To: Smith, Madelyn[madelyn.smith@epa.ohio.gov]
From: Patterson, Leslie
Sent: Wed 2/12/2014 1:34:51 PM
Subject: RE: SDD&L - Request Response on OU1 Groundwater Definition

Thanks – we switched email systems in January and some of my emails prior to that don't seem to have been migrated over.

Leslie Patterson

Remedial Project Manager

U. S. Environmental Protection Agency, Region 5

Superfund Remedial Response, SR-6J

77 West Jackson Boulevard

Chicago, IL 60604

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fax: (312) 692-2491

patterson.leslie@epa.gov

From: Smith, Madelyn [mailto:madelyn.smith@epa.ohio.gov]
Sent: Wednesday, February 12, 2014 6:24 AM
To: Patterson, Leslie
Subject: RE: SDD&L - Request Response on OU1 Groundwater Definition

Attached is the chain of emails from management discussions back in 2012.

Maddie

From: Patterson, Leslie [mailto:patterson.leslie@epa.gov]
Sent: Tuesday, February 11, 2014 5:40 PM

To: Smith, Madelyn
Subject: RE: SDD&L - Request Response on OU1 Groundwater Definition

Maddie, send me that correspondence again. I can't find a copy or open the former RPM's email database.

Leslie Patterson

Remedial Project Manager

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patterson.leslie@epa.gov

From: Smith, Madelyn [mailto:madelyn.smith@epa.ohio.gov]
Sent: Tuesday, February 11, 2014 4:21 PM
To: Patterson, Leslie
Cc: Allen, Mark; Kavalec, Tiffani
Subject: RE: SDD&L - Request Response on OU1 Groundwater Definition

Leslie,

Thank you for your response. The description you give below does not match what Ohio EPA had believed to be the outcome of the meetings and correspondence with USEPA management and the summary correspondence dated May 24, 2012. In that correspondence, USEPA indicated that they were willing to include in the scope of the current OU1 remediation action selection of source area ground water and leachate control. Ohio EPA had believed that the

investigation for source area ground water and leachate control would be part of the current OU1 Ground Water and Data Gap Investigation. It was our understanding that the Ground Water and Data Gap Investigation would seek to investigate where contaminated ground water was migrating off of OU1 – the ground water investigation would not be limited in depth but there could be a case made for distinguishing OU1 related contamination from off-site contamination migrating onto OU1. An important part of the Ground Water and Data Gap Investigation were the 8 areas of concern where there were potential source areas that could not be reliably contained. I feel that the Data Gap portion of the investigation has been attempted but we are missing the actual ground water investigation to determine where contaminated ground water is leaving OU1.

I mentioned on our regulator's call today that our management is meeting on February 20. Since we have been unable to reach an understanding of whether or not all ground water beneath OU1 is subject to the presumptive remedy, my management has directed me to ask you to hold off on submitting the comments for the current WP to CRA until our management has a chance to meet and discuss the issue on Feb. 20. My management indicated that if Feb. 20 would be too long of a wait and we needed to resolve the issue sooner so as to keep the site work moving, they would be available for a conference call.

I think it would be best if our management met and discussed this issue once more so that they can provide us with a clear direction for the site.

Please let me know if you'd like to try to push the meeting up or if you won't be able to delay submitting comments to CRA for the current work plan. Hopefully we will be able to get a clear direction for the site and we can leave the guessing behind.

Maddie

Madelyn Smith

Site Coordinator – Ohio EPA, Southwest District Office

Division of Environmental Response and Revitalization

401 E. 5th Street

Dayton, OH 45402

937-285-6456

***Ohio EPA's email addresses are changing. Please update your contact information to the new extension @epa.ohio.gov*

From: Patterson, Leslie [mailto:patterson.leslie@epa.gov]
Sent: Tuesday, February 11, 2014 3:40 PM
To: Smith, Madelyn
Subject: RE: SDD&L - Request Response on OU1 Groundwater Definition

Maddie,

You asked for a written explanation of why EPA is not requiring the PRPs to investigate deep groundwater (below 675 ft asl) at the South Dayton Dump and Landfill Superfund Site (Site) as part of the OU1 combined hot spot and groundwater investigation (investigation).

1. The overall purpose of the investigation is to identify source areas of groundwater contamination for treatment prior to installation of the landfill cap. Demonstrating that groundwater contamination is migrating outside of the waste will probably require tracking plumes some distance beyond the waste, but complete plume delineation is unnecessary for the purpose of the investigation.

2. We must distinguish site-related contamination vs. non-site-related contamination in the deep aquifer before we can really address the deep groundwater. This will require additional off-site investigations that would delay the remedial process in OU1. By remaining focused on source areas within the waste, we can collect the information we need to address source-area groundwater on a shorter time scale.

3. At the current time, EPA has no legal instrument to require groundwater investigations as part of a presumptive remedy approach. The 2006 AOC-FS, page 3, states:

Unless otherwise agreed to by U.S. EPA, a conventional RI/FS, baseline human health risk assessment and ecological assessment shall be conducted for…Groundwater within and outside the Presumptive Remedy Area…

And the 2010 Dispute Resolution, page 4 states:

The Parties further agree that EPA withdraws its comments on the Streamlined Feasibility Study Report Operable Unit One (OU 1) (OU 1 FS Report) which required presentation of an alternative for OU 1 to address containment of shallow groundwater as part of the Presumptive Remedy for OU 1.

Hope this helps – call me to continue discussing this if you wish.

Leslie Patterson

Remedial Project Manager

U. S. Environmental Protection Agency, Region 5

Superfund Remedial Response, SR-6J

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From: Smith, Madelyn [mailto:madelyn.smith@epa.ohio.gov]
Sent: Tuesday, February 11, 2014 12:08 PM
To: Patterson, Leslie
Subject: SDD&L - Request Response on OU1 Groundwater Definition

Leslie,

I don't want to be a pain, but I have to brief my management on our call today – do you think you'd be able to get me the statement of OU1 ground water this afternoon? Specifically, can you define "source area ground water". My review of the Phase 2 proposal was under the position that source area ground water includes all of the ground water beneath OU1, regardless of depth. From our call today we discussed a different definition of OU1 groundwater subject to the presumptive remedy of containment. For future review of the documents, it would be helpful if you could defined the media under OU1 and the media under OU2 (that is, what is subject to the presumptive remedy and what will get a traditional RI/FS).

I will be working this afternoon on revising my comments for the current work plan – I will get you any changes as soon as possible.

Maddie

Madelyn Smith

Site Coordinator – Ohio EPA, Southwest District Office

Division of Environmental Response and Revitalization

401 E. 5th Street

Dayton, OH 45402

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