



REGION 7

LENEXA, KS 66219

VIA ELECTRONIC MAIL

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RE: West Lake Landfill OU3 Administrative Settlement Agreement and Order on Consent
CERCLA-07-2018-0259

Dear Counsel:

This purpose of this letter is in response to the dispute raised by Bridgeton Landfill, LLC and Cotter Corporation (N.S.L.) pursuant to the procedures set forth in the above-referenced Administrative Settlement Agreement and Order on Consent (ASAOC). Attached is the RI/FS Work Plan supplemental language regarding groundwater sampling frequency. Please confirm your agreement in writing by signing the attached and upon EPA's countersignature this supplement will be incorporated into and become an enforceable part of the ASAOC.

We appreciate your efforts to finalize this language, and if you have any questions please do not hesitate to contact me.

Sincerely,

Alyse Stoy
Deputy Regional Counsel

cc: Steven Miller, Esq. (via email)
Philip DuPre, Esq. (via email)

West Lake Landfill OU3 Administrative Settlement Agreement and Order on Consent
CERCLA-07-2018-0259
RI/FS Work Plan Supplement

Section 5.2 of the Remedial Investigation/Feasibility Study Work Plan states that “[a] synchronous quarterly groundwater monitoring program will commence concurrently with the well installation program (assuming November 2020) to enable evaluation of temporal variations in groundwater elevations and quality.” Quarterly groundwater sampling at existing wells began in November 2020 and to date, many of the site wells have been sampled for at least 8 quarters. As stated in the March 23, 2023, document submitted by Engineering Management Support, Inc. on behalf of Bridgeton Landfill, LLC, Cotter Corporation (N.S.L.), and the U.S. Department of Energy (Respondents), “...the Respondents believe that sufficient data have now been collected from these wells to meet the OU-3 data quality objectives specified in the Quality Assurance Project Plan, in particular to answer the Principal Study Questions, and the requirements for the OU-1 and OU-2 baseline monitoring requirements.”

Based upon data gathered from offsite groundwater monitoring wells sampled in August 2022, additional wells are needed to define the extent of groundwater contamination. These additional well installation activities began in April 2023 and data from the new wells will help determine what the next steps are. With well installation activities ongoing there is not a clear date for when the groundwater monitoring well network will be complete. The EPA agrees with the Respondents that continued quarterly sampling of every well in the network for an undetermined amount of time is not necessary and the following changes shall be incorporated as part of the Remedial Investigation Work Plan.

1. Once a groundwater monitoring well has been sampled for eight consecutive quarters, sampling frequency at that location will be paused or reduced as described below. This temporary change in sampling frequency will remain effective until the entire well network is complete and the additional groundwater monitoring activities described in item no. 3 below are initiated. After at least eight consecutive quarters of sampling have occurred at a given well:
 - a. For wells internal to the site, sampling will be paused.
 - b. For perimeter and off-site wells, sampling will be reduced from quarterly to annually. Annual sampling will be conducted in May of each calendar year.
 - c. The Respondents will submit documentation of the sampling status for each well 30 days before quarterly sampling events occur.

2. The EPA considers the above changes based upon current conditions and understanding. In the event that the EPA determines a significant weather or flooding event has occurred that reasonably could affect groundwater quality during the next groundwater monitoring event, the EPA may require the Respondents to conduct additional sampling at wells where sampling frequency has been paused or reduced. Similarly, if the EPA identifies the potential for human or ecological exposure to contamination, the EPA may require the Respondents to conduct additional sampling at select wells where sampling frequency has been paused or reduced. It should be noted that sampling of the Bridgeton Landfill network wells will be performed as needed to meet the requirements set forth in the Feezor Engineering 2019 Groundwater Monitoring Plan and Sampling and Analysis Plan and the

Assessment Monitoring Plan, as amended. These changes do not affect the groundwater elevation measurement frequency.

3. Once the Respondents have determined that the groundwater monitoring well network has adequately defined the vertical and horizontal spatial distribution of off-site groundwater contamination, the Respondents will submit a Remedial Investigation Work Plan Addendum to the EPA for review and approval. This Addendum will include data (i.e., summary maps and data summary tables as well as Respondents' interpretation and rationale) to support the determination that the vertical and horizontal spatial distribution of off-site groundwater contamination has been adequately defined and therefore the well network is complete. This addendum will propose the next steps for the groundwater sampling program. Next steps should include recommendations for resuming synchronous sampling, including details such as specific wells and intervals to be sampled, sample analytes and methods, and frequency and duration of sampling. The recommended sampling program will be designed to meet the statement of work requirement to monitor site conditions under a routine frequency until the investigation is completed. This Addendum shall be submitted within 30 calendar days of the Respondents determining the well network is complete and allow the EPA with adequate review time, at a minimum 30 calendar days.
