Board on the St. Regis Site, the Board states that it is inappropriate to use site-wide average in determining soil exposures. Instead, exposure units, as described in EPA guidance, should be used. For this reason, EPA has determined that the use of site-wide average in the FS Report should be removed.

Response #16

EPA modifies the FS Report to accept the revision.

Response #17

EPA modifies the FS Report to accept the revision.

Response #18

EPA accepts the revision. All of the sentences in the FS Report alternatives under "Overall Protection of Human Health and the Environment" that state that cover or excavation to meet the LLBO HSCA in the OU2 Eco Area does not provide a higher level of protection are removed.

Response #19

EPA accepts the revision. However, the final determination of ARARs is made by EPA at the time that a final action is signed, in this case signing the Record of Decision. Up to that point, potential ARARs are identified for the purposes of the ASTM.

Response #20

EPA modifies the FS Report to accept the revision.

Response #21

EPA modifies the FS Report to accept the revision.

Response #22

EPA modifies the FS Report to accept the revision.

Response #23

EPA modifies the FS Report to accept the revision.

Response #24

EPA modifies the FS Report to accept the revision.

Response #25

EPA modifies the FS Report to accept the revision.

Other Specific Modifications

Section 5.2.3, Pg. 61, bullet number one. The first sentence is removed.

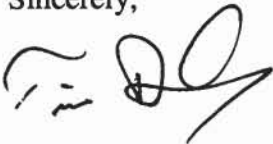
Section 5.2.3, Pg. 62, last sentence, remove the phrase "...with the addition of institutional controls on property exceeding the Level 1 PRGs-R."

Section 5.2.4, Pg. 65. The following sentence is added: "In addition, if any property requires a soil cover because it exceeds the Level 1 PRGs-R ICs, ICs will be needed for notification and protection of the soil cover."

Section 5.2.4, Pg.66, second to last para.: The lower portion of the paragraph is modified to read: "The same engineering controls and institutional controls described for Alternatives 2 and 3 will be applicable to Alternative 4 except Institutional Controls will need to be placed on all properties remediated with a soil cover to ensure that the overall protection of the soil cover to human health is not degraded over time."

Please feel free to contact me if you have any questions on EPA's approval of the FS Report or on these modifications at (312) 353-4367 or at [drexler.timothy@epa.gov](mailto:drexler.timothy@epa.gov).

Sincerely,



Tim Drexler  
Remedial Project Manager

cc: J. Persell, LLBO  
S. Johnson, MPCA  
T. Mattison, Barr