

Memorandum

To: Cal Lundberg
CC:
From: Lambert Nnadi
Date: 02/26/02
Re: North Star Recycling, Cedar Rapids

We prepared an ISS in 1996 for North Star Recycling, Cedar Rapids and gave it a Priority 3, which means that the department would not provide any oversight for further investigation. It was figured that would be the end of the matter. Not so. Last year Cargill requested a No Further Action on the site from the department because they wanted to sell the facility. Stu and I met with them last year and gave them some conditions for the "no further action" letter. The conditions were
(1) remediate an area with PCP contamination, and
(2) accept an environmental easement.

Both conditions have been satisfied in the recent report delivered to the department on February 19, 2002. The legal department reviewed the content and language of the easement and made some suggestions which have been incorporated in to the final draft. The Director needs to sign and notarize the easement document.

Prior to soil removal in PCB-contaminated area, Cargill had also excavated petroleum-contaminated soil. I believe the site now deserves an ESS though it would not go beyond the ESS stage and I plan to do that, unless we decide it is not necessary. I would like to visit the site before we finalize all documents. We have been charging our time to 2824 because we did not think we would be expending a lot of time on this. That is no longer the case.

Memorandum

To: Lambert Nnadi, Jon Tack
From: Stu Schmitz
Date: February 19, 2001
Re: Environmental Easement – North Star Steel, Cedar Rapids

I have drafted an Enviromental Easement for a non-LRP project in which we have received a no further action request from the responsible party. Attached is the draft easement, and draft easement provided counsel to the owner. Four your information, Jon, I have attached a cover letter to a report prepared by a consultant on the project requesting the no further action. The cover letter provides a summary of the site and investigative and remedial activities conducted at the site.

After your review, lets get together to discuss.

Memorandum

To: Lambert Nnadi
From: Stu Schmitz
Date: January 30, 2001
Re: North Star Steel – Cedar Rapids

I have reviewed the information within the "Request for No Further Action" prepared for the above referenced site. The report discusses previous work that was done along with the most recent soil sampling and characterization prepared in November 2000. Reading the information that they have sent indicates that they have completed a significant amount of soil removal at the site. The testing information indicates that they meet the statewide standard for PCB's (less than 2.1 mg/kg), and less than the Chapter 135 soil standards for OA1 and OA2 parameters.

They have not completed any groundwater samples, or sampled for any metals that I can tell. Do you think we have enough information to close this site? It appears John Vedder had given them directions in how to close this site, and this final report is their response. What are your opinions?

Memo

To: Stu Schmitz
From: Lambert Nnadi
CC:
Date: 02/01/01
Re: North Star Recycling

There are two major contaminants at the site – petroleum (motor oil) and PCBs. They have dealt appropriately with the petroleum waste problem by doing a soil removal. However, nothing was done with regard to the PCB-contaminated area or the torch cutting area. The RP is asking for a “no further action” on the basis of **Site Specific Standard for non-residential area and restricted access**. The PCB levels at the site are above statewide level of 2.1 mg/kg but below the non-residential and restricted access standard of 24 mg/kg in Chapter 137. Therefore, we could give them a letter of no further action. However, Chapter 137 also states that if the response action for a **site specific scenario** uses a standard that is less stringent than statewide standards, then institutional controls are generally necessary. In this instance, the PCB standard they want to use is less stringent than the statewide standard. So, we might demand some form of institutional control to go along with no further action.

Write letter to:

Les Niemi
General Manager
North Star Steel
P.O. Box 749
Wilton, IA 52778

cc: Chris Arent
North Star Steel
7650 Edinborough Way, Suite 600
Edina, MN 55435

From: Jon Tack
To: Nnadi, Lambert; Schmitz, Stuart
Date: 2/20/01 3:59PM
Subject: North Star Steel easement

I have reviewed the draft easement. I compared the language to language in a form prepared by Wornson and to the language of an easement I used for the Electro-Coatings Superfund site. It generally looks fine. One sentence that is contained in Dave's form which might be good to add is:

"Although the Grantor(s) are not participants in the Land Recycling Program established under Iowa Code Chapter 455H, it is the intent of the parties to establish a valid and enforceable environmental easement as provided in Iowa Code section 455H.206. "

This sentence would be at the beginning of paragraph #3 of the Recitals.

The only other comment I have is in regard to the restrictions. Do you intend to allow any non-residential use? For example, in the Electro-Coatings easement we had bans against excavation in areas of known or suspected contamination without appropriate safety precautions and a prohibition of using the groundwater as drinking water.

From: Lambert Nnadi
To: Cal Lundberg
Date: 2/28/02 3:08PM
Subject: North Star Recycling

Here is a draft termination letter. I have included both our names for signatures. This is somewhat different from what we normally do. However, I think that in a important decision like this, the supervisor should also sign off on it as well. Make any changes/suggestions.



February 28, 2002

Kimberly K. Thorstad
Cargill, Incorporated
Law Department
P. O. Box 5624
Minneapolis, MN 55440-5624

Subject: North Star Recycling, Cedar Rapids - Termination of Further Investigation and Remediation

Dear Ms. Thorstad:

This letter terminates further investigation and/or remediation at the former North Star Recycling site situated at 6305 11th Street, Cedar Rapids, Iowa. The decision to issue this termination letter is based on the following information provided to the Iowa Department of Natural Resources.

Cargill, Incorporated had operated the facility for scrap metal consolidation and transfer since 1992 under a property leasing arrangement with landowner, George Zinser.

During the period of operation, PCB concentrations were detected at the Torching Area at levels above statewide standards as provided in Iowa Administrative Code Chapter 137 (Land Recycling Program). Total extractable hydrocarbon (TEH) was also detected at levels greater than TEH standard in Tier 1 of IAC Chapter 135 (Leaking Underground Storage Tank program).

Soil excavation was conducted in the Torching area and at petroleum spill locations. Soil samples taken after backfilling excavated areas showed PCB and TEH concentrations lower than the appropriate standards in IAC Chapters 135 and 137.

The landowner, George Zinser, has granted to the State of Iowa, acting through the Iowa Department of Natural Resources, an environmental easement.

The termination of further investigation and remediation is contingent on proper implementation of the clauses in the easement document. The department reserves the right to request additional investigation and /or remediation, ~~if necessary, in order to~~ in the event that protect human health and the environment.

We appreciate your cooperation during the investigative and remedial activities at the facility. If you have any questions, please contact us at 515-281-7040 or 515-281-4117.

WALLACE STATE OFFICE BUILDING / 502 EAST 9th STREET / DES MOINES, IOWA 50319
515-281-5918 TDD 515-242-5967 FAX 515-281-6794 www.state.ia.us/dnr

*the easement and
its provisions
fail to*

Sincerely,

Cal Lundberg
Acting Supervisor
Contaminated Sites Section

Field Office #1, Manchester

Lambert A. Nnadi
Project Manager, IDNR

From: Lambert Nnadi
To: Stuart Schmitz
Date: 2/21/01 9:04AM
Subject: Draft Easement for the North Star Recycling Site

I think we need to spell out more clearly in Section 1.1 why we are taking the action. We probably should state that no active remediation was conducted in the Torching Area and that the PCB levels are above the statewide standard. To obtain a no further action letter based on less restrictive criteria (site specific less than 2 foot restricted access) requires an institutional control according to Code 567- Chapter 137.

Secondly, while we have conditions for terminating the easement by the department, there is nothing in the document that allows the Grantor to terminate this easement if, for example, they desire in the future to conduct a satisfactory remediation . This might be implied but since this is a legal document, maybe we should spell that out also. What do you think?

The addition of the paragraph from Dave's draft as suggested by Jon is a good one.

CC: Jon Tack