

Facility Lead Agreement

FACILITY LEAD CORRECTIVE ACTION AGREEMENT

I. CORRECTIVE ACTION GOALS

By agreeing to participate in the Facility Lead Corrective Action Program with EPA, the Facility commits to:

- A. Determine the extent and sources of all releases of hazardous wastes or hazardous waste constituents at or from the Facility using quality data;
- B. Evaluate and meet EPA's Environmental Indicators (see "Environmental Indicator Forms" on EPA Region 3's Web site at www.epa.gov/reg3wcmd/correctiveaction.htm);
- C. Perform interim measures at the Facility to prevent or mitigate unacceptable threats to human health and the environment by: 1) controlling human exposures, and 2) controlling migration of any groundwater contamination at or from the Facility from releases of hazardous wastes or hazardous constituents;
- D. Conduct effective public involvement; and
- E. Communicate regularly to EPA, the State, and the community on corrective action progress at agrees to provide an appropriate level of oversight to assist the Facility to meet these goals.

II. WORK TO BE PERFORMED

The Facility agrees to demonstrate achievement of the goals listed in Section I by performing the work (as appropriate) described below. These goals may be achieved through a combination of sampling activities, previous work, and documentation of valid historical data.

A. Develop a Workplan

1. Within ninety (90) calendar days of the date of its Commitment Letter, the Facility agrees to submit a site specific Workplan to EPA. The Workplan is subject to approval by EPA and shall include a strategy and schedule to implement pertinent tasks identified in this Agreement, which include, but are not limited to, the following:

- a. Site characterization (Section II.B)
- b. Quality Assurance and Sampling Plan (Section II.B and D)
- c. Evaluation of Environmental Indicator goals (Section II.C)
- d. Ongoing or planned Interim Measures (Section II.D)
- e. Community Relations Plan (Section II.E)
- f. Reports to EPA (Section II.F and IV)
- g. Selection of a land use scenario (Section II.B)

2. The Facility may also add other tasks to the Workplan.

B. Determine the extent and sources of releases of hazardous wastes or hazardous constituents at or from the Facility using quality data.

1. Site Characterization - The Facility will develop a site specific workplan that determines the nature and extent of all releases of hazardous wastes and hazardous constituents at or from the

Facility. The characterization will include investigative tasks such as sampling, analyses, data validation and data interpretation and will be conducted in a manner consistent with the provisions of Region 3's guidance for a "RCRA Facility Investigation" and guidance for "Risk-Based Screening". (see EPA Region 3's Web site at www.epa.gov/reg3wcmd/correctiveaction.htm for these two guidance documents). Other corrective action references are also available on this Web site. At a minimum, the Facility shall perform the following:

- a. Soil - Identify maximum concentrations and determine the extent of any releases of hazardous wastes and hazardous constituents to soil. Sampling shall continue until concentrations in soil reach Region 3's Risk-Based Concentration (RBC) Table using an appropriate land use scenario approved by EPA (see "Risk-Based Concentration Tables" on EPA Region 3's Web site at www.epa.gov/reg3hwmd/risk/riskmenu.htm). In addition, evaluate the potential of hazardous wastes and hazardous constituents in soil to affect other media through cross media transfer (e.g., screening against Soil Screening Levels "SSLs" for groundwater).
 - b. Groundwater - Determine maximum concentrations of hazardous wastes and hazardous constituents in groundwater and, to the extent practicable, the source of the groundwater contamination. The horizontal and vertical extent of any releases to groundwater shall be delineated until concentrations of hazardous wastes and hazardous constituents in groundwater reach maximum contaminant levels ("MCLs"), or, where no MCLs have been promulgated, Region 3's Risk-Based Concentration (RBC) Table using the tap water column, independent of whether the aquifer is currently utilized as a source of potable water.
 - c. Surface Water and Sediment - Where contaminated groundwater potentially discharges to a surface water body, determine the maximum concentrations of hazardous wastes and hazardous constituents in surface water and sediment, and assess the extent of impact of hazardous wastes and hazardous constituents to the surface water body and sediments to levels considering the state-designated use of the surface water body and the potential exposure to human and/or ecological receptors.
 - d. Air - Where there is the potential for indoor or outdoor air to be contaminated by particulates or vapors through cross-media transfer, determine the maximum concentrations through appropriate methods (e.g., sampling, modeling).
2. Data Quality - The Facility agrees to perform site screening and site characterization through the use of high quality field data collection protocols and appropriate EPA laboratory methods specified in 2.a and 2.b below such that the analytical results accurately represent site characteristics (see "Quality Assurance/Quality Control" document on EPA Region 3's Web site at www.epa.gov/reg3wcmd/correctiveaction.htm). The data collected must support decisions regarding the applicability and effectiveness of interim measures' and/or final remedial decisions. In addition the Facility shall:
- a. Ensure that all laboratories used by the Facility for analyses perform such analyses according to the EPA methods included in "Test Methods for Evaluating Solid Waste" (SW-846, November 1986) or other methods deemed satisfactory to EPA;
 - b. Ensure that all laboratories used by the Facility for analyses participate in a quality assurance/quality control program equivalent to that which is followed by EPA; and
 - c. Ensure that data is reliable by having it data undergo 3rd party data validation.
3. Exposure Assessment - The Facility agrees to identify all potential exposure pathways.
4. Site Screening - The Facility agrees to use the Screening process specified in the Risk-Based Screening document located on EPA Region 3's Web site.

5. Future Land Use - A "reasonably expected future land use" shall be identified for the facility. (See the discussion in the Advanced Notice of Proposed Rulemaking, May 1, 1996). The Facility shall include a schedule in the Workplan for submitting land use information and a plan for sharing land use assumptions with the public.

C. Evaluate and meet EPA's Environmental Indicators.

1. The Facility agrees to assess current exposures and evaluate potential contaminated groundwater migration pathways as priority activities of the site investigation.

2. The Facility agrees to implement Interim Measures as soon as possible to achieve the Environmental Indicator goals.

D. Perform Interim Measures at the Facility to prevent or mitigate threats to human health and/or the environment.

1. The Facility agrees to implement Interim Measures:

a. When it is necessary to protect human health and/or the environment.

b. To meet the Environmental Indicator goals of eliminating current human exposure to and controlling groundwater contamination from releases of hazardous wastes or hazardous constituents to the extent practicable.

Interim Measures implemented shall be consistent with the long term cleanup objectives at the Facility.

2. The Facility will conduct appropriate monitoring and/or confirmatory sampling of Interim Measures to assess their effectiveness. The quantity, quality, and frequency of the monitoring will be dependent upon the Interim Measures selected.

E. Conduct effective public involvement.

1. The Facility agrees to:

a. Develop a Community Relations Plan which will describe how it will conduct public involvement activities to inform the local community, the State and any other interested parties of activities throughout the corrective action process. EPA guidance for conducting effective public involvement in the RCRA program can be found in the RCRA Public Participation Manual, 1996 Edition. (See EPA's Web site at www.epa.gov/epaoswer/hazwaste/permit/pubpart/manual.htm)