UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 7

IN THE MATTER OF: WEST LAKE LANDFILL SUPERFUND SITE, BRIDGETON, ST. LOUIS CO. MISSOURI (MOD079900932) BRIDGETON LANDFILL, LLC, ROCK ROAD INDUSTRIES, INC., and COTTER CORPORATION (N.S.L.) Respondents Proceeding under Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9606(a).	U.S. EPA Region 7 Docket No. CERCLA-07-2016-0002 **UNILATERAL ADMINISTRATIVE ORDER FOR REMOVAL ACTION**

UNILATERAL ADMINISTRATIVE ORDER FOR REMOVAL ACTION

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I. JURISDICTION AND GENERAL PROVISIONS

1. This Administrative Order ("Order") is issued under the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, (CERCLA), 42 U.S.C. § 9606(a). This authority was delegated to the Administrator of the United States Environmental Protection Agency (EPA) by Executive Order No. 12580, 52 Fed. Reg. 2923 (Jan. 23, 1987), and further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B. This authority was further redelegated by the Regional Administrator of EPA Region 7 to the Director of EPA Region 7's Superfund Division by Regional Delegation Nos. R7-14-014-C and R7-14-014-D.

2. This Order pertains to property located at the West Lake Landfill Superfund Site located in Bridgeton, St. Louis County, Missouri (the "West Lake Landfill Site") or the "Site." This Order requires Respondents to conduct removal actions described herein to abate an imminent and substantial endangerment to the public health or welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

3. EPA has notified the State of Missouri (the "State") of this action pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

II. PARTIES BOUND

4. This Order applies to and is binding upon Respondents and their successors and assigns. Any change in ownership or control of the Site or change in the corporate or partnership status of a Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondents' responsibilities under this Order.

5. Respondents are jointly and severally liable for implementing all activities required by this Order. Compliance or noncompliance by any Respondent with any provision of this Order shall not excuse or justify noncompliance by any other Respondent. No Respondent shall interfere in any way with performance of the Work in accordance with this Order by any other Respondent. In the event of the insolvency or other failure of any Respondent to implement the requirements of this Order, the remaining Respondent shall complete all such requirements.

6. Respondents shall provide a copy of this Order to each contractor hired to perform the Work required by this Order and to each person representing any Respondents with respect to the Site or the Work, and shall condition all contracts entered into hereunder upon performance of the Work in conformity with the terms of this Order. Respondents or their contractors shall provide written notice of the Order to all subcontractors hired to perform any portion of the Work required by this Order. Respondents shall nonetheless be responsible for ensuring that their contractors and subcontractors perform the Work in accordance with the terms of this Order.

III. DEFINITIONS

7. Unless otherwise expressly provided in this Order, terms used in this Order that are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in CERCLA or in such regulations. Whenever terms listed below are used in this Order or in appendices to or documents incorporated by reference into this Order, the following definitions shall apply:

"Affected Property" shall mean all real property at Operable Unit 1 (OU1) of the Site and any other real property where EPA determines, at any time, that access or land, water, or other resource use restrictions are needed to implement the removal action.

"Action Memorandum" shall mean the EPA Action Memorandum relating to the Site signed on December 9, 2015, by the Regional Administrator, EPA Region 7, or his/her delegate, and all attachments thereto. The "Action Memorandum" is attached as Appendix A.

"CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675.

"Day" or "day" shall mean a calendar day. In computing any period of time under this Order, where the last day would fall on a Saturday, Sunday, or federal or State holiday, the period shall run until the close of business of the next working day.

"Effective Date" shall mean the effective date of this Order as provided in Section VIII.

"EPA" shall mean the United States Environmental Protection Agency and its successor departments, agencies, or instrumentalities.

"EPA Hazardous Substance Superfund" shall mean the Hazardous Substance Superfund established by the Internal Revenue Code, 26 U.S.C. § 9507.

"National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, codified at 40 C.F.R. Part 300, and any amendments thereto.

"Non-Respondent Owner" shall mean any person, other than a Respondent, that owns or controls any Affected Property. The phrase "Non-Respondent Owner's Affected Property" means Affected Property owned or controlled by Non-Respondent Owner.

"Order" shall mean this Unilateral Administrative Order and all appendices attached hereto. In the event of conflict between this Order and any appendix, this Order shall control.

"Owner Respondent" shall mean any Respondent that owns or controls any Affected Property. The clause "Owner Respondent's Affected Property" means Affected Property owned or controlled by Owner Respondent.

"Paragraph" shall mean a portion of this Order identified by an Arabic numeral or an upper or lower case letter.

"Parties" shall mean EPA and Respondents.

"Post-Removal Site Control" shall mean actions necessary to ensure the effectiveness and integrity of the removal action to be performed pursuant to this Order consistent with Sections 300.415(l) and 300.5 of the NCP and "Policy on Management of Post-Removal Site Control" (OSWER Directive No. 9360.2-02, Dec. 3, 1990).

"RCRA" shall mean the Resource Conservation and Recovery Act, also known as the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992.

"Respondents" shall mean Bridgeton Landfill, LLC, Rock Road Industries, Inc., and Cotter Corporation (N.S.L.).

"Section" shall mean a portion of this Order identified by a Roman numeral.

"Site" shall mean the West Lake Landfill Superfund Site, encompassing approximately 200 acres, located at 13570 St. Charles Rock Road in Bridgeton, St. Louis County, Missouri and depicted generally on the map attached as Appendix B. The Site includes both Operable Unit 1 (OU1) and Operable Unit 2 (OU2).

"State" shall mean the State of Missouri.

"Transfer" shall mean to sell, assign, convey, lease, mortgage, or grant a security interest in, or where used as a noun, a sale, assignment, conveyance, or other disposition of any interest by operation of law or otherwise.

"United States" shall mean the United States of America and each department, agency, and instrumentality of the United States, including EPA.

"Waste Material" shall mean (a) any "hazardous substance" under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under Section 101(33) of CERCLA, 42 U.S.C. § 9601(33); and (c) any "solid waste" under Section 1004(27) of RCRA, 42 U.S.C. § 6903(27).

"Work" shall mean all activities Respondents are required to perform under this Order, except those required by Section XV (Retention of Records).

IV. FINDINGS OF FACT

8. Respondent Bridgeton Landfill, LLC, a Delaware limited liability corporation authorized to transact business in Missouri, is the current operator of OU1.

9. Respondent Rock Road Industries, Inc., a Missouri corporation, is the current owner of OU1.

10. Respondent Cotter Corporation (N.S.L.) is a corporation organized and existing pursuant to the laws of the State of New Mexico.

11. West Lake Landfill is an approximately 200 acre property that includes several closed solid waste landfill units which accepted wastes for on-site landfilling from the 1940s or 1950s through 2004, plus a solid waste transfer station, a leachate pretreatment plant, and an asphalt batch plant. The Site is located at 13570 St. Charles Rock Road in Bridgeton, St. Louis County, Missouri, approximately one mile north of the intersection of Interstate 70 and Interstate 270.

12. The Site was used for limestone quarrying and crushing operations from 1939 through 1988. Beginning in the late 1940s or early 1950s, portions of the quarried areas and adjacent areas were used for landfilling municipal refuse, industrial solid wastes, and construction/demolition debris. In 1973, approximately 8,700 tons of leached barium sulfate residues (a remnant from the Manhattan Engineer District/Atomic Energy Commission project) were reportedly mixed with approximately 39,000 tons of soil from the 9200 Latty Avenue site in Hazelwood, Missouri, transported to the West Lake Landfill, and used as daily or intermediate cover material. Investigations have determined that these radiologically-impacted materials (RIM) were disposed in portions of two separate disposal areas at the Site that have subsequently been identified as Radiological Area 1 and Radiological Area 2, or simply Area 1 and Area 2.

13. Based on investigations conducted to date, it appears that the RIM is intermixed with and interspersed within the overall matrix of landfilled refuse, debris, fill materials, and unimpacted soil and quarry spoils in Area 1 and Area 2.

14. OU1 is comprised of Area 1 and Area 2 where radionuclides are mixed within landfilled soil and solid waste materials, plus an adjacent area (the Buffer Zone/Crossroad Property) where erosion from Area 2 deposited RIM. OU2 consists of the remainder of the Site and includes several inactive landfilled areas containing sanitary waste or demolition debris which were closed prior to State regulation, a permitted inactive sanitary landfill (the Bridgeton Landfill), a solid waste transfer station, a leachate pretreatment plant, and an asphalt batch plant.

15. Landfill activities conducted after 1974 within the quarry areas (part of what is now included in OU2) were subject to permits obtained from the Missouri Department of Natural Resources (MDNR). In 1974 landfilling began in the portion of the Site described

as the North Quarry Pit. Landfilling continued in this area until 1985, when the landfill underwent expansion to the southwest into the area described as the South Quarry Pit. Together, the North and South Quarry pit landfills make up the MDNR-permitted Bridgeton Sanitary Landfill. Characterization of the nature, rate, and extent of contamination at the Site began in 1976. On August 30, 1990, EPA placed the Site on the National Priorities List (NPL).

16. In 1978, an aerial survey sponsored by the Nuclear Regulatory Commission (NRC) identified two areas within OU1 where gamma radiation levels indicated radioactive material had been disposed. In 1980-1981, Radiation Management Corporation (RMC) performed a radiological survey of the landfill to determine the extent of radiological contamination. This survey indicated that radioactive contaminants were located in two areas of the landfill, including radioactive debris exposed at the surface in Area 2.

17. Investigations to date indicate approximately 10 acres of Area 1 and 30 acres of Area 2 are impacted by radionuclides. In some portions of Area 1 and Area 2 radiologically impacted materials are present at or near the surface, however the majority of the radiological occurrences are subsurface. Radionuclides are present in the upper six inches at levels above the Uranium Mill Tailings Radiation Control Act standard for surface soil over approximately 1.16 acres in Area 1. In Area 2, radionuclides are present in the upper six inches over approximately 10.76 acres in Area 2.

18. Eight radionuclides (U-238, U-235, Th-232, and their associated daughter products U-234, Th-230, Ra-226, Lead-210, and Protactinium-231) were identified as contaminants of concern for OU1 based on their long half-lives. Uranium, thorium, radium, and protactinium are all known human carcinogens.

19. On March 3, 1993, EPA and Cotter Corporation (N.S.L.), Laidlaw Waste Systems (Bridgeton), Inc., Rock Road Industries, Inc., and the United States Department of Energy entered into an Administrative Order on Consent (EPA Docket No. VII-93-F-0005) for the performance of a remedial investigation/feasibility study for OU1, Areas 1 and 2 at the Site.

20. On May 29, 2008, EPA issued a Record of Decision (ROD) for OU1 which selected a remedial action for the radiologically contaminated landfill areas and the area formerly described as the Ford Property, now called the Buffer Zone/Crossroad property.

21. On July 29, 2008, EPA issued a ROD for OU2 which selected a remedial action for the inactive sanitary landfill portion of the Site. Through this ROD, EPA deferred action to MDNR on the remaining parts of OU2, the Bridgeton Sanitary Landfill and the closed demolition landfill, which had operated under State permits.

22. In 2010, Bridgeton Landfill detected changes in the landfill gas extraction system in use at the South Quarry of the Bridgeton Sanitary Landfill portion of the Site; specifically, elevated temperatures and elevated carbon monoxide levels. Further investigation

indicated that the South Quarry Pit landfill was experiencing an exothermic subsurface smoldering event (SSE).

23. On October 24th, 2015, a brush fire occurred near the entrance to the property located at the intersection of St. Charles Rock Road and Taussig Road. The brush fire was caused by a malfunctioning electrical switch attached to a power line pole. The fire burned an area of grass approximately 120 feet by 80 feet located approximately 100 feet from the south fence of Area 2 and 390 feet from the nearest known location of RIM.

V. CONCLUSIONS OF LAW AND DETERMINATIONS

24. Based on the Findings of Fact set forth above, and the administrative record, EPA has determined that:

a. The West Lake Landfill Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

b. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

c. Respondents Bridgeton Landfill, LLC., and Rock Road Industries, Inc., are the "owner(s)" and/or "operator(s)" of the facility, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20), and within the meaning of Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).

d. Respondent Cotter Corporation (N.S.L.) arranged for the disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances at the facility, within the meaning of Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(1).

e. The contamination found at the Site, as identified in the Findings of Fact above, includes "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

f. The conditions described in the Findings of Fact above constitute an actual and/or threatened "release" of a hazardous substance from the facility as defined by Section 101(22) of CERCLA, 42 U.S.C.§ 9601(22).

g. The conditions at the Site may constitute a threat to public health or welfare or the environment, based on the factors set forth in Section 300.415(b)(2) of the NCP. These factors include, but are not limited to, the following:

1. actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances; this factor is present at the Site due to the existence of RIM located in OU1;

2. high levels of hazardous substances in soils largely at or near the surface, that may migrate; this factor is present at the Site due to the existence of RIM located in OU1;

3. threat of fire or explosion; this factor is present at the Site due to the existence of surface vegetation that could pose a fire risk at OU1 where RIM is located in certain areas; and

4. the unavailability of other appropriate federal or state response mechanisms to respond to the release.

h. The conditions described in the Findings of Fact above may constitute an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from the facility within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

i. The removal actions required by this Order are necessary to protect the public health, welfare, or the environment.

VI. ORDER

25. Based upon the Findings of Fact, Conclusions of Law and Determinations set forth above, and the administrative record, Respondents are hereby ordered to comply with all provisions of this Order and any modifications to this Order, including all appendices to this Order and all documents incorporated by reference into this Order.

VII. OPPORTUNITY TO CONFER

26. Within five (5) days after this Order is signed by the Regional Administrator or his/her delegatee, Respondents may, in writing, request a conference with EPA to discuss this Order, including its applicability, the factual findings and the determinations upon which it is based, the appropriateness of any actions Respondents are ordered to take, or any other relevant and material issues or contentions that Respondents may have regarding this Order.

27. Respondents may appear in person or by an attorney or other representative at the conference. Any such conference shall be held at least five (5) days after the conference is requested. Respondents may also submit written comments or statements of position on any matter pertinent to this Order no later than five (5) days after the conference or within ten (10) days after this Order is signed if Respondents do not request a conference. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondents a right to seek review of this Order. Any request for a conference or written comments or statements should be submitted to:

Alyse Stoy
Associate Deputy Regional Counsel for Enforcement

Office of Regional Counsel
U.S. Environmental Protection Agency Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
913-551-7826
stoy.alyse@epa.gov

VIII. EFFECTIVE DATE

28. This Order shall be effective five (5) days after the Order is signed by the Regional Administrator or his/her delegatee unless a conference is requested or written materials are submitted in accordance with Section VII (Opportunity to Confer). If a conference is requested or written materials are submitted, this Order shall be effective on the later of the 10th day after the day of the conference, or the 10th day after written materials, if any, are submitted, unless EPA determines that the Order should be modified based on the conference or written materials. In such event, EPA shall notify Respondents, within the ten (10) day period, that EPA intends to modify the Order. The modified Order shall be effective five (5) days after it is signed by the Regional Administrator or his/her delegatee.

IX. NOTICE OF INTENT TO COMPLY

29. On or before the Effective Date, each Respondent shall notify EPA in writing of Respondent's irrevocable intent to comply with this Order. Such written notice shall be sent to EPA as provided in Paragraph 27. Each Respondent's written notice shall describe, using facts that exist on or prior to the Effective Date, any "sufficient cause" defense asserted by such Respondent under Sections 106(b) and 107(c)(3) of CERCLA, 42 U.S.C. §§ 9606(b) and 9607(c)(3). The absence of a response by EPA to the notice required by this Paragraph shall not be deemed to be acceptance of any Respondents' assertions. Failure of any Respondent to provide such notification within this time period shall, as of the Effective Date, be treated as a violation of this Order by such Respondent.

X. DESIGNATION OF CONTRACTOR, PROJECT COORDINATOR, AND ON-SCENE COORDINATOR

30. Selection of Contractors, Personnel. All Work performed under this Order shall be under the direction and supervision of qualified personnel. Within twenty-one (21) days after the Effective Date, and before the Work outlined below begins, Respondents shall notify EPA in writing of the names, titles, and qualifications of the personnel, including contractors, subcontractors, consultants, and laboratories to be used in carrying out such Work. If, after the commencement of the Work, Respondents retain additional contractor(s) or subcontractor(s), Respondents shall notify EPA of the name(s) and qualification(s) of such contractor(s) or subcontractor(s) retained to perform the Work at least seven (7) days prior to commencement of Work by such additional contractor(s) or subcontractor(s). EPA retains the right, at any time, to disapprove of any or all of the contractors and/or subcontractors retained by Respondents. If EPA disapproves of a selected contractor or subcontractor, Respondents shall retain a different

contractor or subcontractor and shall notify EPA of that contractor's or subcontractor's name and qualifications within seven (7) days after EPA's disapproval. With respect to any proposed contractor, Respondents shall demonstrate that the proposed contractor demonstrates compliance with ASQ/ANSI E4:2014 "Quality management systems for environmental information and technology programs – Requirements with guidance for use" (American Society for Quality, February 2014), by submitting a copy of the proposed contractor's Quality Management Plan (QMP). The QMP should be prepared in accordance with "EPA Requirements for Quality Management Plans (QA/R-2)" (EPA/240/B-01/002, Reissued May 2006) or equivalent documentation as determined by EPA. The qualifications of the persons undertaking the Work for Respondents shall be subject to EPA's review for verification that such persons meet minimum technical background and experience requirements.

31. Within seven (7) days after the Effective Date, Respondents shall designate a Project Coordinator who shall be responsible for administration of the Work required by this Order and shall submit to EPA the designated Project Coordinator's name, address, telephone number, email address, and qualifications. To the greatest extent possible, the Project Coordinator shall be present on Site or readily available during the Work. EPA retains the right to disapprove of the designated Project Coordinator. If EPA disapproves of the designated Project Coordinator, Respondents shall retain a different Project Coordinator and shall notify EPA of that person's name, address, telephone number, email address, and qualifications within seven (7) days following EPA's disapproval. Respondents shall have the right to change their Project Coordinator, subject to EPA's right to disapprove. Respondents shall notify EPA seven (7) days before such a change is made. The initial notification may be made orally, but shall be promptly followed by a written notification. Communications between Respondents and EPA, and all documents concerning the activities performed pursuant to this Order, shall be directed to the Project Coordinator. Receipt by Respondents' Project Coordinator of any notice or communication from EPA relating to this Order shall constitute receipt by all Respondents.

32. EPA has designated Tom Mahler of the Superfund Division, Region 7, as its On-Scene Coordinator (OSC). EPA will notify Respondents of a change of its designated OSC. Communications between Respondents and EPA, and all documents concerning the activities performed pursuant to this Order, shall be directed to the OSC in accordance with Paragraph 37.a.1.

33. The OSC shall be responsible for overseeing Respondents' implementation of this Order. The OSC shall have the authority vested in a Remedial Project Manager (RPM) and an OSC by the NCP, including the authority to halt, conduct, or direct any Work required by this Order, or to direct any other response action when s/he determines that conditions at the Site constitute an emergency situation or may present a threat to public health or welfare or the environment. Absence of the OSC from the Site shall not be cause for stoppage or delay of Work.

XI. WORK TO BE PERFORMED

34. Respondents shall perform, at a minimum, all actions necessary to implement the Action Memorandum. The actions to be implemented generally include, but are not limited to, the following:

a. Surface Fire Prevention – Within twenty-one (21) days of the Effective Date, Respondents shall submit a Work Plan to include, at a minimum, the following elements:

1. A current West Lake Landfill map clearly indicating where RIM is located at or near the surface in OU1. This map should also indicate which areas with surface RIM are currently covered by vegetation or other materials and which remain exposed to the atmosphere.

2. Plans and schedule for placement of a non-combustible cover or barrier as soon as possible over all exposed areas at OU1 where RIM is currently known to be located at or near the surface and is not otherwise covered by vegetation, fill, or other materials.

3. Plans for grubbing and clearing all trees and vegetation where RIM is currently known to be located at or near the surface in OU1, and placement of a non-combustible cover or barrier over the cleared areas.

4. Plans and schedule for the performance of testing to confirm that RIM located at or near the surface in OU-1 has been covered.

5. Plans and schedule for ensuring the remaining trees and vegetation in OU1 do not present a fire risk that could result in the potential for release of RIM into the environment.

6. Plans and schedule for air monitoring for ensuring protection of both on-site workers and the surrounding community during grubbing and clearing of trees and vegetation in OU1, as well as during placement of the cover or barrier.

7. Plans for maintenance of the cover or barrier until a remedial action selected by EPA that addresses the surficial RIM is implemented at the Site.

b. Work Plan/Framework for an OU1 Incident Management Plan (IMP) – Within fourteen (14) days of the Effective Date, Respondents shall submit a framework and schedule for the development of an OU1 IMP which would address, at a minimum, the following elements:

1. Description of a surveillance system that will provide continuous 24-hour observations of activities at OU1.

2. Description of measures to prevent incidents which could result in the release of hazardous substances, anticipated initial response actions, coordination of responses including proposed command post locations, and resumption of normal activities.

3. Defined responses at OU1 for various emergency scenarios, at a minimum to include surface fires.

4. Description and contact information for personnel responsible (primary and alternate) for notifications and response elements of the plan, as well as individuals with the authority to commit resources.

5. Staffing plan to ensure IMP implementation 24 hours a day, 7 days per week.

6. Identification of when and how notifications will be made (to completion) by Bridgeton Landfill personnel to local emergency responders as well as to the regulatory agencies, including EPA MDNR, and the Missouri Department of Health and Senior Services (MDHSS). The IMP shall include a notification checklist to be used in the event of an emergency scenario identified in number 3 above.

7. List of equipment and other resources maintained on-Site to address the various emergency scenarios, along with readiness/personnel for deployment and how additional equipment may be obtained within specified timeframes. This shall include a map identifying storage locations for the equipment and resources identified in the plan, as well as a description of how equipment will be maintained for the duration of the IMP. In addition, the IMP shall include a map indicating ingress and egress location for first responders, as well as initial staging locations.

8. Description of types of fire suppression measures.

9. Description of personal protective equipment, including monitoring and sampling gear, to be used by landfill personnel.

10. Description of measures to prevent off-Site runoff of potentially contaminated fire suppression water.

11. Description of planned response actions to advise local emergency officials on emergency actions to protect the on-Site workers and the community as well as to fully characterize the impacts of the incident, to include at a minimum

    a. Air monitoring and sampling;

    b. Capture, characterization, and proper management of fire suppression waters; and

    c. Characterization of potentially impacted soils.

12. Description of response measures to be taken after a surface fire event, including any necessary surface soil stabilization measures.

13. Description of after action reporting to be made to applicable federal, state and local agencies.

14. Description of methods and timing for training any and all potential emergency responders on requirements and implementation of this plan, as well as plans for exercises, reviews, and revisions of this plan. Any revised plans must be provided to EPA, MDNR, MDHSS, and local response agencies.

15. Description of agreements in place with local, state and federal first responders to implement the OU1 IMP.

35. For any regulation or guidance referenced in the Order, the reference will be read to include any subsequent modification, amendment, or replacement of such regulation or guidance. Such modifications, amendments, or replacements apply to the Work only after Respondents receive notification from EPA of the modification, amendment, or replacement.

36. Work Plan and Implementation.

    a. Within the time specified in Paragraph 34, in accordance with Paragraph 37 (Submission of Deliverables), Respondents shall submit to EPA for review and approval the draft work plans for performing the removal actions (the "Removal Work Plans") generally described in Paragraph 34 above. The draft Removal Work Plans shall provide a description of, and an expeditious schedule for, the Work required by this Order.

    b. EPA may approve, disapprove, require revisions to, or modify the draft Removal Work Plans in whole or in part. If EPA requires revisions, Respondents shall submit a revised draft Removal Work Plans within 7 days after receipt of EPA's notification of the required revisions. Respondents shall implement the Removal Work Plans as approved in

writing by EPA in accordance with the schedule approved by EPA. Once approved, or approved with modifications, the Removal Work Plans, the schedule, and any subsequent modifications shall be incorporated into and become fully enforceable under this Order.

c. Upon approval or approval with modifications of the Removal Work Plans Respondents shall commence implementation of the Work in accordance with the schedule included therein. Respondents shall not commence or perform any Work except in conformance with the terms of this Order. Respondents shall notify EPA at least 48 hours prior to performing any Work on-Site pursuant to the EPA-approved Removal Work Plans.

d. Unless otherwise provided in this Order, any additional deliverables that require EPA approval under the Removal Work Plans shall be reviewed and approved by EPA in accordance with this Paragraph.

e. Any non-compliance with any EPA-approved plans, reports, specifications, schedules, or other deliverables shall be considered a violation of the requirements of this Order. Determinations of non-compliance shall be made by EPA. Approval of the Removal Work Plans shall not limit EPA's authority under the terms of this Order to require Respondents to conduct activities consistent with this Order to accomplish the Work outlined in this Section.

37. Submission of Deliverables

a. General Requirements for Deliverables.

1. Except as otherwise provided in this Order, Respondents shall direct all submissions required by this Order to OSC Tom Mahler at U.S. EPA Region 7, Superfund Division, 11201 Renner Boulevard, Lenexa, Kansas, 66219, mahler.tom@epa.gov, 913-551-7416. Respondents shall submit all deliverables required by this Order or any approved work plan to EPA in accordance with the schedule set forth in such plan.

2. Respondents shall submit all deliverables in electronic form. Technical specifications for sampling and monitoring data and spatial data are addressed in Paragraph 37b. All other deliverables shall be submitted to EPA in the form specified by the OSC. If any deliverable includes maps, drawings, or other exhibits that are larger than 8.5 x 11 inches, Respondents shall also provide EPA with paper copies of such exhibits.

b. Technical Specifications for Deliverables.

1. Sampling and monitoring data should be submitted in standard Regional EDD format. Other delivery methods may be allowed if electronic direct submission presents a significant burden or as technology changes.

2. Spatial data, including spatially-referenced data and geospatial data, should be submitted: (a) in the ESRI File Geodatabase format; and (b) as unprojected geographic coordinates in decimal degree format using North American Datum 1983 (NAD83) or World Geodetic System 1984 (WGS84) as the datum. If applicable, submissions should include the collection method(s). Projected coordinates may optionally be included but must be documented. Spatial data should be accompanied by metadata, and such metadata should be compliant with the Federal Geographic Data Committee (FGDC) Content Standard for Digital Geospatial Metadata and its EPA profile, the EPA Geospatial Metadata Technical Specification. An add-on metadata editor for ESRI software, the EPA Metadata Editor (EME), complies with these FGDC and EPA metadata requirements and is available at https://edg.epa.gov/EME/.

3. Each file must include an attribute name for each site unit or sub-unit submitted. Consult http://www.epa.gov/geospatial/policies.html for any further available guidance on attribute identification and naming.

4. Spatial data submitted by Respondents does not, and is not intended to, define the boundaries of the Site.

38. Sampling and Analysis Plan. For any sampling activity required by the Removal Work Plans, Respondents shall submit a Sampling and Analysis Plan to EPA for review and approval. This plan shall consist of a Field Sampling Plan (FSP) and a Quality Assurance Project Plan (QAPP) that is consistent with the Removal Work Plans, the NCP and applicable guidance documents, including, but not limited to, "Guidance for Quality Assurance Project Plans (QA/G-5)" EPA/240/R-02/009 (December 2002), "EPA Requirements for Quality Assurance Project Plans (QA/R-5)" EPA 240/B-01/003 (March 2001, reissued May 2006), and "Uniform Federal Policy for Quality Assurance Project Plans, Parts 1-3 EPA/505/B-04/900A-900C (March 2005). Upon its approval by EPA, the Sampling and Analysis Plan shall be incorporated into and become enforceable under this Order.

39. Health and Safety Plan. Within 21 days of the Effective Date, Respondents shall submit for EPA review and comment a Health and Safety Plan that ensures the protection of on-site workers and the public during performance of on-site Work under this Order. This plan shall

be prepared in accordance with "OSWER Integrated Health and Safety Program Operating Practices for OSWER Field Activities," Pub. 9285.0-OlC (Nov. 2002), available on the NSCEP database at http://www.epa.gov/nscep/index.html, and "EPA's Emergency Responder Health and Safety Manual," OSWER Directive 9285.3-12 (July 2005 and updates), available at http://www.epaosc.org/_HealthSafetyManual/manual-index.htm. In addition, the plan shall comply with all currently applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 C.F.R. Part 1910. If EPA determines that it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate all changes to the plan recommended by EPA and shall implement the plan during the pendency of the removal actions.

40. Post-Removal Site Control. In accordance with the schedule in the Removal Work Plans, or as otherwise directed by EPA, Respondents shall submit a proposal for Post-Removal Site Control. Upon EPA approval, Respondents shall either conduct Post-Removal Site Control activities, or obtain a written commitment from another party for conduct of such activities, until such time as EPA determines that no further Post-Removal Site Control is necessary. Respondents shall provide EPA with documentation of all Post-Removal Site Control commitments.

41. Progress Reports. Respondents shall submit a written progress report to EPA concerning actions undertaken pursuant to this Order on a monthly basis, or as otherwise requested by EPA, from the date of receipt of EPA's approval of the Removal Work Plan until issuance of Notice of Completion of Work pursuant to Section XXV, unless otherwise directed in writing by the OSC. These reports shall describe all significant developments during the preceding period, including the actions performed and any problems encountered, analytical data received during the reporting period, and the developments anticipated during the next reporting period, including a schedule of actions to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

42. Final Report. Within 30 days after completion of all Work required by this Order, with the exception of any continuing obligations required by this Order, Respondents shall submit for EPA review and approval a final report summarizing the actions taken to comply with this Order. EPA will review and approve the final report in accordance with Section XXV (Notice of Completion of Work). The final report shall conform, at a minimum, with the requirements set forth in Section 300.165 of the NCP, "OSC Reports." The final report shall include a good faith estimate of total costs or a statement of actual costs incurred in complying with the Order, a listing of quantities and types of materials removed off-Site or handled on-Site, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destination(s) of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal actions (e.g., manifests, invoices, bills, contracts, and permits). The final report shall also include the following certification signed by a responsible corporate official of a Respondent or Respondent's Project Coordinator: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage

the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

43. Off-Site Shipments.

a. Respondents may ship hazardous substances, pollutants, and contaminants from the Site to an off-Site facility only if they comply with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), and 40 C.F.R. § 300.440. Respondents will be deemed to be in compliance with CERCLA § 121(d)(3) and 40 C.F.R. § 300.440 regarding a shipment if Respondents obtain a prior determination from EPA that the proposed receiving facility for such shipment is acceptable under the criteria of 40 C.F.R. § 300.440(b).

b. Respondents may ship Waste Material from the Site to an out-of-state waste management facility only if, prior to any shipment, they provide written notice to the appropriate state environmental official in the receiving facility's state and to the OSC. This notice requirement will not apply to any off-Site shipments when the total quantity of all such shipments will not exceed ten cubic yards. The written notice must include the following information, if available: (1) the name and location of the receiving facility; (2) the type and quantity of Waste Material to be shipped; (3) the schedule for the shipment; and (4) the method of transportation. Respondents shall also notify the state environmental official referenced above and the OSC of any major changes in the shipment plan, such as a decision to ship the Waste Material to a different out-of-state facility. Respondents shall provide the notice after the award of the contract for the removal action and before the Waste Material is shipped.

c. Respondents may ship Investigation Derived Waste (IDW) from the Site to an off-Site facility only if they comply with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), 40 C.F.R. § 300.440, EPA's "Guide to Management of Investigation Derived Waste," OSWER 9345.3-03FS (Jan. 1992), and any IDW-specific requirements contained in the Action Memorandum. Wastes shipped off-Site to a laboratory for characterization, and RCRA hazardous wastes that meet the requirements for an exemption from RCRA under 40 C.F.R. § 261.4(e) shipped off-Site for treatability studies, are not subject to 40 C.F.R. § 300.440.

XII. QUALITY ASSURANCE, SAMPLING, AND DATA ANALYSIS

44. Respondents shall use quality assurance, quality control, and other technical activities and chain of custody procedures for all samples consistent with "EPA Requirements for Quality Assurance Project Plans (QA/R5)," EPA/240/B-01/003 (March 2001, reissued May 2006), "Guidance for Quality Assurance Project Plans (QA/G-5)," EPA/240/R-02/009 (December 2002), and "Uniform Federal Policy for Quality Assurance Project Plans," Parts 1-3, EPA/505/B-04/900A-900C (March 2005).

45. Access to Laboratories.

a. Respondents shall ensure that EPA personnel and its authorized representatives are allowed access at reasonable times to all laboratories utilized by Respondents pursuant to this Order. In addition, Respondents shall ensure that such laboratories shall analyze all samples submitted by EPA pursuant to the QAPP for quality assurance, quality control, and technical activities that will satisfy the stated performance criteria as specified in the QAPP and that sampling and field activities are conducted in accordance with EPA's "Field Operations Group Operational Guidelines for Field Activities" (http://www.epa.gov/region8/qa/Field OperationsGroupOperationalGuidelinesForFieldActivities.pdf) and "EPA QA Field Activities Procedure" (http://www.epa.gov/irmpoli8/ policies/2105-p-02.pdf). Respondents shall ensure that the laboratories they utilize for the analysis of samples taken pursuant to this Order meet the competency requirements set forth in EPA's "Policy to Assure Competency of Laboratories, Field Sampling, and Other Organizations Generating Environmental Measurement Data under Agency-Funded Acquisitions" (http://www.epa.gov/fem/pdfs/fem-lab-competency-policy.pdf) and that the laboratories perform all analyses using EPA-accepted methods. Accepted EPA methods consist of, but are not limited to, methods that are documented in the EPA's Contract Laboratory Program (http://www.epa.gov/superfund/programs/clp/), SW 846 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (http://www.epa.gov/epawaste/hazard/testmethods/sw846/ online/index.htm), "Standard Methods for the Examination of Water and Wastewater" (http://www.standardmethods.org/), 40 C.F.R. Part 136, "Air Toxics - Monitoring Methods" (http://www.epa.gov/ttnamti1/ airtox.html)." However, upon approval by EPA, Respondents may use other appropriate analytical method(s), as long as (i) quality assurance/quality control (QA/QC) criteria are contained in the method(s) and the method(s) are included in the QAPP, (ii) the analytical method(s) are at least as stringent as the methods listed above, and (iii) the method(s) have been approved for use by a nationally recognized organization responsible for verification and publication of analytical methods, e.g., EPA, ASTM, NIOSH, OSHA, etc. Respondents shall ensure that all

laboratories they use for analysis of samples taken pursuant to this Order have a documented Quality System that complies with ASQ/ANSI E4:2014 "Quality management systems for environmental information and technology programs – Requirements with guidance for use" (American Society for Quality, February 2014), and "EPA Requirements for Quality Management Plans (QA/R-2)" EPA/240/B-01/002 (March 2001, reissued May 2006), or equivalent documentation as determined by EPA. EPA may consider Environmental Response Laboratory Network (ERLN) laboratories, laboratories accredited under the National Environmental Laboratory Accreditation Program (NELAP), or laboratories that meet International Standardization Organization (ISO 17025) standards or other nationally recognized programs (http://www.epa.gov/fem/accredit.htm) as meeting the Quality System requirements. Respondents shall ensure that all field methodologies utilized in collecting samples for subsequent analysis pursuant to this Order are conducted in accordance with the procedures set forth in the QAPP approved by EPA.

b. Upon request, Respondents shall provide split or duplicate samples to EPA or its authorized representatives. Respondents shall notify EPA not less than 7 days in advance of any sample collection activity. In addition, EPA shall have the right to take any additional samples that EPA deems necessary. Upon request, EPA shall provide to Respondents split or duplicate samples of any samples it takes as part of EPA's oversight of Respondents' implementation of the Work.

c. Respondents shall submit to EPA, in the next monthly progress report as described in Paragraph 41 (Progress Reports) copies of the results of all sampling and/or tests or other data obtained or generated by or on behalf of Respondents with respect to the Site and/or the implementation of this Order.

XIII. PROPERTY REQUIREMENTS

46. Agreements Regarding Access and Non-Interference. Respondents shall, with respect to any Non-Respondent Owner's property, use best efforts to secure from such Non-Respondent Owner an agreement, enforceable by Respondents and EPA, providing that such Non-Respondent Owner and Owner Respondent shall, with respect to Owner Respondent's Affected Property: (i) provide EPA, Respondents, and their representatives, contractors, and subcontractors with access at all reasonable times to such Affected Property to conduct any activity regarding the Order, including those activities listed in Paragraph 46.a (Access Requirements); and (ii) refrain from using such Affected Property in any manner that EPA determines will pose an unacceptable risk to human health or to the environment due to exposure to Waste Material, or interfere with or adversely affect the implementation, integrity, or protectiveness of the removal action, including the restrictions listed in Paragraph 46.b (Land, Water, or Other Resource Use Restrictions).

a. Access Requirements. The following is a list of activities for which access is required regarding the Affected Property:

1. Monitoring the Work;

2. Verifying any data or information submitted to EPA;

3. Conducting investigations regarding contamination at or near the Site;

4. Obtaining samples;

5. Assessing the need for, planning, implementing, or monitoring response actions;

6. Assessing implementation of quality assurance and quality control practices as defined in the approved quality assurance quality control plan as defined in the approved QAPP;

7. Implementing the Work pursuant to the conditions set forth in Section XVIII (Enforcement/Work Takeover);

8. Inspecting and copying records, operating logs, contracts, or other documents maintained or generated by Respondents or their agents, consistent with Section XIV (Access to Information);

9. Assessing Respondents' compliance with the Order;

10. Determining whether the Affected Property is being used in a manner that is prohibited or restricted, or that may need to be prohibited or restricted under the Order; and

11. Implementing, monitoring, maintaining, reporting on, and enforcing any land, water, or other resource use restrictions regarding the Affected Property.

b. Land Use Restrictions. The following is a list of land use restrictions applicable to the Affected Property:

1. Prohibiting activities that could interfere with the integrity of the removal action; and

2. Ensuring that any new structures on the Affected Property will not be constructed in a manner that could interfere with the removal action.

47. Best Efforts. As used in this Section, "best efforts" means the efforts that a reasonable person in the position of Respondents would use so as to achieve the goal in a timely manner, including the cost of employing professional assistance and the payment of reasonable sums of money to secure access and/or use restriction agreements, as required by this Section. If, within 30 days after the Effective Date, Respondents are unable to accomplish what is required through "best efforts" they shall notify EPA, and include a description of the steps taken to comply with the requirements. If EPA deems it appropriate, it may assist Respondents or take independent action in obtaining such access and/or use restrictions. EPA reserves the right to seek payment from Respondents for all costs, including cost of attorneys' time, incurred by the United States in obtaining such access or agreements to restrict land, water, or other resource use.

48. Owner Respondent shall not Transfer its Affected Property unless it has first secured EPA's approval of, and transferee's consent to, an agreement that: (i) is enforceable by EPA; and (ii) requires the transferee to provide access to and refrain from using the Affected Property to the same extent as is provided under Paragraphs 46.a (Access Requirements) and 46.b (Land, Water, or Other Resource Use Restrictions).

49. If EPA determines in a decision document prepared in accordance with the NCP that institutional controls in the form of state or local laws, regulations, ordinances, zoning restrictions, or other governmental controls or notices are needed, Respondents shall cooperate with EPA's efforts to secure and ensure compliance with such institutional controls.

50. In the event of any Transfer of the Affected Property, unless EPA otherwise consents in writing, Respondents shall continue to comply with their obligations under this Order, including their obligation to secure access and ensure compliance with any land, water, or other resource use restrictions regarding the Affected Property.

51.

a. Owner Respondent shall, within 15 days after the Effective Date, submit for EPA approval a notice to be filed regarding Owner Respondent's Affected Property in the appropriate land records. The notice must: (1) include a proper legal description of the Affected Property; (2) provide notice to all successors-in-title that: (i) the Affected Property is part of, or related to, the Site; (ii) EPA has selected a removal action for the Site; and (iii) EPA has ordered potentially responsible parties to implement that removal action; and (3) identify the EPA docket number and Effective Date of this Order. Owner Respondent shall record the notice within 10 days after EPA's approval of the notice and submit to EPA, within 10 days thereafter, a certified copy of the recorded notice.

b. Owner Respondent shall, prior to entering into a contract to Transfer its Affected Property, or 60 days prior to Transferring its Affected Property, whichever is earlier:

1. Notify the proposed transferee that EPA has selected a removal action regarding the Site, that EPA has ordered potentially responsible parties to implement such removal action, (identifying the EPA docket number and the Effective Date of this Order); and

2. Notify EPA of the name and address of the proposed transferee and provide EPA with a copy of the above notice that it provided to the proposed transferee.

52. Notwithstanding any provision of this Order, EPA retains all of their access authorities and rights, as well as all of their rights to require land, water, or other resource use restrictions, including enforcement authorities related thereto under CERCLA, RCRA, and any other applicable statute or regulations.

XIV. ACCESS TO INFORMATION

53. Respondents shall provide to EPA, upon request, copies of all records, reports, documents, and other information (including records, reports, documents, and other information in electronic form) (hereinafter referred to as "Records") within Respondents' possession or control or that of their contractors or agents relating to activities at the Site or to the implementation of this Order, including, but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information regarding the Work. Respondents shall also make available to EPA, for purposes of investigation, information gathering, or testimony, their employees, agents, or representatives with knowledge of relevant facts concerning the performance of the Work.

54. Privileged and Protected Claims.

a. Respondents may assert that all or part of a Record requested by EPA or the State is privileged or protected as provided under federal law, in lieu of providing the Record, provided Respondents comply with Paragraph 54.b, and except as provided in Paragraph 54.c.

b. If Respondents assert a claim of privilege or protection, they shall provide EPA with the following information regarding such Record: its title; its date; the name, title, affiliation (e.g., company or firm), and address of the author, of each addressee, and of each recipient; a description of the Record's contents; and the privilege or protection asserted. If a claim of privilege or protection applies only to a portion of a Record, Respondents shall provide the Record to EPA in redacted form to mask the privileged or protected portion only. Respondents shall retain all Records that they claim to be privileged or protected until EPA has had a reasonable opportunity to dispute the privilege or protection claim and any such dispute has been resolved in Respondents' favor.

c. Respondents may make no claim of privilege or protection regarding: (1) any data regarding the Site, including, but not limited to, all sampling, analytical, monitoring, hydrogeologic, scientific, chemical, radiological, or engineering data, or the portion of any other Record that evidences conditions at or around the Site; or (2) the portion of any Record that Respondents are required to create or generate pursuant to this Order.

55. Business Confidential Claims. Respondents may assert that all or part of a Record provided to EPA under this Section or Section XV (Retention of Records) is business confidential to the extent permitted by and in accordance with Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and 40 C.F.R. § 2.203(b). Respondents shall segregate and clearly identify all Records or parts thereof submitted under this UAO for which Respondents assert business confidentiality claims. Records submitted to EPA determined to be confidential by EPA will be afforded the protection specified in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies Records when they are submitted to EPA, or if EPA has notified Respondents that the Records are not confidential under the standards of Section 104(e)(7) of CERCLA or 40 C.F.R. Part 2, Subpart B, the public may be given access to such Records without further notice to Respondents.

56. Notwithstanding any provision of this Order, EPA retains all of its information gathering and inspection authorities and rights, including enforcement actions related thereto, under CERCLA, RCRA, and any other applicable statutes or regulations.

XV. RETENTION OF RECORDS

57. During the pendency of this Order and for a minimum of 10 years after Respondents' receipt of EPA's notification pursuant to Section XXV (Notice of Completion of Work), each Respondent shall preserve and retain all non-identical copies of Records (including Records in electronic form) now in its possession or control, or that come into its possession or control, that relate in any manner to its liability under CERCLA with respect to the Site, provided, however, that Respondents who are potentially liable as owners or operators of the Site must retain, in addition, all Records that relate to the liability of any other person under CERCLA with respect to the Site. Each Respondent must also retain, and instruct its contractors and agents to preserve, for the same period of time specified above, all non-identical copies of the last draft or final version of any Records (including Records in electronic form) now in its possession or control or that come into its possession or control that relate in any manner to the performance of the Work, provided, however, that each Respondent (and its contractors and agents) must retain, in addition, copies of all data generated during performance of the Work and not contained in the aforementioned Records required to be retained. Each of the above record retention requirements shall apply regardless of any corporate retention policy to the contrary.

58. At the conclusion of this document retention period, Respondents shall notify EPA at least 90 days prior to the destruction of any such Records, and, upon request by EPA, and except as provided in Paragraph 54, Respondents shall deliver any such Records to EPA.

59. Within 30 days after the Effective Date, each Respondent shall submit a written certification to EPA's OSC that, to the best of its knowledge and belief, after thorough inquiry, it has not altered, mutilated, discarded, destroyed, or otherwise disposed of any Records (other than identical copies) relating to its potential liability regarding the Site since notification of its potential liability by the United States , and that it has fully complied with any and all EPA requests for information regarding the Site pursuant to Sections 104(e) and 122(e) of CERCLA, 42 U.S.C. §§ 9604(e) and 9622(e), and Section 3007 of RCRA, 42 U.S.C. § 6927. Any Respondent unable to so certify shall submit a modified certification that explains in detail why it is unable to certify in full with regard to all Records.

XVI. COMPLIANCE WITH OTHER LAWS

60. Nothing in this Order limits Respondents' obligations to comply with the requirements of all applicable state and federal laws and regulations, except as provided in Section 121(e) of CERCLA, 42 U.S.C. § 6921(e), and 40 C.F.R. §§ 300.400(e) and 300.415(j). In accordance with 40 C.F.R. § 300.415(j), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements (ARARs) under federal environmental or state environmental or facility siting laws.

61. No local, state, or federal permit shall be required for any portion of the Work conducted entirely on-site (i.e., within the areal extent of contamination or in very close proximity to the contamination and necessary for implementation of the Work), including studies, if the action is selected and carried out in compliance with Section 121 of CERCLA, 42 U.S.C. § 9621. Where any portion of the Work that is not on-site requires a federal or state permit or approval, Respondents shall submit timely and complete applications and take all other actions necessary to obtain and to comply with all such permits or approvals. This Order is not, and shall not be construed to be, a permit issued pursuant to any federal or state statute or regulation.

XVII. EMERGENCY RESPONSE AND NOTIFICATION OF RELEASES

62. Emergency Response. If any event occurs during performance of the Work that causes or threatens to cause a release of any Waste Material on, at, or from the Site that either constitutes an emergency situation or that may present an immediate threat to public health or welfare or the environment, Respondents shall immediately take all appropriate action to prevent, abate, or minimize such release or threat of release. Respondents shall take these actions in accordance with all applicable provisions of this Order, including, but not limited to, the Health and Safety Plan. Respondents shall also immediately notify the OSC or, in the event of his/her unavailability, the EPA Region 7 Spill Line at 913-281-0991 of the incident or Site conditions. In the event that Respondents fail to take appropriate response action as required by this Paragraph, and EPA takes such action instead, EPA reserves the right to pursue cost recovery.

63. Release Reporting. Upon the occurrence of any event during performance of the Work that Respondents are required to report pursuant to Section 103 of CERCLA, 42 U.S.C. § 9603, or Section 304 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11004, Respondents shall immediately orally notify the OSC, or, in the event of his/her unavailability, the EPA Region 7 Spill Line at 913-281-0991, and the National Response Center at (800) 424-8802. This reporting requirement is in addition to, and not in lieu of, the reporting required by CERCLA § 103 or EPCRA § 304.

64. For any event covered under this Section, Respondents shall submit a written report to EPA within seven days after the onset of such event, setting forth the action or event that occurred and the measures taken, and to be taken, to mitigate any release or threat of release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release or threat of release.

XVIII. ENFORCEMENT/WORK TAKEOVER

65. Any willful violation, or failure or refusal to comply with any provision of this Order may subject Respondents to civil penalties of up to $37,500 per violation per day, as provided in Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1), and the Civil Monetary Penalty Inflation Adjustment Rule, 69 Fed. Reg. 7121, 40 C.F.R. Part 19.4. In the event of such willful violation, or failure or refusal to comply, EPA may carry out the required actions unilaterally, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606. Respondents may also be subject to punitive damages in an amount up to three times the amount of any costs incurred by the United States as a result of such failure to comply, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).

XIX. RESERVATIONS OF RIGHTS BY EPA

66. Nothing in this Order shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing in this Order shall prevent EPA from seeking legal or equitable relief to enforce the terms of this Order, from taking other legal or equitable action as it deems appropriate and necessary, or from requiring Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law. EPA reserves the right to bring an action against Respondents under Section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of any response costs incurred by the United States related to this Order or the Site and not paid by Respondents.

XX. OTHER CLAIMS

67. By issuance of this Order, the United States and EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. The United States or EPA shall not be deemed a party to any contract entered into by

Respondents or their directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out actions pursuant to this Order.

68. Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against Respondents or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or common law, including but not limited to any claims of the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607.

69. Nothing in this Order shall be deemed to constitute preauthorization of a claim within the meaning of Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2), or 40 C.F.R. § 300.700(d).

70. No action or decision by EPA pursuant to this Order shall give rise to any right to judicial review, except as set forth in Section 113(h) of CERCLA, 42 U.S.C. § 9613(h).

XXI. INSURANCE

71. No later than 7 days before commencing any on-site Work, Respondents shall secure, and shall maintain for the duration of this Order, commercial general liability insurance with limits of three million dollars, for any one occurrence, and automobile insurance with limits of three million dollars, combined single limit, naming EPA as an additional insured with respect to all liability arising out of the activities performed by or on behalf of Respondents pursuant to this Order. Within the same time period, Respondents shall provide EPA with certificates of such insurance and a copy of each insurance policy. Respondents shall submit such certificate and copies of policies each year on the anniversary of the Effective Date. In addition, for the duration of the Order, Respondents shall satisfy, or shall ensure that their contractors or subcontractors satisfy, all applicable laws and regulations regarding the provision of worker's compensation insurance for all persons performing Work on behalf of Respondents in furtherance of this Order. If Respondents demonstrate by evidence satisfactory to EPA that any contractor or subcontractor maintains insurance equivalent to that described above, or insurance covering some or all of the same risks but in a lesser amount, then, with respect to that contractor or subcontractor, Respondents need provide only that portion of the insurance described above which is not maintained by such contractor or subcontractor.

XXII. MODIFICATION

72. The OSC may make modifications to any plan or schedule in writing or by oral direction. Any oral modification will be memorialized in writing by EPA within 7 days, but shall have as its effective date the date of the OSC's oral direction. Any other requirements of this Order may be modified in writing by signature of the EPA Region 7 Superfund Division Director.

73. If Respondents seek permission to deviate from any approved Work Plan or schedule, Respondents' Project Coordinator shall submit a written request to EPA for approval

outlining the proposed modification and its basis. Respondents may not proceed with the requested deviation until receiving approval from the OSC pursuant to Paragraph 72.

74. No informal advice, guidance, suggestion, or comment by the OSC or other EPA representatives regarding reports, plans, specifications, schedules, or any other writing submitted by Respondents shall relieve Respondents of their obligation to obtain any formal approval required by this Order, or to comply with all requirements of this Order, unless it is formally modified.

XXIII. DELAY IN PERFORMANCE

75. Respondents shall notify EPA of any delay or anticipated delay in performing any requirement of this Order. Such notification shall be made by telephone and email to the OSC within 48 hours after Respondents first knew or should have known that a delay might occur. Respondents shall adopt all reasonable measures to avoid or minimize any such delay. Within 7 days after notifying EPA by telephone and email, Respondents shall provide to EPA written notification fully describing the nature of the delay, the anticipated duration of the delay, any justification for the delay, all actions taken or to be taken to prevent or minimize the delay or the effect of the delay, a schedule for implementation of any measures to be taken to mitigate the effect of the delay, and any reason why Respondents should not be held strictly accountable for failing to comply with any relevant requirements of this Order. Increased costs or expenses associated with implementation of the activities called for in this Order is not a justification for any delay in performance.

76. Any delay in performance of this Order that, in EPA's judgment, is not properly justified by Respondents under the terms of Paragraph 75 shall be considered a violation of this Order. Any delay in performance of this Order shall not affect Respondents' obligations to fully perform all obligations under the terms and conditions of this Order.

XXIV. ADDITIONAL REMOVAL ACTIONS

77. If EPA determines that additional removal actions not included in an approved plan are necessary to protect public health, welfare, or the environment, EPA will notify Respondents of that determination and will either modify this Order or issue a new Order to address any additional removal actions.

XXV. NOTICE OF COMPLETION OF WORK

78. When EPA determines, after EPA's review of the final report, that all Work has been fully performed in accordance with this Order, with the exception of any continuing obligations required by this Order, EPA will provide written notice to Respondents. If EPA determines that any Work has not been completed in accordance with this Order, EPA will notify Respondents, provide a list of the deficiencies, and require that Respondents modify the Work Plan, if appropriate, in order to correct such deficiencies within 14 days after receipt of the EPA notice. The modified Work Plan shall include a schedule for correcting such deficiencies. Within 30 days after receipt of written approval of the modified Work Plan, Respondents shall

implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the EPA notice. Failure by Respondents to implement the approved modified Work Plan shall be a violation of this Order.

XXVI. ADMINISTRATIVE RECORD

79. EPA will establish an administrative record which contains the documents that form the basis for the issuance of this Order. No later than 60 days after initiation of on-site removal activity, it shall be made available for review by appointment on weekdays at the EPA Region 7 Records Center, 11201 Renner Blvd., Lenexa, Kansas 66219. To review the administrative record, please contact Ben Washburn at 913-551-7364 to make an appointment.

XXVII. SEVERABILITY

80. If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondents shall remain bound to comply with all provisions of this Order not invalidated or determined to be subject to a sufficient cause defense by the court's order.

It is so ORDERED.

BY: Mary P. Peterson DATE: 12/9/2015

Mary P. Peterson, Director
Superfund Division
Region 7
U.S. Environmental Protection Agency

EFFECTIVE DATE: _____

APPENDIX A

Action Memorandum

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

DEC 0 9 2015

ENFORCEMENT ACTION MEMORANDUM

SUBJECT: Approval of a Time-Critical Removal Action at the West Lake Landfill Site, Bridgeton, Missouri

FROM: Tom Mahler, On-Scene Coordinator
Emergency Response and Removal South Branch

TO: Mary P. Peterson, Director
Superfund Division

CERCLIS ID:	MOD079900932
Operable Unit:	01
SSID:	0714
Removal Category:	Enforcement Time-Critical
Nationally Significant/Precedent-Setting:	No

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of a time-critical removal action at the West Lake Landfill site (Site) in Bridgeton, St. Louis County, Missouri. The time-critical removal action will involve actions to prevent surface fires and migration of contaminants from Area 1 and Area 2 of Operable Unit 1 (OU-1) where Radiologically Impacted Materials (RIM) are at or near the surface. These actions are necessary to mitigate the risk of surface fires and to minimize the potential for any future migration of RIM off the Site by wind, precipitation, or other adverse weather events. This action also calls for the development of an incident action plan or the augmentation of existing plans to clearly define the notification, response, and air monitoring protocols to be followed by the site owner and/or operator in the event of future surface fires or other emergency incidents. This removal action is expected to be conducted by the following potentially responsible parties (PRPs): Bridgeton Landfill, LLC, the current operator of the Site, Rock Road Industries, Inc., the current owner of OU-1, and Cotter Corporation (N.S.L.). The U.S. Environmental Protection Agency will perform oversight of the PRPs' work, including the review and approval of all work plans and reports, and oversight of field activities.

This time-critical removal action is necessary to mitigate any potential future threat to public health or welfare or the environment posed by an occurrence of a surface fire or other emergency incidents at the Site. The radiological wastes in OU-1 are hazardous substances as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14), and are designated hazardous substances per 40 C.F.R. § 302.4(b).

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II. SITE CONDITIONS AND BACKGROUND

A. Site Description

1. Removal Site Evaluation

The Site was used for agricultural purposes until a limestone quarrying and crushing operation began in 1939. The quarrying operation continued until 1988 and resulted in two quarry pits. Beginning in the early 1950s, portions of the quarried areas and adjacent areas were used for landfilling municipal refuse, industrial solid wastes, and construction/demolition debris. These operations pre-dated state permitting requirements. Two landfill areas were radiologically contaminated in 1973 when they received soil mixed with leached barium sulfate residues. These two landfill areas constitute OU-1.[1]

The barium sulfate residues, containing traces of uranium, thorium, and their daughter products, were some of the uranium ore processing residues initially stored by the Atomic Energy Commission (AEC) on a 21.7-acre tract of land in a then undeveloped area of north St. Louis County, now known as the St. Louis Airport Site (SLAPS), which is part of the St. Louis Formerly Utilized Sites Remedial Action Program managed by the U.S. Army Corps of Engineers (Corps). The radium and lead-bearing residues—known as K-65 residues—were stored in drums prior to being transported to federal facilities in New York and Ohio.

In 1966 and 1967, the barium sulfate residues from SLAPS were purchased by a private company for mineral recovery and placed in storage at a nearby facility on Latty Avenue under an AEC license. Most of the residues were shipped to Canon City, Colorado, for reprocessing except for the leached barium sulfate residues, which were the least valuable in terms of mineral content, i.e., most of the uranium and radium was removed in previous precipitation steps. Reportedly, 8,700 tons of leached barium sulfate residues were mixed with approximately 39,000 tons of soil and then transported to the Site. According to the landfill operator, the soil was used as cover for municipal refuse in routine landfill operations. The data collected during the Remedial Investigation (RI) are consistent with this account.

The Bridgeton Sanitary Landfill (Former Active Sanitary Landfill) quarry pits were used for permitted solid waste landfill operations beginning in 1979. In August 2005, the Bridgeton Sanitary Landfill stopped receiving waste pursuant to an agreement with the city of St. Louis to reduce the potential for birds to interfere with Lambert-St. Louis International Airport operations.

The EPA placed the Site on the Superfund National Priorities List (NPL) in 1990. The NPL is a list of priority sites promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. The NPL is found in Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

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[1] OU-2 of the site are those portions of the landfill where non-radiological hazardous substances are present. The EPA issued a Record of Decision for OU-2 in July 2008.

In 1993, the EPA entered into an Administrative Order on Consent (AOC) with Respondents Cotter Corporation (N.S.L.), Laidlaw Waste Systems Inc. (Bridgeton Landfill, LLC), Rock Road Industries, Inc., and the U.S. Department of Energy for the performance of a Remedial Investigation (RI) and Feasibility Study (FS). Pursuant to the AOC, the Respondents submitted for the EPA's review and approval a RI which detailed the findings of extensive sampling and analysis in the area of OU-1 and the surrounding area. Following the RI, the Respondents submitted for the EPA's review and approval an FS which evaluated the various remedial alternatives for OU-1, consistent with the requirements of the AOC, CERCLA, and the NCP. In addition, the state of Missouri reviewed and commented on these documents. The Record of Decision (ROD) documenting the remedy selection for OU-1, which was concurred on by the state, was issued by the EPA in May 2008. This remedy has not yet been implemented.

Between 2013 and 2015, additional investigations were performed by the PRPs to further delineate the extent of radionuclides in OU 1, Area 1 in support of building a potential isolation barrier (Phase 1). The validated laboratory data from this investigation is under review by the EPA. The PRPs are currently performing additional characterization of contamination in Area 1 and Area 2.

On October 24, 2015 at approximately 2:00 p.m., a brush fire occurred near the entrance to the property located at the intersection of St. Charles Rock Road and Tausig Road. The reported cause of the fire was a malfunctioning electrical switch attached to an adjacent power line pole. The Pattonville Fire Protection District (PFD) responded with support from the Robertson Fire Protect District (RFPD) and extinguished the fire in approximately 20 minutes. The affected area is located approximately 390 feet from the nearest known location of RIM. The EPA dispatched a responder. Because the Site was secure and the remaining daylight was limited, the EPA returned the morning of October 25 to investigate. The EPA performed a gamma screening of the affected area and collected three surface soil samples. Results of the gamma screening indicated no elevated levels, and were consistent with screening performed by the PFD and the MDNR. Soil sampling included the collection of one sample from the center of the affected area and two samples from areas where fire suppression waters would most likely have flowed.

2. Physical location

The Site is on a parcel of approximately 200 acres located in the northwestern portion of the St. Louis metropolitan area. It is situated approximately one mile north of the intersection of Interstate 70 and Interstate 270 within the limits of the city of Bridgeton in northwestern St. Louis County. The Missouri River lies about two miles to the north and west of the Site. The Site is bounded on the north by St. Charles Rock Road and on the east by Tausig Road. Old Saint Charles Rock Road borders the southern and western portions of the Site. The Earth City Industrial Park is adjacent to the Site on the west. The Spanish Village residential subdivision is located less than a mile to the south. Mixed commercial, retail, manufacturing, and single-family residential uses are present to the southeast of the Site.

3. Site characteristics

The Site consists of the Bridgeton Sanitary Landfill (Former Active Sanitary Landfill) and several inactive areas with sanitary and demolition fill which are closed. The address of the Bridgeton Landfill is 13570 St. Charles Rock Road. The Site is divided into two operable units (OUs). OU-1 addresses two of the inactive landfill areas (Area 1 and Area 2) where radiological contamination is located, and the area formerly described as the Ford Property, now the Buffer Zone / Crossroads Property. The other landfill areas where radiological contaminants are not present constitute OU-2.

There are other facilities and operations located and conducted on the 200-acre parcel which are not included in the Site. These include concrete and asphalt batch plants, a solid waste transfer station, a leachate pre-treatment plant, and an automobile repair shop.

4. Release or threatened release into the environment of a hazardous substance, or pollutant, or contaminant

As described above, the RI has documented the presence of radiological contamination in the OU-1, Area 1 and 2 cells and the near-surface soils on these cells. The presence of radiological contamination in these areas constitutes a release into the environment of a hazardous substance. A recent brush fire at the site, while not in an area containing RIM, has heightened concern about the potential release of radiological contaminants that could occur as a result of surface fires.

5. National Priority List (NPL) status

The Site is listed on the National Priorities List (55 Fed. Reg. 35502, August 30, 1990).

6. Maps, pictures, and other graphic representations

Depictions of the Site will be included in the Administrative Record for this removal action.

B. Other Actions to Date

1. Previous actions

As discussed above, there have been substantial CERCLA response actions taken at the Site.

2. Current actions

On April 20, 2015, the EPA determined that additional work was necessary to accomplish the objectives of the Remedial Investigation/Feasibility Study for Operable Unit 1. Respondents are currently collecting additional data from Areas 1 and 2, pursuant to a work plan approved by the EPA on September 4, 2015. The data from this effort will be used by the Respondents in the development of partial and full excavation remedial alternatives to be evaluated and presented to the EPA in a Final Feasibility Study.

Bridgeton Landfill, LLC and Rock Road Industries, Inc. are also currently implementing an Administrative Settlement Agreement and Order on Consent for Removal Action – Preconstruction Work for the performance of actions that support the design, construction and maintenance of an Isolation Barrier. Air monitoring is currently being performed by these parties pursuant to this Order.

C. State and Local Authorities' Roles

1. State and local actions to date

The West Lake Landfill NPL site encompasses several closed landfills. Operable Unit 2 consists of the closed Bridgeton Landfill (or Former Active Sanitary Landfill) and the closed Demolition and Inactive Sanitary Landfills. The Bridgeton Landfill closed in 2005 pursuant to an agreement with the city of St. Louis due to a runway expansion project at the nearby Lambert – St. Louis International Airport. The EPA issued a ROD in 2008 that defers remediation of the Bridgeton and Demolition Landfills to the Missouri Department of Natural Resources (MDNR) in accordance with existing solid waste permits and post-closure requirements.

Since 2010 a subsurface smoldering event (SSE) has been occurring in the Bridgeton Landfill in OU-2. As described above, the MDNR has an extensive solid and hazardous waste history with the Site, particularly with administering and overseeing closure work on the Bridgeton Sanitary Landfill and responding to the SSE. The MDNR has conducted inspections, and has issued a state order, seeking certain response actions at the Site.

Bridgeton Landfill has developed an Incident Management Plan (IMP) which describes plans to prevent incidents, required protocol for initial incident emergency calls, coordination of responses, and resumption of normal activities (in case of interruption). The IMP was prepared by Bridgeton Landfill with the cooperation of appropriate regulatory authorities and local emergency responders.

Potential for continued state/local response

The MDNR is expected to continue as the lead agency overseeing post closure work on the Bridgeton Landfill.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT AND STATUTORY AND REGULATORY AUTHORITIES

A. Threats to Public Health or Welfare

Where the EPA makes a determination, based on the factors set forth in 40 C.F.R. § 300.415(b)(2), that a release or substantial threat of release of a hazardous substance poses a threat to public health or welfare or the environment, the EPA may take any appropriate removal action to abate, prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release. The factors in 40 C.F.R. § 300.415(b)(2) that apply to this Site are:

- **300.415(b)(2)(i) – Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, or pollutants, or contaminants.**

The primary contaminants of concern at the Site are Radiological Impacted Materials (RIM) contained within the landfill. If trees or brush were to catch fire near areas where RIM is located on the surface of Area 1 or Area 2, there is the potential for the radionuclides and their daughter products to migrate off-Site. This could present unacceptable exposures to nearby human populations, animals, or the food chain. There are numerous businesses and some residences near the Site, on-Site and off-Site workers, and residents who may potentially be exposed in the event of a surface fire in OU 1 where RIM is located at or near the surface.

- **300.415(b)(2)(iv) – High levels of hazardous substances or pollutants or contaminants in soil largely at or near the surface that may migrate.**

Radium 226 has been found at the surface in Area 1 as high as 906 pCi/g and in Area 2 as high as 3720 pCi/g. In addition, Thorium 230 has been found at the surface in Area 1 as high as 9700 pCi/g and in Area 2 as high as 29,240 pCi/g. If the vegetation surrounding these areas is impacted because of a surface fire, these materials may migrate.

- **300.415(b)(2)(vi) – Threat of fire or explosion.**

As long as there are materials which are combustible such as trees or brush in Area 1 or Area 2 of OU-1 that are collocated with RIM at or near the surface, a fire could occur.

- **300.415(b)(2)(vii) – The availability of other appropriate federal or state response mechanisms to respond to the release**

There are no other known appropriate federal or state response mechanisms available to conduct this response at the Site.

IV. ENDANGERMENT DETERMINATION

The actual release or threatened release of hazardous substances at and from the Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTION AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The proposed action will require the placement of a cover which is not combustible in exposed areas where RIM is located at or near the surface in Area 1 and Area 2. The action will also include the grubbing and clearing of brush and trees from locations where

RIM is known to be located at or near the surface in Area 1 and Area 2, followed by placement of an appropriate cover. Engineering controls will be required to ensure RIM is not mobilized during this action. Concurrently or following those actions, confirmation testing will be performed to confirm that RIM located at or near the surface in OU-1 has been covered. This investigation may include the measurement of gamma radiation and the analysis of surface soil samples. The EPA may collect splits from any soil samples. The proposed action will also include on-Site air monitoring for radionuclides during any clearing and covering actions. The EPA will oversee Respondents' work to implement the proposed action, both by reviewing and approving all work in advance, and by overseeing all fieldwork.

Respondents will also be required to develop an Incident Management Plan to ensure 24-hour, seven days a week surveillance at OU-1; to describe measures to prevent incidents, required protocols for initial incident emergency notifications to local, state, and federal authorities, anticipated initial response actions, coordination of responses including proposed command post locations, and resumption of normal activities; and to ensure all appropriate workers are trained in the implementation of this Incident Management Plan.

Transportation, treatment, storage, and disposal of hazardous substances will be in accordance with all applicable local, state, and federal requirements. Off-Site disposal will comply with Section 121(d)(3) of CERCLA and 40 C.F.R. § 300.440.

B. Contribution to remedial performance

The proposed action will to the extent practicable contribute to the efficient performance of the long term remedial action with respect to the release of hazardous substances at and from the Site. The remedial action for OU-1 selected in the 2008 ROD is not contingent on the performance of this removal action. In addition, the ROD-selected remedy is currently under additional review and could potentially change. Performance of this removal action would not adversely affect or prevent the implementation of any future remedial actions for the Site. The cover required by this removal action is considered an interim measure to address short term threats of release due to surface fires that may cause contaminants to migrate.

C. Applicable or Relevant and Appropriate Requirements (ARARs)

1. Federal

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) at 40 C.F.R. § 300.415(j) provides that removal actions shall, to the extent practicable considering the exigencies of the situation, attain ARARs under federal environmental or state environmental or facility siting laws. The following ARARs have been identified for this removal action:

Action/Prerequisite	Requirement	Citation
Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA)	Identifies concentrations of Radiologically Impacted Materials (RIM) which necessitate action	42 U.S.C. § 7918; 40 CFR Part 192
Occupational Health and Safety Act Standards	Worker protection	29 C.F.R. Part 1910
Hazardous Materials Transportation Act	Transportation	49 U.S.C. §§ 801 – 1813, 49 C.F.R. Parts 171 – 179
The National Emissions Standards for Hazardous Air Pollutants (NESHAPs)	Standards for radon-222 emissions	40 CFR 61 Subpart T

2. State

A letter requesting that the state identify ARARs for this action was sent on November 18, 2015. State-identified ARARs will be incorporated into the proposed action to the extent practicable upon receipt of the State's response.

3. Project Schedule

A work plan will be prepared and contain a schedule for the expeditious placement of the cover, as well as grubbing and removal of brush and trees in areas where RIM is located at or near the surface at OU-1. Work is anticipated to take place in a phased approach to minimize the exposure of unsecured surface RIM directly to the environment. Work will be completed as quickly as possible, and is anticipated to conclude by April 2016.

B. Estimated Costs

The removal action is expected to be funded by the PRPs.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed action could potentially result in the further release, or threat of release, of hazardous substances into the environment through a surface fire in areas containing RIM.

VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with this action.

VIII. ENFORCEMENT

The PRPs are known, as identified above in Section I. Purpose. The work will be performed promptly and properly under the requirements of a CERCLA removal order to Bridgeton Landfill, LLC, Rock Road Industries, Inc., and Cotter Corporation (N.S.L.). See attached Enforcement Addendum for additional information.

IX. RECOMMENDATION

This decision document represents the selected removal action for addressing the potential future threat of a surface fire on or near the radiologically-contaminated wastes in Area 1 and Area 2 of OU-1 at the Site. The removal action was developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site.

Conditions at the Site meet the NCP § 300.415(b)(2) criteria for a removal action, and I recommend your approval of this proposed removal action. The total EPA costs to oversee this response action are estimated to be $69,000.

Approved:

Mary P. Peterson

Mary P. Peterson, Director
Superfund Division

12/9/2015
Date

Attachment