



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

AUG 09 2017

REPLY TO THE ATTENTION OF:

S-6J

Mr. Eugene Collins  
Deputy Assistant Secretary of the Army  
Environment, Safety and Occupational Health  
Department of the Army  
110 Army Pentagon  
Washington, D.C. 20310-0110

Re: Covenant Deferral Request under CERCLA Section 120(h)(3)(C) for 30 Acres at former Twin Cities Army Ammunition Plant

Dear Mr. Collins:

The U.S. Environmental Protection Agency is in receipt of the Covenant Deferral Request (CDR) package dated July 25, 2017, which includes the *Final Finding of Suitability for Early Transfer (FOSET), Ramsey County Parcel 2, Twin Cities Army Ammunition Plant, Arden Hills, Minnesota, July 2017*. Through the CDR package, the U.S. Army (Army) has requested EPA's concurrence with the early transfer of 30 acres of the former Twin Cities Army Ammunition Plant to Ramsey County, Minnesota.

Section 120(h)(3)(A)(ii)(I) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires a federal agency, such as the Army, to provide a covenant to a transferee of federal land that all remedial action necessary to protect human health and the environment has been taken before a transfer of such property can occur. At National Priorities List sites, however, EPA may, under Section 120(h)(3)(C) of CERCLA, defer the above-referenced requirement if EPA determines, with the concurrence of the relevant state, that the property is suitable for the transfer. With the concurrence of the State of Minnesota, as documented in the state's approval letter signed by Governor Mark Dayton on July 31, 2017, EPA Region 5 hereby grants the Army's request for a deferral of the requirements of Section 120(h)(3)(A)(ii)(I) of CERCLA with respect to 30 Acres at the former Twin Cities Army Ammunition Plant.

This deferral is based upon EPA's review of the Army's Covenant Deferral Request and supporting documentation, including the Army's Finding of Suitability for Early Transfer relating to the subject parcels. As a result, EPA finds that:

1. the parcels comprising a total of 30 acres of the former Twin Cities Army Ammunition Plant, with the identified restrictions, are suitable for transfer for the use intended by the

transferee, and the intended use is consistent with protection of human health and the environment;

2. the deed or other agreement proposed to govern the transfer between the Army and the transferee of the parcels contains the response action assurances required by Section 120(h)(3)(C)(ii) of CERCLA;

3. the Army has provided proper notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and of the opportunity for the public to submit written comments on the suitability of the parcels for transfer for a comment period of not less than 30 days after the date of the notice; and

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

When all response actions necessary to protect human health and the environment have been taken, the Army shall, consistent with Section 120(h)(3)(C)(iii) of CERCLA, execute and deliver to the transferee an appropriate document containing a warranty that all such response action has been taken. This warranty will then satisfy the requirements of Section 120(h)(3)(A)(ii)(I) of CERCLA.

This deferral shall not increase, diminish, or affect in any manner any rights or obligations of the Army (including any rights or obligations under CERCLA Sections 106, 107 or 120 existing prior to transfer) with respect to the subject parcels being transferred.

Please note that deferral of the CERCLA Section 120(h)(3)(A)(ii)(I) covenant requirement (that all remedial action necessary to protect human health and the environment has been taken) is solely for the purpose of expediting property transfer to facilitate economic reuse. Such deferral does not imply any pre-approval of actions, whether anticipated or under consideration, which are being deferred (e.g., investigations, reports, remedial action, etc.) and which nevertheless must be undertaken after transfer.

If you have any further questions, please contact me at (312) 353-9773 or your staff may contact Thomas Barounis, Remedial Project Manager, at (312) 353-5577.

Sincerely,



Margaret M. Guerriero  
Acting Director  
Superfund Division

bcc: James Briggs, ACSIM DAIM-ODB  
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