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1994

EPA Superfund
Explanation of Significant Differences:

PORTLAND CEMENT (KILN DUST 2 & 3)
EPA ID: UTD980718670
OU 01
SALT LAKE CITY, UT
11/01/1993

Text:

<IMG SRC 0894105>

The Utah Department of Environment Quality (UDEQ) and the U.S. Environmental Protection Agency (EPA) Announce Proposed Modified Remedy

Introduction

The purpose of this document is to request public input on proposed fundamental and significant changes1 to the remedy at the Portland Cement Superfund Site (Site) in Salt Lake City, Utah.

This document was prepared because, in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, EPA and the State consider public input when deciding to fundamentally modify the remedy for a Superfund Site. Also, in accordance with CERCLA, EPA and the State notify the public of any significant changes which have been made to the remedy.

This document:

1. Describes both the original remedy and proposed modified remedy;

2. Provides a convenient summary of the changes to the remedy. This summary

MARK YOUR CALENDAR: PUBLIC INVOLVEMENT OPPORTUNITIES

PUBLIC COMMENT PERIOD:

November 1, 1993, to December, 1993.

Comments on this Proposed Plan may be submitted either orally or in writing at the public meeting, or you can send written comments postmarked no later than December 1, 1993, to:

Robert O' Brien
State of Utah Dept. of Environmental Quality
Div. of Environmental Resp. & Remediation
1950 West North Temple
Salt Lake City, UT 84116

Upon timely request, the comment period may be extended. Such a request should be submitted in writing to UDEQ. The request must be postmarked no later than November 16, 1993.

PUBLIC MEETING

November 10, 1993, 7 p.m. in Room 201 of the UDEQ, Building 2 (above address).

AMENDED RECORD OF DECISION:

Scheduled for January 1994.

INFORMATION REPOSITORIES:

EPA Superfund Records Center
999 18th Street, Fifth Floor
Denver, CO 80202
Hours: M-F 8:00 a.m. to 4:30 p.m.

Utah Department of Environmental Quality
Div. of Environmental Resp. & Remediation
1950 West North Temple, Second Floor
Salt Lake City, UT 84116
Hours: M-F 8:00 a.m. to 5:00 p.m.

1 Words appearing in bold are defined in the glossary at the end of this document.

can be found on page 5 of this document. This summary also provides a distinction between the fundamental changes and the significant changes to the remedy which are being proposed;

3. Identifies key information about the Site which provides the basis for modifying the remedy. This information can be found in the administrative record (AR) for the Site;

4. Evaluates the two remedies to explain why UDEQ and EPA prefer the modified remedy; and

5. Encourages the public to provide input on the remedies being considered and provides information on how to do so.

UDEQ is the lead agency for developing cleanup options and conducting cleanup work at the Site. EPA is the support agency at the Site. Both agencies coordinated developmemt of this Proposed Plan.

This Proposed Plan was prepared in fulfillment of the public participation requirements specified under Section 117(a) and (c) of CERCLA as amended by SARA.

SITE DESCRIPTION:

The 71-acre Site is located near 1000 South Redwood Road, between the Surplus Canal and Indiana Avenue, in Salt Lake City. The area near the Site is primarily commercial and industrial; it also borders residential properties and vacant or agricultural lands. Between 6,000 and 12,000 people live within one mile of the Site. (See Figure 1).

Within the Site boundaries, cement kiln dust (CKD) is present in thickness from three to eight feet. Total CKD volume is estimated to be 500,000 cubic yards. In the western area of the Site, much of the CKD has been mixed with and covered by fill consisting or soil and demolition debris.

CKD is a powdery by-product of the cement manufacturing process. It is alkaline, and contains elevated levels of several heavy metals including arsenic, lead, chromium, cadmium, and molybdenum.

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CKD is exempted from being a hazardous waste under the Resource Conservation and Recovery Act (RCRA), but it is a hazardous substance under CERCLA definitions. For this site, this distinction is important because it means, among other things, that the CKD may be disposed in a less-expensive RCRA Subtitle D industrial landfill as opposed to a more-expensive RCRA Subtitle C hazardous waste landfill.

Between 1963 and 1983, CKD was collected from the Portland Cement Plant in Salt Lake City, and deposited as fill material at the Site. A few hundred tons of chromium-bearing bricks from the plant kiln were also disposed at the Site along with the CKD (the kiln bricks are a hazardous waste).

EPA placed the Portland Cement Site on the National Priorities List (NPL) in June 1986. In order to more efficiently manage cleanup at the Site, it was divided into operable units (OUs). OU-1 was the CKD. OU-2 was the contaminated soils underlying the CKD and chromimium-bearing bricks. The contaminated ground water, which will be addressed in the future, was to be designated as OU-3.

Lone Star Industries, Inc. conducted the remedial investigation/feasibility study (RI/FS) for OU-1 under an agreement with the State. The Site was characterized in several RI Reporcs. For OU-1, the Phase I RI was submitted in July 1986. The Phase II OU-1 RI was submitted in July 1989 to address data gaps in Phase I. The OU-2 remedial investigation/focused feasibility study reports were completed by UDEQ and EPA in November 1991.

Together, the RI/FS studies determined tbe approximate extent of CKD contamination at the Site. The RI/FS studies also included assessments of the risks posed by the Site contaminants. One of the conclusions of the risk assessments was that people are at risk to being exposed to alkaline materials at the Site. For more information on the Site risks, the AR should be consulted. The OU-1 risk assessment is published in the Phase II RI, Volume 1, dated July 21, 1989, and the Record of Decision (ROD) dated July 1990. The OU-2 risk assessment is published in the RI Report for OU-2 dated November 1991 and the ROD dated March 1992. These documents are in the AR.

EPA and UDEQ selected clean-up remedies for OUs 1 and 2 in RODs issued in 1990 and 1992, respectively. These remedies were designed to mitigate or reduce Site risks. The OU-1 and OU-2 remedies are described in detail later in this document.In 1992, after signing the OU-2 ROD, EPA and UDEQ combined OU-1 and OU-2 for remedial design and remedial action (RD/RA).

The OU-1 and OU-2 remedies are hereafter collectively referred to as the combined remedy.

If necessary, ground-water contamination will be addressed by a future ROD. This determination will be made following removal of the CKD and contaminated soils.

This plan proposes to modify the combined remedy.

ORIGINAL COMBINED REMEDY:

The original combined remedy is as follows:

% Removal and off-size disposal of CKD and non-hazardous debris is a landfill built specifically for the Site CKD;

% Removal, treatment, and off-site disposal of contaminated soils and chromium-bearing bricks;

% Ground-water monitoring before and after removal of CKD and contaminated soil; and

% Implementation of institutional controls, as required, to restrict future land-use at the Site.

Estimated Capital Costs[2]:	$23,517,000
Estimated Annual O&M Costs:	$5,000
Estimated Present-Worth Costs:	$19,329,000
Estimated Time to Implement:	5 years

The original combined remedy involves removal and off-site disposal of CKD in a landfill constructed specifically for the Site waste. Co-disposed chromium-bearing bricks would be separated from the CKD and temporarily stored on site. Co-disposed, non-hazardous materials at the Site, such as construction debris, would also be removed and disposed in the landfill along with the CKD. The landfill would be located in the general vicinity of the Salt Lake Valley Landfill in

[2] Itemized cost estimates for the Original and Modified Combined Remedies are published in a memorandum from Michael McCeney (EPA) to the Portland Cement Site File dated October 25, 1993. The subject of the memorandum is "Cost Estimates for the Portland Cement Proposed Modified Combined Remedy". This memorandum is in the AR.

Salt Lake County. It would be constructed as an industrial waste, double-lined landfill.

Site soils contaminated above the action levels would be excavated and treated on site. The stored chromium-bearing bricks at the Site would

also be treated on site. Treated materials would be disposed off site at an appropriate facility. The soil action levels would be, for lead. 500 parts per million (ppm) and, for arsenic, 70 ppm. Following removal activities, the entire Site would be covered with at least 18" of clean backfill.

Ground water at the Site would be monitored both before and after removal of tbe CKD and contaminated soils. The purpose of this monitoring would be to assess the need fore

ground-water remediation in the future.

If necessary, institutional controls in the form of deed restrictions would be imposed. These controls would be designed to control, as necessary, future ground water and land use at the Site. The need for institutional controls would be assessed during remedial design.

NEW INFORMATION:

Since signing the Site RODs, EPA and UDEQ have received new information which has prompted consideration or a modified remedy. This information is as follows:

a. Unsolicited Proposals from Commercial Landfills: Several existing commercial landfills have contacted UDEQ with offers to accept the Portland Cememt CKD. Some or these offers indicate that disposal in commercial landfills may be as or more cost effective than constructing a new landfill.

b. Public Concerns Regarding Landfill Location: Members and leaders of the Salt Lake City and County communities have expressed concerns over the possibility of locating a new landfill in Salt Lake City County.

c. Summitville Emergency Response: In December 1992, EPA began an emergency cleanup at the abandoned Summitville Mine in southern Colorado. EPA has proposed the Summitville site for listing on the NPL. As part of the cleanup activities at the Summitville site, EPA may need to apply acid neutralizing agents at the mine. EPA is considering the use of lime or CKD for this purpose. If the Portland Cememt CKD is determined to be chemically acceptable and can be transported to the mine safely and economically, EPA proposes to use it at the mine.

Use of the CKD for this purpose would not only neutralize acidity of the mine waste but also reduce the pH of the CKD, making the CKD less hazardous. More information on this proposal can be found in AR documents including:
Summerville Disposal Option Cost Analysis
July 2, 1993, prepared by URS Consultants, Inc.

d. EPA Reevaluation of RCRA Applicability: Since signing the OU-2 ROD, EPA has concluded that soils contaminated with CKD are exempt

from regulation under the RCRA Subtitle C law (as is CKD).3 Previously, EPA took the position that soils contaminated with CKD were considered a hazardous waste and subject to RCRA Subtitle C requirements. One such RCRA Subtitle requirements is that the waste be treated prior to disposal. Under EPA's new RCRA interpretation soils that are contaminated with CKD do not need to be treated prior to disposal.

e. Value Engineering: During value engineering sessions, EPA and UDEQ made two cost saving determinations:

1) Since soils do not need to be treated prior to disposal, chromium-bearing bricks can be treated

less expensively, off site than on site. The cost savings would be due primarily to reduced amount of materials requiring treatment. If only the chromium-bearing bricks require treatment, it becomes more expensive to design, mobilize, and operate a treatment facility on the Site than to send the materials to an existing treatment facility off site.

2) Non-hazardous debris which has been disposed along with the CKD at the Site can be safely re-used at the Site as fill material following removal of the CKD. Studies indicate that there approximately 300,000 cubic yards of construction removal debris mixed with soil fill at the Site, mostly concentrated in the west portion. Value engineering indicates that this soil and debris may provide a safe and cost-effetive fill material for the Site.

3 This determination was set forth in a memorandum from EPA Headquarters offices to EPA Region VIII dated June 30, 1993. The Subject of this memorandum is "Clarification of RCRA Applications to Soils Contaminated by Cement Kiln Dust." This memorandum is in the AR.

MODIFIED COMBINED REMEDY:

Based on analysis of the new information outlined above, EPA and UDEQ propose the following modified combined remedy:

% Removal and off-site disposal of CKD. Disposal could occur in various types of facilities;

% Off-site disposal of contaminated soils without prior treatment;

% Off-site treatment and disposal of chromium-bearing bricks;

% Reuse of non-hazardous debris as Site fill material:

% Ground-water monitoring before and after removal of CKD and contaminated soil: and

Implementation of institutional controls, as required, to restrict future land-use at the site.

Estimated Capital Costs:	$21,781,000
Estimated Annual O&M Costs:	5,000
Estimated Present-Worth Costs:	18,641,000
Estimated Time to Implement:	3-5 years

SUMMARY OF CHANGES TO COMBINED REMEDY

The differmces between the original and proposed modified combined remedies are summareized below. This summary also indicates which changes to the remedy EPA and UDEQ consider fundamental changes rather than significant changes:

Original Combined Remedy	Modified Combined Remedy
Fundamental Changes:	
° Treat contaminated soils to meet land-ban restrictions (apply RCRA Subtitle C to soils); and	° Do not treat contaminated soils prior to disposal; and
° Non-hazardous debris at the Site is to be removed and disposed off site.	° Non-hazardous debris would either be used as Site backfill or disposed off site.
Significant Changes:	
° Removal and off-site disposal of CKD. Construct landfill near Salt Lake Valley for off-site disposal of CKD:	° Removal and off-site disposal of CKD, Consider the following options for off-size disposal: a. Dispose of in a permitted commercial landfill; b. Use as a resource at Summitville Mine or otber industrial operation; c. Construct a landfill off site;
° Use double liner for landfill interior and cap with vegetated layer; and	° Type of liners used would depend on regulations governing the landfill chosen for disposal; and
° Treat chromium-bearing bricks on site.	° Treat chromium-bearing bricks off site.

The modified combined remedy involves removal and off-site disposal or CKD. Disposal could occur in the following types of facilities: a) a landfill constructed off site specifically for the Site CKD (as in the original remedy); b) a commercial landfill: or c) an industrial operation for re-use of the material (such as the proposed Summitville Superfund Site). One or a combination of these options would be selected during remedial design. Construction or a new landfill (option (a) above) would be considered only if options {b) and (c) are found to be not viable nor cost effective. Final selection of the option(s) will be based upon an evaluation of which options best meet EPA's mine criteria. (EPA's nine evaluation criteria are described later in this document). The landfill(s) chosen would be lined and/or capped according to applicable laws. Co-disposed non-hazardous materials at the Site would either be disposed off site or used at the Site as backfill. (This decision would also be made during remedial design and will be based on whether it is possible to economically separate CKD from non-hazardous debris.)

CKD-contaminated soils would be removed and disposed off site. Contaminated soils would not be treated prior to disposal. Chromium-bearing bricks would be separated from the CKD and be treatment and disposed off site. Following removal activities, the entire Site would be backfilled with

a minimum of 18" of clean backfill.

Ground water at the Site would be monitored both before and after removal of the CKD and contaminated soils. The purpose of this monitoring would be to assess the need for ground-water remediation in the future.

If necessary, institutional controls in the form of deed restrictions would be imposed. These controls would be designed to control, as necessary, future land and ground water use at the Site. The need for institutional controls would be assessed during remedial design.

EVALUATION OF THE ALTERNATIVES
AND THE PREFERRED ALTERNATIVE:

The preferred alternative is the Modified Combined Remedy, as described above. Although UDEQ is currently designing the combined remedy in its significantly modified form, a decision on making the fundamental and significant changes to the original remedy will not become final until interested parties have had a chance to review and comment on the proposed changes. Based on new information or public comments received during the public comment period, EPA and UDEQ may further modify the Modified Combined Remedy, including reverting back to the Original Combined Remedy. UDEQ and EPA, therefore, encourage the public to review and comment on the alternating provided in tbis proposed plan. The RI/FS documents and the original RODs should be consuted for more information on these alternatives. These documents are in the AR.

The two alternatives (the Original Combined Remedy and the Modified Combined Remedy) were evaluated using EPA's nine criteria, which are summarized as follows:

1. Overall Protection of Human Health and the Environment addresses whether or not a remedy provides adequate protection and describes how risks posed through each pathway are eliminated reduced, or controlled.

2. Compliance with Applicable or Relevant and Appropriate Requirements (ARARs) addresses whether or not a remedy will meet all Federal and State

   environmental laws and/or provide grounds for a waiver.

3. Reduction of Toxicity, Mobility or Volume through Treatment refers to the preference for a remedy that reduces health hazards, the movement of contaminants, or the quantity of contaminants at the Site.

4. Long-term Effectiveness and Permanence refers to the ability of a remedy to maintain reliable protection of human health and the environment over time.

5. Sbort-term Effectiveness refers to the period of time needed to complete the remedy, and any adverse impacts on human health and the environment that may be posed during the construction and implementation of the remedy.

6. Implementability refers to the technical and administrative feasibility of remedy, including the availability of materials and services needed to implement the chosen solution. It also includes coordination of federal, state and local governments to clean up the Site.

7. Cost evaluates capital, operation, and maintenance costs of each alternative and compares costs among similarly protective remedies.

8. State Acceptance indicates whether the State concurs with opposes, or has no comment on the Preferred Alternative.

9. Community Acceptance includes determining which components of the alternatives interested persons in the community support, have reservations about, or oppose. This assessment will not be completed until public comments on the Proposed Plan are received.

UDEQ and EPA's comparative analysis of the two alternatives (the Original Combined Remedy and the Modified Combined Remedy) is as follows:

Both alternatives would be equally protective of human health and the environment in attaining risks reduction at the Site. Moreover, both alternatives would comply with all ARARs at the Site.4 Off-site disposal, with both alternatives, would be conducted in accordance with EPA's Final Off-site Rule.

Both alternatives provide significant reduction of toxicity, mobility or volmne of Site wastes. The modified remedy would better reduce toxicity of CKD if an industrial use is found such as at the Summitville Mine. Although the original remedy would better reduce toxicity of contaminated soil because the soil would be treated prior to disposal, EPA and UDEQ have determined that disposal of the untreated, contaminated soils in an acceptable off-site facility would sufficiently address the need for reduction in toxicity. mobility, or volume of the contaminated soils.

The original remedy better controls CKD mobility because CKD would definitely go to a double-lined landfill. However, EPA and UDEQ have determined that so long as the CKD is disposed in a facility that does not have any environmentally significant releases of hazardous substances, there will be a sufficient reduction of CKD mobility. The modified remedy would have CKD disposed in a facility that meets this requirement, whether or not the facility is double-lined. Both alternatives equally reduce toxicity, mobility, or volume of chromium-bearing brick through treatment.

Both alternatives provide for long-term protectiveness.Under both alternatives, all source contaminated would be removed from the Site.

The modified remedy is more effective in the short-term because it could be implemented by the end of 1994. The original remedy, on the other hand, would likely take two to three years longer. However, the modified remedy is less protective in the shore-term due to risks associated with transporting contaminated materials because chromium-bearing bricks will be treated off site and soils would no longer be treated at all.

The modified remedy is more implementable because there are more options for disposal of CKD. As described above, several existing commercial landfills are interested in receiving the CKD. Moreover, because soils no longer require treatment, design and development of a treatment system is no longer necessary. The availability of an industrial use for the CKD, however, is uncertain.

The modified remedy attains the risk reduction goals established for the Site more cost-effectively than the original remedy. A commercial facility or industrial application would be used for disposal of CKD only if it is more cost effective then constructing a landfill. The estimated present worth cost of the modified remedy is at least$688,000 less than she estimated cost of the original remedy.

State and Community Acceptance will be fully evaluated at the end of the public comment period.

4 Draft ARARs for the Modified Combined Remedy are summarized in a memo from Mike McCeney to the Portland Cement Site file dated October 29, 1993. The subject of the memo is "Draft ARARs for the Portland Cement Modified Combined Remedy." This memo is in the AR.

UDEQ and EPA believe that the preferred modified combined remedy meets the threshold evaluating criteria of the National Contingency Plan (NCP) and provides the best balance of the remaining NCP evaluating criteria among the two alternatives. Based on the information available at this time, UDEQ and EPA believe the modified remedy would: protect human health and the environment: comply with ARARs; be cost-effective; and utilize permanent solution and alternative treatment technologies or resource recovery technologies to the maximum extent practicable. The modified remedy would, in part satisfy the preference for treatment as a principle element.

GLOSSARY

Action level: An amount of contaminant in soil, air, or water at which EPA and the State believe a response is necessary. Action levels vary from site to site based on potential exposures.

Administrative Record (AR): The body of documents upon which EPA and the State base a cleanup decision at a Superfund Site. By law, the AR must be made available at a repository located near the Superfund site. The AR for this Site may be found at the Information Repositories listed on the fromt of this fact sheet.

Alkaline: A tenn used to describe substances which have high pH (greater than 7). Opposite of an acid.

Cement Kiln Dust (CKD): A powdery by-product of the cement manufacturing process. It is alkaline and contains elevated levels of several heavy metals.

CERCLA: An abbreviation for the Comprehensive Environmental Response. Compensation, and Liability Act or Superfund, 42 U.S.C. § 9601, et seq. CERCLA is a law passed in 1980 that esablished a program to identify abandoned hazardous waste sites, ensure that they are cleaned up, evaluate damages to natural resources, and create claims procedures for parties who cleaned up the sites.

Fundamental Changes: Changes to a Superfund Site remedy are considered fundamental when they fundamentally alter the way in which wastes are managed at the site. Fundamental chauges to a remedy must be made through an amended ROD.

Hazardous Substance: Under CERCLA, any material which when released, or when threatened to be released to the environment, is found by EPA to pose a substantial threat to public health, welfare or the environment.

Hazardous Waste: Under RCRA, a solid waste which is so dangerous it must be managed under especially strict requirements. Wastes are considered to be hazardous if, among other things, they are highly toxic, ignitable, corrosive, or contain certain other hazartous characteristics.

Institutional Controls: Controls, either legal or physical, which prevent individuals from coming into contact with contaminated portions of a Superfund site. These controls include fencing, warning signs, deed restrictions, ant other land-use restrictions.

National Contingency Plan (NCP): A body of federal regulations governing the implememtation of CERLA. The NCP can be found at 40 CFR Part 300.

National Priorities List (NPL): The EPA's list of the most serious uncontrolled and/or abandoned hazardous waste sites. NPL sites are eligible for possible long-term cleanup under Superfund.

Off-site Rule: An amendment to the NCP which regulates the off-site transfer of CERCLA waste. The Off-site rule can be found at 40 CFR Part 300.440. The Off-site Rule was finalized on September 22, 1993, and became effective on October 22, 1993.

Operable Unit (OU): A term used to describe a certain portion of a Superfund site.

Operation and maintcnance (O&M) costs: The annual costs of ensuring that a remedial alternative is protective.

pH: A measure of the acidity or alkalinity of a liquid or solid material.

Resource Conservation and Recovery Act (RCRA): A Federal law found at 42 U.S.C. § 6901 et. seq., that established a regulatory system to track hazardous substances from the time of generation to disposal. The law requires safe and secure procedures to be used in treating, transporting, storing, and disposing of hazardous substances. The regulations implementing RCRA can be found at 40 CFR Parts 260-281.

RCRA Subtile C Hazardous Waste Landfill: A disposal facility where waste is placed in or on land. Subtitle C landfills are disposal sites for RCRA hazardous waste. They are designed to minimize the chance of release of hazardous substances in the environment.

RCRA Subtitle D Industrial Landfill: A disposal facility where waste is placed in or on land. Subtide D landfills are disposal sites for non-hazardous solid wastes.

Record of Decision (ROD): A public document that explains which cleanup alternative(s) will be used to clean up sites listed on the NPL.

Remedial Design/Remedial Action (RD/RA): Remedial Design is a phase of site cleanup where engineers design the technical specifications for cleanup remedies and technologies. Remedial Action is the actual construction or implementation phase of a Superfund site cleanup, following the remedial design.

Remedial Investigation/Feasibility Study (RI/FS): Remedial Investigation is an in-depth study designed to gather the data necessary to determine the nature and extent of contamination at a Superfund site, identify the preliminary alternatives for cleanup actions, and support the technical and cost analyses of the alternatives. The Feasibility Study is the analysis of the potential cleanup alternatives for a site.

Significant Changes: Changes to a Superfumd site remedy are considered significant when they are incremental changes to a component of a remedy that do not fundamentally alter the overall clean-up approach at the Site. EPA and the State notify the public of significant changes by issuing an Explanation of Significant Differences fact sheet.

Value Engineering: An organized approach to identifying costs that do not contribute measurably to a project's quality, effectiveness or durability.

FOR MORE INFORMATION, YOU MAY CONTACT:

If you have questions or would like more technical information, please contact:

Robert M. O'Brien, UDEQ Project Manager
1-801-536-4100

-OR-

Michael H. McCeney, EPA Project Manager
1-800-227-8917, Ext. 7169

For additional information, you may contact:

Dan Ford, UDEQ Community Relations
1-801-536-4100

-OR-

Hal Dunning, EPA Community Relations
1-800-227-8917, Ext. 1142

State of Utah Dept. of Environmental Quality
Div. of Environmental Resp. & Remediation
1950 West North Temple
Salt Lake City, UT 84114-4840

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

OCT 22 1993

Ref: 8HWM-SR

MEMORANDUM

FROM: Michael McCeney, Remedial Project Manager

TO: Robert L. Duprey, Director
Hazardous Waste Management Division

SUBJECT: Concurrence on Final Explanation of Significant Differences (ESD) and Proposed Plan to Amend the RODs for the Portland Cement Superfund Site

This memo is to request that you approve the attached Portland Cement Superfund Site Final Proposed Plan/Explanation of Significant Differences. Because we plan to issue this Plan on October 28, I ask that you respond to this request by COB Monday, October 25. ORC, OEA and SR have concurred on this Plan; attached are the concurrence memos.

This plan is "hybrid" as it serves both as an explanation of significant differences to the Portland RODs as well as a proposed plan to fundamentally alter the remedy. The Plan discerns between significant and fundamental changes to the remedy for primarily two reasons: first, the Portland team believes that there is such a distinction among the modifications, and second, to avoid being accused of having pre-selected our modified remedy. EPA and the State could be so accused because we have been proceeding with design of the significantly modified remedy and we intend to commence our RA contractor procurement process before the ROD amendment is signed by the Regional Administrator.

The State concurs on this Plan. The Plan will be issued on joint EPA and State letterhead and it indicates that the State is the lead-agency.

The Plan will be formatted in accordance with the EPA Model Proposed Plan.

Please indicate your approval or disapproval of this plan by signing one of the following:

_____
Robert L. Duprey

Yes, I approve of the attached Proposed Plan/ESD

_____
Robert L. Duprey

No, I do not approve of the attached Proposed Plan/ESD

cc: Diana Shannon
Laura Clemmens
Bob O'Brien, UDEQ
Nancy Mangone
Hal Dunning