Minnesota Pollution Control Agency

US EPA RECORDS CENTER REGION 5
466759

December 29, 1994

Mr. Bill Taylor
Associate Principal Engineer
General Mills, Inc.
Energy & Environment
9000 Plymouth Avenue North
Minneapolis, Minnesota 55427

Dear Mr. Taylor:

Enclosed is a summary of the meeting on the General Mills Five-Year Review Report held at our office on December 13, 1994. Please let me know if your understanding of the discussion differs in any way from the summary. If we do not hear from you, we will assume that the meeting summary accurately reflects the discussion at the meeting.

As previously discussed, Minnesota Pollution Control Agency staff will expect to hear from General Mills by the end of January 1995, regarding a proposed approach to the recommendations in the Five-Year Review.

Please let me know if there are questions or you wish additional information.

Sincerely,

Dagmar Romano

Dagmar Romano
Project Manager
Response Unit I
Site Response Section
Ground Water and Solid Waste Division

DR:ch

Enclosure

cc: Tom Alcamo, U.S. Environmental Protection Agency
Alan Williams, Attorney General's Office

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MEMORANDUM

To: General Mills File
Through: Dagmar Romano/Project Manager
From: John K. Seaberg/Hydrogeologist
Subject: Notes from December 13, 1994 Meeting with General Mills regarding Five-Year Review
Date: December 28, 1994

A meeting to discuss the 1994 Five-Year Review of the General Mills site was held at the MPCA on December 13, 1994. The following personnel were present:

MPCA:	Dagmar Romano John Seaberg Gary Eddy
U.S. EPA:	Tom Alcamo
General Mills:	Bill Taylor Larry Deeney
Barr Engineering:	Al Gebhard Peter Sabee Ray Wuolo

Dagmar began the meeting by discussing the issue of voluntary compliance versus a regulatory approach, and the roles of the MPCA and the EPA. Tom and Dagmar stated that EPA conducted the Five-Year Review because MPCA is limited to an annual $5,000 cap for reimbursable expenses. They emphasized that the recommendations in the Five-Year Review have full concurrence of both MPCA and EPA. The General Mills project is slated to be part of a deferral program in which the MPCA takes the lead and the EPA's role diminishes. Dagmar stated that General Mills has been very cooperative and responsive in the past; it is hoped that they will continue to do so by amending the 1984 Consent Order. The other options that exist involve a regulatory approach. The MPCA, by Board action, could issue a Request For Response Action (RFRA), or the EPA could unilaterally issue a 106 Order (in which the EPA, rather than the MPCA, would be the lead regulatory agency).

Bill responded by saying that General Mills has complied and cooperated with the MPCA, and now it's faced with MPCA wanting more done. He wanted to know what happened. Dagmar replied by stating that the clean-up standards have changed since the Consent Order was executed, and further explained that the issue is not a new one. This issue has been discussed for at least as long as she has been assigned to the project, since 1992.

Al provided background on how the trichloroethene cleanup levels of 27 μg/L and 270 μg/L were determined for the Platteville Limestone and the overlying glacial aquifers, respectively. The 27 μg/L level established for the Platteville Formation was a 10^{-5} risk-based number, similar to the 30 μg/L Health Risk Limit (HRL) and former Recommended Allowable Limit (RAL). That number was multiplied by a factor of 10, yielding a 10^{-4} risk-based number, for the overlying glacial drift. The rationale for this was that the glacial drift aquifer was not known to be used for water production, and increasing the number by a factor of 10 introduced a dilution/attenuation factor, since the contaminant would be diluted as it moved into the underlying strata. Al stated that even the 270 μg/L level falls within EPA's acceptable risk range of 10^{-4} to 10^{-5}. Tom countered that EPA typically uses 10^{-6} as an acceptable risk factor.

Dagmar stated that adherence to the recommendations in the Five-Year Review would simply make remedial actions at the General Mills site consistent with how any other site in Superfund is handled. Gary added that one of the objectives of a five-year review is to bring sites up to date with current laws, rules, and policy.

Al noted that following the recommendations could have two implications: 1) an expansion of the pump-out system to encompass the portions of the plume with concentrations exceeding the revised 5 μg/L clean-up level, and 2) pumping for a longer period of time to attain the lower levels. Their greatest concern lies in the second point. He suggested that perhaps another possibility would be to concentrate resources on remediating the source of the groundwater contamination. Dagmar responded by saying that the MPCA had previously discussed the issue and is in full agreement with that approach. The MPCA may be willing to cut slack in an expansion of the pump-out system for a period of time if General Mills took an aggressive approach to characterize and remediate the source of groundwater contamination.

John discussed that current technology in investigation and remediation has advanced considerably since the Consent Order was executed. Investigative techniques that hold promise for the site include seismic reflection and Geoprobe. Additionally, a remedial system based on *in-situ* vapor extraction has potential for removing chlorinated solvents from the substrate, perhaps in combination with other technologies. Overall, technologies to remediate the contamination source are now available that were not available during the early stages of the project.

Bill wanted to know what they would stand to gain if they make an effort to clean up the source but are unsuccessful. Larry also voiced concerns about the costs associated with what may only be marginal improvements in the water quality. John stated that even if, despite their best efforts, the site proves recalcitrant to remedial efforts, they would have better characterization, which would be necessary if they chose to evaluate the possibility of a technical impracticability waiver.

Dagmar asked if General Mills would be willing to amend the Consent Order. Al stated that they were still trying to better understand the regulators' position. Gary mentioned that amending the Consent Order could occur through Commissioner's delegation, but a RFRA would require Board approval, and a 106 Order would be issued by the EPA. The MPCA prefers to proceed using a Consent Order amendment. Larry was concerned that, if the new clean-up standards are prescribed in the Consent Order, General Mills would be committing to inflexibility and to vastly increased expenditures. Al wondered whether they could proceed with studies, etc. without amending the Consent Order, since they are apprehensive about amending the Consent Order without knowing how much it will cost them. Dagmar said that the issue of delaying the amendment may not be relevant since they will be held to the new cleanup goals either through an amended Consent Order or the other mechanisms that were discussed. Additionally, she said that General Mills might receive unfavorable public perception by fighting standards that other sites are held to.

The effect of the Magnolia pump-out system on the St. Peter aquifer was discussed. Al said that they would like to continue monitoring before taking any action. John said that additional monitoring is not likely to be useful in evaluating whether the Magnolia pump-out system effectively contains contaminated groundwater. However, this would be acceptable to the MPCA for the time being while the source is being evaluated. He cautioned that this does not preclude future action for the St. Peter aquifer.

Al said that they would agree to monitor for vinyl chloride. It is one of the indicators of degradation that might already be occurring. However, details concerning frequency and duration of sampling have yet to be worked out.

The issue of potential off-site sources was discussed. Although the site is located in an area that historically has been heavily industrialized, no off-site contributors to the groundwater contamination are known to exist. The Glidden site was mentioned as one possibility. MPCA agreed to look into activities for that site (Is there a RFRA? What are current conditions and the status of the site?).

Dagmar needed to excuse herself from the meeting at this point.

The $5,000 cap on reimbursable expenses was discussed. Gary mentioned this as another reason to amend the Consent Order. Caps are no longer used in consent orders to allow for full recovery of expenses. Early on, the caps were not a problem, but we've been exceeding the cap in more recent years. Gary said that, if the Consent Order was not amended, cost-recovery could occur through a RFRA and, if necessary, by issuing a determination of inadequate response and receiving litigation authority from the Board. If a RFRA was issued, it would duplicate portions of the existing Consent Order and build on that, rather than simply functioning as an addendum to the Consent Order.

Bill suggested one possibility would be for MPCA to submit bills for its entire project expenses without having to amend the consent order. If General Mills failed to pay, the MPCA could then take enforcement action. Gary stated that this would not fulfill the objective of enforcing the recommendations of the Five-Year Review. Bill suggested submitting the entire bill anyway, perhaps allowing some extra time before deciding which direction the project will be taking.

Al restated what he understood Dagmar to say--if General Mills looks at source issues, the MPCA will cut some slack for expanding the groundwater pump-out system at the site for a certain length of time. This was confirmed by MPCA staff.

Further discussion involved the nature of an amended consent order. The best approach would be to state objectives and to keep it general to allow for flexibility. Al inquired further about the possibility of making a good-faith effort to characterize and remediate the source without amending the Consent Order. He suggested a year perhaps, requesting the MPCA to consider the possibility. They would like to figure out the costs before renegotiating the Consent Order--it would be difficult for General Mills to give that up. The MPCA staff may be willing to give General Mills some time but more like six months.

General Mills will try to get back to the MPCA by the end of January 1995 with a position on how they would like to proceed with this. Al mentioned that they need to deal with internal issues in order to determine how they will move with this, and that that takes time. Al asked if the MPCA would be willing to share risk with General Mills if they attempt to clean up the source of groundwater contamination. For example, if the effort is not successful, can the pump-out system be shut down? Risk-sharing might help General Mills management move in this direction. MPCA's response would depend on what General Mills proposed.

Bill asked if we couldn't achieve the same goals through a letter agreement instead of amending the Consent Order. Gary replied that no agreement would be enforceable unless the Consent Order is amended.

The meeting ended with General Mills agreeing to get back to the MPCA by the end of January 1995 with an approach to responding to the recommendations made in the Five-Year Review.