UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

SEP 17 2019

FIRST CLASS MAIL

Alex Moon
Iowa Department of Natural Resources
Land Quality Bureau
502 East 9th Street
Des Moines, Iowa 50319

Danielle Schreiber
Verdant Law, PLLC
1025 Connecticut Avenue, Northwest.
Washington, D.C. 200236

Re: Vogel Paint & Wax Co. Superfund Site, EPA ID No. IAD980630487
Maurice, Sioux County, Iowa

Dear Mr. Moon & Ms. Schreiber:

The purpose of this letter is to provide the status of the Fifth Five-Year Review, or FYR, for the referenced site, and to respond to comment letters received from the Iowa Department of Natural Resources, or IDNR, and counsel for Diamond Vogel, respectively dated July 15 and July 9, 2019. The U.S. Environmental Protection Agency appreciates the parties' contribution to the FYR process and encourages continued interagency consultation in furtherance of the June 1990 Memorandum of Understanding and recent EPA guidance aimed at enhancing effective partnerships between the agency and states that are approved to implement federal environmental programs.[1]

The FYR for the Vogel Paint & Wax Co. Superfund Site in Maurice, Iowa, was completed and signed by the EPA on September 10, 2019. The EPA finalized the Fifth FYR in consideration of comments prepared by the IDNR and Diamond Vogel. The FYR has been published and is available under the "Site Documents & Data" tab of the EPA's Web page for the Site, available at *https://www.epa.gov/superfund/vogelpaintwax*.

The Fifth FYR concludes that the remedy at the Site is short-term protective, offering two recommendations that the EPA believes are necessary to ensure the long-term protectiveness of the selected remedy for the Site. As presented in section 6.0, the agency first recommends that additional source removal efforts be undertaken to reduce off-site migration of contaminants. Second, the agency

[1] Memorandum from Susan Parker Bodine, Assistant Administrator for the Office of Enforcement & Compliance Assurance, "Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work" (July 11, 2019), *available at https://www.epa.gov/compliance/memo-enhancing-effective-partnerships-between-epa-and-states-civil-enforcement-and*; Memorandum from Cynthia L. Mackey, Director of the Office of Site Remediation Enforcement, "Environmental Protection Agency and State Cooperative Efforts at Superfund Sites" (Aug. 23, 2019), *available at https://www.epa.gov/sites/production/files/2019-08/documents/epa-state-coop-mem-2019.pdf*.

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recommends that proprietary controls be implemented to prevent exposure to contaminated groundwater at the Site. A proprietary control will provide an additional institutional control layer to the Site's current listing on Iowa's Registry of Hazardous Waste Disposal Sites, which is an informational device that itself does not establish an enforceable prohibition against uses of on-site groundwater that may lead to human exposure.

In addition to these recommendations, the FYR identifies several other findings that should be considered to enhance the IDNR's monitoring and evaluation of the selected remedy and facilitate the Site's eventual deletion from the National Priorities List, or NPL. In particular, the third bullet presented in subsection 6.1 is responsive to the parties' mutual concern regarding the point of compliance for groundwater cleanup at the Site. Although the agency has concluded that the protectiveness of the remedy is not presently affected by the groundwater point of compliance, this issue will perhaps influence the agency's ability to achieve deletion of the Site from the NPL, which is a common goal of the EPA, IDNR, and Diamond Vogel. The EPA has therefore identified this item as requiring additional discussion among the stakeholders and will remain available for consultation as activities progress.

Finally, the EPA wishes to communicate its appreciation for Diamond Vogel's advancement of cleanup activities at the Site. The agency was recently informed of Diamond Vogel's intent to continue implementing the Pilot Study, which will address issues and recommendations from the fourth FYR report. The agency is hopeful that implementation of the Pilot Study will successfully reduce the on-site source area and prevent off-site contaminant migration in groundwater. The EPA appreciates Diamond Vogel's efforts to continue Pilot Study implementation while the parties undertake further evaluation of the groundwater point of compliance.

Thank you again for your assistance to the EPA throughout development of the Fifth FYR. If you have any questions concerning this document, please do not hesitate to contact Sandeep Mehta of my staff at (913) 551-7763, or Jared Pessetto of the Office of Regional Counsel at (913) 551-7793.

Sincerely,

Mary P. Peterson

Mary P. Peterson
Director
Superfund and Emergency Management Division