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

OCT 1 2 2012

Christina Richmond, Esq.
U.S. Department of Justice
Environmental Defense Section
P.O. Box 23986
Washington, D.C. 20026-3986

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 Ms. Richmond:

This is to confirm that as Respondents to the above-captioned Administrative Order on Consent (Consent Order) for a Remedial Investigation/Feasibility Study (RI/FS), you have agreed to perform additional work pursuant to Paragraph 51 of the Consent Order. Your agreement was previously conveyed to me in our conference call on June 14, 2012. The U.S. Environmental Protection Agency National Remedy Review Board recommended this work be performed for Operable Unit 1 of the West Lake Landfill Superfund Site after participating with Region 7 in an early consultation on Region 7's selection of the remedy and the Supplemental Feasibility Study which Respondents prepared. The NRRB recommendations that Region 7 seeks to have implemented at this time include more detailed evaluations of (i) the partial excavation alternative; (ii) alternative landfill cap designs; and (iii) treatment technologies.

Through technical discussions between EPA Remedial Project Manager Dan Gravatt and your consultant, Paul Rosasco, Respondents agreed to perform an additional round of groundwater sampling. This work has now been undertaken and results of the sampling are pending. Respondents also agreed to perform the following:

1. Alternative Excavation Volume – Respondents shall revise the excavation volume to exclude the deep radiological detections in borings WL-210 and WL-235, which the NRRB believes are unreliable.

2. Partial Excavation Alternative – Respondents shall define the parameters to be used to define the extent and configuration of the waste materials to be included in the Partial Excavation with Off-Site Disposal and Partial Excavation with On-Site Disposal, and then update the analysis of this alternative presented in the RI/FS at a level of detail comparable to the alternatives already analyzed in the SFS.

3. Apatite Treatment Technologies – Respondents shall evaluate potential applications of apatite and/or phosphate solutions for possible treatment of waste materials and/or groundwater at a level of detail comparable to the treatment technologies already analyzed in the SFS.

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4. Respondents shall recalculate costs for all alternatives, using a seven percent Discount Rate for the Present Value calculations.

5. Alternative Landfill Cap Designs – Respondents shall evaluate potential alternative landfill cover designs including but not limited to an Evapotranspiration (ET) cover.

6. Fate and Transport Modeling – Respondents shall submit a geochemical model to assess the potential mobility and potential leachability of the radionuclides, followed by (if necessary) an unsaturated zone transport model, followed by a site-specific groundwater flow and transport model (if the prior two models indicate that a potentially measurable impact to groundwater may occur), followed by (if necessary) a regional groundwater flow and transport model to address possible transport to the river; and if necessary, a surface water flow and transport model to address possible transport within the river.

Respondents shall provide a work plan and a schedule for the work described above for the EPA review which will be mutually acceptable to the EPA and Respondents. Respondents shall document the work performed in an amendment to the SFS report.

The Consent Order remains in effect until terminated by the EPA. Unless any Respondent indicates otherwise in writing to me, this letter accurately reflects the agreement by all parties to the Consent Order to perform additional work.

Sincerely,

for Kristina Gonzales

Audrey B. Asher
Senior Counsel

Enclosure: List of letter recipients

cc: Sarah Himmelhoch, DOJ-EES
Dan Gravatt, SUPR
Shawn Muenks, MDNR

Recipients to Westlake Landfill Letter

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