**Draft / Subject to further government review

REMEDIAL DESIGN

STATEMENT OF WORK

OPERABLE UNIT 2 OF

GENERAL MOTORS–INLAND FISHER GUIDE SUBSITE

ONONDAGA LAKE SUPERFUND SITE

AND THE EXPANDED TERRITORY

Town of Salina, Onondaga County, State of New York

EPA Region 2

September 2021

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**Draft / Subject to further government review

1. INTRODUCTION

1.1 Purpose of the Statement of Work. This Statement of Work ("SOW") sets forth the procedures and requirements for implementing the Work at Operable Unit 2 ("OU-2") (also known as the Ley Creek Deferred Media ("LCDM") portion) of the General Motors–Inland Fisher Guide Subsite of the Onondaga Lake Superfund Site as well as the Expanded Territory.

1.2 Structure of the Statement of Work.

- Section [REF _Ref381707995 \r \h] (Community Involvement) sets forth the U.S. Environmental Protection Agency's ("EPA's") and Respondent's responsibilities for community involvement.
- Section [REF _Ref367453630 \r \h] (Remedial Design) sets forth the process for developing the Remedial Design ("RD"), which includes the submission of specified primary deliverables.
- Section [REF _Ref443913526 \r \h] (Reporting) sets forth Respondent's reporting obligations.
- Section [REF _Ref322533247 \r \h] (Deliverables) describes the content of the supporting deliverables and the general requirements regarding Respondent's submission of, and EPA's review of, approval of, comment on, and/or modification of, the deliverables.
- Section [REF _Ref319683735 \r \h] (Schedules) sets forth the schedule for submitting the primary deliverables, specifies the supporting deliverables that must accompany each primary deliverable, and sets forth the schedule of milestones regarding the completion of the RD.
- Section [REF _Ref367451471 \r \h] (State and Onondaga Nation Participation) addresses State and Onondaga Nation participation.
- Section [REF _Ref367104374 \r \h] (References) provides a list of references, including any applicable Uniform Resource Locator or "URL."

1.3 The terms used in this SOW that are defined in the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §9601 *et seq.* ("CERCLA"), in regulations promulgated under CERCLA, or in the Administrative Settlement Agreement and Order on Consent ("Settlement"), have the meanings assigned to them in CERCLA, in such regulations, or in the Settlement, as applicable, except that the term "Paragraph" or "¶" means a paragraph of the SOW, and the term "Section" means a section of the SOW, unless otherwise stated. In any conflict between the terms used in this SOW that are defined in the Settlement and that are defined in CERCLA or its promulgated regulations, the terms used in this SOW and in the Settlement shall govern. [NOTE TO R2 ORC: PLEASE EXPLAIN THE AGENCY'S POSITION ON THIS CLARIFYING LANGUAGE IN THE PRECEDING SENTENCE IN BLUE HIGHLIGHTING SOUGHT BY RACER]

1.4 Nothing in this SOW shall be construed to constitute or alter the scope of any "settlement" as defined in CERCLA § 113(g)(2), 42 U.S.C. § 9613(g)(2).

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2. COMMUNITY INVOLVEMENT

2.1 Community Involvement Responsibilities

EPA has the lead responsibility for developing and implementing community involvement activities at OU-2. EPA developed a communications and outreach plan for the RD and Remedial Action ("RA") for both OU-2 and the Lower Ley Creek Subsite of the Onondaga Lake Site in 2020 ("RD/RA Communications and Outreach Plan"; USEPA 2020). Pursuant to 40 C.F.R. § 300.435(c), EPA shall review the RD/RA Communications and Outreach Plan and determine whether it should be revised to describe further public involvement activities during the Work that are not already addressed or provided for in the plan.

(a) If requested by EPA, Respondent agrees to participate in community involvement activities, including participation in: (1) the preparation of information regarding the Work for dissemination to the public, with consideration given to including mass media and/or Internet notification; and (2) public meetings that may be held or sponsored by EPA to explain activities at or relating to OU-2. Respondent's support of EPA's community involvement activities may include providing online access to initial submissions and updates of deliverables to any Community Advisory Groups and other entities to provide them with a reasonable opportunity for review and comment. EPA may describe in its RD/RA Communications and Outreach Plan Respondent's responsibilities for community involvement activities. All community involvement activities Respondent conducts at EPA's request are subject to EPA's oversight. EPA acknowledges that Respondent has an internal community outreach team that has been active with respect to OU-2 since approximately 2012.

(b) **Respondent's Community Involvement Coordinator**. If requested by EPA, Respondent shall, within fifteen (15) days, designate and notify EPA of Respondent's Community Involvement Coordinator ("Respondent's CI Coordinator"). Respondent may hire a contractor for this purpose. Respondent's notice must include the name, title, and qualifications of Respondent's CI Coordinator. Respondent's CI Coordinator is responsible for providing support regarding EPA's community involvement activities, including coordinating with EPA's Community Involvement Coordinator regarding responses to the public's inquiries about OU-2.

3. REMEDIAL DESIGN

3.1 **Pre-Design Investigation**. The purpose of the Pre-Design Investigation ("PDI") is to address data gaps by conducting additional field investigations.

(a) **PDI Work Plans**. Per the NYSDEC Order, Respondent submitted a PDI Work Plan ("PDIWP") on July 3, 2013 for New York State Department of

Environmental Conservation ("NYSDEC") approval (OBG 2013). Respondent submitted PDIWP Addendum #1 on August 17, 2015 (OBG 2015). Respondent revised PDIWP Addendum #1 to address NYSDEC comments and submitted a revised Addendum #1 on November 5, 2015. Respondent submitted PDIWP Addendum #2 on March 23, 2016 and revised such Addendum on July 15, 2016 (OBG 2016a). NYSDEC approved the PDIWP and the associated Addenda on July 31, 2013, November 30, 2015, and July 25, 2016, respectively. Respondent submitted three Supplemental PDIWPs on June 2, 2020: a Geotechnical Borings workplan, Surveying and Delineation workplan, and Additional Floodplain Sampling workplan. The Surveying and Delineation workplan was approved by NYSDEC on June 24, 2020. The Additional Floodplain Sampling workplan was approved by NYSDEC on August 18, 2020. Respondent completed the surveying and delineation and additional floodplain sampling in 2020 and has incorporated the results in the Focused Feasibility Study.

(b) The geotechnical borings identified in 2020 that focused on the Cambridge Avenue properties may or may not – depending on the ultimately selected remedy – be performed as a PDI activity. However, no future remedial work or RA will be performed under this SOW.

(c) The PDIWP, PDIWP addenda, and Supplement PDIWPs are included as Attachment A to this SOW.

3.2 **Focused Feasibility Study.** On January 25, 2021, Respondent submitted to EPA a preliminary draft FFS Report using data obtained during the PDI. Respondent subsequently submitted a revised draft FFS Report and responses to EPA comments on July 2, 2021. The revised draft FFS Report was provided to the Onondaga Nation by EPA and the New York State Department of Health by NYSDEC, and it is currently under review by such entities. Respondent agrees to submit a final FFS Report in accordance with the schedule set forth in Section 6 ("RD Schedule").

3.3 **RD Work Plan**. Per the NYSDEC Order, Respondent submitted an RD Work Plan ("RDWP") for NYSDEC approval on January 6, 2016 and a Revised RDWP on June 1, 2016 (OBG 2016b). The RDWP is divided into two parts – RD Package 1, which focused on the RD for the National Grid Wetland and Factory Avenue areas as such areas are identified in the 2015 ROD, and RD Package 2, which addressed the RD associated with the ROD-identified and then-known floodplain soils and sediments. Respondent agrees to submit an RDWP Addendum for EPA's review that incorporates additional work (not included in the June 1, 2016 Revised RDWP) that is to be performed as part of the RD in accordance with the RD Schedule.

3.4 **Revised Preliminary (50%) Remedial Design for Ley Creek Floodplain Soils and Sediments**. Per the NYSDEC Order, Respondent submitted a Preliminary (50%) RD for the Ley Creek floodplain soils and sediments for NYSDEC's approval on July 18, 2017, as part of RD Package 2 (OBG 2017). Through its PDI activities associated with this effort, Respondent has identified additional impacted floodplain soils. NYSDEC provided comments to Respondent on December 21, 2017, directing Respondent under

the NYSDEC Order to address such comments as part of the Pre-Final (95%) RD. Respondent agrees to submit a Revised Preliminary (50%) RD for EPA's review that incorporates the data obtained from recent PDI activities performed under the Supplemental PDIWPs and addresses the NYSDEC comments on the 2017 Preliminary (50%) RD submission in accordance with the RD Schedule.

3.5 Pre-Final (95%) Remedial Design for Ley Creek Floodplain Soils and Sediments. Respondent agrees to submit for EPA's review a Pre-Final (95%) RD based on the Revised Preliminary (50%) RD in accordance with the RD Schedule. The Pre-Final (95%) RD will serve as the approved Final (100%) RD if EPA approves the Pre-Final RD without comments. The Pre-Final (95%) RD will include:

(a) A summary of the investigations performed;

(b) A summary of investigation results;

(c) A summary of validated data (*i.e.,* tables and graphics);

(d) Data validation reports and laboratory data reports;

(e) A narrative interpretation of data and results;

(f) Results of statistical and modeling analyses;

(g) Photographs documenting the work conducted;

(h) Conclusions and recommendations for RD, including design parameters and criteria.

(i) A design criteria report, as described in the *Remedial Design/Remedial Action Handbook*, EPA 540/R-95/059 (June 1995);

(j) Descriptions of permit requirements, if applicable;

(k) A description of how the RA will be implemented in a manner that minimizes environmental impacts in accordance with EPA's *Principles for Greener Cleanups* (Aug. 2009) and EPA Region 2's Clean and Green Policy (https://www.epa.gov/sites/production/files/2016-01/documents/r2_clean_and_green_update.pdf);

(l) A description of monitoring and control measures to protect human health and the environment, such as air monitoring and dust suppression, to be taken during the RA;

(m) A complete set of construction drawings and specifications that: (1) are certified by a registered professional engineer; (2) are suitable for procurement; and (3) follow the Construction Specifications Institute's MasterFormat 2018 Edition ([HYPERLINK "https://www.csiresources.org/standards/masterformat"]);

(n) A survey and engineering drawings showing relevant, existing elements, property borders, easements, and conditions at or near OU-2 and the Expanded Territory;

(o) A specification for photographic documentation of the RA;

(p) Pre-final versions of certain of the elements and deliverables required for the Preliminary (50%) RD including additional detail regarding the following:

(1) transportation and disposal of excavated material;

(2) water management (groundwater and Ley Creek flow);

(3) erosion and sediment control; and

(4) performance of work in close proximity to existing utilities.

(q) The following documents described in ¶ 5.7, Supporting Deliverables, will be submitted for review concurrent with the Pre-Final (95%) RD:

(1) O&M Plan; and

(2) O&M Manual.

3.6 Final (100%) RD. Respondent agrees to submit a Final (100%) RD for EPA approval that addresses EPA's comments on the Pre-Final (95%) RD and includes final versions of all Pre-Final (95%) RD deliverables and supporting deliverables.

3.7 Emergency Response and Reporting

(a) **Emergency Response and Reporting.** If any event occurs during performance of the Work th causes or threatens to cause a release of Waste Material on, at, or from the OU-2 or the Expanded Territory and that either constitutes an emergency situation or may present an immediate threat to public health or welfare or the environment, Respondent shall: (1) immediately take all appropriate action to prevent, abate, or minimize such release or threat of release; (2) immediately notify the authorized EPA officer (as specified in ¶ [REF _Ref83124179 \r \h][REF _Ref381712243 \r \h]) orally; and (3) take such actions in consultation with the authorized EPA officer and any other applicable deliverable approved by EPA under the SOW.

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(b) **Release Reporting.** Upon the occurrence of any event during performance of the Work that Respondent is required to report pursuant to Section 103 of CERCLA, 42 U.S.C. § 9603, or Section 304 of the Emergency Planning and Community Right-to-know Act (EPCRA), 42 U.S.C. § 11004, Respondent shall immediately notify the authorized EPA officer orally.

(c) The "authorized EPA officer" for purposes of immediate oral notifications and consultations under ¶ [REF _Ref83124179 \r \h][REF _Ref83124167 \r \h] and

¶ [REF _Ref83124179 \r \h][REF _Ref83124190 \r \h] is the EPA Project Coordinator or, if she is unavailable, the EPA Emergency Response Unit, Region 2.

(d) For any event covered by ¶ [REF _Ref83124179 \r \h][REF _Ref83124167 \r \h] and ¶ [REF _Ref83124179 \r \h][REF _Ref83124190 \r \h], Respondent shall: (1) within 14 days after the onset of such event, submit a report to EPA describing the actions or events that occurred and the measures taken, and to be taken, in response thereto; and (2) within 30 days after the conclusion of such event, submit a report to EPA describing all actions taken in response to such event.

(e) The reporting requirements under this Paragraph are in addition to the reporting required by CERCLA § 103 or EPCRA § 304.

3.8 Off-Site Shipments

(a) Respondent may ship Investigation Derived Waste (IDW) from OU-2 and the Expanded Territory to an off-site facility only if it complies with Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), 40 C.F.R. § 300.440, *EPA's Guide to Management of Investigation Derived Waste*, OSWER 9345.3-03FS (Jan. 1992), and any IDW-specific requirements contained in the 2015 ROD. Wastes shipped off-site to a laboratory for characterization, and RCRA hazardous wastes that meet the requirements for an exemption from RCRA under 40 CFR § 261.4(e) shipped off-site for treatability studies, are not subject to 40 C.F.R. § 300.440.

3.9 Meetings. Respondent has already met and agrees to continue to meet regularly with EPA to discuss design issues, as necessary, as directed or determined by EPA.

3.10 Notice of Work Completion

(a) When EPA determines, after EPA's review of the Final 100% RD under ¶ [REF _Ref439923419 \r \h * MERGEFORMAT], that all Work has been fully performed in accordance with the Settlement, with the exception of any continuing obligations as provided in ¶ [REF _Ref442714056 \r \h * MERGEFORMAT][REF _Ref442714035 \r \h * MERGEFORMAT], EPA will provide written notice to Respondent.

(b) If EPA determines that Respondent has not completed any such Work in accordance with this Settlement, EPA will notify Respondent, provide a list of the deficiencies, and require that Respondent modify the RDWP, if appropriate, to correct such deficiencies. Respondent agrees to complete the necessary work to correct any such deficiencies. If Respondent has completed all Work in accordance with this Settlement, EPA will issue a Notice of Work Completion.

(c) Issuance of the Notice of Work Completion does not affect the following continuing obligations: (1) obligations under Sections [**VIII**] (Property Requirements), [**IX**] (Access to Information), and [**X**] (Record Retention of the

Settlement; and (2) reimbursement of EPA's Future Response Costs under Section [**XII**] (Payment of Response Costs) of the Settlement.

4. REPORTING

4.1 **Progress Reports**. Commencing with the month following the effective date of the Settlement and until issuance of Notice of Work Completion pursuant to ¶ 3.9, unless otherwise directed in writing by EPA's Project Coordinator, Respondent agrees to submit progress reports to EPA on a monthly basis by the fifteenth (15th) day of each month. The reports must cover all activities that took place during the prior reporting period, including:

(a) The actions that Respondent has taken toward achieving compliance with the Settlement;

(b) A summary of all validated results of sampling, tests, and all other data that Respondent received or generated that became available in the prior reporting period;

(c) A description of all deliverables that Respondent submitted to EPA;

(d) A description of all activities scheduled for the next six (6) weeks;

(e) Information regarding percentage of completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Work, and a description of efforts made to mitigate those delays or anticipated delays;

(f) A description of any modifications to the work plans or other schedules that Respondent has proposed or that EPA has approved; and

(g) A description of all activities Respondent undertook in support of the RD/RA Communications and Outreach Plan during the reporting period and those Respondent will undertake in the next six (6) weeks.

4.2 **Notice of Progress Report Schedule Changes**. If the schedule for any activity described in the Progress Reports, including activities required to be described under ¶ [REF _Ref322611383 \r \h], changes, Respondent agrees to notify EPA of such change at least seven (7) days before performance of the activity.

5. DELIVERABLES

5.1 **Applicability**. Respondent agrees to submit deliverables for EPA approval or for EPA comment as specified in the SOW. If neither EPA approval nor comment is specified for a particular deliverable, the deliverable does not require EPA's approval or comment. Paragraphs [REF _Ref397591332 \r \h] (In Writing) through [REF _Ref397591339 \r \h] (Technical Specifications) apply to all deliverables. Paragraph [REF _Ref322533252 \r \h] (Approval of Deliverables) applies to any deliverable that is required to be submitted for EPA approval under the express terms of the SOW.

5.2 In Writing. All deliverables under this SOW will be in writing unless otherwise specified.

5.3 General Requirements for Deliverables

(a) Except as otherwise provided in this SOW, Respondent agrees to direct all deliverables required by this SOW to the EPA Project Coordinator at Victoria Paris Sacks, U.S. Environmental Protection Agency, 290 Broadway, 19th Floor, New York, New York 10007, (212) 637-4297, or [HYPERLINK "mailto:sacks.victoria@epa.gov"].

(b) All deliverables provided to the State in accordance with Section [REF _Ref367451471 \r \h] (State and Onondaga Nation Participation) will be directed to Jacky Luo, New York State Department of Environmental Conservation, 625 Broadway, 12th Floor, Albany, New York 12233, jacky.luo@dec.ny.gov.

(c) Respondent agrees to submit all deliverables by the deadlines in the RD Schedule, as applicable. Respondent agrees to submit all deliverables to EPA in electronic form. Technical specifications for sampling and monitoring data and spatial data are addressed in ¶ [REF _Ref397591339 \r \h * MERGEFORMAT]. Respondent agrees to submit all other deliverables to EPA in the electronic form specified by the EPA Project Coordinator. If any deliverable includes maps, drawings, or other exhibits that are larger than 8.5" by 11", Respondent agrees to also provide EPA with paper copies of such exhibits.

5.4 Technical Specifications

(a) Respondent agrees to submit sampling and monitoring data in standard regional Electronic Data Deliverable ("EDD") format. Region 2 EPA uses EQuIS Data Processor ("EDP") version 7 and EDD format version 4. Other delivery methods may be accepted by EPA if electronic direct submission presents a significant burden or as technology changes.

(b) Respondent agrees to submit spatial data, including spatially-referenced data and geospatial data: (1) in the ESRI File Geodatabase format; and (2) as unprojected geographic coordinates in decimal degree format using North American Datum 1983 (NAD83) or World Geodetic System 1984 (WGS84) as the datum. If applicable, submissions should include the collection method(s). Projected coordinates may optionally be included but must be documented. Spatial data should be accompanied by metadata, and such metadata should be compliant with the Federal Geographic Data Committee ("FGDC") Content Standard for Digital Geospatial Metadata and its EPA profile, the EPA Geospatial Metadata Technical Specification. An add-on metadata editor for ESRI software, the EPA Metadata Editor (EME), complies with these FGDC and EPA metadata requirements and is available at [HYPERLINK "https://www.epa.gov/geospatial/epa-metadata-editor"].

(c) Respondent agrees to include in each file an attribute name for each unit or sub-unit submitted and to consult [HYPERLINK "https://www.epa.gov/geospatial/geospatial-policies-and-standards"] for any further available guidance on attribute identification and naming.

(d) Spatial data submitted by Respondent does not, and is not intended to, define the boundaries of OU-2 or the Expanded Territory.

5.5 Certification. The final design must be stamped by a New York State Professional Engineer, and must contain the following statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

5.6 Approval of Deliverables

(a) **Initial Submissions**

(1) After review of any deliverable that is required to be submitted for EPA approval under the Settlement or the SOW, EPA will: (i) approve, in whole or in part, the submission; (ii) approve the submission upon specified conditions; (iii) disapprove, in whole or in part, the submission; or (iv) any combination of the foregoing.

(2) EPA also may modify the initial submission to cure deficiencies in the submission if: (i) EPA determines that disapproving the submission and awaiting a resubmission would cause substantial disruption to the Work; or (ii) previous submission(s) have been disapproved because of material defects and the deficiencies in the initial submission under consideration indicate a bad faith lack of effort to submit an acceptable deliverable.

(b) **Resubmissions**. Upon receipt of a notice of disapproval under ¶ [REF _Ref322533256 \w \h], or if required by a notice of approval upon specified conditions under ¶ [REF _Ref322533256 \w \h], Respondent agrees to, within forty-five (45) days or such longer time as specified by EPA in such notice, correct the deficiencies and resubmit the deliverable for approval. After review of the resubmitted deliverable, EPA may: (1) approve, in whole or in part, the resubmission; (2) approve the resubmission upon specified conditions; (3) modify the resubmission; (4) disapprove, in whole or in part, the resubmission, requiring Respondent to correct the deficiencies; or (5) any combination of the foregoing.

(c) **Implementation**. Upon approval, approval upon conditions, or modification by EPA under ¶ [REF _Ref322533256 \w \h] or ¶ [REF _Ref322533499 \w \h] of any deliverable or any portion thereof: (1) such deliverable, or portion thereof, will be incorporated into and enforceable under the Settlement; and (2) Respondent agrees to take any action required by such deliverable, or portion thereof, to the extent not inconsistent with the Trust Consent Decree.

5.7 **Supporting Deliverables**. Respondent agrees to submit each of the following supporting deliverables for EPA approval, except as specifically provided. Respondent agrees to develop the deliverables in accordance with all applicable regulations, guidances, and policies (see Section [REF _Ref367104374 \w \h] (References)). Respondent agrees to update each of these supporting deliverables as necessary or appropriate during the course of the Work, and/or as requested by EPA.

(a) **Operation & Maintenance ("O&M") Plan**. The O&M Plan describes the requirements for inspecting and maintaining the RA. Respondent agrees to develop the draft O&M Plan in accordance with *Guidance for Management of Superfund Remedies in Post Construction*, OLEM 9200.3-105 (Feb. 2017). The O&M Plan will include the following additional requirements:

(1) A description of Performance Standards ("PS") required to be met to implement the ROD;

(2) A description of activities to be performed: (i) to provide confidence that PS will be met; and (ii) to determine whether PS have been met;

(3) A description of records and reports that will be generated during O&M, such as daily operating logs, laboratory records, records of operating costs, reports regarding emergencies, personnel and maintenance records, monitoring reports, and monthly and annual reports to EPA and State agencies;

(4) A description of corrective action in case of systems failure, including: (i) alternative procedures to prevent the release or threatened release of Waste Material which may endanger public health and the environment or may cause a failure to achieve PS; (ii) analysis of vulnerability and additional resource requirements should a failure occur; (iii) notification and reporting requirements should O&M systems fail or be in danger of imminent failure; and (iv) community notification requirements; and

(5) A description of corrective action to be implemented in the event that PS are not achieved, and a schedule for implementing these corrective actions.

(b) **O&M Manual**. The O&M Manual serves as a guide to the purpose and function of the equipment and systems that make up the remedy. Respondent agrees to develop the draft O&M Manual in accordance with *Guidance for Management of Superfund Remedies in Post Construction*, OLEM 9200.3-105 (Feb. 2017).

6. SCHEDULES

6.1 Applicability and Revisions. Respondent agrees to submit or complete all deliverables and tasks required under this SOW by the deadlines listed in the RD Schedule set forth below. Respondent may submit proposed revised RD Schedules for EPA approval. Upon EPA's approval, the revised RD Schedules supersede the RD Schedule set forth below, and any previously approved RD Schedules.

6.2 RD Schedule

	Description of Deliverable, Task	Supporting Deliverable	¶ Ref	Submittal Date/Deadline
1	Revised Draft FFS Report		[REF _Ref 47015639 \r \h * MERGEFORMAT]	Submitted July 2, 2021
2	Final FFS Report		[REF _Ref 32389471 7 \r \h * MERGEFORMAT]	Ninety (90) days after receipt of EPA comments on the Revised Draft FFS Report.
3	RDWP Addendum		3.3	One hundred eighty (180) days after the effective date of this Administrative Order on Consent from the later of receipt of written notification from EPA that the remedy for OU 2 has been, or has still not been modified based on the FFS, and the effective date of this Administrative Order.

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4	Revised (50%) RD	Complete PDI Data	3.4	Sixty Three Hundred Sixty (360) days after from: a. the later of receipt of writt notification from EPA that the remedy for OU-2 has been, or has will not be, en modified based on the FFS, and b. the effective date of this Administrative Order. NOTES TO RO ORC: THIS ADDITIONAL TIME IN NEED SINCE THE SUPPORTING DELIVERABLE – PDI COMPLETION – WILL LIKELY BE PROTRACTED BECAUSE OF ACCESS NEGOTIATION, SCOPE OF WORK DEVELOPMENT AND APPROVAL AND IMPLEMENTATION. ALSO, WHAT IS THE LIKELIHOOD THAT THE 2015 OU-2 ROD WILL IN FACT NOT BE MODIFIED PER THE FFS? AND CAN YOU PLEASE EXPLAIN WHAT YOU MEAN BY "modified"?
5	Pre-final (95%) RD	Pre-final (95%) O&M Plan and O&M Manual	[REF _Ref 6885 7229 \r \h]	Sixty (60) days after receipt of EPA comments on Revised (50%) RD.
6	Final (100%) RD	O&M Plan and O&M Manual	[REF _Ref 6885 7244 \r \h]	Sixty (60) days after receipt of EPA comments on Pre-Final (95%) RD.

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7. STATE AND ONONDAGA NATION PARTICIPATION

7.1 **Copies**. Respondent agrees to, at any time it sends a deliverable to EPA, send a copy of such deliverable to the State for its review. EPA will send a copy of such deliverable to the Onondaga Nation. EPA will, at any time it sends a notice, authorization, approval, or disapproval to Respondent, send a copy of such document to the State and to the Onondaga Nation.

7.2 **Review and Comment**. The State and the Onondaga Nation will have a reasonable opportunity for review and comment prior to:

(a) Any EPA approval or disapproval under ¶ [REF _Ref322533252 \r \h] (Approval of Deliverables) of any deliverables that are required to be submitted for EPA approval; and

(b) Any disapproval of, or Notice of Work Completion under, ¶ [REF _Ref440355485 \r \h] (Notice of Work Completion).

8. REFERENCES

8.1 The following regulations and guidance documents, among others, apply to the Work. Any item for which a specific URL is not provided below is available on one of the two EPA Web pages listed in ¶ [REF _Ref397961018 \r \h]. To the extent that Respondent has difficulty accessing a particular document listed in this section, it may request a copy from EPA.

(a) A Compendium of Superfund Field Operations Methods, OSWER 9355.0-14, EPA/540/P-87/001a (Aug. 1987).

(b) CERCLA Compliance with Other Laws Manual, Part I: Interim Final, OSWER 9234.1-01, EPA/540/G-89/006 (Aug. 1988).

(c) Guidance for Conducting Remedial Investigations and Feasibility Studies, OSWER 9355.3-01, EPA/540/G-89/004 (Oct. 1988).

(d) CERCLA Compliance with Other Laws Manual, Part II, OSWER 9234.1-02, EPA/540/G-89/009 (Aug. 1989).

(e) Guidance on EPA Oversight of Remedial Designs and Remedial Actions Performed by Potentially Responsible Parties, OSWER 9355.5-01, EPA/540/G-90/001 (Apr.1990).

(f) Guidance on Expediting Remedial Design and Remedial Actions, OSWER 9355.5-02, EPA/540/G-90/006 (Aug. 1990).

(g) Guide to Management of Investigation-Derived Wastes, OSWER 9345.3-03FS (Jan. 1992).

(h) Permits and Permit Equivalency Processes for CERCLA On-Site Response Actions, OSWER 9355.7-03 (Feb. 1992).

(i) Guidance for Conducting Treatability Studies under CERCLA, OSWER 9380.3-10, EPA/540/R-92/071A (Nov. 1992).

(j) National Oil and Hazardous Substances Pollution Contingency Plan; Final Rule, 40 C.F.R. Part 300 (Oct. 1994).

(k) Guidance for Scoping the Remedial Design, OSWER 9355.0-43, EPA/540/R-95/025 (Mar. 1995).

(l) Remedial Design/Remedial Action Handbook, OSWER 9355.0-04B, EPA/540/R-95/059 (June 1995).

(m) EPA Guidance for Data Quality Assessment, Practical Methods for Data Analysis, QA/G-9, EPA/600/R-96/084 (July 2000).

(n) Comprehensive Five-year Review Guidance, OSWER 9355.7-03B-P, 540-R-01-007 (June 2001).

(o) Guidance for Quality Assurance Project Plans, QA/G-5, EPA/240/R-02/009 (Dec. 2002).

(p) Institutional Controls: Third Party Beneficiary Rights in Proprietary Controls (Apr. 2004).

(q) Quality management systems for environmental information and technology programs -- Requirements with guidance for use, ASQ/ANSI E4:2014 (American Society for Quality, February 2014).

(r) Uniform Federal Policy for Quality Assurance Project Plans, Parts 1-3, EPA/505/B-04/900A though 900C (Mar. 2005).

(s) Superfund Community Involvement Handbook SEMS 100000070 (January 2016), [HYPERLINK "https://www.epa.gov/superfund/community-involvement-tools-and-resources"].

(t) EPA Guidance on Systematic Planning Using the Data Quality Objectives Process, QA/G-4, EPA/240/B-06/001 (Feb. 2006).

(u) EPA Requirements for Quality Assurance Project Plans, QA/R-5, EPA/240/B-01/003 (Mar. 2001, reissued May 2006).

(v) EPA Requirements for Quality Management Plans, QA/R-2, EPA/240/B-01/002 (Mar. 2001, reissued May 2006).

(w) USEPA Contract Laboratory Program Statement of Work for Inorganic Analysis, ILM05.4 (Dec. 2006).

(x) USEPA Contract Laboratory Program Statement of Work for Organic Analysis, SOM01.2 (amended Apr. 2007).

(y) EPA National Geospatial Data Policy, CIO Policy Transmittal 05-002 (Aug. 2008), [HYPERLINK "https://www.epa.gov/geospatial/geospatial-policies-and-standards"] and [HYPERLINK "https://www.epa.gov/geospatial/epa-national-geospatial-data-policy"].

(z) Summary of Key Existing EPA CERCLA Policies for Groundwater Restoration, OSWER 9283.1-33 (June 2009).

(aa) Principles for Greener Cleanups (Aug. 2009), [HYPERLINK "https://www.epa.gov/greenercleanups/epa-principles-greener-cleanups"].

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(bb) EPA Region 2 Clean and Green Policy, [HYPERLINK "https://www.epa.gov/greenercleanups/epa-region-2-clean-and-green-policy"].

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(dd) Close Out Procedures for National Priorities List Sites, OSWER 9320.2-22 (May 2011).

(ee) Groundwater Road Map: Recommended Process for Restoring Contaminated Groundwater at Superfund Sites, OSWER 9283.1-34 (July 2011).

(ff) Recommended Evaluation of Institutional Controls: Supplement to the "Comprehensive Five-Year Review Guidance," OSWER 9355.7-18 (Sep. 2011).

(gg) Construction Specifications Institute's MasterFormat 2020 Edition, available from the Construction Specifications Institute, [HYPERLINK "https://www.csinet.org/standards/masterformat"].

(hh) Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach, OSWER 9200.2-125 (Sep. 2012).

(ii) Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites, OSWER 9355.0-89, EPA/540/R-09/001 (Dec. 2012).

(jj) Institutional Controls: A Guide to Preparing Institutional Controls Implementation and Assurance Plans at Contaminated Sites, OSWER 9200.0-77, EPA/540/R-09/02 (Dec. 2012).

(kk) [HYPERLINK "http://www.epaosc.org/_HealthSafetyManual/manual-index.htm"], [HYPERLINK "http://www.epaosc.org/_HealthSafetyManual/emergency-responder-manual-directive-final.pdf"] (July 2005 and updates), [HYPERLINK "http://www.epaosc.org/_HealthSafetyManual/manual-index.htm"].

(ll) Broader Application of Remedial Design and Remedial Action Pilot Project Lessons Learned, OSWER 9200.2-129 (Feb. 2013).

(mm) Guidance for Evaluating Completion of Groundwater Restoration Remedial Actions, OSWER 9355.0-129 (Nov. 2013).

(nn) Groundwater Remedy Completion Strategy: Moving Forward with the End in Mind, OSWER 9200.2-144 (May 2014).

(oo) Guidance for Management of Superfund Remedies in Post Construction, OLEM 9200.3-105 (Feb. 2017), [HYPERLINK "https://www.epa.gov/superfund/superfund-post-construction-completion"]

(pp) NYSDEC & USEPA Region 2. 2015. Record of Decision Operable Unit 2 of the General Motors - Inland Fisher Guide Subsite of the Onondaga Lake Superfund Site, Town of Salina, Onondaga County, New York. March.

(qq) OBG. 2013. Off-Site Pre-Design Investigation Work Plan, Former IFG Facility and Deferred Media Site Work Plan. Syracuse, New York. Prepared for RACER Trust. July 3, 2013

(rr) OBG. 2015. Former IFG Facility and Deferred Media Site (Registry #7-34-057) Off-Site (OU-2) Pre-Design Investigation Work Plan Addendum. Letter dated August 17, 2015.

(ss) OBG. 2016a. Former IFG Facility and Deferred Media Site (Registry #7-34-057) Revised Off-Site (OU-2) Pre-Design Investigation Work Plan Addendum #2 – Additional Sampling. Letter dated July 15, 2016.

(tt) OBG. 2016b. Remedial Design Work Plan; Former General Motors – Inland Fisher Guide Site Operable Unit 2. January 2016. Revised June 2016.

(uu) OBG. 2017. Racer Trust Former IFG Facility. OU2 Ley Creek Remediation Design Package 2. Preliminary (50%) Design Report. Prepared for RACER Trust. July 18.

(vv) RACER. 2018. Letter Re: Former General Motors - IFG Site – Additional Sampling Ley Creek Area (Operable Unit #2, Site No. 7-34-057).June 13, 2018.

(ww) RACER. 2019. Letter Re: Former General Motors - IFG Site – Additional Sampling Ley Creek Area (Operable Unit #2, Site No. 7-34-057). August 9, 2019.

(xx) USEPA. 2020. Lower Ley Creek Subsite and Ley Creek Deferred Media Portion of the General Motors – Inland Fisher Guide Subsite of the Onondaga Lake Superfund Site. Remedial Design/Remedial Action Communications and Outreach Plan. City of Syracuse/Town Of Salina, NY. August 2020

8.2 The documents listed above, if not already identified with a URL, may be found on the following EPA Web pages:

Laws, Policy, and Guidance https://www.epa.gov/superfund/superfund-policy-guidance-and-laws

Test Methods Collections [HYPERLINK "https://www.epa.gov/measurements/collection-methods"]

8.3 For any regulation or guidance referenced in the Settlement or SOW, the reference will be read to include any subsequent modification, amendment, or replacement of such regulation or guidance. Such modifications, amendments, or replacements apply to the Work only after Respondent receive notification from EPA of the modification, amendment, or replacement.