

MEMORANDUM

SUBJECT: Request for Approval of the Third Five-Year Review Report, Cornhusker Army Ammunition Plant, Grand Island, Nebraska

FROM: Bill Gresham, Remedial Project Manager
Iowa/Nebraska Remedial Branch

THRU: Jim Stevens
Office of Regional Counsel

Diana Engeman, Acting Chief
Iowa/Nebraska Remedial Branch

TO: Mary Peterson, Director
Superfund Division

This memorandum is to transmit the Third Five-Year Review Report on the Former Cornhusker Army Ammunition Plant, Hastings, Nebraska, prepared by the U.S. Army Corps of Engineers, Kansas City District. This report was prepared in accordance with section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and 40 Code of Federal Regulations § 300.430(f)(4)(ii).

The triggering action for this review was the completion of the Second Five-Year Review Report on September 14, 2010. The Five-Year Review is required because the selected remedies do not allow for unlimited use and unrestricted exposure. This review evaluates protectiveness of the remedies for OUs 1, 2, 3 and 4. Pursuant to Records of Decision in 1994, 1998, 1999, and 2000, an Explanation of Significant Difference in 1996, and a ROD Amendment in 2001, the remedies included: extraction and treatment of explosives-contaminated groundwater with discharge to onsite streams; excavation of contaminated soils at OU3; monitored natural attenuation of volatile organic compound contamination in groundwater; institutional controls to prevent residential use of groundwater; and deed restrictions to prevent residential use of OU4 areas of concern.

A draft version of the report was previously reviewed by the EPA and NDEQ, and comments were forwarded to USACE. USACE and the EPA revised the report to address the EPA's comments.

The EPA concurs with USACE that the remedies are protective. During the review process, there was significant attention given to the fact that institutional controls have been inconsistently applied/enforced, which could theoretically affect the long-term protectiveness of the remedy. USACE maintains they have "no authority to take an enforcement action for deed restriction violations" and that

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such action "is a regulatory function and if requested or required will have to be addressed by the EPA or the State". The EPA disagrees with USACE on this issue, and states that the transferring agency which creates the restrictions has the authority and responsibility to enforce deed restrictions (absent language in the deed to the contrary), and reiterates that USACE has responsibilities to ensure that the land use controls are maintained over time. However, both organizations have agreed to jointly develop a memorandum which will address ICs and LUCs specifically, ensuring consistent future enforcement.

Also during the review process, the EPA brought up the fact that there has never been sampling for perchlorate at the Cornhusker site. Perchlorate is associated with the kinds of munitions produced at Cornhusker, in the timeframes during which munition production occurred. Although there is no record of its use at Cornhusker, the EPA considers it prudent to conduct some sampling to confirm whether perchlorate is present as a contaminant. USACE disagrees, stating that it does not intend to conduct such sampling. Given USACE's resistance to agreement on perchlorate sampling, the EPA is considering options for conducting such sampling ourselves. For the purpose of this document, the lack of perchlorate data should not be considered an issue preventing acceptance.

Attached is a copy of the report for your consideration and approval. The final signed report and the supporting information will be added to the Administrative Records file for the site.

Attachment