UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
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APR 20 2015

ADVANCE COPY VIA EMAIL

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RE: In the Matter of Cotter Corporation (NSL), and Laidlaw Waste Systems (Bridgeton), Inc. and Rock Road Industries, Inc. and the U.S. Department of Energy Administrative Order on Consent, EPA Docket No. VII-93-F-0005

Dear Counsel:

The purpose of this letter is to provide the U.S. Environmental Protection Agency's (EPA) direction to the West Lake Landfill Potentially Responsible Parties (PRPs) regarding the Work Plans for the Partial Excavation Analysis and the Alternative Area 2 Excavation Depths and Volumes. EPA has reviewed the "Estimated Volumes for Partial Excavation Options Identified by EPA" dated October 31, 2014, and the "Responses to EPA (D. Kappleman) Comments on Preliminary Volume Estimates for EPA's Partial Excavation Options, West Lake Landfill OU-1" dated February 13, 2015. Specifically, as set forth below, EPA is: (1) identifying the scope of additional radiologically impacted materials (RIM)

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characterization needed in Operable Unit 1, Areas 1 and 2; (2) specifying the partial excavation options for evaluation in the Supplemental Feasibility Study (SFS); and (3) identifying EPA's expectations regarding the submission of revised Partial Excavation and Alternative Area 2 Excavation Depths and Volumes Work Plans.

Additional Characterization

During the January 30, 2015 meeting between EPA and the PRPs to discuss, among other items, the path forward for the SFS, EPA stated that additional data would be needed from Areas 1 and 2 to better define the extent of RIM in order to complete the SFS evaluation of the partial excavation alternative. Since that time EPA Region 7 has been working closely with our Office of Research and Development to review all existing data collected from Areas 1 and 2, and to define the appropriate scope for this additional sampling effort. Enclosed with this letter are two figures identifying the additional sampling locations selected by EPA (as noted by the additional magenta blocks). Specifically, eight sampling locations have been identified in Area 1, and 17 sampling locations have been selected in Area 2 (including the Ford property). Most of the locations have been selected near the extrapolated RIM extent and near areas exhibiting high (e.g., >2*background) overland gamma survey readings of radioactivity. EPA notes that some of these sample locations have already been collected by the PRPs, or may be collected in the near future as part of the Phase 1D sampling event.

For simplicity, EPA proposes that this additional work be described in an expanded Phase 1D Work Plan that identifies the additional sample points on the attached figures. While EPA is not agreeing to any delay in the implementation of the Phase 1D Work Plan, we recognize that the additional samples described in this letter will be collected using the same GCPT sampling and confirmation sonic coring methodologies. Alternatively, EPA would accept a separate Work Plan that describes the implantation and schedule for this additional work, and includes similar elements from an approved Phase ID Work Plan.

It is EPA's hope that this additional characterization effort can be planned and implemented with the upcoming Phase 1D event to simultaneously collect data and prepare the associated deliverables in a way that maximizes efficiencies with contractor and equipment mobilization. With this additional data, EPA believes the parties will be in a position to mitigate the large degree of uncertainty in determining the extent of RIM and associated volume calculations that could negatively impact or bias the evaluation of the partial excavation alternative. EPA believes this additional data will establish a higher level of confidence in the volume calculations in a way that is consistent with the existing sample methodology and fully incorporate data sets previously collected. EPA acknowledges that this additional sampling is not intended to be a Remedial Design level effort that would be necessary to guide excavation activities if EPA were to select the partial excavation alternative as the remedial action, but provides additional data that currently does not exist.

Within ten working days of the date of this letter, please respond with the PRPs agreement to perform the additional characterization activities described above as part of the Partial Excavation Alternative Work Plan activities. Once we receive the PRPs agreement to perform this characterization, EPA is prepared to arrange a technical meeting to confirm the specific elements of this additional work, agree upon a Work Plan submission date, and coordinate schedules for all additional characterization activities and associated deliverables. EPA acknowledges the significant effort needed to coordinate these characterization activities, and we look forward to talking with you regarding the most efficient path forward for implementation of this work.

Calculation Scenarios and Submission of Revised Work Plans

While the aforementioned RIM characterization is conducted, EPA expects the PRPs to proceed with evaluating excavation scenarios. After careful consideration of the information provided by the PRPs in the "Estimated Volumes for Partial Excavation Options Identified by EPA" dated October 31, 2014, EPA has made the determination that it is appropriate to evaluate all three excavation scenarios in the SFS using the revised data sets and volume calculations from the additional characterization activities. Partial excavation is a viable alternative, and all three calculation scenarios are based on criteria that have merit for further evaluation. This will enable EPA to ensure full and objective consideration of partial excavation as a viable alternative without biasing the Feasibility Study nine criteria evaluation process.

Within 30 working days of receipt of this letter, the PRPs shall submit revised Work Plans for the Partial Excavation Analysis and the Alternative Area 2 Excavation Depths and Volumes. These revised Work Plans shall take into consideration all additional RIM characterization activities, and previous comments provided by EPA and the Missouri Department of Natural Resources. The revised Work Plans shall describe the approach to be used and associated deliverables, along with a detailed schedule for completion of the work once the Work Plans are approved by EPA. The revised Work Plans need not address how the results will be incorporated into the SFS, as we anticipate that being the subject of a broader upcoming discussion with the PRPs about the SFS deliverable.

As stated above, please respond within ten working days of the date of this letter regarding the performance of additional characterization activities described in this letter. EPA appreciates your continued cooperation, and please feel free to contact me at 913-551-7826 with any questions.

Sincerely,

Alyse Stoy

Alyse Stoy
Associate Deputy Regional Counsel

Enclosure

cc: Shawn Muenks, MDNR

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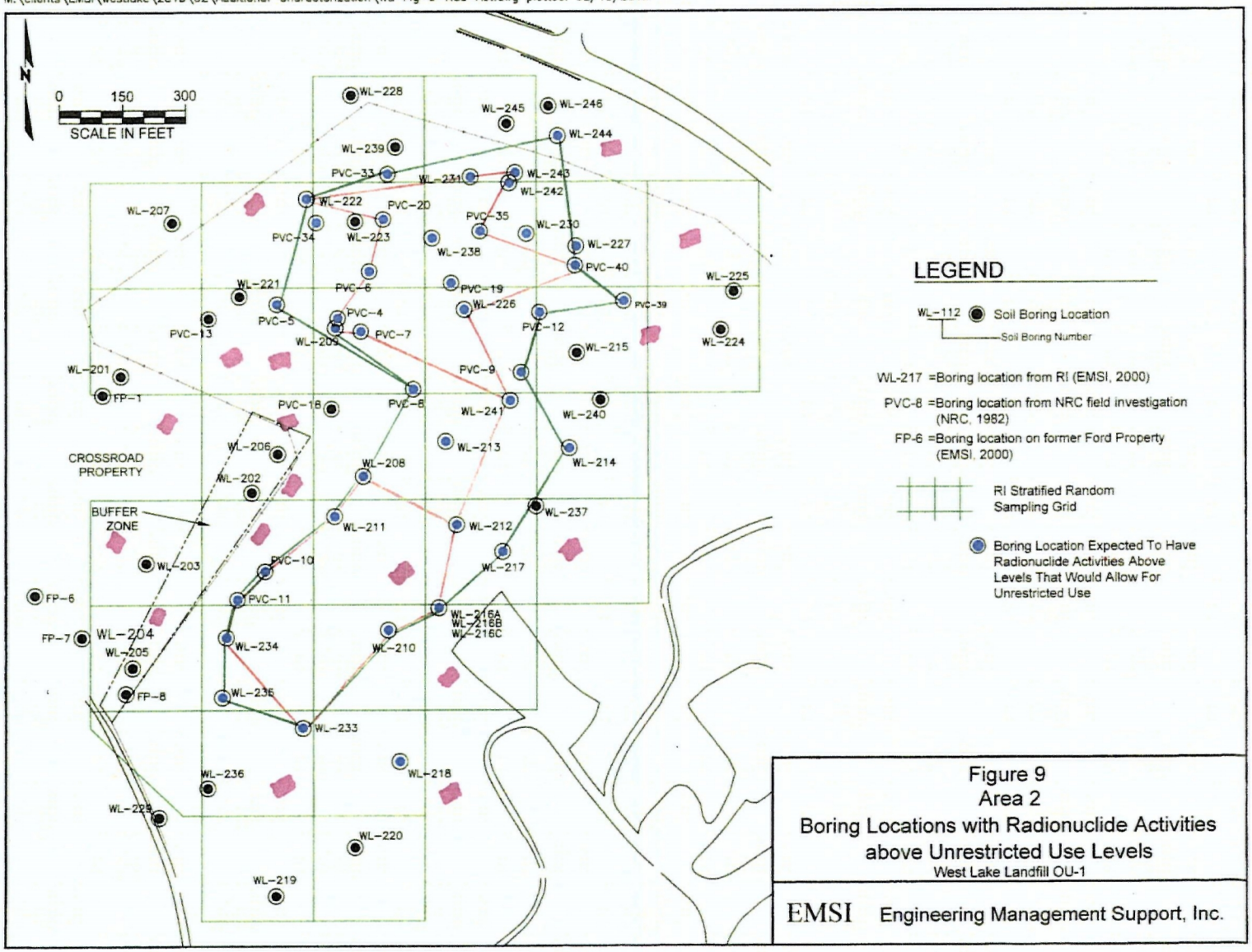

Figure 9
Area 2
Boring Locations with Radionuclide Activities above Unrestricted Use Levels
West Lake Landfill OU-1

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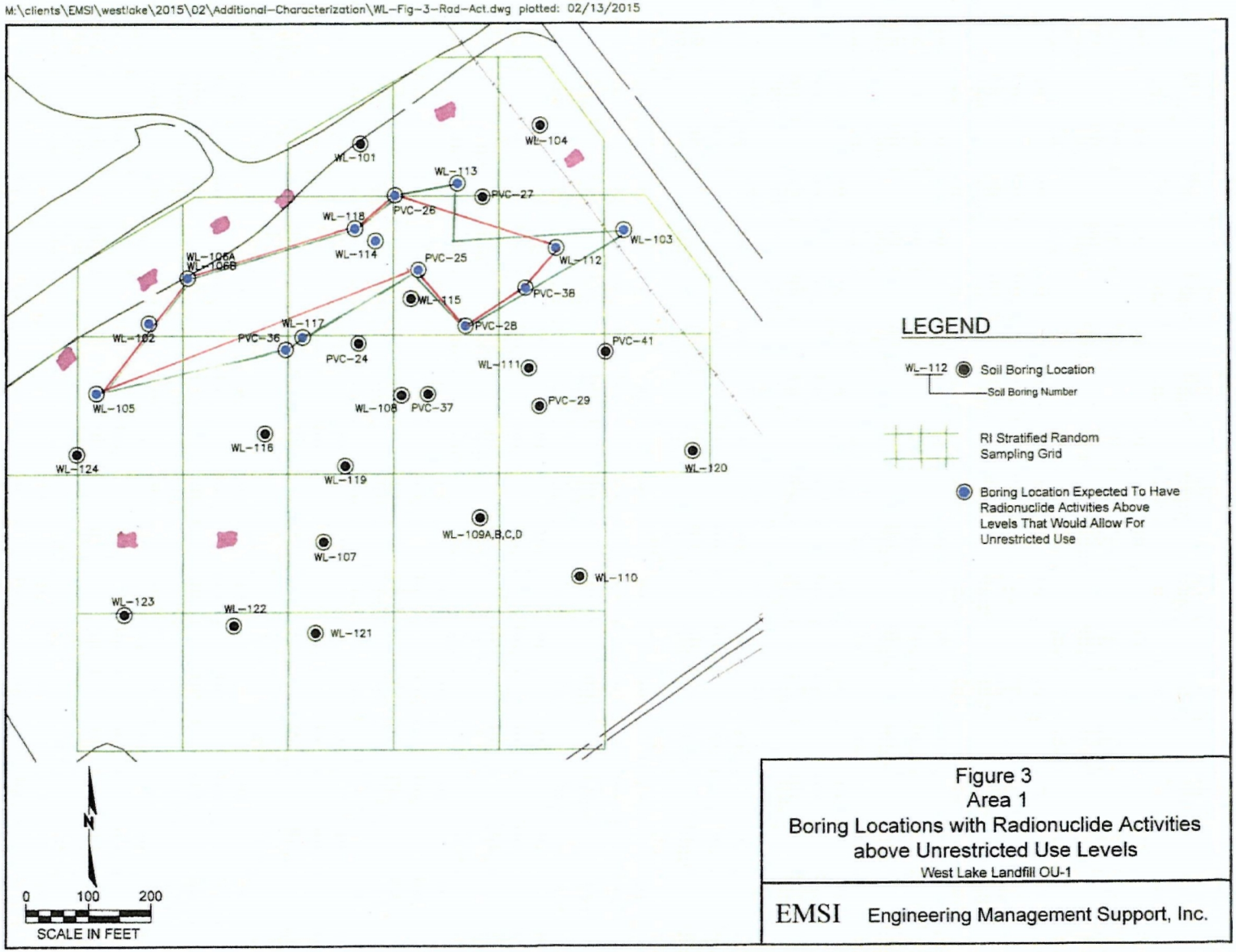

Figure 3
Area 1
Boring Locations with Radionuclide Activities above Unrestricted Use Levels
West Lake Landfill OU-1

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