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

OCT 03 1995

REPLY TO THE ATTENTION OF:

HSE-5J

**EXPRESS MAIL**

Re: Marina Cliffs Barrel Dump Site

Dear Sir or Madam:

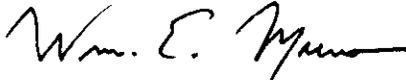
Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. Section 9601, et seq.

Please note that the Order has scheduled a conference for all parties on October 10, 1995, at the Park East Hotel in Milwaukee at 1:30 p.m. You may attend that conference in person or be represented by counsel or both. I am informed by the Steering Committee representing the existing PRP group that they will be holding a meeting for PRPs following the conference at the same location. Joining the PRP group would be a way of demonstrating your Intent to Comply with this Order.

The U.S. EPA intends to offer de micromis settlements to some of the parties appearing on Schedule C which have not received this order and possibly to some parties who have received it. Any sums contributed to the established PRP group may be used to offset the settlement amount in the de micromis agreements.

If you have any questions regarding the Order, feel free to contact Dorothy Attermeyer, Assistant Regional Counsel, at (312) 886-5312, or Betty Lavis, On-Scene Coordinator, at (312) 886-7183.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Wm. E. Muno". The signature is fluid and cursive, with a long horizontal stroke at the end.

William E. Muno, Director  
Superfund Division

Enclosure

cc: Paul Didier, WDNR

cc: Paul Didier, Director  
Wisconsin Department of Natural Resources  
P.O. Box 7921  
101 South Webster Street  
Madison, Wisconsin 53707

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

IN THE MATTER OF: ) Docket No. V-W- '95-C-313  
)  
MARINA CLIFFS/NORTHWESTERN ) ADMINISTRATIVE ORDER  
BARREL SITE, SOUTH MILWAUKEE,) PURSUANT TO SECTION 106(a)  
WISCONSIN ) OF THE COMPREHENSIVE  
) ENVIRONMENTAL RESPONSE,  
Respondents: ) COMPENSATION, AND LIABILITY  
) ACT OF 1980, AS AMENDED,  
PARTIES LISTED ON MARINA ) 42 U.S.C. § 9606(A)  
CLIFFS' PRP SERVICE LIST )  
(Attachment A) )

**I. JURISDICTION AND GENERAL PROVISIONS**

This Order is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9606(a), and delegated to the Administrator of the United States Environmental Protection Agency ("U.S. EPA") by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Regional Administrators by U.S. EPA Delegation Nos. 14-14-A and 14-14-B, and to the Director, Superfund Division, Region 5, by Regional Delegation Nos. 14-14-A and 14-14-B.

This Order is issued to the parties listed on the Marina Cliffs PRP Service List, which is attached to this Order as Attachment A and which is incorporated herein by reference. This order provides for the performance of a removal action in connection with the property located in the City of South Milwaukee, Milwaukee County, Wisconsin, that is described in Section III, paragraph 1, below ("Marina Cliffs Site" or "Site"). This Order requires that the Respondents conduct the removal actions described herein to abate an imminent and substantial endangerment to the public health, welfare, or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

Terms used in this Order which are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in the statute or its implementing regulations.

A copy of this Order will be provided to the State of Wisconsin, which has been notified of the issuance of this Order pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

## **II. PARTIES BOUND**

This Order applies to and is binding upon Respondents and Respondents' receivers, trustees, successors, and assigns. Any change in ownership or corporate status of Respondents including, but not limited to, any transfer of assets or real or personal property shall not alter such Respondents' responsibilities under this Order. Respondents are jointly and severally liable for carrying out all activities required by this Order. Compliance or noncompliance by one or more Respondents with any provision of this Order shall not excuse or justify noncompliance by any other Respondent.

Respondents shall ensure that their contractors, subcontractors, and representatives comply with this Order. Respondents shall be responsible for any noncompliance with this Order by their contractors, subcontractors, and representatives.

## **III. FINDINGS OF FACT**

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds that:

1. The Marina Cliffs Site is a former barrel reconditioning facility located on approximately 13 acres of land on the shoreline bluffs of Lake Michigan in the City of South Milwaukee, Milwaukee County, Wisconsin. The property is generally bounded by Lake Michigan on the east, Fifth Avenue on the West, Drexel Street on the north and Marina Drive and an unnamed public access road on the south. It does not include the property deeded to South Milwaukee for an access road or the property where residential buildings have been erected.
2. The heavily wooded Site contains fragments of deteriorated 55-gallon drums and barrels, two pits located 20 to 50 feet from the lake bluff ("pits"), and one area of slight depression located on the southeast corner of the property ("depressed area"). Fragments of drums or barrels are visible on top of the bluff and in and around an adjacent ravine. The pits have been fenced.
3. The area around the Site is primarily residential. It is bordered on two sides (south and west) by residential areas consisting mostly of apartments and condominiums.
4. The *Northwestern Barrel Company*, which operated on the Site from approximately 1941 to 1964, repaired and reconditioned steel drums and wood barrels. Its operations included the on-site handling, washing, and refurbishing of drums and barrels. All of the residue from those operations was disposed of on site.

5. Trilla Cooperage, which purchased the barrel operation in 1964, continued to store barrels and drums there until late in the year, when it moved the barrel operation to Oak Creek, Wisconsin. U.S. Equities, a real estate developer, purchased the property in 1965 and late in that year caused the buildings to be razed. Portions of the buildings appear to have been pushed into the ravine. The property was owned by the Estate of Nicholas Demos from 1968 to 1972, and Northern Trust Company (one of the co-executors of the Estate of Nicholas Demos) held title to and operated the property. Unicare Development acquired the property in 1972 and transferred title to the current owner, Towne Realty, in 1982. Mid-America Steel Company purchased the company which succeeded to Northwestern Barrel's operation and continues to operate it as a barrel reconditioning business to date at the Oak Creek site. Customers of Northwestern Barrel Company which have potential liability under CERCLA for the contamination remaining at the site are listed in Attachment C, which is incorporated herein by reference.
6. In 1988, the U.S. Environmental Protection Agency (U.S. EPA) Field Investigation Team (FIT) conducted a Site Inspection (SI) giving the Site a high priority designation. Elevated concentrations of PCBs, chromium, and lead were present in soil samples. Chlorinated hydrocarbons and heavy metals were found in the surface water samples.
7. In 1990 and 1991, Towne Realty's contractor, Chemical Waste Management, Inc., ENRAC Division, performed a partial removal action. It excavated a pit area (Pit 01) and disposed of the contents in one hundred five (105) 55-gallon drums at the Chemical Waste Management Landfill in Emelle, Alabama. An additional one hundred forty seven (147) 30-gallon burnable barrels containing drums were removed from the Site and sent to that landfill. Twenty-four (24) cubic yards of crushed empty drums were sent to the Parkview Landfill in Menomonee Falls, Wisconsin.
8. In a letter dated September 1, 1994, WDNR requested that the U.S. EPA perform a site investigation (SI) at the Marina Cliffs site. On October 18, 1994, OSC Betty Lavis and SAM Rey Rivera met WDNR officials Robert Amerson, Central Office, and John Krahling, District Office, at the site to conduct a walk-through. It was decided that the Site warranted further investigation, and an Integrated Site Assessment was scheduled for early December.
9. On December 7, 1994, the Region V Technical Assistance Team (TAT), the On-Scene Coordinator (OSC), the Site Assessment Manager (SAM), and Amy Parkinson of WDNR met at the Site to collect samples and document Site conditions. Despite snowy conditions, approximately fifty rusted 55-gallon barrels, or portions thereof, could be observed. The drums were located on top of the bluff and at the base of the ravine.

Some of the drums were empty and some contained residual materials. The history of the drums is unknown. In some areas there was an orange and/or green substance covering the soil.

10. Storm water runoff travels through the bottom of the ravine bordering the Site on the north and empties into Lake Michigan. Two pits were observed in December 1994. Both pits were fenced and contained a dark, oily sludge-like material. Based upon visual observations, the north pit (formerly Pit 03) was about 25 feet from the lake bluff and measured approximately 40 feet by 40 feet and the south pit (formerly Pit 02) was about 50 feet from the lake bluff and measured approximately 30 feet by 40 feet. The exact dimensions and depths of the pits are unknown. The TAT collected two sludge samples from the pits, two oil samples (one adjacent to the pits and one on the bluffs), one drum sample, and two background samples. One pit sample contained PCB (as Aroclor 1254) in concentrations of 197 ppm. Total lead above background levels was found in the soil samples and drum sample.

#### **IV. CONCLUSIONS OF LAW AND DETERMINATIONS**

Based on the Findings of Fact set forth above and the Administrative Record supporting these removal actions, U.S. EPA has determined that:

1. The Marina Cliffs Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
2. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
3. The substances noted in Part III above are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
4. The Respondents listed on the Marina Cliffs PRP Service List, which is attached to this Order as Attachment A and which is incorporated herein by reference, are liable persons as defined by and included within the meaning of Section 107(a) of CERCLA, 42 U.S.C. § 9607(a). Attachment B is an Index to Liability Files, copies of which may be found at Midwest Paralegal Services, 740 N. Plankinton Avenue, Milwaukee, WI 53203 (Contact: Shawn Olley (414) 276-3007), and 77 West Jackson Blvd., 7th floor Records Center, Chicago, IL 60604 (walk-in).
5. The conditions described in the Findings of Fact above constitute an actual or threatened "release" of a hazardous substance from the facility into the

"environment" as defined by Sections 101(8) and (22) of CERCLA, 42 U.S.C. §§ 9601(8) and (22).

6. The conditions present at the Site constitute a threat to public health, welfare, or the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended ("NCP"), 40 CFR § 300.415(b)(2). These factors include, but are not limited to, the following:

a.) actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants from the presence of PCBs, chromium, lead, chlorinated hydrocarbons, and heavy metals at the Site. Because of its location adjacent to a residential area and Lake Michigan and the fact that access to the site is relatively unrestricted, the potential exists for trespassers, vandals, or scavengers to come in direct or indirect contact with hazardous substances, especially from contaminated soils and from deteriorated drums in exposed areas.

PCBs are of particular concern because one sample indicated a level of 197 ppm. The National Contingency Spill Policy (40 CFR, Part 761), regulated under the Toxic Substances Control Act (TSCA), requires cleanup of PCBs where concentrations exceed a 50 ppm action level. Under the spill policy, the cleanup levels for restricted access locations are set at 25 ppm or less, while cleanup levels for unrestricted areas are set at 10 ppm.

b.) hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release from the over 50 drums in relative stages of deterioration observed at the Site. There is evidence of leakage around the above surface drums. A potential exists for many more drums under the surface that could pose a threat of release if immediate action is not taken. Unauthorized users of the property could accidentally or intentionally dump or move these containers, causing the release of hazardous substances.

c.) high levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate, such as the PCBs found in the site sample mentioned in (a) above. Surface water runoff flows from the contaminated areas in an east or northeasterly direction which carries it over the bluffs above Lake Michigan and into the lake. During storm events or periods of high winds, the exposed unlined pit areas, the drum contents, and associated potentially contaminated soil can migrate via drainage paths to Lake Michigan. The potential also exists for contamination in surface soil containing PCBs to be carried via

airborne dusts to trespassers, to nearby residential areas, or wash with runoff into Lake Michigan.

d.) weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released because of the constant exposure of all site contaminants to weather conditions. Wind, rain, snow, and direct sunlight can cause excessive degradation of the drums which could cause further release of hazardous substances to the environment. The PCB-contaminated pits are unlined and uncovered and accumulate rain water and snow which could result in migration of PCB-contaminated soils off-site. As discussed above, surface runoff water from the pit areas can flow directly over the bluffs and into Lake Michigan or indirectly via the stream at the bottom of the ravine.

e.) the unavailability of other appropriate federal or state response mechanisms to respond to the release because the Wisconsin Department of Natural Resources does not have adequate funding to conduct a removal action at the Site.

7. The actual or threatened release of hazardous substances from the Site may present an imminent and substantial endangerment to the public health, welfare, or the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).
8. The removal actions required by this Order are necessary to protect the public health, welfare, or the environment, and are not inconsistent with the NCP or CERCLA.

## **V. ORDER**

Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for this Site, it is hereby ordered that Respondents shall comply with the provisions of this Order, including but not limited to all documents attached to or incorporated into this Order, and perform the following actions:

1. Notice of Intent to Comply

Respondents shall notify U.S. EPA in writing within 15 calendar days after the effective date of this Order of each Respondent's irrevocable intent to comply with this Order. Failure of any respondent to provide such notification within this time period shall be a violation of this Order.

2. Designation of Contractor, Project Coordinator, and On-Scene Coordinator and Respondents' Steering Committee Contact Person

Respondents shall perform the removal actions required by this Order themselves or retain (a) contractor(s) to implement the removal actions. RMT, Inc. has been selected and is approved to be the contractor on site. Respondents shall also notify U.S. EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Order at least 5 calendar days prior to commencement of such work. U.S. EPA retains the right to disapprove of the Respondents or any of the contractors and/or subcontractors retained by the Respondents. If U.S. EPA disapproves a selected contractor or subcontractor, Respondents shall retain a different contractor or subcontractor within 15 calendar days following receipt of U.S. EPA's disapproval and shall notify U.S. EPA of that contractor or subcontractor's name and qualifications within 17 calendar days of receipt of U.S. EPA's disapproval.

RMT, Inc. has been selected by the existing PRP group and is approved as the Project Coordinator responsible for administration of all the Respondents' actions required by this Order. More specifically, Kathy Huibregtse, is RMT's designated Project Coordinator. To the greatest extent possible, the Project Coordinator shall be present on-site or readily available during Site work. U.S. EPA retains the right to disapprove of any other Project Coordinator named by the Respondents. If U.S. EPA disapproves a selected Project Coordinator, Respondents shall retain a different Project Coordinator within 15 calendar days following receipt of U.S. EPA's disapproval and shall notify U.S. EPA of that person's name and qualifications within 17 calendar days of receipt of U.S. EPA's disapproval. Receipt by Respondents' Project Coordinator of any notice or communication from U.S. EPA relating to this Order shall constitute receipt by all Respondents.

The U.S. EPA has designated Betty Lavis of the Emergency Response Branch, Region 5, as its On-Scene Coordinator (OSC). Respondents shall direct all submissions required by this Order to the OSC at 77 West Jackson Boulevard (HSE-5J), Chicago, Illinois, 60604, by certified or express mail. Respondents shall also send a copy of all submissions to Dorothy Attermeyer, Associate Regional Counsel (CS-29A), 77 West Jackson Boulevard, Chicago, Illinois, 60604. All Respondents are encouraged to make their submissions to U.S. EPA on recycled paper (which includes significant postconsumer waste paper content where possible) and using two-sided copies.

U.S. EPA and Respondents shall have the right, subject to the provisions of this section, to change their designated OSC or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. The initial notification may be made orally but it shall be promptly followed by a written notice.

### 3. Work to Be Performed

Respondents shall perform a removal action in two stages: time-critical and non-time critical. A Statement of Work ("SOW") for the completion of the removal action, including both the time-critical and non-time critical stages, is attached to this Order as Attachment D and is incorporated herein by reference. Respondents shall cooperate with U.S. EPA public relations activities during work performance.

#### 3.1 Time Critical Activities

The time-critical removal action will focus on the two pit areas and the depressed area located at the southeast corner of the Site. The following work, as set forth in Statement of Work (Attachment D), shall be performed as time-critical removal activities:

- Task 1: Submission of the Time-Critical Investigation Work Plan to the U.S. EPA for approval by October 16, 1995. Once approved, or approved with modifications, the Time-Critical Investigation Work Plan, the approved schedule therein, and any subsequent modifications shall be fully enforceable under this Order. Respondents shall notify U.S. EPA at least 48 hours prior to performing any on-site work pursuant to the U.S. EPA approved work plan.
- Task 2: Submission of the Site Health and Safety Plan, including site security to the U.S. EPA for approval by October 30, 1995. This plan shall comply with applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 CFR Part 1910. If U.S. EPA determines it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate all changes to the plan recommended by U.S. EPA, and implement the plan during the pendency of the response action.
- Task 3: Commence Implementation of the Time-Critical Investigation Work Plan one week after U.S. EPA approval.
- Task 4: Submission of the Time-Critical Technical Memorandum and Conceptual Outline of Site Evaluation Work Plan to the U.S. EPA for approval no later than 21 days after RMT's receipt of validated site data.
- Task 5: Milestone Meeting approximately 30 days after RMT's receipt of validated site data [the term "approximately" as used in this Order means not more than one week's deviation]

Depending on the decisions reached by U.S. EPA in the Milestone Meeting, the following tasks will also be performed as time-critical removal activities:

- Task 6: Submission of the Time-Critical Action Implementation Plan to the U.S. EPA for approval within 30 days after the Milestone Meeting unless otherwise agreed by the Parties at the Meeting. Once approved, or approved with modifications, the Time Critical Action Implementation Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondents shall notify U.S. EPA at least 48 hours prior to performing any on-site work pursuant to the U.S. EPA approved implementation plan.
- Task 7: Commence Time-Critical Action Implementation no later than May 1, 1996 (earlier if weather permits).
- Task 8: Submission of the Time-Critical Action Documentation Memorandum to U.S. EPA for approval no later than 30 days after RMT's receipt of validated data.

### 3.2 Non-Time Critical Activities

The remainder of the site activities and any other activities to address the pits and the depressed area, if appropriate and as decided by U.S. EPA at the Milestone Meeting, will be conducted following the non-time-critical activities procedures described under the Superfund Accelerated Clean-Up Model (SACM). The non-time-critical activities to be conducted under the EE/CA process will consist of the following tasks:

- Task 9: Submission of the Site Evaluation Work Plan to U.S. EPA for approval no later than 60 days after the Milestone Meeting. Once approved, or approved with modifications, the Site Evaluation Implementation Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondents shall notify U.S. EPA at least 48 hours prior to performing any on-site work pursuant to the U.S. EPA approved work plan.
- Task 10: Commence Implementation of the Site Characterization Activities no later than June 1, 1996.
- Task 11: Submission of the EE/CA Report to U.S. EPA for approval no later than December 1, 1996

All of the submissions for U.S. EPA approval in the tasks enumerated above shall be subject to the following review procedure: U.S. EPA may approve the package as submitted, may approve the package with modifications or require revisions thereof. If U.S. EPA notifies the Project Coordinator that revisions to the work plan are necessary, Respondents shall, not later than 14 calendar days thereafter, submit a revised work plan to U.S. EPA for review and approval.

### 3.3 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to U.S. EPA direction, approval, and applicable guidance regarding sampling, quality assurance/quality control (QA/QC), data validation, and chain of custody procedures. Respondents shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with U.S. EPA guidance.

Upon request by U.S. EPA, Respondents shall have such a laboratory analyze samples submitted by U.S. EPA for quality assurance monitoring. Respondents shall provide to U.S. EPA the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis. Respondents shall also ensure provision of analytical tracking information consistent with OSWER Directive No. 9240.0-2B, "Extending the Tracking of Analytical Services to PRP-Lead Superfund Sites."

Upon request by U.S. EPA, Respondents shall allow U.S. EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondents or their contractors or agents while performing work under this Order. Respondents shall notify U.S. EPA not less than 3 calendar days in advance of any sample collection activity. U.S. EPA shall have the right to take any additional samples that it deems necessary.

### 3.4 Post-Removal Site Control

As part of EE/CA Report, Respondents shall submit a proposal for post-removal Site control, if required by Section 300.415(k) of the NCP, 40 CFR § 300.415(k).

### 3.5 Reporting

Respondents shall submit monthly written progress reports to U.S. EPA concerning activities undertaken pursuant to this Order, beginning 30 calendar days after the date of U.S. EPA's approval of the Time-Critical Investigation Work Plan, until termination of this Order, unless otherwise directed in writing by the OSC. These reports shall describe all significant developments during the preceding period, including the work performed and any problems encountered, analytical data received during the reporting period, and developments

anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

Until completion of the work required by this Order, any Respondent that owns any portion of the Site and any successor in title shall, at least 30 days prior to the conveyance of any interest in real property at the Site, give written notice of this Order to the transferee and written notice of the proposed conveyance to U.S. EPA and the State. The notice to U.S. EPA and the State shall include the name and address of the transferee. The party conveying such an interest shall require that the transferee will provide access as described in Section V.4 (Access to Property and Information).

4. Access to Property and Information

Respondents shall provide or obtain access as necessary to implement this Order to the Site and all appropriate off-site areas to which access is necessary and shall provide access to all records and documentation related to the conditions at the Site and the actions conducted pursuant to this Order. Such access shall be provided to U.S. EPA employees, contractors, agents, consultants, designees, and representatives and State of Wisconsin representatives. These individuals shall be permitted to move freely at the Site and appropriate off-site areas in order to conduct actions which U.S. EPA determines to be necessary. Respondents shall submit to U.S. EPA, upon request, the results of all sampling or tests and all other data generated by Respondents or their contractor(s), or on the Respondents' behalf, during implementation of this Order.

Where work under this Order is to be performed in areas owned by or in possession of someone other than Respondents, Respondents shall use their best efforts to obtain all necessary access agreements within 30 calendar days after the effective date of this Order, or as otherwise specified in writing by the OSC. Respondents shall immediately notify U.S. EPA if, after using their best efforts, they are unable to obtain such agreements. Respondents shall describe in writing their efforts to obtain access. U.S. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the removal actions described herein, using such means as U.S. EPA deems appropriate. Respondents shall reimburse U.S. EPA for all actual and documented costs and attorneys fees incurred by the United States in obtaining such access.

5. Record Retention, Documentation, Availability of Information

Respondents shall preserve all documents and information in their possession, in the possession of their contractors, subcontractors or representatives relating to work performed under this Order or relating to the hazardous substances found on or released from the Site for six years following completion of the removal actions required by this Order. At the end of this six-year period and at least 60 days before any document or information is destroyed, Respondents shall notify U.S. EPA that such documents and information are available to

U.S. EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to U.S. EPA. In addition, Respondents shall provide documents and information retained under this Section at any time before expiration of the six-year period at the written request of U.S. EPA.

6. Off-Site Shipments

All hazardous substances, pollutants or contaminants removed off-site pursuant to this Order for treatment, storage, or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Revised Off-Site Rule, 40 CFR § 300.440, 58 Federal Register 49215 (Sept. 22, 1993).

7. Compliance With Other Laws

Respondents shall perform all actions required pursuant to this Order in accordance with all applicable local, state, and federal laws and regulations, except as provided in CERCLA Section 121(e), 42 U.S.C. § 9621(e), and 40 CFR § 300.415(i). In accordance with 40 CFR § 300.415(i), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by U.S. EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements under state and federal environmental laws.

8. Emergency Response and Notification of Releases

If any incident, or change in Site conditions, during the activities conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare, or the environment, the Respondents shall immediately take all appropriate action to prevent, abate, or minimize such release or endangerment caused or threatened by the release. Respondents shall also immediately notify the OSC or, in the event of his/her unavailability, the Regional Duty Officer, Emergency Response Branch, Region 5 at (312) 353-2318, of the incident or Site conditions. If Respondents fail to respond, U.S. EPA may respond to the release or endangerment and reserve the right to recover costs associated with that response.

Respondents shall submit a written report to U.S. EPA within 7 calendar days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the recurrence of such a release. Respondents shall also comply with any other notification requirements, including those in CERCLA section 103, 42 U.S.C. § 9603, and section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11004.

## **VI. AUTHORITY OF THE U.S. EPA ON-SCENE COORDINATOR**

The OSC shall be responsible for overseeing the implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any work required by this Order. Absence of the OSC from the Site shall not be cause for stoppage of work unless specifically directed by the OSC.

## **VII. PENALTIES FOR NONCOMPLIANCE**

Violation of any provision of this Order may subject Respondents to civil penalties of up to \$25,000 per violation per day, as provided in section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1). Respondents may also be subject to punitive damages in an amount up to three times the amount of any cost incurred by the United States as a result of such violation, as provided in section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Should Respondents violate this Order or any portion hereof, U.S. 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.

## **VIII. REIMBURSEMENT OF COSTS**

Respondents shall reimburse U.S. EPA, upon written demand as U.S. EPA shall determine, for all response costs incurred by the United States in overseeing Respondents' implementation of the requirements of this Order. U.S. EPA may submit to Respondents on a periodic basis a bill for all response costs incurred by the United States with respect to this Order. U.S. EPA's Itemized Cost Summary, or such other summary as certified by U.S. EPA, shall serve as the basis for payment.

Respondents shall, within 30 days of receipt of the bill, remit a cashier's or certified check for the amount of those costs made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency  
Superfund Accounting  
P.O. Box 70753  
Chicago, Illinois 60673

Respondents shall simultaneously transmit a copy of the check to the Director, Superfund Division, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs - Marina Cliffs Barrel Dump Site" and shall reference the payors' names and addresses, the U.S. EPA site identification number (PO), and the docket number of this Order.

Interest at a rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 CFR § 102.13 shall begin to accrue on the unpaid balance from the day after the expiration of the 30 day period notwithstanding any dispute or an objection to any portion of the costs.

#### **IX. RESERVATION OF RIGHTS**

Except as specifically provided in this Order, nothing herein shall limit the power and authority of U.S. 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 herein shall prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order. U.S. EPA also reserves the right to take any other legal or equitable action as it deems appropriate and necessary, or to require the Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law.

#### **X. OTHER CLAIMS**

By issuance of this Order, the United States and U.S. EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. The United States or U.S. EPA shall not be a party or be held out as a party to any contract entered into by the Respondents or their directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order.

This Order does not constitute a preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

No action or decision by U.S. 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).

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

## **XI. MODIFICATIONS**

Modifications to any plan or schedule may be made in writing by the OSC or at the OSC's oral direction. If the OSC makes an oral modification, it will be memorialized in writing within 7 calendar days; however, the effective date of the modification shall be the date of the OSC's oral direction. The OSC shall consult with Respondents' Steering Committee Contact Persons prior to making any such modifications if the Respondents' Project Coordinator disputes the necessity or characterization of such modification. The rest of this Order, or any other portion of the Order, may only be modified in writing by signature of the Director, Superfund Division, Region 5.

If Respondents seek permission to deviate from any approved plan or schedule, Respondents' Project Coordinator shall submit a written request to U.S. EPA for approval outlining the proposed modification and its basis.

No informal advice, guidance, suggestion, or comment by U.S. EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondents shall relieve Respondents of their obligations to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified.

## **XII. NOTICE OF COMPLETION**

When U.S. EPA determines that all work has been fully performed in accordance with this Order, except for certain continuing obligations required by this Order (e.g., record retention) U.S. EPA will provide a Notice of Completion to the Respondents. If U.S. EPA determines that any removal activities have not been completed in accordance with this Order, U.S. EPA will notify the Respondents, provide a list of the deficiencies, and require that Respondents modify the Time Critical Implementation Action Plan and the Site Evaluation Work Plan, if appropriate, to correct such deficiencies. The Respondents shall implement the modified Action or Work Plan as approved by U.S. EPA. Failure to implement a modified Time Critical Implementation Action Plan and the Site Evaluation Work Plan shall be a violation of this Order.

## **XIII. ACCESS TO ADMINISTRATIVE RECORD**

The Administrative Record supporting these removal actions is available for review during normal business hours in the U.S. EPA Record Center, Region 5, 77 West Jackson Boulevard, Seventh Floor, Chicago, Illinois. Respondents may contact Dorothy Attermeyer, Associate Regional Counsel, at (312) 886-5312 to arrange to review the Administrative Record. An index of the Administrative Record is attached to this Order as Attachment E.

**XIV. OPPORTUNITY TO CONFER**

U.S. EPA will hold a conference with Respondents on October 10, 1995, at 1:30 a.m. at the Park East Hotel, 916 E. State Street, Milwaukee, Wisconsin.

Respondents may appear at the conference in person or be represented by an attorney or other representative. Respondents may present any information, arguments, or comments regarding this Order at the conference. However, 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.

Respondents may submit any information, arguments, or comments in writing to U.S. EPA within 7 calendar days following the conference. Written submittals shall be directed as specified in Section V.2 of this Order.

**XV. SEVERABILITY**

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 by the court's order.

**XVI. EFFECTIVE DATE**

This Order shall be effective 10 calendar days following the conference.

IT IS SO ORDERED.

BY: William E. Muno  
William E. Muno, Director  
Superfund Division  
U.S. Environmental Protection Agency  
Region 5

DATE: 10/3/90

## **ATTACHMENT A**

### **MARINA CLIFFS PRP (RESPONDENT) SERVICE LIST**

A. The following entity is a person who is the present owner or operator as defined by Section 101 (20) of CERCLA, 42 U.S.C. § 9601(20) of the Marina Cliffs Site:

Towne Realty  
Attn: James B. Young, General Counsel  
710 N. Plankinton Avenue  
Milwaukee, WI 53203

B. The following entities are persons who at the time of disposal of any hazardous substance owned or operated the Marina Cliffs Site (or are successors in interest to such persons):

1. **Trilla Cooperage**  
2959 W. 47th Street  
Chicago, IL 60632
2. **Mid-America Steel Drum Company**  
8570 S. Chicago Road  
Oak Creek, WI 53154

C. The following entities are persons who arranged to dispose of hazardous substances at the Marina Cliffs Site:

1. **Allen-Bradley Company, Inc.**  
Attn: Jerome E. Vogel, Adm. Law Dept.  
1201 S. Second St.  
Milwaukee, WI 53204-2498
2. **Allied Signal Corporation**  
Attn: Pamela J. Cissik  
Senior General Counsel - Environment  
101 Columbia Avenue  
Morristown, NJ 07962
3. **The Louis Allis Company**  
Division of Magnatek, Inc.  
427 E. Stewart  
Milwaukee, WI 53207

4. **Chrysler Corporation**  
**Attn: James Bloom**  
**Office of Legal Counsel**  
**2301 Featherstone Road**  
**Auburn Hills, Mich 48326-2808**
  
5. **Amity Leather Products Co.**  
**Attn: David R. Beine, Esq.**  
**P. O. Box 1990**  
**West Bend, WI 53095**
  
6. **Appleton Coated Papers**  
**C/O Appleton Papers Inc.**  
**Attn: Benjamin Mieliulis, Environmental Counsel**  
**825 E. Wisconsin Avenue**  
**Appleton, WI 54911-1703**
  
7. **Armour and Company**  
**Attn: Kenneth M. Ries, Director, Environment & Energy**  
**Dial Tower**  
**1850 N. Central Avenue**  
**Phoenix, AR 85004-2212**
  
8. **Bolens Corporation**  
**Products Division**  
**215 S. Park Street**  
**Port Washington, Wisconsin 53074**
  
9. **Briggs & Stratton Corp.**  
**Attn: Patricia M. Hanz**  
**12301 West Wirth Street**  
**Wauwatosa, WI 53222-2110**  
**P. O. Box 702**  
**Milwaukee, WI 53201-0702**
  
10. **Bucyrus-Erie Company**  
**Attn: Russell Hutchison**  
**1100 Milwaukee Avenue**  
**P. O. Box 500**  
**South Milwaukee, WI 53172**

11. **Case Corporation**  
**David G. Mueller, Corporate Counsel**  
**700 State Street**  
**Racine, WI 53404-3343**
  
12. **Proctor & Gamble**  
**Attn: David E. Ross, Legal Division**  
**One Proctor & Gamble Plaza**  
**Cincinnati, Ohio 45202**
  
13. **Chicago & Northwestern Transportation Co.**  
**Attn: Mack H. Shumate, Jr.**  
**165 N. Canal Street**  
**One Northwestern Center**  
**Chicago, IL 60606**
  
14. **Cook Composites & Polymers Co.**  
**217 Freeman Drive**  
**Port Washington, WI 53074**
  
15. **Cooper Power Systems**  
**Div. of Cooper Industries**  
**Attn: Willette Lemelle**  
**P. O. Box 4446**  
**Houston, TX 77210**
  
16. **Cudahy Tanning Co., Inc.**  
**Attn: Rolf Reineck, Plant Engineer**  
**5043 So. Packard Avenue**  
**Cudahy, WI 53110**
  
17. **Cutler-Hammer, Inc.**  
**4201 N. 27th Street**  
**Milwaukee, Wisconsin 53216**
  
18. **Deere & Company**  
**Attn: Kathleen R. Gibson, Senior Attorney**  
**John Deere Road**  
**Moline, IL 61265-8098**

19. **E. I. DuPont de Nemours & Company**  
**DuPont Chemical Legal Dept.**  
**Attn: Patricia McGee**  
**Room D - 8065**  
**1007 Market Street**  
**Wilmington, DE 19898**
  
20. **Essential Chemicals Co.**  
**C/O DeSoto, Inc.**  
**16750 S. Vincennes Road**  
**South Holland, IL 60473**
  
21. **Essential Industries, Inc.**  
**Attn: Lisa Toussaint. Esq.**  
**Michael, Best & Friedrich**  
**100 E. Wisconsin Ave.**  
**Milwaukee, WI 53202**
  
22. **T. C. Esser Company**  
**C/O Lawrence Esser**  
**8186 Lake View Road**  
**Fond du Lac, WI 54935**
  
23. **Evinrude Motors**  
**c/o OMC Corp.**  
**Attn: Mary Beth Flowers**  
**100 Seahorse Drive**  
**Waukegan, IL 60085-2195**
  
24. **F. G. Findley Adhesives, Inc.**  
**11320 Watertown Plank Road**  
**Wauwatosa, WI 53226-3434**
  
25. **Fort Howard Corporation**  
**Attn: Mark S. Reimer, Attorney**  
**1919 S. Broadway St.**  
**Green Bay, Wisconsin 54304-4905**  
**P. O. Box 19130**  
**Green Bay, WI 54307-9130**

26. **General Motors Corp.**  
**Linda Bentley, Legal Assistant**  
**Mail Code 482 112 149**  
**3044 W. Grand Blvd.**  
**Detroit, MI 48170**
27. **The Glidden Company**  
**Attn: Robert R. Kovalak, Manager, Environmental Affairs**  
**925 Euclid Avenue, Ste. 900**  
**Cleveland, OH 44115**
28. **Harley-Davidson, Inc.**  
**11700 West Capitol Drive**  
**Milwaukee, WI 53201**  
**P. O. Box 544**  
**Milwaukee, WI 53201-0554**
29. **Harnischfeger Industries, Inc.**  
**13400 Bishops Lane**  
**Brookfield, WI 53005**  
**P. O. Box 554**  
**Milwaukee, WI 53201-0554**
30. **Heil Corporation**  
**205 Bishops Way, Ste. 201**  
**Brookfield, WI 53004**
31. **Hentzen Coatings, Inc.**  
**6937 W. Mill Rd.**  
**Milwaukee, WI 53218-1225**
32. **Amy Cohen**  
**Hercules, Incorporated**  
**Hercules Plaza**  
**1313 N. Market Street**  
**Wilmington, DE 19894-0001**
33. **Heresite Protective Coatings, Inc.**  
**822 S. 14th Street**  
**Manitowoc, Wisconsin 54220**

34. **Navistar International Transportation Co.**  
**Attn: Michael A. Jarrick, Senior Counsel**  
**455 N. Cityfront Plaza Drive, 13th Flr.**  
**Chicago, IL 60611**
  
35. **International Printing Ink**  
**C/O BASF**  
**Attn: Doug Martin**  
**3000 Continental Drive North**  
**Mount Olive, New Jersey 07828-1234**
  
36. **Jacobsen, Division of Textron, Inc.**  
**1721 Packard Avenue**  
**Racine, WI 53403**
  
37. **Johnson Controls, Inc.**  
**5757 N. Green Bay Avenue**  
**P. O. Box 591**  
**Milwaukee, WI 53201-0591**
  
38. **S. C. Johnson & Son, Inc.**  
**Attn: Mr. Gary A. Krieger, Legal Counsel**  
**1525 Howe Street**  
**Racine, WI 53403-5011**
  
39. **Kimberly Clark Corporation**  
**Attn: Marcy Cowan**  
**1400 Holcomb Bridge Road**  
**Roswell, GA 30076-2199**
  
40. **Kohler Company**  
**444 Highland Drive**  
**Kohler, Wisconsin 53044**
  
41. **Ladish Company, Inc.**  
**Attn: Wayne E. Larson, General Counsel**  
**5481 S. Packard Avenue**  
**P. O. Box 8902**  
**Cudahy, WI 53110**
  
42. **Law Tanning**  
**1616 W. Pierce Street**  
**Milwaukee, WI 53204**

43. **Lindsay Paint/RHL Inc.**  
**C/O Ronald R. Ragatz**  
**DeWitt Ross & Stevens**  
**Two E. Mifflin Street, Ste. 600**  
**Madison, WI 53703-2865**
44. **Marathon Industries**  
**510 Sherman St.**  
**Wausau, WI 54401**
45. **Mautz Paint & Varnish Company**  
**939 E. Washington Ave.**  
**P. O. Box 7068**  
**Madison, WI 53703**
46. **Midwest Tanning Company**  
**Attn: Allen J. Glubka**  
**1200 Davis Avenue**  
**P. O. Box 189**  
**South Milwaukee, WI 53172**
47. **Miller Brewing Company**  
**Attn: Garrett W. Reich**  
**3939 W. Highland Blvd.**  
**P. O. Box 0482**  
**Milwaukee, WI 53201-0482**
48. **Reichhold Chemicals, Inc.**  
**Corporate Headquarters**  
**Attn: Nancy Armisto, Attorney**  
**P. O. Box 13582**  
**Research Triangle Park, NC 27709-3582**
49. **Milprint, Inc.**  
**Attn: Howard Hofmeister**  
**2451 Badger Avenue**  
**Oshkosh, WI**  
**P. O. Box 2968**  
**Oshkosh, WI 54903-2968**

50. **Minnesota Mining & Manufacturing Co. (3M)**  
Attn: **Brian Davis, OGC**  
3M Center Building  
P. O. Box 33428  
St. Paul, MN 55133
51. **Benjamin Moore & Company**  
North Avenue & 25th Avenue  
Melrose Park, Illinois 60160
52. **Nekoosa Papers Inc.**  
Attn: **Ronald T. Allen, Chief Counsel, Water**  
c/o Georgia Pacific Corp.  
133 Peachtree Street, N.E.  
P. O. Box 105605  
Atlanta, GA 30348-5605
53. **Nelson Paint**  
Attn: **Lou Rundio, Esq.**  
P. O. Box 2040  
Kingsford, Michigan 49802-2040  
One Nelson Drive  
Kingsford, MI 49801-4561
54. **A. P. Nonweiler Co.**  
3321 N. Shore Drive  
P. O. Box 1007  
Oshkosh, WI 54901
55. **Nordberg, Inc.**  
Attn: **Jeff W. Verberne**  
3073 Chase Ave.  
P. O. Box 383  
Milwaukee, WI 53201
56. **Northern Paper**  
Attn: **G. William Parker**  
C/O MRC Holdings, Inc.  
300 S. Paul Place  
Baltimore, MD 21202
57. **Pfister & Vogel Leather Co.**  
1531 N. Water Street  
Milwaukee, WI 53202

58. **PPG Industries, Inc.**  
**Attn: Thomas Ebbert**  
**4325 Rosanna Drive**  
**Allison Park, PA 15101**
59. **Rapco Leather Company**  
**401 E. Bradley Road**  
**Milwaukee, WI 53217**
60. **Rexnord Corporation**  
**Attn: Aaron L. Hardt**  
**4695 West Greenfield Ave.**  
**Rexnord Building 4**  
**Milwaukee, WI 53214**
61. **Seidel Tanning Corp.**  
**Attn: Rich Churchville, Corp. Secty.**  
**1306 E. Meinecke Avenue**  
**P. O. Box 12571**  
**Milwaukee, WI 53212**
62. **A. O. Smith Corporation**  
**Corp HQ Law Department**  
**Attn: Ken Anselment**  
**11270 West Park Place**  
**Milwaukee, WI 53224**  
**P. O. Box 23973**  
**Milwaukee, WI 53223-0973**
63. **Square D Company**  
**Industrial Controller Division**  
**4041 N. Richards**  
**Milwaukee, Wisconsin 53212**
64. **Chicago, Milwaukee and St. Paul Railroad**  
**CMC Heartland Partners**  
**Attn: Lawrence S. Adelson, Esq.**  
**547 W. Jackson Blvd.**  
**Chicago, IL 60606**
65. **Suhm Company, Inc.**  
**C/O David Suhm**  
**W131 S6471 Kipling Drive**  
**Muskego, WI 53150**

66. **Thiele Tanning Company**  
Attn: Helmuth M. Thiele, Jr.  
123 North 27th Street  
Milwaukee, WI 53208
  
67. **Thiem Automotive Division**  
C/O Beazer East, Inc.  
Attn: Robert M. Lucas, Esq.  
436 Seventh Avenue, 10th Floor  
Pittsburgh, PA 15219
  
68. **Thilmany Pulp and Paper Co.**  
Division of International Paper  
Attn: Steven J. Ginski, Esq.  
International Place I  
6400 Poplar Avenue  
Memphis, TN 38197
  
69. **Trent Tube Co.**  
2015 Energy Dr.  
P. O. Box 77  
East Troy, WI 53120-0077
  
70. **Albert Trostel & Sons Co.**  
C/O Everett Smith Investment Company, Ltd of Delaware  
Attn: Thomas F. Clasen, Esq.  
800 N. Marshall Street  
Milwaukee, WI 53202
  
71. **The Upjohn Company**  
Attn: J. William Whitlock, Assistant General Counsel  
7000 Portage Rd.  
Kalamazoo, Michigan 49001-0199
  
72. **Wenthe-Davidson Engineering Company**  
16300 W. Rogers Drive  
New Berlin, WI 53151  
P. O. Box 286  
New Berlin, WI 53187
  
73. **Western Publishing Company, Inc.**  
Attn: Roman I. Chojnacki  
1220 Mound Avenue  
Racine, WI 53404

74. **Wisconsin Aluminum Foundry**  
**838 S. 16th St.**  
**Manitowoc, Wisconsin**
  
75. **Wisconsin Electric Power Company**  
**Attn: James D. Zakrajscheck, Counsel**  
**231 W. Michigan Street**  
**P. O. Box 2046**  
**Milwaukee, WI 53201-2046**
  
76. **Wisconsin Solvents & Chemicals**  
**C/O Chem Central Corporation**  
**2400 S. 170th Street**  
**New Berlin, Wisconsin 53151**
  
77. **ZPC Industrial Coatings**  
**1439 N. 25th Street**  
**Sheboygan, WI 53081**

D. The following entity is a person who transported hazardous substances for disposal at the Marina Cliffs Site:

**Chicago & Northwestern Transportation Co.**  
**Attn: Mack H. Shumate, Jr.**  
**165 N. Canal Street**  
**One Northwestern Center**  
**Chicago, IL 60606**

ATTACHMENT B

United States Environmental Protection Agency (U.S. EPA)  
INDEX TO LIABILITY FILES FOR MARINA CLIFFS DUMP SITE

<u>File No.</u>	<u>File Name</u>
000	Index
001	Ace Chemical Company
	Albert Trostel (see Trostel)
002	Aldrich Chemical Company, Inc.
132	Algoma Plywood & Veneer Company
003	Allen-Bradley
004	Allied Signal Corporation (Bendix)
133	The Louis Allis Company
005	Allis-Chalmers Corp.
006	American Motors (Chrysler Corporation)
007	Amity Leather Products Company
008	Ampco Metal
	Apex Oil (see Clark Oil)
009	Appleton Coated Papers (see also AT&T)
010	Armour Leather Company (Armour & Company) - includes also Armour Swift-Eckrich
134	Artco Printing Ink Corp.
011	AT&T Global Information Solutions (re: Appleton Coated Papers and Appleton Papers Inc.)
012	Badger Army Ammunition (U. S. Army)
013	Badger Paint
	BASF (see International Printing Ink)
	Beatrice Foods (see Pfister & Vogel and Armour Leather)
	Beazer East (see Thiem)
	Bendix (see Allied Signal)
014	Benjamin Moore & Company
015	Blackhawk Leather Ltd.
135	Bolens Corporation
136	W.H. Brady Company
016	Briggs & Stratton Corporation
017	Brodhagen, John
018	Bucyrus-Erie Company
019	Carbolineum Wood Preserving Company
020	Case Corporation
	Chain Belt (see Rexnord)
021	Charmin Paper Company (Proctor & Gamble)
022	Chicago and NorthWestern Transportation Company
	Chrysler Corporation (see American Motors)
023	Cities Service Company (Oxy-USA Inc.)
024	City of Green Bay
025	City of Manitowoc
026	City of Milwaukee
027	City of Oconomowoc
028	City of Sheboygan
029	City of West Allis
030	City of West Bend
031	Clark Oil & Refining Corp. (Apex Oil Co.)
032	Cook Composites & Polymers Co. (Freeman Chemical)

<u>File No.</u>	<u>File Name</u>
033	Cook Paint & Varnish (see International Printing Ink)
137	Cooper Power Systems (Line Materials/Kyle Corporation)
034	CMC Heartland Partners
035	Cudahy Packing
138	Cudahy Tanning Company, Inc.
036	Cutler-Hammer, Inc.
037	Deere & Co.
038	DeSoto Inc./Essential Chemicals/Essential Industries
039	Drobac, Daniel
139	DuPont (E.I. du Pont de Nemours)
040	Eggers Industries, Inc.
041	Essential Chemicals/Essential Industries (see DeSoto)
042	Esser, T. C. Inc.
140	Evinrude Motors (Outboard Marine Corporation (OMC))
043	Excel Chemical
044	The Falk Corporation
045	Findley Adhesives
046	FMC (see Link-Belt)
047	Fort Howard Paper Company
127	Freeman Chemical (see Cook Composites)
048	Fricke, Edward
128	Gallun, A.F. & Sons Tanning Company
141	General Motors Corporation
049	Georgia-Pacific (see Nekoosa)
050	Gill, Thomas
051	Glidden Company, The
052	Globe-Union (see Johnson Controls)
053	Gray, Curtis (re: PPG)
054	Green Bay (see City of...)
055	Hamilton Scientific
056	Harley-Davidson Motor Company, Inc.
057	Harnischfeger Industries, Inc.
144	Heil Company
145	Hein-Werner Corp.
058	Hentzen Coatings (Wisconsin Paint)
059	Hercules Inc. (Hercules Powder)
060	Heresite Protective Coatings
147	Iding, M.P. Company, Inc.
	International Harvester Company (Navistar)
	International Paper Co. (See Thilmany)
	International Printers (Winn Printers)
	International Printing Ink/Cook Paint & Varnish (BASF)
	Invincible Metal Furniture Company
	Jacobsen, Division of Textron, Inc.
	James River (see Northern Paper)
	J.I. Case (see Case)
	Johnson Controls, Inc. (Globe-Union)
	Johnson, S.C. & Son, Inc.
	Joliet Army Ammunition Plant (see Uniroyal)
	Keil & Werner Electric Company
	Kiekhaefer Manufacturing Company

<u>File No.</u>	<u>File Name</u>
061	Kimberly Clark Corporation
062	Kipp, Melvin
129	Kitzinger, Carl
063	Klipfel, Wayne
146	Kohler Company
064	Krueger, Leonard
	Kyle Corporation (see Cooper Power Systems)
065	Ladish Company, Inc.
066	Law Tanning
067	Leeland Chemicals
068	Lindsay Paint (R.H.L., Inc.)
	Line Materials (see Cooper Power Systems)
069	Link-Belt Corporation (FMC Corporation)
070	Love, Marvell
071	Majewski, Lawrence
	Manitowoc (see City of...)
130	Manka, Raymond
148	Marathon Industries
072	Margolis, Donald
	Marinette Paper Company (see Scott Paper)
073	Matter, Robert
074	Mautz Paint
	Mayer, Oscar (see Oscar Mayer)
149	Maysteel Corporation
075	Menasha Corporation, Neenah Printing Division
076	Menominee Paper Company
077	Midamerica Steel Drum
078	Midwest Tanning
079	Miller Brewing Company
080	Milligan, J.G./Swift Adhesives (Reichhold)
081	Milport Chemical Company (includes Rowell)
082	Milprint, Inc.
	Milsolv (see Milwaukee Solvents)
083	Milwaukee County
084	Milwaukee Solvents & Chemical Corporation (Milsolv) (see also Zecol)
085	Minnesota Mining & Manufacturing Company
086	Mobil Oil Corporation
	Moore, Benjamin (see Benjamin Moore)
	MPC (see Northern Paper)
	M.P. Iding (see Iding)
	Navistar (see International Harvester)
	Neenah Printing (see Menasha Corp.)
087	Nekoosa (Edwards) Paper Company Inc. (Georgia-Pacific)
088	Nelson Paint Company
089	Niles Chemical Paint Company
150	A.P. Nonweiler Co.
090	Nordberg Inc.
091	Northern Paper (James River, MPC)
092	Northern Trust Company, The
	Oconomowoc (see City of...)

<u>File No.</u>	<u>File Name</u>
093	Ohio Manufacturing Company
094	Oscar Mayer Foods Company
	Outboard Marine Corporation (OMC) (see Evinrude)
095	Outlook Graphics
	Oxy-USA (see Cities Service Company)
096	Pabst Brewing Company
097	Pfister & Vogel Leather Company (also see Armour)
098	PPG Industries, Inc. (see also Gray and Sheehan)
	Procter & Gamble (see Charmin Paper Company)
099	Rapco Leather, Inc.
	Reichhold Chemicals, Inc. (see Milligan, J.G.)
100	Rexnord Corporation (Chain Belt)
	R.H.L. (see Lindsay Paint)
	River, James (see Northern Paper)
	Rowell Chemical Corporation (see Milport Chemical Company)
	S.C. Johnson (see Johnson)
	Schlitz (see Stroh Brewery Company)
101	Scott Paper Company (re: Marinette Paper Company)
102	Seidel Tanning Corporation
	Sheboygan (see City of...)
	Sheboygan Paint (see ZPC)
131	Sheehan, Patrick (re: PPG)
103	Skarvin, Virgil
104	Smith, A.O. Corporation
105	Solar Paints & Varnishes
106	Soo Line Railroad Co. (St. Paul RR)
151	Speed Queen Company
152	Square D Company
153	Sta-Rite Industries, Inc.
107	Stolper Industries
	St. Paul Railroad (see Soo Line)
108	Stroh Brewery Company (Schlitz Brewing Company)
109	Suhm Laboratories
	Swift Adhesives (Reichhold) (see Milligan, J.G.)
110	Thiele Tanning Company
111	Thiem Automotive Division (Beazer East, Inc.)
112	Thilmany Pulp & Paper Company (International Paper Co.)
113	Towne Realty
114	Trent Tube Company
115	Trilla Steel Drum/Trilla Cooperage
116	Trostel, Albert & Sons, Co.
117	Uniroyal Chemical Company/Joliet Army Ammunition Plant
118	Upjohn Company, The
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119	Verden, Paul
120	Verden, Russell
154	Vollrath Company, Inc.
155	Wenthe-Davidson Engineering Company
	West Allis (see City of...)
	West Bend (see City of...)

<u>File No.</u>	<u>File Name</u>
121	Western Publishing Company
122	Winkler, Clarence
	Winn Printers (see International Printers)
156	Wisconsin Aluminum Foundry
123	Wisconsin Electric Power Company
	Wisconsin Paint (see Hentzen Coatings)
157	Wisconsin Solvents & Chemicals
124	Zecol Inc. (see also Milwaukee Solvents)
125	ZPC Industrial Coatings (Wm. Zummach)
	Zummach, Wm. (see ZPC)
126	General/Miscellaneous Information
127	Gill, Thomas
128	Gray, Curtis
129	Kitzinger, Carl
130	Manka, Raymond
131	Sheehan, Patrick
132	Algoma Plywood & Veneer Company
133	The Louis Allis Company
134	Artco Printing Ink Corp.
135	Bolens Corporation
136	W.H. Brady Company
137	CMC Heartland Partners
138	Cutler-Hammer, Inc.
139	Eggers Industries, Inc.
140	The Falk Corporation
141	Hamilton Scientific
142	Hein-Werner Corp.
143	Heresite Protective Coatings
144	Invincible Metal Furniture Company
145	Jacobsen, Division of Textron, Inc.
146	Kohler Company
147	Kiekhaefer Manufacturing Company
148	Marathon Industries
149	Maysteel Corporation
150	A.P. Nonweiler Co.
151	Speed Queen Company
152	Square D Company
153	Sta-Rite Industries, Inc.
154	Vollrath Company, Inc.
155	Wenthe-Davidson Engineering Company
156	Wisconsin Aluminum Foundry
157	Wisconsin Solvents & Chemicals
158	Algoma Foundry & Machine Co.
159	Allied Home Products Corp.
160	Consolidated Water Paper & Power Co.
161	B.D. Eisendrath Tanning Co. of Racine
162	Gaylord Container Corp.
163	Geuder, Paeschke & Frey Co.
164	J. Greenebaum Tanning Co.

<u>File No.</u>	<u>File Name</u>
165	Gugler Lithographic Co.
166	Inland Steel Products
167	Kepec Chemical Corp.
168	Klenzade Products, Inc.
169	Koehring Co.
170	George J. Meyer Mfg. Co.
171	Patek Brothers, Inc.
172	Presto Color
173	Fred Rueping Leather Co.
174	Rway Furniture Co.
175	Wagner Iron Works
176	Wagner Specialty Co.
177	Wisconsin Leather Co.
178	Badger Paint & Hardware Stores
179	Baldwin Plywood & Veneer Co.
180	Blackhawk Mfg. Co.
181	Eagle-Flagg Tannery
182	Excel Chemical
183	Freeman Shoe Corp.
184	Garton Toy Co.
185	Gebhardt-Vogel Tanning
186	Frank Gill (Paint) Co.
187	Gisholt Machine Co.
188	Jones & Dabny
189	Giddings & Lewis, Inc.
190	J. Laskin & Sons Corp.
191	Menasha Printing Ink Co.
192	The Midland Co.
193	O'Neill Duro Paint
194	Paddock Paints
195	Prentiss Wabers Products Co.
196	Rockford Paint
197	Rockford Varnish
198	Roper Stove
199	Shakespeare Co.
200	Sherwin-Williams Paint Co.
201	Tousey Varnish
202	Trumble Asphalt
203	Kirk White Chemical Co.
204	Wisconsin Motor Corp.
205	Zone Co.

INTERVIEWS AND DEPOSITIONS

I = interview      D = deposition      A = affidavit/statement

**John Brodhagen (file #017)**

D 6/15/95

**Edward Fricke (file #045)**

I 7/28/93

I 8/4/93

**Curtis Gray (file #128)**

I 4/29/94 (cover letter 4/30/94)

**Carl Kitzinger (file #129)**

I 7/21/93

**Wayne Klipfel (file #063)**

A 4/95 (undated, unsigned)

**Leonard Krueger (file #064)**

I/A 6/12/95

**Robert Matter (file #073)**

A 7/10/95

**Patrick Sheehan (file #131)**

I 2/14/95

**Virgil Skarvin (file #103)**

I 4/27/95

**Paul Verden (file #119)**

D 5/18/95

D 6/6/95

I 6/18/93

**Russell Verden (file #120)**

D 5/8-9/95

D 5/24/95

D 5/25/95

D 5/26/95

I 6/17/93

I 6/22/93

I 7/1/93

A 8/4/94

I 8/11/94

**Clarence Winkler (file #122)**

D 5/15/95

D 6/12/95

I 6/14/94

## ATTACHMENT C

### PARTIAL CUSTOMER LIST FOR NORTHWESTERN BARREL COMPANY \*

1. Aldrich Chemical, Milwaukee, WI
2. Algoma Foundry & Machine Co., Algoma, WI
3. Algoma Plywood & Veneer, Algoma, WI/Algoma Lumber Co.
4. Allen-Bradley Co., Milwaukee, WI
5. Allied Home Products, Beloit, WI
6. Bendix Corporation, South Bend, IN/Allied Signal
7. Louis Allis Co./Magnatek, Inc, Milwaukee, WI
8. Allis Chalmers, Milwaukee, WI
9. American Motors/Chrysler Corp, Milwaukee, Kenosha, WI; Belvidere, IL
10. Amity Leather, West Bend, WI
11. Ampco Metal, Milwaukee, WI
12. Appleton Coated Papers/Combined Locks Paper, Appleton, WI
13. Armour Leather, Sheboygan, WI/Armour & Co.
14. Artco Printing Ink, Milwaukee, WI
15. Atlas Tannery, Milwaukee, WI
16. U. S. Army
  - Badger Army Ammunition, Baraboo, WI
  - Joliet Army Ammunition, Joliet, IL
17. Badger Paint & Hardware, Milwaukee, WI
18. Baldwin Plywood & Veneer, Gillett, WI
19. Blackhawk Leather, Milwaukee, WI
20. Blackhawk Manufacturing, West Allis, WI
21. Bolens Corp/Bolen Products Div., Port Washington, WI
22. W. H. Brady Co, Chippewa Falls, WI
23. Briggs & Stratton, Milwaukee, WI
24. Bucyrus-Erie, South Milwaukee, WI
25. Carbolineum Wood Preserving, Milwaukee, WI
26. Case Corporation, Racine, WI
27. Charmin, Green Bay, WI/Proctor & Gamble
28. Chicago & NW RR, Chicago, IL
29. Green Bay, WI
30. Manitowoc, WI
31. Milwaukee, WI
32. Oconomowoc, WI

\* Parties listed on this Attachment are the known customers of Northwestern Barrel who sold them drums with residual potentially hazardous wastes; parties appearing on Attachment C but not on Attachment A are either nonviable PRPs, not locatable or generators of extremely small or unknown contributions to the Site.

33. Sheboygan, WI
34. West Allis, WI
35. West Bend, WI
36. Consolidated Water Paper & Power, Wisconsin Rapids, WI
37. Freeman Chemical, Saukville, WI/Cook Composites & Polymers
38. Line Material/Kyle Corp., South Milwaukee, WI/Cooper Power Systems
39. Law Tanning, Milwaukee, WI/Cudahy Tanning, Cudahy, WI
40. Cutler-Hammer, Inc., Milwaukee, WI
41. Deere & Company, Horicon, WI
42. Dupont, Wilmington, DE
43. Eagle Flagg Tannery, Milwaukee, WI
44. F. Eggers Plywood, Two Rivers, WI
45. B. D. Eisendrath, Racine, WI
46. Essential Chemicals/DeSoto/Essential Industries, Milwaukee, WI
47. T. C. Esser Company, Milwaukee, WI
48. Evinrude/OMC, Milwaukee, WI
49. Excel Chemical, Milwaukee, WI
50. Falk Corporation, Milwaukee, WI
51. F. G. Findley Adhesives, Milwaukee, WI
52. Fort Howard Corp, Green Bay, WI
53. Freeman Shoe, Beloit, WI
54. Gallun & Sons, Milwaukee, WI
55. Garton Toy, Sheboygan, WI
56. Gaylord Container, Milwaukee, WI
57. General Motors, Janesville, WI
58. Gebhardt-Vogel Tanning, Milwaukee, WI
59. Geuder, Paschke & Frey, Milwaukee, WI
60. Frank Gill Company, Wisconsin Rapids, WI
61. Gisholt Machine, Madison, WI
62. Glidden Company, Chicago, IL
63. Grede Foundries, Inc., Milwaukee, WI
64. J. Greenebaum Tanning, Milwaukee, WI and Chicago, IL
65. Gugler Lithographic, Milwaukee, WI
66. Hamilton Scientific/Hamilton Mfg., Two Rivers, WI
67. Harley-Davidson, Milwaukee, WI
68. Harnischfeger, Milwaukee, WI
69. Heil Corp., Milwaukee, WI
70. Hein-Werner Corp., Waukesha, WI
71. Wisconsin Paint, Milwaukee, WI/Hentzen Coatings
72. Hercules Powder, Kalamazoo, MI
73. Heresite Protective Coatings, Manitowoc, WI
74. Hydrite Chemical, Milwaukee, WI
75. Inland Steel Products, Milwaukee, WI

76. International Harvester, Milwaukee, WI/Navistar
77. International Printing Ink, Chicago, IL; Cook Paint & Varnish, Hamtramck, MI/BASF
78. Invincible Metal Furniture, Manitowoc, WI
79. Jacobsen Manufacturing Co, Racine, WI
80. Globe Union, Milwaukee, WI/Johnson Controls
81. S. C. Johnson & Son, Racine, WI
82. Jones & Dabny, Hamtramack, MI
83. Kalamazoo Valley Parchment, Kalamazoo, MI
84. Kearney & Trecker Corp., West Allis, WI/Giddings & Lewis, Fond du Lac, WI
85. Kepec Chemical Corporation, Milwaukee, WI
86. Kiekhaefer Mfg., Port Washington/Kiekhaefer Corp, Cedarburg, WI
87. Kimberly-Clark Corp., Neenah, Kimberly, Niagara, WI
88. Klenzade Products, Inc., Beloit, WI
89. Koehring Co., Milwaukee, WI
90. Kohler Company, Kohler, WI
91. Ladish Company, Cudahy, WI
92. J. Laskin & Sons, Milwaukee, WI
93. Lee Paper Co., Vicksburg, MI
94. Leeland Chemicals, Milwaukee, WI
95. Lindsay Paint/RHL Inc., Wausau, WI
96. Marathon Corp., Menasha, WI/Marathon Industries, Wausau, WI
97. Mautz Paint & Varnish, Madison, WI
98. Maysteel Products, Inc., Mayville, WI/Maysteel Corp.
99. Menasha Printing Ink Co., Menasha, WI
100. Geo J. Meyer Manufacturing Co., Cudahy, WI
101. Midland Company, South Milwaukee, WI
102. Midwest Tanning Co., South Milwaukee, WI
103. Miller Brewing Co., Milwaukee, WI
104. J.G. Milligan, Milwaukee, WI; Swift Adhesives, Oak Creek, WI/Reichhold Chemicals, Inc.
105. Milprint, Inc., Oshkosh, WI
106. Milwaukee County, Milwaukee, WI
107. 3M, St. Paul, MN
108. Benjamin Moore & Company, Melrose Park, IL
109. Nekoosa Papers, Inc., Port Edwards, WI/Georgia-Pacific Corp.
110. Nelson Paint, Kingsford, MI
111. Niles Chemical Paint Co., Niles, MI
112. A. P. Nonweiler Co., Oshkosh, WI
113. Nordberg, Inc., Milwaukee, WI
114. Northern Paper, Green Bay, WI/MRC Holdings, Inc.
115. O'Neill Duro Paint, Milwaukee, WI
116. Pabst Brewing Co., Milwaukee, WI
117. Paddock Paints, Milwaukee, WI
118. Patek Bros, Inc., Milwaukee, WI

119. Peavey Paper Mills, Inc., Ladysmith, WI
120. Pfister & Vogel Leather Co., Milwaukee, WI
121. PPG Industries, Inc., Milwaukee, WI
122. Prentiss Wabers Products, Wisconsin Rapids, WI
123. Presto Color, Cudahy, WI
124. Rapco Leather Co., Milwaukee, WI
125. Chain Belt, Milwaukee, WI/Rexnord, Inc.
126. Rockford Paint, Rockford, IL
127. Rockford Varnish, Rockford, IL
128. Roper Stove, Rockford, IL
129. Rosenberg Elevator Co., Milwaukee, WI
130. Fred Reuping Leather Co., Fond du Lac, WI
131. Rway Furniture Co., Sheboygan, WI
132. Marinette Paper Co., Marinette, WI/Scott Paper Co.
133. Menominee Paper Co., Menominee, MI
134. Seidel Tanning Co., Milwaukee, WI
135. Shakespeare Co., Kalamazoo, MI
136. Sherwin-Williams Paint Co., Chicago, IL
137. A. O. Smith Corp., Milwaukee, WI
138. Solar Corporation (Paint & Varnish), Milwaukee, WI
139. Speed Queen Corp., Ripon, WI
140. Square D Company, Milwaukee, WI
141. Sta-Rite Products, Delavan, WI
142. Stolper Steel Products, Menomonee Falls, WI/Stolper Industries
143. Stroh Brewery, Milwaukee, WI
144. St. Paul Railroad Shops., Milwaukee, WI
145. Suhm Company, Inc., Milwaukee, WI
146. Thiele Tanning Co., Milwaukee, WI
147. Thiem Products, Inc., Milwaukee, WI/Beaser East, Inc.
148. Thilmany Pulp & Paper, Kaukauna, WI/International Paper
149. Tousey Varnish, Chicago, IL
150. Trent Tube Co., East Troy, WI
151. Albert Trostel & Sons, Milwaukee, WI
152. Trumble Asphalt, Chicago, IL
153. Upjohn Company, Kalamazoo, MI
154. Vollrath Paint Co., Sheboygan, WI
155. Wagner Iron Works, Milwaukee, WI
156. Wagner Specialty Co., Burlington, WI
157. Waukesha Motor Co., Waukesha, WI
158. Wenthe-Davidson Engineering, Milwaukee, WI
159. West Bend Aluminum, West Bend, WI
160. Western Publishing Co., Racine, WI
161. Kirk White Chemical, Oconomowoc, WI
162. Wisconsin Aluminum Foundry, Manitowoc, WI

163. Wisconsin Electric Power Co., Milwaukee, WI
164. Wisconsin Leather Co., Milwaukee, WI
165. Wisconsin Motor Corp., West Allis, WI
166. Wisconsin Solvents & Chemicals, New Berlin, WI
167. Milwaukee Solvents & Chemicals Corp, Milwaukee, WI  
or Milwaukee Chemical Products Co., Milwaukee, WI
168. Wm. F. Zummach, Inc., Milwaukee, WI/ZPC Industrial Coatings

## ATTACHMENT D

### Statement of Work for the Marina Cliffs/Northwestern Barrel Removal Action South Milwaukee, Wisconsin

This document presents the Statement of Work (SOW) for conducting a Removal Action, including investigations, at the Site, a 13-acre land parcel located adjacent to Lake Michigan in South Milwaukee, Wisconsin. The work to be performed will be performed in two separate actions — a time-critical and a non-time-critical action.

The major tasks associated with completing the work to be performed are presented in the following two sections:

Section I: Time-Critical Activities

Section II: Non-Time-Critical Activities

#### **I. Time-Critical Activities**

The purpose of the time-critical activities is to address potentially hazardous constituents contained in the two pit areas and the depressed area located at the southeast corner of the Site. A time-critical investigation will be performed to collect site-specific data.

The time-critical activities will consist of the following tasks:

Task 1: Preparation of the Time-Critical Investigation Work Plan

Task 2: Preparation of the Site Health and Safety Plan

Task 3: Implementation of the Time-Critical Investigation Work Plan

Task 4: Preparation of the Time-Critical Technical Memorandum

Task 5: Milestone Meeting

Depending on the decisions reached by U.S. EPA in the Milestone Meeting, the following tasks will also be performed as time-critical removal activities:

Task 6: Development of the Time-Critical Action Implementation Plan

Task 7: Time-Critical Action Implementation

Task 8: Preparation of the Time-Critical Action Documentation Memorandum

Each task is described in greater detail below.

Task 1: Preparation of the Time-Critical Investigation Work Plan

The Respondents will submit to the U.S. EPA (in accordance with the schedule set forth in the Order) for review and approval, the Time-Critical Investigation Work Plan (Investigation Work Plan) that details the technical approach for the performance of the field activities. The study area will include the two pits and the depressed area. The Investigation Work Plan will also include the identification of potential immediate risks, a description of the general time-critical activities including sampling, analysis, and site reconnaissance.

The Investigation Work Plan will include the following:

- A brief summary of related background information and identification of potential immediate risks at the site;
- Details of the available property boundary survey, the planned sampling locations survey, and benchmark placement;
- Description of a specific site-wide reconnaissance to be performed in order to visually review current site conditions, perform qualitative tests, and flag potential location concerns.

- The number, type, and general location of samples to be collected, along with sampling rationale;
- A figure depicting general sample locations.
- Specific analytical and/or physical tests to be performed for each sample collected;
- A streamlined quality assurance plan with appropriate procedures to ensure that the data quality objectives are met; and
- A schedule for performance of the specific tasks to be conducted during the time-critical activities and a discussion of the tasks and project team.

#### Task 2: Preparation of the Site Health and Safety Plan

A site Health and Safety Plan (HSP) will be prepared for the time critical investigation and submitted to the U.S. EPA for review and comment. The HSP will be developed on the basis of site conditions and will be consistent with appropriate regulations and guidance, including the Occupational Safety and Health Administration (OSHA) 29 CFR 1910.120 - Hazardous Waste Operations and Emergency Response, Final Rule, March 6, 1990.

The HSP shall address personnel responsibilities, protective equipment, procedures, protocols, decontamination methods, medical surveillance, routes and maps to local hospitals, and phone numbers of emergency personnel. If U.S. EPA determines that it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate any appropriate and reasonable changes to the plan that are recommended by U.S. EPA. The HSP will be modified, as necessary, for additional site-specific activities conducted at the Site.

### Task 3: Implementation of the Time-Critical Investigation Work Plan

The time-critical investigation will be performed according to the approved Investigation Work Plan. Data acquisition will involve sample location and benchmark surveying activities, semi-quantitative field measurements, sample collection in the two pit areas and in the depressed area, and associated laboratory analyses. The objectives of these activities are to characterize the contents of the three areas, establish the horizontal and vertical extent of the area contents, and review overall site conditions to identify potential imminent hazards, the need for additional site security measures, and locations for future investigation.

Samples collected during the field activities will be transported to an U.S. EPA-approved analytical laboratory strictly following chain-of-custody procedures. Sample locations will be duly noted and documented. The samples will be analyzed to evaluate appropriate methods to manage the waste and to determine possible hazards. All analyses will be conducted in accordance with protocols or procedures specified by the United States Environmental Protection Agency (U.S. EPA) and identified in the streamlined quality assurance plan.

### Task 4: Preparation of the Time-Critical Technical Memorandum

A Time-Critical Technical Memorandum will be prepared and submitted to the U.S. EPA for review and approval. The Technical Memorandum will summarize the results of the time-critical investigation and recommend a plan to address the two pits and the depressed area.

The Technical Memorandum will include the following:

- A summary of results from the site reconnaissance activities;
- A summary of results of the pit and depressed area characterization;
- A recommendation for any necessary, additional time-critical activities and, if any, a conceptual plan and schedule for those activities; and
- A conceptual outline for the Site Evaluation Work Plan.

Task 5: Milestone Meeting

A milestone meeting will be held to discuss the results of the investigation and the recommendations with the U.S. EPA within 14 days of Respondents' submission of the Time-Critical Technical Memorandum. At that time, U.S. EPA will decide whether to include any or all of the three areas as part of the time-critical implementation activities, to require any immediate security measures, or to shift management of the areas into the non-time-critical EE/CA process.

Task 6: Development of the Time-Critical Action Implementation Plan

Depending upon the decision reached by U.S. EPA in the milestone meeting, the Respondents will submit to the U.S. EPA a Time-Critical Action Implementation Plan for review and approval. This Action Implementation Plan will include the following:

- Purpose and objectives of the time-critical activities;
- A summary of results from the time-critical investigation, including estimated volumes and waste characteristics;
- A plan for implementing the time-critical activities to address the contents of the three areas, as appropriate;

- A summary of the design concept;
- A brief discussion of the action's compliance with applicable environmental and public health requirements, including worker safety and bluff stability issues;
- A streamlined quality assurance plan to ensure that the activities will be implemented in accordance with the Time-Critical Action Implementation Plan.

#### Task 7: Time-Critical Action Implementation

The time-critical activities will be implemented in accordance with the approved Time-Critical Action Implementation Plan (described under Task 6).

#### Task 8: Preparation of the Time-Critical Action Documentation Memorandum

Upon completion of the time-critical activities, the Respondents shall submit to the U.S. EPA a Time-Critical Action Documentation Memorandum for review and approval. The Memorandum will summarize the activities conducted to achieve the remedy specified in the approved Time-Critical Action Implementation Plan and any subsequent modifications. At a minimum, the Memorandum will document the time-critical activities undertaken.

## **II. Non-Time-Critical Activities**

The remainder of the site activities and any other activities to address the pits and depressed area, if appropriate and as decided in Task 5, will be conducted following the non-time-critical activities procedures described under the Superfund Accelerated Clean-Up Model (SACM).

The non-time-critical activities to be conducted under the EE/CA process will consist of the following tasks:

- Task 9: Preparation of the Site Evaluation Work Plan
- Task 10: Implementation of the Site Characterization Activities
- Task 11: Preparation of the EE/CA Report

Each task is described in greater detail below.

**Task 9: Preparation of the Site Evaluation Work Plan**

The Respondents shall, within 60 days of the Milestone Meeting, submit the Non-Time-Critical Site Evaluation Work Plan to U.S. EPA for review and approval. This Work Plan will detail the technical approach for site characterization consistent with EE/CA guidance. The study area will include the current Marina Cliffs/Northwestern Barrel site, including the ravine on the north and the beach area immediately east of the property. A property boundary survey and legal description of the site will be included in the Work Plan.

The Work Plan shall also include the following:

- Site Description and Background Summary - The Work Plan will present discussions of the site setting, including area geology, hydrogeology, topographic features; operational history; surrounding land use and populations; sensitive ecosystems; and local meteorologic conditions. Previous removal actions and applicable historical data will also be summarized.
- The number, type, and media (i.e., groundwater, surface water, soil, etc.) of samples to be collected along with rationale - Sample collection will reflect SACM's integrated assessment approach to support removal action

review and expedite on-site action. The plan will include a focused hydrogeologic investigation.

- Specific analytical tests to be performed for each sample collected - Analytical testing will be performed to meet the data quality objectives consistent with making decisions in support of removal actions. All data analysis will be performed following U.S. EPA direction, approval, and guidance regarding quality assurance/quality control (QA/QC), data validation, and chain-of-custody procedures. The analytical laboratory selected will comply with U.S. EPA guidance.
- Figures depicting general sample locations and property boundaries
- A schedule for performing the various tasks identified as non-time-critical activities

#### Task 10: Implementation of the Site Characterization Activities

After U.S. EPA approval of the Non-Time-Critical Site Evaluation Work Plan, field activities described in the Work Plan will be conducted in accordance with the schedule approved in the Site Evaluation Work Plan. The activities will include developing site access, sample collection in various media with subsequent analysis, and more detailed site surveying.

#### Task 11: Preparation of the EE/CA Report

The data collected in Task 10 will be compiled, reviewed, and evaluated as part of a comprehensive EE/CA Report. The report will include the major components presented in U.S. EPA Guidance on Conducting Non-Time-Critical Removal Actions Under CERCLA (August 1993). This includes:

- Results of the site characterization, including a historical summary and refining conceptual model for the site.

- Streamlined risk assessment focusing on current, reasonable, and likely potential exposures.
- Identification of removal action scope and goals defining the number of issues included in the EE/CA.
- Identification and analysis of removal action alternatives describing appropriate technologies and reviewing them against short- and long-term aspects of effectiveness, feasibility of implementation, and cost.
- Comparative analyses of alternatives presenting a thorough side-by-side review of the removal alternatives to evaluate relative effectiveness.

The EE/CA Report will be available for public comment after approval by the U.S. EPA.

## ATTACHMENT E

AR

U.S. EPA ADMINISTRATIVE RECORD  
REMOVAL ACTION  
MARINA CLIFFS BARREL DUMP  
SOUTH MILWAUKEE, WISCONSIN  
ORIGINAL  
05/30/95

DOC# ----	DATE ----	AUTHOR -----	RECIPIENT -----	TITLE/DESCRIPTION -----	PAGES -----
1	01/18/89	Ecology and Environment, Inc.	U.S. EPA	Screening Site Inspection Report	36
2	03/21/91	Even, K. and Rautmann, D.; Northern Environmen- tal	Young, J., Towne Realty, Inc.	Letter re: Environmental Assessment w/Attachments	95
3	08/00/91	Chemical Waste Management, Inc.	Towne Realty	Project Summary Report: Drum Remediation	220
4	04/17/95	Lavis, B., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request for a Time Critical Removal Action	18

U.S. EPA ADMINISTRATIVE RECORD  
REMOVAL ACTION  
MARINA CLIFFS BARREL DUMP  
SOUTH MILWAUKEE, WISCONSIN  
UPDATE #1  
05/30/95

DCC# ----	DATE ----	AUTHOR -----	RECIPIENT -----	TITLE/DESCRIPTION -----	PAGES -----
1	01/12/95	Ecology and Environment, Inc.	U.S. EPA	Site Assessment Report	61