



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY  
INSTALLATIONS AND ENVIRONMENT  
110 ARMY PENTAGON  
WASHINGTON DC 20310-0110

06 21 2005

Mr. John B. Askew  
Regional Administrator  
U.S.E.P.A. Region VII  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Dear Mr. Askew:

This letter is to acknowledge the Army's receipt and acceptance of the Statement of Dispute Resolution regarding the Operable Unit 4, pursuant to the Federal Facilities Agreement for the Iowa Army Ammunition Plant (AAP). The signed statement is enclosed.

I want to express my gratitude for the hard work and cooperative attitude your staff displayed in working with the Army to craft the resolution to this dispute. I appreciate the EPA's willingness to ensure that concepts important to both our agencies could be preserved in this settlement.

Please let me know if issues arise in the conduct of the Iowa AAP cleanup program where this office can be of assistance. I can be reached at (703) 697-2014.

Regards,

*Tad Davis*

Addison D. Davis, IV  
Deputy Assistant Secretary of the Army  
(Environment, Safety and Occupational Health)

**Iowa Army Ammunition Plant  
EPA CERCLA FFA Dispute of March 28, 2005  
Re: Operable Unit 4 (OU4) Work Plan for Supplemental Remedial Investigation  
Statement of Dispute Resolution**

This agreement represents the written decision that memorializes the resolution of a dispute under Section XI of the Federal Facility Agreement (FFA), Docket Number VII-F-90-0029, effective December 1990, entered into by the U.S. Army and the U.S. Environmental Protection Agency (EPA).

The agreement resolving EPA's dispute of the Draft Final Operable Unit 4 (OU4) Work Plan for Supplemental Remedial Investigation (RI) follows:

1. The parties agree to establish a new operable unit, subject to the FFA, to be called operable unit 5 (OU5). This OU5 is a munitions response area and includes 5 munitions response sites (MRS): the West Burn Pad Site (MRS-OU5A), Line 6 (MRS-OU5B), Central Test Area (MRS-OU5C), Possible Demolition Site (MRS-OU5D), and Incendiary Disposal Area (MRS-OU5E). All munitions and explosives of concern (MEC) and munition constituent (MC) contamination associated with these sites will be addressed under OU5.
2. The Army is conducting Preliminary Assessment/Site Inspection (PA/SI) work at the above OU5 sites under its Military Munitions Response Program (MMRP). The parties will participate in a scoping meeting to discuss upcoming OU5 SI work in February 2007. The Army may conduct sampling under the SI at the OU5 areas and will report the results of any SI sampling in a Remedial Investigation Work Plan, which is described below.
3. The Army agrees to submit to EPA a Draft RI Work Plan for OU5 by September 30, 2007.
4. The Army agrees to submit to EPA a Draft RI Report for OU5 by September 30, 2008.
5. The RI Work Plan and RI Report are primary documents, subject to the terms and conditions of the IAAP FFA. The Army will submit the Draft Final RI Work Plan and Draft Final RI Report to EPA consistent with the requirements established in the FFA. The purpose of the RI is to sufficiently define the nature and extent of contamination associated with MEC and MC at the OU5 areas in order to determine risk and support selection of a remedy. The nature and extent of contamination and risks for contaminated soils associated with the above types of releases (including soils considered "reactive" and "non-reactive") shall also be defined in the RI Report.
6. Included in the Draft RI Report, the Army will propose a schedule subject to the FFA for the submittal of the following OU5 documents – Feasibility Study, a Proposed Plan, Record of Decision, Remedial Design, Remedial Action Work Plan, and Remedial Action Completion Report. These documents are all primary documents subject to the IAAP FFA.

7. The Army submitted to EPA the Draft Final Supplemental Remedial Investigation Report for OU4 on August 29, 2006. The Draft Final OU4 Supplemental RI Report excludes elements that are outlined in this dispute. EPA will either accept or dispute the Draft Final OU4 Supplemental RI Report, consistent with provisions of the FFA, within 30 days of the execution of this Dispute Resolution. Schedules for the submittal of subsequent OU4 draft primary documents under the FFA (FS, Proposed Plan, ROD) shall be adjusted as follows:

<u>Document</u>	<u>Submittal Deadline</u>
Draft Feasibility Study	4/24/07
Draft Proposed Plan	10/22/07
Draft Record of Decision	5/27/08

8. The parties agree that access controls should be in place to prevent human exposures to MEC and/or MC at the OU5 MRS. The Army will take the following actions to control potential exposures to MEC and MC at the OU5 MRS until the final remedy is implemented at these sites-

A. Within 30 days of the resolution of the dispute, the Army will provide documentation of the visitor, contractor, hunter, and personnel safety program which informs them of the location and restrictions associated with each of the OU5 MRS. This documentation will include copies of educational materials to be provided to visitors to IAAP who could reasonably be anticipated to come in contact with the OU5 MRS. EPA will review the documentation and respond to the Army within 30 days of receipt of the documentation. If EPA believes that additional measures are necessary, EPA and the Army will discuss the contents of the documentation and try to reach consensus on what additional measures, if any, may be appropriate. The Army agrees to give full consideration to any changes to the documentation suggested by EPA.

B. Within 90 days of the resolution of this dispute, the Army will begin to provide the educational materials to all visitors, contractors, hunters or other personnel who could reasonably be anticipated to come in contact with the OU5 MRS.

C. Within 90 days of the resolution of the dispute, the Army will install signage at each of the OU5 MRS warning people of potential ordnance-related hazards and discouraging access.

D. Within 90 days of the completion of the OU5 RI Report, the Army will install a fence around the perimeter of the Possible Demolition Site and Incendiary Disposal Area OU5 MRS to prevent access to ordnance-related hazards unless the Army presents information in the OU5 RI report demonstrating that the fencing is not necessary.

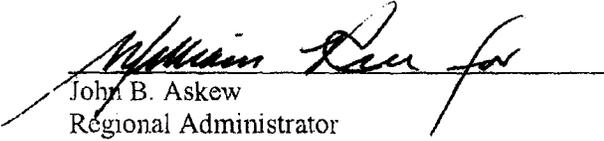
9. CERCLA response actions at the Firing Site would be addressed under the FFA with the Formerly Used Sites Remedial Action Program (FUSRAP) at IAAP. FUSRAP will primarily be addressing the presence of depleted uranium (DU) at the Firing Site resulting from past testing operations conducted by the Atomic Energy Commission. The Firing Site is an operational testing range currently being used by the Army to test military munitions. DU rounds are no longer tested at the Firing Site by the Army. Any additional response actions at the Firing Site beyond those which will be addressed by FUSRAP will be addressed when

the range ceases to be operational unless releases from the Firing Site require an immediate response to protect human health or the environment. If such a condition is determined to exist, response actions will be implemented consistent with provisions of the FFA.

10. The Demolition Area is considered an active area by the Army and is the subject of a RCRA permit application. It is EPA's intent that the RCRA permit involving the Demolition Area be issued in Fiscal Year 2008. Any necessary response actions involving the Demolition Area will be addressed consistent with the provisions of the forthcoming RCRA permit. This approach for addressing the Demolition Area will be enforceable under the terms of the RCRA permit, and would be considered equivalent to managing the site under the FFA.

11. The Deactivation Furnace Area has been grouped by the Army with the Demolition Area for site management purposes at IAAP. The Deactivation Furnace Area will be addressed pursuant to the existing Record of Decision for OUI.

12. The West Burn Pads Area South of the Road (WPBS) is included in the IAAP FUSRAP FFA. The Army has included the WPBS in their MMRP. The Army will include the WPBS in their MMRP SI and document findings and conclusions from that effort in the RI Work Plan outlined in Item #3 above.

  
John B. Askew  
Regional Administrator  
EPA, Region 7

  
Date

  
Addison D. Davis, IV  
Deputy Assistant Secretary of the Army  
Environment, Safety, and Occupational Health

**DEC 21 2006**  
Date