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Brown AND Caldwell

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139452

Subject: Response to Comments on the Remedial Design Work Plan
United States of America v. AK Steel Corporation et. al.
Case No. 1:10-cv-00996-KMO
Chemical Recovery Systems Superfund Site, Elyria, Ohio

Dear Ms. Kerr:

In a December 8, 2010 letter you provided U.S. EPA and Ohio EPA comments on the September 21, 2010 Draft Remedial Design Work Plan (RDWP). Brown and Caldwell, on behalf of the CRS RD/RA Group Settling Performing Defendants, has provided responses to the comments below. The enclosed red-line version of the RDWP that incorporates the responses is also attached for your review. If the responses and text changes are acceptable, we will provide a version of the RDWP that incorporates the changes noted in the red line version.

Comments by the U.S. EPA and the Ohio EPA are provided below followed by responses for the Settling Performing Parties.

U.S. EPA Comments and Responses

1. **Section 3.2.1 Remedial Actions**

   In section 3.2.1 Remedial Actions, three additional components of the remedy described in the Statement of Work (SOW) attached to the Consent Decree (Case No.1: lO-cv-00996-KMO) should be included in this section. These components are waste and debris disposal, security fencing and signage, and pre-design soil sampling and the proposal of soil clean up levels relevant to the Hunt still closure (SOW ILL, ILA, and ILD, respectively).

   Response:

   The three sections discussed in this comment: (1) waste and debris disposal, (2) security fencing and signage, and (3) pre-design soil sampling and proposal of soil clean-up levels relative to the Rodney Hunt Still area have been added to the RDWP.

2. **Section 3.2.1.6**

   In section 3.2.1.6, more definition is needed on what the standard will be to consider soil/fill clean.

   Response:

   Additional text has been added to Section 3.2.1.6 to indicate the criteria used to determine if a fill material is clean.

3. **Section 4.1**

   In section 4.1, MW-E and MW-D are switched in terms of deep and shallow (SOW ILC).

   Response:

   Section 4.1 has been changed to read “Deep monitoring well MW-D and shallow monitoring well MW-E”.

4. **Section 3.3.3**

   A section on how this design and remedial action may incorporate the principles of green remediation is appropriate to add to the work plan. See "Recommended Elements for Greener Cleanup Environmental Footprint Assessments and Best Practices" on http://www.epa.gov/oswer/greencleanups/principles.html for a discussion of the principles. Numerous additional resources specific to EPA are available at or through http://www.epa.gov/oswer/greencleanupslindex.html and http://www.epa.gov/superfundigreenremediation/.

   Response:

   A section on the incorporation of the principles of green remediation has been added to the RDWP as Section 3.3.3.

5. **Preliminary and Intermediate Design Packages**

   If the Group chooses to combine the preliminary and intermediate design packages and include results of additional field sampling and pre-design work in the Additional Groundwater Studies Work Plan, this would be acceptable.

   Response:

   As suggested in this comment, the results of the pre-design activities, including the additional groundwater studies, will be included in the Additional Groundwater Studies Report, and the Preliminary Design and Intermediate Design will be combined as a single submittal. It should be noted that this will change the project schedule somewhat due to the need to complete the additional groundwater studies prior to submitting the combined Preliminary Design and Intermediate Design. However, the effect on the overall project schedule is expected to be minimal. This change has been incorporated in the RD/RA schedule that is provided with the revised RDWP.

6. **Quality Assurance project Plan (QAPP) Appendix A**

   Quality Assurance Project Plan (QAPP) Appendix A. All listed Standard Operating Procedures (SOPs) from the Test America North Canton laboratory should be submitted for review during the QAPP review.

   Response:

   The Test America standard operating procedures (SOPs) have been incorporated into the QAPP and the updated text is available for review.

7. **QAPP Project Worksheet #5**

   QAPP Worksheet No 5. Project Organizational Chart should reflect EPA and OEPA participation in the project. Please include all responsible entities.

Response:

Worksheet #5, the Project Organization Chart, has been updated to include participants from the Ohio EPA and U.S. EPA.

8. **Field Sampling Plan (FSP) 3.1.6. For soil samples around sumps, polychlorinated biphenyl analysis is not proposed. Why?**

Response:

Polychlorinated biphenyls (PCBs) have been added to the analyte list for samples obtained around the Rodney Hunt Still area. PCBs will be added as needed for waste soil characterization sampling for disposal purposes. The sampling completed in the area designated for four feet of soil removal in the vicinity of the Brighton Still did not indicate the presence of PCBs in concentrations that would be relevant for disposal purposes, and as such, PCBs will not be added to characterization or documentation soil sampling completed in this area.

9. **Health and Safety Plan**

A revised Health and Safety Plan (HASP)

Response:

The Health and Safety Plan has been updated to include PCBs as contaminants of concern for the site.

Ohio EPA Comments and Responses

1. **Section 6, page 6-3**

Section 6, page 6-3, (6.4 - Draft Natural Attenuation Monitoring Plan). It will be important to submit an adequate and comprehensive Monitored Natural Attenuation (MNA) plan that is consistent with U.S. EPA protocols, which demonstrates that a MNA remedy is effective and appropriate for ground water at this site.

Response:

It is agreed that a comprehensive MNA plan that is consistent with U.S. EPA protocols will be needed, and the plan will need to demonstrate that MNA is appropriate and effective for groundwater at this site.

2. **Section 7, page 7 - 1**

Section 7, page 7 - 1 (7.2 - Final Operations and Management Plan). Change the word Management to Maintenance.

Response:

In section 7 page 7-1 the word Management has been changed to Maintenance.

3. **Section 8, page 8-1**

Section 8, page 8-1 (8.1 - Site Security). The consultant should specify what contact numbers will be added to the signs on the perimeter fence. Typically, it is the U.S. EPA Remedial Project Manager (PRM) and Office of Public Affairs (OPA) personnel. Ohio EPA is not adverse to having our contact information also put on the sign, if U.S. EPA deems this to be important.

Response:

Section 8.1, Site Security, has been updated to indicate that the phone number contact for the U.S. EPA will be placed on signs on the perimeter fence.

4. **Table 3-2**

   On Table 3-2, regarding the Occupational Safety and Health Act (OSHA) requirements of 29 CFR parts 1910, 1926, and 1904, Ohio EPA does recognize the need to list these citations as requirements as an ARAR, but, for clarification purposes, the Agencies review these documents, but do not enforce or approve them. It is the responsibility of the contractor to ensure the safety of their workers.

   Response:

   We agree that it is the responsibility of contractors and subcontractors to ensure the safety of their workers.

5. **Table 3-2, page 2**

   On the second page of Table 3-2, Ohio EPA believes that the requirements under RCRA (40 CFR Parts 257 and 258) and the CAA (40 CFR Part 52) should be listed as actual ARAR's, as opposed to TBC's. Appropriate management of any waste generated under these statutes would certainly be classified as an ARAR. If the consultant believes these are actual TBC's, then further clarification is required.

   Response:

   Table 3-2 has been updated to list the entries discussed in this comment to be classified as ARARs rather than TBCs.

6. **Standard Operating Procedure (SOP) # 2 for Ground Water**

   Although it is referenced in the Standard Operating Procedure (SOP) # 2 for Ground Water sample collection in Attachment A on page 20 that in-line filtering will occur while using a bailer using 0.45 micron filter. However, the rationale for using a filter is not included. Typically, a filter is used if turbidity cannot be reduced to 10 NTU's or lower. Any bailed well showing high turbidity (> 10 NTU' s) should be field filtered as described in the above SOP and analyzed for both total and dissolved metals concentrations.

   Response:

   Groundwater samples to be analyzed for metals will include a field filtered sample that will be analyzed for dissolved metals and an unfiltered sample that will be analyzed for total metals. SOP #2 has been updated to indicate this.

7. **General Comment**

As a general comment on the document, there is no reference for the need to clear and grub the site of existing vegetation. This will clearly be needed to construct the remedy at the site. It would be ok to reserve this requirement for the Remedial Action (RA) Work Plan in principle.

Response:

The RD will include drawings and specifications that cover the need for clearing and grubbing vegetation at the site during the RA.

8. **FSP Page A-10**

FSP Page A-10, top of page. First full sentence. Ohio EPA suggests changing the language of this sentence from "In addition, prior to field work each day, the personnel Site, …. " to "In addition, prior to field work each day, the Site personnel, …. "

Response:

The indicated change has been made to the FSP Page A-10.

9. **FSP Table 6-1**

FSP Table 6-1. First, the site name should be changed from Ford Road Landfill to Chemical Recovery Systems, Inc. Secondly, there appears to be something wrong with the parameter list. Both are for an aqueous matrix. Ohio EPA believes the far right applies to an aqueous matrix due to specified holding times and preservatives used that would suggest aqueous. However, the other sample volume and containers referenced (to the left) lists a preservative of cooling to 4 degrees C. This would suggest a solid matrix, and perhaps applies to soil samples. Please clarify.

Response:

The change in Site name has been made. The heading on the right hand side of the table has also been changed to solid matrix rather than aqueous matrix to properly designate the type of samples described in the table.

If you have any questions regarding this investigation, please contact me at 614-410-6144.

Sincerely,

Brown and Caldwell

James Peeples, P.E.
Project Manager

ec: CRS Site RD/RA Group Performing Parties
Doug McWilliams, CRS Site RD/RA Group Chair and Common Counsel
Patrick Steerman, CRS Site Project Coordinator
Larry Antonelli, Ohio EPA
Thomas Nash, U.S. EPA, Associate Regional Counsel