SFUND RECORDS CTR
0639-01721

UNITED STATES

ENVIRONMENTAL PROTECTION AGENCY

REGION 9

IN THE MATTER OF:	)	UNILATERAL ADMINISTRATIVE
	)	ORDER FOR REMOVAL RESPONSE
MONTROSE CHEMICAL NPL SITE	)	ACTIVITIES
LOS ANGELES COUNTY, CA	)	
	)	U.S. EPA Region 9
	)	CERCLA DOCKET No. 94-15
MONTROSE CHEMICAL CORPORATION	)	
OF CALIFORNIA INC.,	)	
	)	Proceeding Under Section
RESPONDENT	)	106(a) of the Comprehensive
	)	Environmental Response,
	)	Compensation, and Liability
	)	Act, as amended, 42 U.S.C.
	)	§9606(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, 42 U.S.C. § 9606(a), as amended (CERCLA), and delegated to the Administrator of the United States Environmental

Protection Agency (EPA) by Executive Order no. 12580, January 23, 1987, 52 Federal Register 2923, further delegated to the Regional Administrators by EPA Delegation Nos. 14-14-A and 14-14-B, and further delegated to the Region 9 Director of the Hazardous Waste Management Division by Region 9 Delegation No. R1290.43.

EPA has notified the State of California of this action pursuant to section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

II. PARTIES BOUND

This Order applies to and is binding upon Respondent and Respondent's directors, officers, employees, agents, successors and assigns. Any change in ownership or corporate status of Respondent including but not limited to any transfer of assets or real or personal property shall in no way alter Respondent's responsibilities under this Order.

Respondent shall insure that its contractors, subcontractors, and representatives receive a copy of this Order and comply with this Order. Respondent shall be responsible for any non-compliance with this Order.

III. DEFINITIONS

1. For purposes of this Order the term "Montrose Chemical Superfund Site" shall be defined as the Montrose Chemical NPL Site

Remedial Investigation Study Area, as determined by EPA, that includes but is not limited to the following:

The thirteen acre parcel at 20201 Normandie Avenue in Los Angeles County, California (which is the location of the former Montrose Chemical Corporation of California DDT production and formulation plant); the real property at 1401 West Del Amo Boulevard, Los Angeles County, California owned by Jones Chemicals, Inc.; groundwater at and in the vicinity of 20201 Normandie Avenue that has been impacted by the release of hazardous substances from Respondent's DDT production and formulation plant; portions of the adjacent LACSD District 5 Interceptor and J.O. "D" sanitary sewer lines; that portion of the LADWP Right of Way adjacent to the 20201 Normandie Avenue Property; those parcels of real property in the vicinity of the 20201 Normandie Avenue property in an area bounded by Del Amo Blvd., Denker, 205th Street and Western Ave.; those parcels of real property in the vicinity of the 20201 Normandie Avenue property in an area bounded by Del Amo Blvd., New Hampshire Blvd., West Milton Street and Normandie Ave.; those portions of the Normandie Avenue ditch adjacent to and south of 20201 Normandie Avenue; the Kenwood Drain; the Torrance Lateral; the Dominguez Channel (from Laguna Dominguez to Consolidated Slip); and Consolidated Slip in Los Angeles Harbor.

2. The term "Montrose CERCLA Removal Site" for purposes of this Order shall be defined as that portion of the Montrose Chemical Superfund Site located at 1055 and 1051 204th Street, Torrance. California.

3. As used in this Order, the term "DDT contaminated soil" shall refer to the soil excavated by EPA from the Montrose CERCLA Removal Site and currently stored in 67 roll-off containers currently housed at the All Waste Transportation transfer facility in Long Beach, California.

IV. FINDINGS OF FACT

1. The Montrose Chemical Corporation of California Inc. (Montrose) manufactured the pesticide dichlorodiphenyltrichloroethane (DDT) at 20201 Normandie Avenue in Los Angeles County, California from 1947 until summer 1982. Montrose also conducted DDT formulation activities at 20201 Normandie Avenue.

2. During Montrose's operations at 20201 Normandie Avenue, DDT and other hazardous substances such as monochlorobenzene were released from the Montrose operations.

3. EPA has determined that DDT is a probable human carcinogen. In addition, DDT can also affect the liver and nervous system. DDT is also toxic to aquatic life and can cause reproductive failure in birds.

4. EPA placed the Montrose Chemical Superfund Site on the CERCLA National Priorities List in 1989.

5. Since 1985, Montrose has been conducting the CERCLA Remedial Investigation for the Montrose Chemical Superfund Site under an Administrative Order on Consent with EPA.

6. The proposed Del Amo Pits NPL site is adjacent to the Montrose Chemical Superfund Site. Shell Oil Company and Dow Chemical Company are conducting the Remedial Investigation for the Del Amo Pits Site under an Administrative Order on Consent with EPA.

7. In October 1993, as part of the Remedial Investigation for the Del Amo Pits Site, surficial soil sampling was conducted in the residential area situated on the north side of 204th Street in Torrance, California between Normandie Avenue and New Hampshire Avenue. At two residential locations (1055 and 1051 204th Street, Torrance, California) total DDT was detected at elevated levels up to 111 parts per million (ppm). These two residential properties are four blocks from the 20201 Normandie Avenue property at which Montrose conducted DDT manufacturing operations.

8. In January 1994, EPA collected samples of vegetables and chicken eggs raised at 1055 204th Street. The vegetables did not contain significant levels of DDT; however, a composite sample of several chicken eggs was found to contain 0.40 ppm total DDT. The United States Food and Drug Administration prohibits the interstate

sale of chicken eggs containing .50 ppm total DDT.

9. In February 1994, a second round of sampling was performed at 1055 and 1051 204th Street to further define the extent of the DDT contamination in surficial soil. Substantial concentrations of total DDT, at levels up to 706 parts per million, were detected in portions of the backyards at these two residential locations.

10. On March 24, 1994, the EPA Region 9 Hazardous Waste Management Division Director, pursuant to section 104(a) of CERCLA, 42 U.S.C. § 9604(a), authorized a time-critical removal action to remove and properly dispose of the DDT contaminated soil from 1055 and 1051 204th Street (Montrose CERCLA Removal Site). The removal action was authorized based in part on the findings of the Action Memorandum dated March 18, 1994 which read in part:

> There is a direct hazard to the public due to the presence of elevated levels of DDT in the soil in these two backyards. The residents at these two locations may be exposed to the DDT via direct dermal contact, ingestion and inhalation that may occur while they are present in their backyards. Both residences have animals (including dogs, cats and chickens) which may be exposed to the DDT. Additional human exposure may occur as the result of the ingestion of foodstuffs grown or raised in these yards.

Based on the administrative record for this removal action,

EPA, by this action memorandum, is selecting for this removal action the time-critical removal action level at 260 ppm total DDT. This corresponds to a carcinogenic risk value of 10-4 for DDT and a non-carcinogenic Hazard Index of 10 for DDT (both are approximately 260 ppm based on ingestion of soil by children) (U.S. EPA, Role of Baseline Risk Assessment in Superfund Remedy Selection Decisions, OSWER Dir. 9355.0-30, 4/22/91).

11. EPA excavation and related activities at the Montrose CERCLA Removal Site commenced on April 25, 1994. Additional sample results reported in March 1994 indicated that total DDT was present at depths of at least two feet at concentrations up to 4509 ppm in certain areas of the backyards at the Montrose CERCLA Removal Site.

12. During the initial soil excavation activities, white crystalline deposits (in lumps of varying size) were observed by EPA staff in sub-surface fill material at the Removal Site. Sample results of the white crystalline material received by EPA on May 11, 1994 indicated that the material was 75.7% total DDT (a copy of these sample results was forwarded to counsel for Montrose on May 11, 1994). Based on this sample result, EPA has since determined that the material was DDT commercial chemical product and was either a formulated DDT product or technical grade DDT. Accordingly, the soil being excavated from the Removal Site is a U listed hazardous waste regulated under the Resource Conservation

and Recovery Act (RCRA), 42 U.S.C. 6901 et seq. See 40 C.F.R. § 261.33(d). As of May 11, 1994, soil excavated from the removal site has been stored at the All Waste Transportation transfer facility in Long Beach, California under an emergency permit issued by the California EPA Department of Toxic Substances Control (DTSC). The emergency permit expires on August 15, 1994. DTSC administers the authorized RCRA program in California.

13. The DDT contaminated soil must be treated as required in Part 268 of RCRA, 40 C.F.R. Part 268, prior to disposal in a RCRA permitted land disposal facility.

14. Excavation and backfilling activities at the Montrose CERCLA Removal Site were completed on May 24, 1994.

15. In 1990, EPA filed suit in federal district court against Montrose Chemical Corporation of California Inc. in the action United States v. Montrose (No. CV 90-3122-AAH) to recover, inter alia, all CERCLA response costs incurred by the United States with respect to the Montrose Chemical Superfund Site.

16. In a letter to Montrose dated June 8, 1994, EPA requested that Montrose voluntarily agree to arrange for the treatment and disposal of the DDT contaminated soil. Counsel for Montrose, in a letter dated June 13, 1994, declined EPA's request to voluntarily arrange for the treatment and disposal of the DDT contaminated soil. In a meeting with representatives of EPA and the United

States Department of Justice on June 16, 1994, Montrose again declined to undertake such action.

17. On June 14, 1994, EPA received additional sample results of white crystalline material removed from the Montrose CERCLA Removal site on May 6, 1994. The sample results indicated that the white crystalline material sampled contained 96% DDT. EPA provided a copy of these sample results to Montrose in the June 16, 1994 meeting.

18. From 1947 to 1982, Montrose manufactured "100%" technical grade DDT at its plant located at 20201 Normandie Avenue, Los Angeles California. This technical grade DDT was produced for sale by Montrose in lump, chip and flake forms. Montrose was the only company with technical DDT manufacturing facilities located in California. Montrose also produced formulated DDT products at its 20201 Normandie plant, including 75% DDT water dispersable powder. Montrose was the only DDT formulator in the Torrance area. The 20201 Normandie Avenue property at which Montrose manufactured technical grade DDT and formulated 75% DDT powder is located four blocks from 1055 and 1051 204th Street, Torrance, California (the Montrose CERCLA Removal Site).

19. During the period of the Montrose manufacturing operations at 20201 Normandie Avenue, the 20201 Normandie Avenue property was owned by Stauffer Chemical Company.

20. From at least 1956 until 1963, Stauffer Chemical Company owned and operated a lindane (gamma BHC) production plant at the 20201 Normandie Avenue property.

21. Beta BHC is a waste product from the production of gamma BHC and is a hazardous substance.

22. In sample results reported in the Draft Final Remedial Investigation Report for the Montrose Chemical Superfund Site, Beta BHC was found: 1) at the 20201 Normandie Avenue property at one location at 86 parts per billion (ppb) and 2) in the stormwater pathway immediately adjacent to the 20201 Normandie Avenue property at levels up to 3.5 ppm.

23. In March 1994, EPA received analytical results of shallow soil samples taken at the Montrose CERCLA Removal Site. Soil samples were analyzed for alpha, beta, delta and gamma BHC. Beta BHC was found in two of these soil samples at 250 ppb and 22 ppb. No gamma BHC (the pesticide Lindane) was detected in any of the soil samples.

24. Based on the preceding statements of fact, EPA believes that the DDT contaminated soil found at the Montrose CERCLA Removal Site originated at the Montrose DDT production and formulation plant located at 20201 Normandie Avenue and has come to be located at the Montrose CERCLA Removal Site.

V. CONCLUSIONS OF LAW AND DETERMINATIONS

Based on the Findings of Fact and Administrative Record for the Montrose CERCLA Removal Site, EPA has determined that:

1. The Montrose Chemical Superfund Site is a "facility" as defined by section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

2. DDT is a "hazardous substance" as defined by section 101(14) of CERCLA, 42 U.S.C. § 9601(14). Beta BHC is a "hazardous substance" as defined by section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

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

4. Respondent is liable, under section 107(a)(1-3) of CERCLA, 42 U.S.C. § 9607(a)(1-3), for all response costs incurred by the United States with respect to the Montrose Chemical Superfund Site.

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

6. The conditions which were present at the Montrose CERCLA Removal Site prior to the initiation of the time critical removal action (authorized on March 24, 1994) constituted or may have

constituted an imminent and substantial endangerment to public health, welfare or the environment.

7. If not properly stored, treated, and disposed of, the DDT contaminated soil (as defined in paragraph III. 3. of this Order) may present an imminent and substantial endangerment to public health, welfare or to the environment. Therefore, 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 and CERCLA.

8. The DDT contaminated soil, as defined in paragraph III. 3., is a listed RCRA waste pursuant to 40 C.F.R. Section 261. 33(d).

9. The DDT contaminated soil, as defined in paragraph III. 3., must be treated prior to land disposal as required by 40 C.F.R. Part 268.

VI. ORDER

Based on the Foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for the Montrose CERCLA Removal Site, EPA hereby orders that Respondent comply with the following provisions and perform the following actions:

1. Notice of Intent to Comply

Respondent shall notify EPA in writing, within three calendar days after the effective date of this Order, of Respondent's intent to

comply with this Order. Failure by Respondent to provide such notification within this time period shall be a violation of this Order by Respondent.

2. Designation of Contractor and Project Coordinator

Respondent shall itself perform the removal actions required by this order or shall retain contractors to perform the removal actions. Respondent shall notify EPA of Respondent's qualifications or the names and qualifications of such contractors or subcontractors within 3 calendar days of the effective date of this Order. EPA retains the right to disapprove of any, or all, of the contractors and/or subcontractors retained by the Respondent or Respondent's choice of itself to do the removal action. If EPA exercises this right of disapproval, Respondent shall notify EPA that it has retained a different contractor or subcontractor or notify EPA that it will conduct the removal action itself within 2 business days following EPA's disapproval.

Within three calendar days after the effective date of this Order, Respondent shall designate a Project Coordinator who shall be responsible for the administration of all of the Respondent's actions required by the Order. Respondent shall submit the designated coordinator's name, address, telephone number, and qualifications to EPA. EPA retains the right to disapprove of any Project Coordinator named by Respondent. If EPA disapproves of a named Project Coordinator, Respondent shall retain a different Project Coordinator and shall notify EPA of that person's name,

address, qualifications and telephone number within two business days following EPA's disapproval.

EPA has designated Thomas Dunkelman of the Region 9 Emergency Response Section as its On-Scene Coordinator (OSC) for removal activities in regard to the Montrose CERCLA Removal Site. Respondent shall direct all submissions required by this Order to the OSC at U.S. EPA, Region 9, H-8-3, 75 Hawthorne Street, San Francisco, CA 94105. Mr. Dunkelman's telephone number is (415) 744-2319.

3. Work to be Performed

On March 24, 1994, the EPA Region 9 Division Director authorized a time-critical removal action involving the excavation and off-site disposal of soil contaminated with the hazardous substance DDT at two residential properties located at 1055 and 1051 204th Street, Torrance, California.

Respondent shall perform the following portion of this authorized removal action: 1) arrange for the treatment of the DDT contaminated soil, excavated from the Montrose CERCLA Removal Site and currently stored at the All Waste Transportation transfer facility in Long Beach, California, at a permitted RCRA treatment facility as required by the RCRA treatment requirements and standards contained in 40 C.F.R. Part 268, and 2) arrange for the disposal of the treated DDT contaminated soil at a RCRA permitted

land disposal facility. The storage, transportation, treatment and disposal of the DDT contaminated soil shall be conducted by Respondent in accordance with all applicable state and federal laws including but not limited to state and federal laws concerning RCRA regulated hazardous waste.

3.1 Work Plan and Implementation

Within four calendar days after the effective date of this Order, the Respondent shall submit to EPA for approval a draft Work Plan for performing the actions set forth in Section 3.0. The draft Work Plan shall provide a description of, and a proposed schedule for, the action required by this Order.

EPA may approve, disapprove, require revisions to, or modify the draft Work Plan. If EPA requires revisions, Respondent shall submit a revised Work Plan within three calendar days of receipt of EPA's notification of the required revisions. Respondent shall implement the Work Plan as finally approved in writing by EPA and shall implement the Work Plan in accordance with the schedule approved by EPA. Once approved by EPA, the Work Plan, the schedule, and any modifications approved by EPA shall be fully enforceable under this Order. Respondent shall notify EPA at least 48 hours prior to initiating transportation of the DDT contaminated soil from the All Waste Transportation transfer facility. Respondent shall not commence the transportation of the DDT contaminated soil from the All Waste Transportation transfer

facility without prior EPA approval.

3.2 Quality Assurance and Sampling

Any sampling and analyses of the DDT contaminated soil performed by Respondent shall conform to EPA direction, approval, and guidance regarding sampling, quality assurance/quality control (QA/QC), data validation, and chain of custody procedures. Respondent shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with the appropriate EPA guidance.

Upon request by EPA, Respondent shall have such a laboratory analyze samples submitted by EPA for quality-assurance monitoring. Respondent shall provide to EPA the QA/QC procedures followed by all sampling teams and laboratories performing data collection and/or analysis.

Respondent shall notify EPA not less than two business days in advance of any sample collection activity. EPA shall have the right to take any additional samples that it deems necessary. Upon request by EPA, Respondent shall allow EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondent while performing actions under this Order.

3.3 Reporting

Respondent shall submit a written progress report to EPA concerning actions undertaken pursuant to this Order every seventh calendar day after the date of receipt of EPA's approval of the Work Plan. Such progress reports shall no longer be required after the work described in Section 3.0 has been completed and the completion of such work has been confirmed to EPA in a written progress report. The written progress reports shall describe all significant developments during the preceding seven days, including the actions performed, problems encountered, analytical data received, developments anticipated during the next reporting period, a schedule of work to be performed, and planned resolutions of present or anticipated problems.

3.4 Final Report

Within thirty calendar days after completion of all actions required under this Order, Respondent shall submit for EPA review a final report summarizing the actions taken by Respondent to comply with this Order. The final report shall at a minimum comply with the requirements set forth in Section 300.165 of the National Contingency Plan entitled "OSC Reports." See 40 C.F.R. § 300.165. The final report shall include a good faith estimate of the total costs or a statement of the actual costs incurred in complying with this Order, a listing of quantities and types of materials removed, a presentation of all analytical results for sampling conducted by

Respondent with respect to compliance with this Order, and accompanying appendices containing all relevant documentation generated by Respondent in complying with this Order (e.g., manifests, invoices, bills, contracts and permits). The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

> Under penalty of law, I certify that to the best of my knowledge, after appropriate inquires of all relevant persons involved in the preparation of the report, the information submitted is 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.

4. Record Retention, Documentation, Availability of Information

Respondent shall preserve all documents and information relating to work performed under this Order, or related to the hazardous substances found in the DDT contaminated soil, for ten years following the completion of all actions required under this Order. At the end of this ten year period and thirty days before any document or information is destroyed, Respondent shall notify EPA that such documents or information are available to EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to EPA. In addition, Respondent shall provide documents and information retained under this Section

at any time before the expiration of the ten year period following the written request of EPA.

Respondent may assert a business confidentiality claim pursuant to 40 C.F.R. § 2.203(b) with respect to part or all of any information submitted to EPA pursuant to this Order, provided such claim is allowed by section 104(e)(7) of CERCLA, 42 U.S.C. §9604(e)(7). If no such claim accompanies the information when it is received by EPA, EPA may make it available to the public without further notice to Respondent.

5. Compliance With Other Laws

Respondent shall perform all actions required pursuant to this Order in accordance with all applicable local, state and federal laws including but not limited to state and federal laws concerning the transportation, storage, treatment and disposal of RCRA regulated hazardous waste.

6. Emergency Response and Notification of Releases

If any incident during the actions conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances or an endangerment to the public health, welfare, or to the environment, the Respondent shall immediately take all appropriate action. The Respondent shall take these actions in accordance with all applicable provisions of this Order and all

applicable state and federal laws in order to prevent, abate or minimize such release or endangerment caused or threatened by the release. Respondent shall also immediately notify the OSC or in the event of his unavailability, shall notify the Regional Duty Officer (415) 744-2000 of the incident. In the event of any release, the Respondent shall also notify the National Response Center at (800) 424-8802.

Respondent shall submit a written report to EPA within seven days after a 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 reoccurrence of such a release. This reporting requirement is in addition to, not in lieu of, reporting under CERCLA section 103(c), 42 U.S.C. § 9603(c) and section 304 of the emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. Sections 11001 et seq.

VII. AUTHORITY OF THE EPA ON-SCENE COORDINATOR

The OSC shall be responsible for overseeing the proper and complete implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, 40 C.F.R. § 300.120, including but not limited to the authority to halt, conduct, or direct any action required by this Order, or to direct any other removal action undertaken by EPA or Respondent at the Montrose CERCLA Removal Site or with respect to the DDT contaminated soil.

EPA and Respondent shall have the right to change their designated OSC or Project Coordinator. EPA or Respondent shall notify the other party of such a change two calendar days before such a change is made. Notification shall be made by written notice.

VIII. ENFORCEMENT: PENALTIES FOR NONCOMPLIANCE

Violation of any provision of this Order may subject Respondent 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). Respondent 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 Respondent violate this Order of any portion hereof, 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.

IX. RESERVATION OF RIGHTS

Except as specifically provided in this Order, nothing herein 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, hazardous or solid waste on, at or from the Montrose

Chemical Superfund Site, the proposed Del Amo Pits Superfund Site, the Montrose CERCLA Removal Site, or any other area or location. Further, nothing herein 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 Respondent to perform additional activities pursuant to CERCLA or any other applicable law. EPA specifically reserves the right to pursue all response costs incurred by the United States in relation to the Montrose Chemical Superfund Site and any related site or facility in the currently filed action United States v. Montrose Chemical (CV 90-3122-AAH) or in any other action in any other proper forum.

X. OTHER CLAIMS

By issuance of this Order, the United States and EPA assume no liability for injuries or damages to persons or property resulting from any actions or omissions of Respondent. The United States, including but not limited to EPA, shall not be deemed a party to any contract entered into by Respondent in carrying our actions pursuant to this Order.

This Order does not constitute a pre-authorization of funds under section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

Nothing in this Order shall constitute a satisfaction of or release from any claim or cause of action against the Respondent or any

person not a party to this Order for any liability such person may have under CERCLA, or other statutes or common law, including but not limited to any claims of the United States for costs, damages and interest under section 106(a) and 107(a) of CERCLA, 42 U.S.C. § 9606(a) and § 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 two business days; provided, however, that the effective date of the modification shall be the date of the OSC's oral direction. The rest of the Order, or any other portion of the Order may only be modified in writing by the EPA Director of the Region 9 Hazardous Waste Management Division.

If Respondent seeks permission to deviate from any approved plan or schedule, Respondent's Project Coordinator shall submit a written request and rationale for such request to EPA for approval.

No informal advice, guidance, suggestion, or comment by EPA regarding reports, plans, specifications, schedules, or any other writing submitted by Respondent shall relieve the Respondent of its obligation to obtain 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 EPA determines, after EPA's review of the Final Report, that all removal actions have been fully performed in accordance with this Order, with the exceptions of any continuing obligations required by this Order, EPA will provide a notice of completion to Respondent. If EPA determines that all actions have not been completed in accordance with this Order, EPA will notify the Respondent of the deficiencies and require that the Respondent correct such deficiencies.

XIII. ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the removal action at the Montrose CERCLA Removal Site will be made available for review after June 27, 1994 in accordance with the NCP requirements for administrative records for time-critical removal actions. See 40 C.F.R. § 300.820(b). The Administrative Record will be available for review at:

U.S. EPA Region 9, Superfund Records Center
75 Hawthorne Street, 9th Floor
San Francisco, CA 94105

Civic Center Library
3031 Torrance Blvd.
Torrance, CA 90503

Carson Public Library
151 East Carson Street
Carson, CA 90745

XIV. OPPORTUNITY TO CONFER

Within two calendar days after the issuance of this Order, Respondent may request a conference with EPA. Any such conference shall be held within seven calendar days after the effective date of this Order unless extended by agreement of the parties. At any conference held pursuant to the request, Respondent may appear in person or be represented by an attorney or other representative.

If a conference is held, Respondent may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondent may submit any information, arguments or comments in writing within seven calendar days following the conference, or within 10 calendar days following the issuance of the Order if no conference is requested. This opportunity to confer 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. A request for a conference, or any written submittal under this paragraph shall be directed to John J. Lyons, Assistant Regional Counsel, at (415) 744-1312, U.S. EPA, Office of Regional Counsel RC 3-2, 75 Hawthorne Street, San Francisco, CA 94105.

XV. SEVERABILITY

If a court issues an order that invalidates any provision of this Order or finds that Respondent has sufficient cause not to comply with one or more provisions of this Order, Respondent 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.

XVI. EFFECTIVE DATE

This Order shall be effective two calendar days after the Order is signed by the EPA Region 9 Hazardous Waste Management Director or his acting designee. If a conference is requested by Respondent pursuant to Section XIV., this Order shall be effective on the second calendar day following the conference unless modified in writing by EPA.

IT IS SO ORDERED

BY: _____ DATE: 6-21-94

Jeff Zelikson

Director, Hazardous Waste Management Division

United States Environmental Protection Agency, Region 9

EFFECTIVE DATE: JUNE 24, 1994