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

REPLY TO THE ATTENTION OF:

November 17, 2000 C-14J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

To: Addressees on Attached Mailing List

Re: Amendment to Administrative Order By Consent for the Conservation Chemical Company of Illinois, Inc. Site, Gary, Indiana.

Dear Sir or Madam:

Enclosed is a proposed Amendment to an Administrative Order by Consent (AOC), (Docket No. V-W-98-C-497), pursuant to Sections 106 and 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9606 and 9622, by which your client would agree to the change in the response action for the Site, and would agree to undertake the revised removal actions determined by the United States Environmental Protection Agency ("U.S. EPA") to be necessary at the Conservation Chemical Company of Illinois, Inc. Site, in Gary, Indiana. In addition, by signing the Amendment to the AOC your client would agree to reimburse the United States for its costs of overseeing the removal actions performed under the AOC and the Amendment to the AOC. While the enclosed has not been approved by the official having the legal authority to bind the U.S. EPA, if your client executes the document, the undersigned and the On-Scene Coordinator for this Site will recommend that the agency enter the Amendment to the AOC in its present form.

If your client wishes to settle this matter on the terms contained in the enclosed Amendment to the AOC, please have it executed by a duly authorized agent, and returned to me by no later than November 30, 2000. If you have any questions or concerns, please call me immediately at (312) 886-0564. If your client is unwilling to enter into the Amendment to the AOC as written, we would appreciate being so advised without delay, so that the agency may undertake an alternative approach to deal

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with the serious situation at the Site.

Sincerely,

Cynthia N. Kawakami
Associate Regional Counsel

Enclosure

cc: Mr. Fred Krikau

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Original draft sent to PRS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	Docket No. V-W-98-C-497
CONSERVATION CHEMICAL CO.	)	
OF ILLINOIS, INC.,	)	AMENDMENT TO ADMINISTRATIVE
GARY, INDIANA	)	ORDER BY CONSENT, PURSUANT TO
	)	SECTIONS 106 AND 122(H) OF THE
	)	COMPREHENSIVE ENVIRONMENTAL,
Respondents:	)	COMPENSATION, AND LIABILITY
Listed in Attachment A	)	ACT OF 1980, as amended, 42 U.S.C.
	)	§§ 9606(a) and 9622(h);
	)	

This is an amendment to the Administrative Order by Consent, Docket Number V-W-98-C-497, for the Conservation Chemical Company of Illinois, Inc. Site, ("the AOC"), that was entered into by the United States Environmental Protection Agency (U.S. EPA) and the Respondents, Lucent Technologies Inc. (for Western Electric, Teletype, and Bell Telephone Laboratories); Gary Steel Supply Company; Bethlehem Steel Corporation; LaSalle Steel Company; Allied Signal Inc. (for Universal Oil Products); K. A. Steel Chemicals, Inc.; Union Oil Company of California d/b/a/ UNOCAL; THE STEEL COMPANY f/k/a/ Chicago Steel & Pickling; Union Carbide Corporation; Ansul, Incorporated (for Ansul Co.); Motorola Inc.; PPG Industries, Inc.; Crucible Materials Corporation, Trent Tube Division; American Chain & Cable Co., Inc.; and Navistar International Transportation Corp. (for International Harvester), (collectively referred to as "Respondents"), on February 4, 1999.

Under the terms of the original AOC, Respondents were required, *inter alia*, to assess, design, implement, and install a hanging containment barrier along the Southeast border of the Conservation Chemical Company of Illinois, Inc. (CCCI) property to contain the floating chemical layer in the shallow groundwater aquifer that originated at the CCCI property. During Respondents' performance of the removal activities under the AOC, however, U.S. EPA determined that significant new information provided to U.S. EPA by the Respondents demonstrated that the installation of a hanging containment barrier would not effectively contain the floating chemical layer, and that U.S. EPA needed to modify the response action. Subsequently, U.S. EPA and Respondents agreed that Respondents shall not install the hanging containment barrier on the CCCI property, and, instead, shall design and install a culvert pipe, below the surface, on the Gary Airport property that is located adjacent to the CCCI property. The culvert pipe will "encase" the open ditch on the Gary Airport property, and will prevent the floating chemical layer from contacting and mixing with the storm water and ground water which

normally flows through the open ditch. The installation of the culvert pipe will prevent the floating chemical layer from entering and moving through the open ditch on the Gary Airport property, thus preventing a release of the floating chemical layer to the Grand Calumet River. The culvert pipe will be designed with engineering controls to prevent the floating chemical layer from infiltrating the walls and joints of the culvert pipe. In addition, clay or bentonite "checks" and test points will be installed around the pipe, approximately every 200 feet, to prevent the floating chemical layer from moving along the outside of the pipe to a point of discharge on the Gary Airport property. Once the culvert pipe, engineering controls and clay or bentonite checks have been installed, the culvert pipe on the Gary Airport property will be covered and seeded.

THEREFORE, U.S. EPA and the Respondents agree that the original AOC and the Work Plan in this matter shall be amended and modified, except that no requirement under the original AOC and/or Work Plan shall be modified or amended unless specifically addressed in this Amended Administrative Order By Consent (Amended AOC) and/or the Amended Work Plan.

The original AOC is amended and modified as follows:

1. All Sections, Paragraphs, and Subparagraphs of the AOC that use the terms *AOC* and/or *Work Plan* shall be amended to include the terms *Amended AOC* and/or *Amended Work Plan*.

2. Section V, Paragraph 2, Subparagraph j of the AOC, shall be replaced by the following:

   Assess, design, implement and install a culvert pipe, below the surface, on the Gary Airport property, that is located adjacent to the CCCI property, to prevent the discharge of the floating chemical layer into a ditch on the Gary Airport property that empties into the Grand Calumet River. The culvert pipe will be installed in the area of the open ditch on the Gary Airport property, and will, essentially, "encase" the original ditch. This will prevent the floating chemical layer from contacting or mixing with the storm water and ground water. The installation of the culvert pipe will prevent the release of the floating product into the open ditch found on the Gary Airport property which discharges into the Grand Calumet River. The culvert pipe will be designed with engineering controls to prevent the floating chemical layer from infiltrating the walls and joints of the culvert pipe. In addition, clay or bentonite "checks" and test points will be designed and installed around the pipe, approximately every 200 feet, to prevent the floating chemical layer from moving along the outside of the pipe to a point of discharge on the Gary Airport property. Once the culvert pipe, engineering controls and clay or bentonite checks have been installed, the culvert pipe on the Gary Airport property will be covered and seeded. Respondents shall ensure that the response actions described in this subparagraph shall comply with all applicable Federal Aviation Administration (FAA) rules and regulations. Respondents shall also secure all necessary approvals from the FAA and Gary Airport, prior to commencing the response actions described in this subparagraph.

3. Section V, Paragraph 2.1 of the AOC shall be amended to include the following:

   Within 15 business days after the effective date of this Amended AOC, Respondents shall submit to U.S. EPA for approval, a draft Amended Work Plan and schedule for the design and implementation of the culvert pipe on the Gary Airport property that is located adjacent to the CCCI property. U.S. EPA shall approve, disapprove, require revisions to, or modify the draft Amended Work Plan and schedule, except that U.S. EPA cannot provide advice and/or approval for the Amended Work Plan and schedule with regard to any FAA technical and/or legal requirement that may apply to the response action that will occur on the Gary Airport property. Therefore, Respondents shall ensure that all applicable FAA technical and legal requirements have been followed in designing and implementing the response action under this Amended AOC and the approved Amended Work Plan. Respondents shall secure all required FAA and Gary Airport approvals prior to starting construction of the response action on the Gary Airport property.

   If U.S. EPA requires revisions to the draft Amended Work Plan and/or schedule, Respondents shall submit a revised draft Amended Work Plan within 5 business 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 incorporated as an integral part of this Amended AOC, and shall be fully enforceable under this Amended AOC. Failure of the Respondents to properly implement all aspects of the Amended Work Plan approved by U.S. EPA shall be deemed to be a violation of the terms of this Amended AOC.

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

5. Each signatory to this Amended Administrative Order by 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.

AMENDED ADMINISTRATIVE ORDER BY CONSENT
IN THE MATTER OF:
CONSERVATION CHEMICAL COMPANY
OF ILLINOIS, INC.
GARY, INDIANA
DOCKET NUMBER: V-W-98-C-497

SIGNATORIES

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

Agreed this _____ day of _____, 2000.

By _____

AMENDED ADMINISTRATIVE ORDER BY CONSENT
IN THE MATTER OF:
CONSERVATION CHEMICAL COMPANY
OF ILLINOIS, INC.
GARY, INDIANA
DOCKET NUMBER: V-W-98-C-497

IT IS SO ORDERED AND AGREED

BY:_____ DATE:_____

William E. Muno, Director
Superfund Division
United States Environmental Protection Agency
Region 5