CFAC's Comments
MDEQ Draft Administrative Order on Consent
Exhibits A, B and C

General Comments

- Operable Units: There is no mention or consideration of dividing the site into operable units. We suggesting adding provisions that allow for an option to break the site into operable units for the FS phase, either based upon Media (soil, sediment, groundwater) or Geography (i.e., onsite / offsite; landfills, disposal ponds).

- Scope of Work Schedule: Schedule is mentioned numerous times in the Draft AOC and the Attachments.

- Interim Remedial Measures (IRMs): While "Interim Actions" are referred to in the FS scope; there is no provision for allowing IRMs to proceed other than under Section XIII (Emergency). We would like to add a provision regarding interim remedial measures in the Feasibility Study.

- Community Relations: There is no mention of public involvement / information sharing other than MDEQ soliciting comments on the AOC prior to finalization and on the "Proposed Plan" (i.e., proposed final remedy). These too milestones can be years apart. The proposed actions are not sufficient to meet NCP requirements (i.e., a community relations plan, a periodic sharing of information, information repository, etc.).

Exhibit C – Feasibility Study

- The FS Work Plan and FS Report scope of work do not include any statement requiring CFAC to propose / recommend a remedy. That should be added.

- Under the FS Work Plan (Paragraph 10); there is mention of "public comments received on the Proposed Plan"; however, there is no mention of who prepares the Proposed Plan. Usually, the performing party presents its recommended remedy at the conclusion of the FS Report; and the lead agency prepares the proposed plan (often with help from the performing party).

- Based upon the Draft AOC, it does not appear that the FS Work Plan is to be prepared until well after the RI is complete. We recommend that the RI/FS Work Plan be prepared and submitted as a combined document to address all the RI Work Plan requirements per Attachment A of the draft AOC and also to include a section that details the procedural framework, tasks and submittals that will be followed to complete the FS. These FS component of the RI/FS Work Plan would be prepared to document how the

technical requirements presented in Attachment C of the draft AOC will be addressed in the FS process.

- The FS Scope of Work included in the draft AOC specifies three main work elements to the FS process as outlined below (for additional details refer to Attachment C of the draft AOC):

A. "Initial Alternatives Screening Table" which involves submission of a technology / alternative screening table followed by a subsequent meeting with MDEQ and preparation of detailed technical memorandum;

B. "Components of the FS Work Plan" which includes submission of a report (i.e., FS Work Plan) documenting areas and volumes of contaminated media, remedial objectives, identification of screening of remedial alternatives, detailed evaluation of alternatives, and identification of any treatability study requirements).

C. "Components of the FS Report" which includes results of treatability studies and documents a final detailed evaluation of alternatives.

Each of the above work elements includes submissions and agency review and comment, and provisions for meetings with MDEQ. In order to make the FS process more efficient while still allowing for MDEQ feedback and input during process, we recommend that Work Element A (Initial Alternatives Screening Table) and the first portions of Work Element B (thru the Identification and Screening of Remedial Alternatives) be presented in a single technical memorandum for review by MDEQ. The technology screening would utilize the Federal Remediation Technology Roundtable factors as requested by MDEQ; and initial remedial alternative screening would be based on the factors of effectiveness, implementability and cost. This memorandum would also identify any treatability studies required to complete the FS.

The approach described above would allow for MDEQ input on technology / alternative screening process and results before the detailed evaluation of alternatives and before the conduct of any treatability studies (if needed); while at the same time eliminating a submittal and associated agency review and comment period.

The FS Report would then present the results of any treatability studies (if conducted) and the detailed evaluation of remedial alternatives in accordance with applicable criteria per the MDEQ and USEPA requirements. In addition, the report would present the recommended remedial alternative and address all other "Components of the FS Report" as indicated in Attachment C of the draft AOC.

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