From: Ohl, Matthew
To: [redacted] Exemption 6
Subject: Pines Site - Bottled Water
Date: Thursday, May 23, 2013 10:59:17 AM
Attachments: Pines_Remov_AOC1_Amend.PDF

Cathi:
Thank you for participating in the community interviews. The requirements you asked about are in Section II.3.f of the Administrative Order on Consent for Groundwater Removal Action attached to this message.
Thank you.
Matt Ohl

From: Cathi Murray [mailto[redacted] Exemption 6
Sent: Monday, May 20, 2013 3:31 PM
To: Ohl, Matthew
Subject: Bottled water

Hi Matt,

Based on our discussion today, I have been trying to locate in the AOC's the circumstances and requirements if the PRPs want to remove a residents bottled water. However, I can not seem to find them. Is it possible for you to point the section out to me?

Thank you for your time and attention,

Cathi Murray

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

IN THE MATTER OF:	)	Docket No. V-W-03-C-730
	)	
Town of Pines, Indiana	)	
Ground Water Removal Action	)	
	)	AMENDMENT TO
	)	ADMINISTRATIVE ORDER BY
	)	CONSENT PURSUANT TO
	)	SECTION 106 OF THE
	)	COMPREHENSIVE
	)	ENVIRONMENTAL RESPONSE,
Respondents:	)	COMPENSATION, AND
	)	LIABILITY ACT OF 1980,
Northern Indiana	)	as amended, 42 U.S.C. § 106
Public Service Company,	)	
Brown, Inc., Ddalt Corp.,	)	
and Bulk Transport Corp.	)	

AMENDMENT TO
ADMINISTRATIVE ORDER ON CONSENT
FOR GROUNDWATER REMOVAL ACTION

I. JURISDICTION AND GENERAL PROVISIONS

This is an Amendment to the Administrative Order on Consent entered by the United States Environmental Protection Agency ("U.S. EPA") the Respondents, Northern Indiana Public Service Company ("NIPSCO"), Brown, Inc., Ddalt Corp., and Bulk Transport Corp. ("Respondents"), on February 6, 2003, Docket No. V-W-03-C-730 ("AOC I" or "Order"). This Amendment to AOC I is entered into voluntarily by U.S. EPA and the Respondents. The Order, as amended hereby, is issued pursuant to the authority vested in the President of the United States by Sections 106(a), 107 and 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§9606(a), 9607 and 9622. This authority has been delegated to the Administrator of the 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, 14-14-C and 14-14-D, and to the Director, Superfund Division, Region 5, by Regional Delegation Nos. 14-14-A, 14-14-C and 14-14-D.

The Order provides for performance of removal actions and reimbursement of response costs incurred by the United States in connection with the Pines Site Ground Water Removal Action. This Amendment requires additional groundwater removal actions as more fully described herein. These additional removal actions are described in Section II.3. below, and are necessary 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 AOC I Site.

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

Respondents' participation in the Order, as amended, shall not constitute an admission of liability or of U.S. EPA's findings or determinations contained in the Order except in a proceeding to enforce the terms of the Order or this Amendment. Respondents agree to comply with and be bound by the terms of the Order and this Amendment. Respondents further agree that they will not contest the basis or validity of the Order or this Amendment or any of their terms.

II. ORDER

It is hereby ordered and agreed that Respondents shall comply with the following provisions and perform the following actions:

1. Respondents shall perform the additional removal actions required by this Section themselves or retain a contractor to implement the additional removal actions.

2. The U.S. EPA has designated Ken Theisen of the Emergency Response Branch, Region 5, as its On-Scene Coordinator ("OSC").

3. Respondents shall perform the following additional removal actions:

a. In cooperation with the Michigan City Department of Water Works ("DWW") and the City of Michigan City, Indiana, Respondents shall design, engineer, and construct in accordance with DWW specifications and conditions a permanent water supply extension to serve the locations designated in Exhibit I hereto (the "Eligible AOC I Owners").

b. The project shall connect the Eligible AOC I Owners as designated in Exhibit I of this Order who execute access agreements pursuant to paragraph II.3.d. below. Respondents shall also arrange to have the existing water supply wells of the Eligible Water Extension Owners abandoned in accordance with all applicable requirements.

c. The completed water supply extension project will become the property of the DWW in exchange for DWW's agreement to operate and maintain the system.

d. Respondents and U.S. EPA will offer Eligible AOC I Owners an access agreement, agreeing to allow Respondent and U.S. EPA representatives, agents and all contractors access to their property for the purpose of establishing the water connection and for the purpose of abandoning their existing well. If any Eligible AOC I Owner does not execute the access agreement by a date to be specified in the Amended Work Plan, Respondents are not obligated to provide a connection to that Eligible AOC I Owner or abandon the existing well.

e. The permanent water supply extension project to locations designated in Exhibit I to this Order, must achieve substantial completion by July 1, 2005. Substantial completion is

defined as Eligible AOC I Owners who have elected to receive service in the project area being connected to municipal water. If an Eligible AOC I Owner who has signed the access agreement is not available at the time of the actual service connection, Respondents shall present this fact to the OSC and the connection will be allowed to take place before the date of final completion. Connection of any such remaining Eligible AOC I, road repair, landscaping and well abandonment can be completed by December 1, 2005.

f. Respondents shall provide bottled water delivery to all Eligible AOC I Owners who request bottled water delivery within 14 days of Respondents' receipt of a request. Respondents shall also provide bottled water delivery to the additional locations as designated on Exhibit II (the "Additional Owners"). The supplying of bottled water can be terminated when: (a) the Eligible AOC I Owner is connected to the municipal system, (b) the Eligible AOC I Owner refuses connection to the municipal system or fails to provide a timely access agreement, or (c) in the case of an Additional Owner, i) one year after the date of the final approval of the Feasibility Report or ii) on the date a Record of Decision is signed by U.S. EPA which includes a determination that the residential well water of the Additional Owners does not pose a threat to human health, whichever occurs earlier. Respondents may submit a request at any time to U.S. EPA to terminate bottled water for Additional Owners for good cause shown. Any decision to grant such a request shall be made by U.S. EPA in its unreviewable discretion.

g. Respondents do not assume responsibility for individual water bills, any required deposits, turn-on fees, or any other costs or work not directly related to the connection of the Eligible AOC I Owners to the water supply.

4. Amended Work Plan and Implementation

Within 30 days after the effective date of this Amendment, the Respondents shall submit to U.S. EPA for approval an Amended Work Plan for performing the additional removal activities set forth above. The Amended Work Plan shall provide a description of and a schedule for the actions required by this Amendment.

U.S. EPA may approve, disapprove, require revisions to, or modify the Amended Work Plan. If U.S. EPA requires revisions, Respondents shall submit a revised Amended Work Plan within 10 days of receipt of U.S. EPA's notification of required revisions. Respondents shall implement the Amended Work Plan as finally approved in writing by U.S. EPA in accordance with the schedule approved by U.S. EPA. Once approved, or approved with modifications, the Amended Work Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Amendment. Respondents shall notify U.S. EPA at least 48 hours prior to commencing on-site work pursuant to the U.S. EPA approved Amended Work Plan.

5. In the event the parties enter into an Administrative Order on Consent providing for the performance of a Remedial Investigation and Feasibility Study, Article V., Paragraph 2.g. of the AOC I is deleted and the Respondents shall be relieved of meeting the requirements of Article V., Paragraph 2.g.

III. NOTICE OF COMPLETION

When U.S. EPA determines, after U.S. EPA's review of the Final Report, that all work has been fully performed in accordance with the Order, as amended hereby, except for certain continuing obligations required by the Order (e.g., record retention, payment of costs), U.S. EPA will provide written notice to the Respondents. If U.S. EPA determines that any removal activities or additional removal activities have not been completed in accordance with the Order or this Amendment, U.S. EPA will notify the Respondents, provide a list of the deficiencies, and require that Respondents modify the Amended Work Plan if appropriate to correct such deficiencies. The Respondents shall implement the modified and approved Amended Work Plan and shall submit a modified Final Report in accordance with the U.S. EPA notice. Failure to implement the approved modified Amended Work Plan shall be a violation of the Order.

IV. CONTINUING EFFECT

Except as provided for in Article II., Paragraph 5., this Amendment does not terminate, modify, or amend the work to be performed under the Order, or any other provision or obligation set forth therein. This Amendment is intended solely to expand the work to be performed under the Order so as to require the additional removal actions described in Article II, above. The Order and all terms and provisions therein remain in full force and effect, and shall apply with respect to the additional obligations set forth herein.

IV. EFFECTIVE DATE

This Amendment shall be effective upon receipt by Respondents of a copy of this Amendment signed by the Director, Superfund Division, U.S. EPA Region 5.

V. SIGNATORIES

Each undersigned representative of a signatory to this Amendment to Administrative Order on Consent certifies that he or she is fully authorized to enter into the terms and conditions of this Amendment and to bind such signatory, its directors, officers, employees, agents, successors and assigns, to this document.

THE UNDERSIGNED PARTY enters into this Administrative Order on Consent in the matter of the Pines Superfund Site.

BROWN, INC.

9th of March 04
DATE

Signature:
Name: E D Brown
Title: VP
Address: 720 W. US Hwy 20
Michigan City IN
46360

THE UNDERSIGNED PARTY enters into this Administrative Order on Consent in the matter of the Pines Superfund Site.

DDALT CORP.

9th of March 04
DATE

Signature:
Name: B. D. Brown
Title: President
Address: P.O. Box 53
Beverly Shores, IN
46301

THE UNDERSIGNED PARTY enters into this Administrative Order on Consent in the matter of the Pines Superfund Site.

BULK TRANSPORT CORP.

9th of March 04
DATE

Signature: [signature]
Name: B. D. Brown
Title: President
Address: 220 W. US Hwy 20
Michigan City IN
46360

THE UNDERSIGNED PARTY enters into this Administrative Order on Consent in the matter of the Pines Superfund Site.

NORTHERN INDIANA PUBLIC SERVICE COMPANY

_____
DATE

Signature: _____
Name: _____
Title: _____
Address: _____

IT IS SO ORDERED AND AGREED

4-5-04
DATE

[signature]
Richard C. Karl, ACTING
Superfund Division Director
U.S. Environmental Protection Agency
Region 5

THE UNDERSIGNED PARTY enters into this Administrative Order on Consent in the matter of the Pines Superfund Site.

BULK TRANSPORT CORP.

_____
DATE

Signature: _____
Name: _____
Title: _____
Address: _____

THE UNDERSIGNED PARTY enters into this Administrative Order on Consent in the matter of the Pines Superfund Site.

NORTHERN INDIANA PUBLIC SERVICE COMPANY

March 29, 2004
DATE

Signature: Mark T. Massel
Name: Mark T. Massel
Title: President, NIPSCO
Address: 801 E. 86th Avenue
Merrillville, IN 46410

IT IS SO ORDERED AND AGREED

4-5-04
DATE

Richard C Karl
Richard C. Karl
Superfund Division Director
U.S. Environmental Protection Agency
Region 5

EXHIBIT I

Residents in the Town of Pines, Indiana, by street, to be placed immediately on bottled water and then to city water connection in accordance with Pines Removal AOC amendment:

Hwy 12 from County Line Rd. to Birch
Hwy 20 from Ardendale to Birch
County Line Rd from Second Place to Hwy 12
Birch from Hwy 20 to Hwy 12
Pine from Maple to Birch
Maine, all
Louisiana, all
Pinney, all
Ardendale, from Hwy 20 to Hwy 12
Henry, all
Iowa, all
Indiana, all
Illinois, all
East Johns, from Ardendale to Columbia
Second Place from Columbia to County Line Rd.
Delware, all
Central, all
Connecticut, all
Colorado, all
Carolina, all
California, all
Alabama, all
Fern, all

EXHIBIT II

The following residents will be provided with bottled water immediately and then continuing until the finalization of results from the Remedial Investigation as outlined in the Pines RI/FS AOC, or sooner, as determined by USEPA.

Pine, from Birch to Hwy 12
Poplar, all
Hwy 12 from Birch to Pine
Exemption 6
Railroad Ave west from Ardendale all
Railroad Ave east from Ardendale to include 664 Railroad, 656 Railroad, and 650 Railroad
South Railroad Ave. west from Ardendale, all
Exemption 6