



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

N91192.AR.000429  
NIROP FRIDLEY  
5090.3a

JAN 29 1999

REPLY TO THE ATTENTION OF

R-19J

Mr. Duncan Holaday  
Deputy Assistant Secretary  
(Installations and Facilities)  
Department of the Navy  
Washington, D.C. 20360-5000

Re: Covenant Deferral Request - Naval Industrial Reserve Ordnance Plant

Dear Mr. Holaday:

It is my pleasure to inform you, that I have approved the United States Department of the Navy's Covenant Deferral Request in connection with the planned disposal of the Naval Industrial Reserve Ordnance Plant, in Fridley, Minnesota. A copy of my Findings under Section 120(h)(3)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9620(h)(3)(C), is attached to this letter.

Please let me know if I may be of any further assistance.

Sincerely yours,

A handwritten signature in cursive script that reads "David A. Ullrich".

David A. Ullrich  
Acting Regional Administrator

Enclosure

cc w/encl: Timothy Fields, OSWER  
James Woolford, FFRRO

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**FINDINGS OF THE REGIONAL ADMINISTRATOR  
REGARDING EARLY TRANSFER OF PROPERTY  
AT THE NAVAL INDUSTRIAL RESERVE ORDNANCE PLANT,  
FRIDLEY, MINNESOTA**

I have made the findings enumerated below to authorize the United States Department of the Navy to transfer the Naval Industrial Reserve Ordnance Plant (NIROP) in Fridley, Minnesota to a private concern for industrial purposes and to defer inclusion of the covenant required by §120(h)(3)(A)(iii)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in the deed of conveyance. This action is authorized by CERCLA §120(h)(3)(C) when a Federal agency proposing to convey property to a non-Federal entity is not yet able to covenant that "all remedial action necessary to protect human health and the environment . . . has been taken before the date of such transfer" but an evaluation determines that the property can be safely used and the Federal agency provides adequate assurances that it will satisfy its commitment to complete all required response actions in a timely manner.

I have reviewed the particulars of the proposed transfer, and make the following findings:

1. The property is suitable for transfer for continued industrial use and this use is consistent with protection of human health and the environment. This finding is based on the Department of the Navy's Covenant Deferral Request, the Facilitywide Environmental Baseline Survey for Transfer, and risk assessments produced in connection with the NIROP Superfund cleanup, currently under way.

2. The Department of the Navy's Covenant Deferral Request contains the response action assurances required by CERCLA §120(h)(3)(C)(ii). Specifically, the Covenant Deferral Request ensures continued protection of human health and the environment by (I) providing for restrictions on certain land uses and constraints on certain activities; (II) providing for restrictions to ensure that remedial investigations, response actions, and oversight activities will not be disrupted, (III) providing that all response actions will be taken and identifying schedules for investigations and completion of such response actions; and (IV) obligating the Department of the Navy to submit a budget request that addresses schedules for investigations and completion of response actions.

3. The Department of the Navy provided the required public notice of the proposed transfer on September 18, 1998, by publication in the Anoka County Union and the Minneapolis Star-Tribune, newspapers of general circulation in the vicinity of the property, and provided the public with not less than 30 days in which to submit

written comments on the suitability of the property for transfer.

4. The deferral and transfer of the property will not substantially delay any necessary response action at the property.

Therefore, based upon the findings above, I find the property suitable for transfer in accordance with CERCLA §120(h)(3)(C).



DAVID A. ULLRICH  
Acting Regional Administrator  
U.S. EPA, Region 5

January 29, 1999  
Date