

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IV

IN THE MATTER OF: )

THE AQUA-TECH ENVIRONMENTAL, )  
INCORPORATED, SITE )

GREER, SOUTH CAROLINA )

10117501 )



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Proceeding under Sections  
104, 122(a) and 122(d)(3)  
of the Comprehensive  
Environmental Response,  
Compensation and Liability  
Act of 1980, as amended,  
42 U.S.C. §§ 9604 and 9622.  
EPA Docket Number: 95-33-C

ADMINISTRATIVE ORDER BY CONSENT  
FOR REMEDIAL INVESTIGATION/FEASIBILITY STUDY

I. JURISDICTION

This Administrative Order by Consent (Consent Order) is entered into by the United States Environmental Protection Agency (EPA) and the parties listed on Attachment A hereto, (hereinafter collectively referred to as "Respondents"), pursuant to the authority vested in the President of the United States by Sections 104, 122(a) and 122(d)(3) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. §§ 9604, 9622(a) and 9622(d)(3). This authority was delegated by the President to the Administrator of the EPA by Executive Order Number 12580, dated January 23, 1987, 52 Fed. Reg. 2923 (January 29, 1987), and was further delegated to the Regional Administrator of Region IV EPA and redelegated to the Director, Waste Management Division.

Without admitting any liability, Respondents agree to undertake all actions required by the terms and conditions of this Consent Order for the conduct and implementation of the Remedial Investigation and Feasibility Study (RI/FS) at the Aqua-Tech Environmental, Incorporated, Site (the Site). Respondents consent to and will not contest EPA jurisdiction regarding this Order.

II. PARTIES BOUND

This Consent Order shall apply to and be binding upon EPA and the Respondents, including but not limited to, their agents, successors, and assigns. Respondents are each responsible for carrying out all actions required of them by this Consent Order. The signatories to this Consent Order certify that they are authorized to execute and legally bind the parties they represent to this Consent Order. No change in the ownership or corporate status of the Respondents shall alter their responsibilities

Respondents shall provide a copy of this Consent Order to any subsequent successors or assigns before ownership rights are transferred. Respondents shall provide a copy of this Consent Order to all contractors, the principal subcontractors, and all laboratories, and consultants which are retained to conduct any work performed under this Consent Order, within fourteen (14) days after the effective date of this Consent Order or the date of retaining their services, whichever is later. Respondents shall condition any such contracts upon satisfactory compliance with this Consent Order. Notwithstanding the terms of any contract, Respondents are responsible for compliance with this Consent Order and for ensuring that their subsidiaries, employees, contractors, consultants, subcontractors and agents comply with this Consent Order.

### III. STATEMENT OF PURPOSE

In entering into this Consent Order, the mutual objectives of EPA and Respondents are: (A) with respect to the Remedial Investigation (RI), to determine fully the nature and extent of the threat to the public health or welfare or the environment caused by the release or threatened release of hazardous substances, pollutants, or contaminants at or from the Site into the environment; and (B) with respect to the Feasibility Study (FS), to develop and evaluate alternatives for remedial action to prevent, mitigate or otherwise respond to the migration or the release or threatened release of hazardous substances, pollutants, or contaminants from the Site; and (C) to recover response and oversight costs incurred by EPA with respect to this Consent Order.

The activities conducted pursuant to this Consent Order will be consistent with the National Contingency Plan (NCP), 40 C.F.R. Part 300, et seq., and will be subject to the express EPA approvals as set forth below.

### IV. EPA FINDINGS OF FACTS

The following constitutes an outline of the facts upon which this Consent Order is based:

A. The Aqua-Tech Environmental, Inc., Site (the Site) is located on approximately 180 acres on County Road 47-644 near its intersection with South Carolina Highway 290, approximately five (5) miles east of Greer, South Carolina. Aqua-Tech Environmental, Incorporated, operated as a hazardous waste treatment, recycling, reclamation and storage facility which accepted many types of hazardous substances from off-Site sources.

B. The original owner/operator of the facility, Groce Laboratories, Incorporated, began accepting waste in 1976. Aqua-Tech Environmental, Incorporated, purchased the facility on April 30, 1987, and operated the company under the name Aqua-Tech/Groce

Laboratories from that date until 1990. Thereafter, the name of the facility was changed to Aqua-Tech Environmental, Incorporated.

C. The Site is bordered on the north by a Southern Railroad line, to the west by privately owned farm land, to the east by State Highway 644, and to the south by privately owned woodland. Three (3) residences are located approximately three hundred (300) feet east of the Site and several other homes are located approximately three hundred (300) feet northwest of the Site. There are also nearby residences and business establishments located on South Carolina Highway 47-644 and in the towns of Greer, South Carolina, and Duncan, South Carolina, which is two (2) miles from the Site.

D. Aqua-Tech Environmental, Incorporated, is a corporation organized in 1979 under the laws of the State of South Carolina. Aqua-Tech Environmental, Incorporated, is a wholly-owned subsidiary of Aqua-Tech, Incorporated, which is headquartered at 140 S. Park Street, Port Washington, Wisconsin 53074. On October 11, 1991, Aqua-Tech Environmental, Incorporated, filed a petition under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of South Carolina, Case Number 91-06258. Subsequently, on May 8, 1992, the Chapter 11 case was dismissed.

E. Groce Laboratories, Incorporated, initially, and Aqua-Tech Environmental, Inc., later operated an interim status treatment, storage, and disposal facility at the Site under the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq. The facility was registered with EPA as a hazardous waste treatment, storage, and disposal facility (EPA ID No. SCDO58754789).

F. The facility accepted acids, oxidizers, poisons, reactives, corrosives, explosives, flammables, shock sensitive materials, cyanides and arsenic wastes, halogenated and non-halogenated organics and other hazardous wastes for treatment, storage and/or disposal. The facility's primary processes consisted of the treatment of phosphorus trichloride, the processing of laboratory pack materials, the recovery of metals (primarily from off-specification ammunition), the processing and storage of compressed gas cylinders, the management of containers storing hazardous materials, the neutralization of acids and bases, and the blending of fuels.

G. The State of South Carolina and EPA Region IV's RCRA compliance program inspected the facility on numerous occasions during the 1980's and noted a number of violations of state and federal laws and regulations. From 1982 through 1991, Groce Laboratories, Incorporated, and its successor Aqua-Tech Environmental, Inc. entered into six Administrative Orders on Consent with the State of South Carolina to address regulatory violations at the Site.

H. Deficiencies noted by the State of South Carolina and EPA during inspections included the unpermitted discharge of hazardous materials to the environment, the storage of hazardous waste in unpermitted areas, unmarked containers of hazardous waste, bulging containers holding hazardous waste, hundreds of waste containers being stored in violation of applicable land disposal restrictions, and the accumulation of rain water in such a manner as to permit its contact with hazardous materials.

I. On August 4, 1983, a fire occurred at the process/distillation area of the Site. During the fire, unknown quantities of hazardous substances were released into the environment.

J. On March 4, 1990, a fifty five (55) gallon drum of hazardous waste caught fire at the Site. A firefighter responding to the fire was overcome by the dense cloud of black smoke generated by the fire and ninety (90) people were evacuated. Another incident occurred when four (4) drums of off-specification igniter sustainer mixtures to the facility. When they inspected the containers, Aqua-Tech Environmental, Incorporated, officials discovered that the material was improperly packaged. While repacking the material on April 19, 1990, two (2) drums of off-specification igniter sustainer mixtures detonated, severely injuring two (2) people and destroying a truck and a towmotor. On July 10, 1990, Aqua-Tech Environmental, Incorporated, held a controlled explosion to destroy two (2) more drums of igniter sustainer mixtures, prior to which thirty-two (32) nearby residents were evacuated for safety.

K. On August 27, 1991, EPA Region IV's RCRA compliance program and the State of South Carolina jointly inspected the facility and reported the following conditions: (1) the solvent recovery containment area held potentially contaminated water collected from several drum storage areas (this water was approximately two (2) feet deep, which was at the level of the bottom of several storage tanks and within several inches of overflowing the containment area); (2) numerous containers of hazardous waste were open; (3) hazardous waste containers were leaking or were deteriorating; (4) hazardous waste containers were warmer than other metal containers on the compatible acid storage pad, indicating an exothermic reaction with contaminated rainwater; (5) a container of phosphorus trichloride was reacting and releasing a hazardous gas. The inspectors also observed approximately 430 gas cylinders, containing flammable materials, poisons and freon, in varying deteriorating conditions about the Site. During the inspection, Aqua-Tech Environmental, Incorporated, personnel reported that an employee had just been overcome by fumes and seriously injured in the reactive area while unpacking laboratory pack materials.

L. Following the inspection described above, the State of South Carolina issued an Emergency and Administrative Order,

Number 91-52-SW, to Aqua-Tech Environmental, Incorporated, under which the State of South Carolina determined that Aqua-Tech Environmental, Incorporated, had failed to operate the facility in compliance with South Carolina laws and regulations and with the Orders which Aqua-Tech Environmental, Incorporated, had previously entered into with the State of South Carolina. The State of South Carolina concluded in the Order that the Aqua-Tech Environmental, Incorporated, facility is an uncontrolled hazardous waste site. In the Order, the State of South Carolina revoked the facility's interim status and ordered the facility immediately to cease its receiving, shipping, recycling, and treatment activities. Thereafter, the State of South Carolina denied the facility's Part B application for an operating permit.

M. On September 12, 1991, the State of South Carolina requested assistance from EPA in order to address the contamination at the Site.

N. EPA Region IV assumed responsibility for conducting the cleanup at the Site on January 20, 1992. In May 1992, EPA issued a Unilateral Administrative Order to ninety-eight potentially responsible parties (PRPs) requiring them to perform cleanup activities. The PRP group provided Site security, removed drummed waste cylinders, lab packs, and treatment residuals, and performed limited soil sampling at the Site. The removal action was conducted by the PRPs under the direct oversight of EPA. The removal action was completed in early 1994.

O. Each of the Respondents listed on Exhibit A is a generator which allegedly sent over 30,000 pounds of hazardous substances to the Site. Respondents were identified as generators through various means including quarterly reports filed by the facility with SCDHEC and hazardous waste manifests.

P. This Site was recently listed on the National Priorities List (NPL) as part of Final Rule #13 published in Federal Register on December 16, 1994.

#### V. EPA CONCLUSIONS OF LAW

A. The Site is a facility within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

B. Respondents are persons as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

C. Respondents are potentially responsible parties under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

D. The contaminants that were found at the Site as described in Section IV above are hazardous substances within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), or constitute a pollutant or contaminant that may present an

imminent and substantial danger to the public health or welfare under Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1).

E. Hazardous substances at the Site have been released into the environment and the potential migration pathways of such hazardous substances constitute both an actual release and threatened release within the meaning of Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

#### VI. DETERMINATIONS

Based on the Findings of Fact and Conclusions of Law set out above, EPA has determined that:

A. There have been actual releases of hazardous substances into the environment and there may continue to be actual and/or threatened releases of hazardous substances from the Site.

B. The actions required by this Consent Order are necessary to protect the public health and/or welfare and/or the environment.

C. In accordance with Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1), EPA has determined that the work to be performed pursuant to this Consent Order, if performed according to the terms of this Order, will be done properly and promptly by the Respondents. EPA has also determined that the Respondents are qualified to conduct such work.

#### VII. WORK TO BE PERFORMED

All aspects of the Work to be performed by Respondents pursuant to this Consent Order shall be under the direction and supervision of a qualified contractor who shall be a qualified professional engineer or geologist with expertise in hazardous site cleanup, the selection of which shall be subject to approval by EPA. Within fifteen (15) days after the effective date of this Consent Order, Respondents shall submit to EPA in writing the name, title, and qualifications of any supervising contractor proposed to be used in carrying out the RI/FS to be performed pursuant to this Consent Order. EPA shall notify the Respondents of its approval or disapproval, including the basis for its disapproval, in writing, within twenty (20) calendar days of its receipt of this submission by Respondents.

If EPA disapproves of the selection of any contractor, Respondents shall submit a list of alternate contractors to EPA within fifteen (15) days of receipt of EPA's disapproval of the contractor previously selected. EPA shall, within twenty (20) calendar days of receipt of the list, provide written notice of the names of the contractors that it approves. Respondents may, at their election, select any one from that list. Respondents shall notify EPA of the name of the contractor selected within

fifteen (15) calendar days of EPA's notice of the approved contractors.

If, at any time thereafter, Respondents propose to change any contractor, Respondents shall give written notice to EPA and shall obtain approval from EPA before the new contractor performs any work under this Consent Order.

Based on the foregoing, it is hereby AGREED TO AND ORDERED that the following work will be performed:

A. Within sixty (60) calendar days of the effective date of this Consent Order, Respondents shall submit to EPA a plan for a complete Remedial Investigation and Feasibility Study (RI/FS Work Plan). The RI/FS Work Plan shall be developed and submitted in conjunction with a Sampling and Analysis Plan and a Health and Safety Plan, although each plan may be delivered under separate cover. These plans shall be developed in accordance with the National Contingency Plan and the attached Scope of Work (SOW) (Attachment B) which is hereby made a part of this Consent Order as if fully set forth herein.

The RI/FS Work Plan shall include a comprehensive description of the work to be performed, the medias to be investigated (i.e., air, groundwater, surface water, surface and subsurface soils and sediments, etc.), the methodologies to be utilized, and the rationale for the selection of each methodology. A comprehensive schedule for completion of each major activity required by this Consent Order and including the submission of each deliverable listed in the RI/FS Scope of Work shall be appended to the Scope of Work.

The Sampling and Analysis Plan (SAP) shall include procedures to ensure that sample collection and analytical activities are conducted in accordance with technically acceptable protocols and that the data generated will meet the Data Quality Objectives (DQOs) established. The SAP provides a mechanism for planning field activities and consists of a Field Sampling and Analysis Plan (FSAP) and a Quality Assurance Project Plan (QAPP). The SAP will be used for all sample collection and analytical activities, however, prior to the commencement of any individual project, project specific requirements must be documented by the parties through written agreement.

The FSAP shall define in detail the sampling and data-gathering methods that shall be used on the project. It shall include sample objectives, sample location (horizontal and vertical) and frequency, sampling equipment and procedures, and sample handling and analysis. The QAPP shall describe the project objectives and organization, functional activities, and quality assurance and quality control (QA/QC) protocols that shall be used to achieve the desired DQOs.

A Health and Safety Plan shall be prepared in conformance with the Respondents' health and safety program and OSHA regulations and protocols.

B. Within forty-five (45) days of the effective date of this Agreement, Respondents shall submit a proposal to perform the Baseline Risk Assessment. Such proposal shall discuss the criteria outlined in EPA guidance entitled "New Policy on Performance of Risk Assessments During Remedial Investigation/Feasibility Studies Conducted by Potentially Responsible Parties" OSWER Directive No. 9835.15b. If EPA approves Respondents' proposal, Respondents will perform the Baseline Risk Assessment. Review of Respondents' proposal shall be consistent with Section VIII hereof (Submissions Requiring Agency Approval). The major components of the Baseline Risk Assessment include contaminant identification, exposure assessment, toxicity assessment, and human health and ecological risk characterization.

In the event that EPA prepares the Baseline Risk Assessment, EPA will provide, after review of the Respondents' site characterization summary, sufficient information concerning the risks so that Respondents can begin drafting the Feasibility Study (FS) Report.

The Baseline Risk Assessment Report will be prepared based on the data collected by Respondents during the Site Characterization. The Baseline Risk Assessment Report will be released to the public at the same time the final RI Report is released. Both reports will be put into the administrative record for the Site.

EPA will respond to all significant comments on the Baseline Risk Assessment that are resubmitted during the formal comment period in the Responsiveness Summary of the Record of Decision.

C. Respondents will implement the RI/FS Work Plan approved by EPA. The EPA approved RI/FS Work Plan and any EPA approved amendments thereto will be attached to and incorporated in this Consent Order as Attachment C. The RI/FS will be conducted in accordance with the schedule contained in the RI/FS Work Plan as approved by EPA.

D. Within seven (7) calendar days of the approval of the RI/FS Work Plan by EPA, Respondents will commence work on Task 1 of the RI/FS Work Plan.

E. Respondents shall submit to EPA written monthly progress reports which: (1) describe the actions which have been taken toward achieving compliance with this Consent Order during the previous month; (2) include all results of sampling and tests and all other data received by Respondents during the course of the previous month; (3) include all plans and procedures completed under the Work Plan during the previous month; (4)

describe all actions, data, and plans which are scheduled for the next month, and provide other information relating to the progress of the work as deemed necessary by EPA; and (5) include information regarding percentage of completion, unresolved delays, encountered or anticipated, that may affect the future schedule for implementation of the Scope of Work and/or RI/FS Work Plans, and a description of efforts made to mitigate those delays or anticipated delays. These progress reports are to be submitted to EPA by the fifth day of every month following the effective date of this Consent Order.

F. Deliverables, including reports, plans or other correspondence to be submitted pursuant to this Consent Order, shall be sent by regular certified mail, express mail or overnight delivery to the following addresses or to such other addresses as the EPA hereafter may designate in writing.

Mr. Rutherford B. Hayes  
Remedial Project Manager  
U.S. Environmental Protection Agency, Region IV  
Waste Management Division  
345 Courtland Street, N.E.  
Atlanta, Georgia 30365

The number of copies to be submitted to EPA for each deliverable is identified in the RI/FS Scope of Work.

For informational purposes documents (two copies) shall be sent to:

Mr. Mike Klender  
Project Coordinator  
Division of Site Engineering and Screening  
Bureau of Solid and Hazardous Waste Management  
South Carolina Department of Health and  
Environmental Control  
2600 Bull Street  
Columbia, South Carolina 29201

G. EPA may determine that other tasks, including remedial investigatory work and/or engineering evaluation, are necessary as part of an RI/FS in addition to EPA-approved tasks and deliverables, including reports, which have been completed pursuant to this Consent Order. EPA will offer Respondents an opportunity to discuss the necessary additional tasks. The Respondents shall thereafter implement any additional tasks which EPA determines are necessary as part of the RI/FS and which are in addition to the tasks detailed in the RI/FS Work Plan. The additional work shall be completed in accordance with the standards, specifications, and schedule determined or approved by EPA.

### VIII. SUBMISSIONS REQUIRING AGENCY APPROVAL

A. EPA reserves the right to comment on, modify and direct changes for all deliverables. Upon receipt of any plan, report or other item which is required to be submitted for approval pursuant to this Consent Order, EPA shall either: (1) approve the submission; or (2) disapprove the submission by issuing Respondent a notice of disapproval which shall include a discussion of any deficiencies. If such submission is disapproved, EPA shall direct the Respondents to modify the submission to cure the deficiencies. Submission of a deliverable which is not approved by EPA pursuant to this subparagraph, does not constitute a violation under this Consent Order.

B. Upon receipt of a notice of disapproval and notification directing modification of the submission, Respondents shall, within thirty (30) days, cure the deficiencies and resubmit the plan, report, or other item for approval. Notwithstanding the notice of disapproval, Respondents shall proceed to take any action required by any nondeficient portion of the submission.

C. In the event of approval or modification of the submittal by EPA, Respondents shall proceed to take any action required by the plan, report, or other item, as approved or modified.

D. If, upon resubmission, the plan, report, or item is not approved, EPA shall either: (1) modify or amend the submission to cure minor deficiencies; or (2) issue a written notice of formal disapproval of the document. In the event that the resubmission was disapproved based on a material deficiency, EPA shall deem Respondents to be in violation of this Consent Order and stipulated penalties shall then begin to accrue pursuant to Section XVI of this Consent Order. EPA retains the right to seek stipulated or statutory penalties, to amend or modify the document or require the amendment or modification of the document, to perform additional studies, to conduct a complete RI/FS pursuant to its authority under CERCLA, and to take any other action, including, but not limited to, enforcement action to recover its costs pursuant to its authority under CERCLA.

E. Neither failure of EPA to expressly approve or disapprove of Respondents' deliverables within a specified time period, nor the absence of comments, shall be construed as approval by EPA. Respondents are responsible for preparing and submitting deliverables acceptable to EPA.

F. Respondents shall make presentations at, and participate in, meetings at the request of EPA during the initiation, conduct and completion of the RI/FS. In addition to the discussion of the technical aspects of the RI/FS, topics will include anticipated problems or new issues. Meetings will be scheduled at mutually convenient times.

G. The provisions of this Consent Order shall govern all proceedings regarding the RI/FS work conducted pursuant to this Consent Order. In the event of any inconsistency between this Consent Order and any required deliverable submitted by Respondent, the inconsistency will be resolved in favor of this Consent Order.

#### IX. DESIGNATED PROJECT COORDINATORS

A. Within fifteen (15) days of the effective date of this Consent Order, EPA and Respondents will each designate a Project Coordinator and an Alternate Project Coordinator. The "Project Coordinator" for EPA will be the Remedial Project Manager (RPM) or the On-Scene Coordinator (OSC) responsible for this Site. Each Project Coordinator will be responsible for overseeing the implementation of this Consent Order. The EPA Project Coordinator will be EPA's designated representative at the Site. To the maximum extent possible, communications between Respondents and EPA, including all documents, reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Consent Order, will be directed through the Project Coordinators.

B. EPA and Respondents each have the right to change their respective Project Coordinator. Such a change will be accomplished by notifying the other party in writing at least five (5) calendar days prior to the change.

C. The EPA designated Project Coordinator will have the authority vested in an RPM or OSC by the National Contingency Plan, 40 C.F.R. Part 300, as amended. This includes the authority to halt, conduct, or direct any work required by this Consent Order, or any response actions or portions thereof when he or she determines that conditions may present an immediate risk to public health or welfare or the environment.

D. The absence of the EPA Project Coordinator from the Site shall not be cause for the stoppage or delay of work.

E. EPA shall arrange for a qualified person to assist in its oversight and review of the conduct of the RI/FS, as required by Section 104(a) of CERCLA, 42 U.S.C. § 9604(a). The oversight assistant may observe work and make inquiries in the absence of EPA, but is not authorized to modify the work plan.

#### X. QUALITY ASSURANCE, SAMPLING AND DATA ANALYSIS

A. Respondents shall use quality assurance, quality control, and chain of custody procedures in accordance with EPA's "Interim Guidelines and Specifications For Preparing Quality Assurance Project Plans" (QAMS-005/80) and the "EPA Region IV Engineering Support Branch Standard Operating Procedures and Quality Assurance Manual (U.S. EPA Region IV, Environmental Services Division, February 1, 1991, and subsequent amendments to

such guidelines. Prior to the commencement of monitoring under this Consent Order, Respondents shall submit for review, modification and/or approval by EPA, a Quality Assurance Project Plan (QAPP) that is consistent with applicable guidelines. The QAPP will be used for all monitoring activities, however prior to the commencement of any individual project, project specific requirements must be documented by the parties through written agreement. Sampling data generated consistent with the QAPP shall be admissible as evidence, without objection, in any proceeding under Section XIV of this Consent Order. Respondents shall assure that EPA personnel or authorized representatives are allowed access to any laboratory utilized by Respondents in implementing this Consent Order.

B. Respondents shall make available to EPA the results of all sampling and/or tests or other data generated by Respondents with respect to the implementation of this Consent Order and shall submit these results in monthly progress reports as described in Section VII.E. of this Consent Order.

C. At the request of EPA, Respondents shall allow split or duplicate samples to be taken by EPA, and/or its authorized representative, of any samples collected by Respondents pursuant to the implementation of this Consent Order. Respondents shall notify EPA not less than fourteen (14) days in advance of any sample collection activity. In addition, EPA shall have the right to collect any additional samples that EPA deems necessary. EPA shall allow split or duplicate samples to be taken by Respondents at Respondents own expense, and EPA shall provide Respondents the results of all sampling and/or tests or other data generated by EPA with respect to this additional sampling.

D. Respondents shall ensure that the laboratory utilized by Respondents for analyses participates in a EPA quality assurance/quality control program equivalent to that which is followed by EPA and which is consistent with EPA document QAMS-005/80. In addition, EPA may require submittal of data packages equivalent to those generated in the EPA Contract Laboratory Program (CLP) and may require laboratory analysis of performance samples (blank and/or spike samples) in sufficient number to determine the capabilities of the laboratory.

E. Notwithstanding any provision of this Consent Order, EPA hereby retains all of its information gathering, inspection and enforcement authorities and rights under CERCLA and any other applicable statute or regulation.

## XI. ACCESS

A. From the date of execution of this Consent Order until EPA provides written notice of satisfaction of the terms of the Order, EPA and its authorized representatives and agents shall have access at all times to the Site and any property to which access is required for the implementation of this Consent Order,

to the extent access to the property is controlled by or available to Respondents, for the purposes of conducting any activity authorized by or related to this Consent Order, including, but not limited to:

1. Monitoring the RI/FS work or any other activities taking place on the property;
2. Verifying any data or information submitted to the United States;
3. Conducting investigations relating to contamination at or near the Site;
4. Obtaining samples;
5. Evaluating the need for or planning and implementing additional remedial or response actions at or near the Site; and
6. Inspecting and copying records, operating logs, contracts, or other documents required to assess Respondents' compliance with this Consent Order.

B. To the extent that the Site or any other area where work is to be performed under this Consent Order is owned or controlled by persons other than Respondents, Respondents shall use best efforts to secure from such persons access for Respondents, as well as for EPA and authorized representatives or agents of EPA, as necessary to effectuate this Consent Order. For purposes of this Paragraph, "best efforts" includes the payment of reasonable sums of money in consideration of access to property owners other than to property owners who are in any way affiliated or associated with Groce Laboratories or Aqua-Tech, Incorporated. Records of such access agreements will be provided to EPA upon EPA's request. If access is not obtained within thirty (30) days of the effective date of this Consent Order, Respondents shall promptly notify the EPA. The United States may thereafter assist Respondents in obtaining access. Respondents shall, in accordance with Section XVII herein, reimburse the United States for all costs incurred by it in obtaining access that are not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP").

C. Notwithstanding any provision of this Consent Order, EPA retains all of its access authorities and rights under CERCLA and any other applicable statute or regulations.

#### XII. CONFIDENTIALITY OF SUBMISSIONS

A. Respondents may assert a confidentiality claim, if appropriate, covering part or all of the information requested by this Consent Order pursuant to 40 C.F.R. § 2.203(b). Such an

assertion will be adequately substantiated when the assertion is made. Analytical data will not be claimed as confidential by Respondents. Information determined to be confidential by EPA will be afforded the protection specified in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to Respondents.

B. Respondents waive any objection to the admissibility into evidence (without waiving any objection as to weight) of the results of any analyses of sampling conducted by or for them at the Site or of other data gathered pursuant to this Consent Order that has been verified by the quality assurance/quality control procedures established pursuant to Section X.

#### XIII. RECORD PRESERVATION

EPA and Respondents agree that each will preserve, during the pendency of this Consent Order and for a minimum of five (5) years after its termination, all records and documents in their possession or in the possession of their divisions, employees, agents, accountants, contractors, or attorneys which identify, describe, or otherwise characterize any waste sent to the Site, despite any document retention policy to the contrary. After this five (5) year period, Respondents will notify EPA within ninety (90) calendar days prior to the destruction of any such documents. Upon request by EPA, Respondents will make available to EPA such records or copies of any such records. Additionally, if EPA requests that documents be preserved for a longer period of time, Respondents will comply with that request.

#### XIV. DISPUTE RESOLUTION

Any disputes arising under this Consent Order shall be resolved as follows: If Respondents object to any EPA notice of disapproval or decision made pursuant to this Consent Order, Respondents shall notify EPA's Project Coordinator in writing of their objections within fourteen (14) calendar days after receipt of the decision. Respondents' written objections shall define the dispute, state the basis of Respondents' objections, and be sent certified mail, return receipt requested. EPA and the Respondents then have an additional fourteen (14) calendar days to reach agreement. If agreement cannot be reached within fourteen (14) calendar day period, EPA's Waste Management Division Director shall provide a written statement of the decision and the reasons supporting that decision to Respondents. Prior to rendering a decision, the Division Director may, in his/her sole discretion, request a meeting with the Parties. The Division Director's determination is EPA's final decision. If Respondents do not agree to perform or do not actually perform the task in dispute as determined by EPA's Division Director, EPA reserves the right to conduct the work itself, to seek reimbursement from the Respondents, and/or to seek other appropriate relief.

Respondents are not relieved of their obligations to perform and conduct any work required by this Consent Order while a matter is pending in dispute resolution.

#### XV. FORCE MAJEURE

A. "Force majeure" is defined for the purposes of this Consent Order as an event arising from causes beyond the control of Respondents and of any entity controlled by Respondents including their contractors and subcontractors, which delays or prevents the performance of any obligation under this Consent Order despite Respondents' best efforts to fulfill the obligation. For purposes of this Consent Order, the requirement that Respondents' use "best efforts" shall include using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any potential force majeure event (1) as it is occurring and (2) following the potential force majeure event, such that the delay is minimized to the greatest extent practicable. Examples of events which may constitute force majeure events include extraordinary weather events, natural disasters, and national emergencies. Examples of events that are not force majeure events include, but are not limited to, normal inclement weather, increased costs or expenses of the Work to be performed under this Consent Order, the financial difficulty of Respondents to perform such tasks, the failure of one or more of Respondents to satisfy their obligation under this Consent Order, acts or omissions not otherwise force majeure attributable to Respondents' contractors or representatives, and the failure of Respondents or Respondents' contractors or representatives to make complete and timely application for any required approval or permit.

B. When circumstances occur which may delay or prevent the completion of any phase of the Work Plan or access to the Site or to any property on which part of the Work Plan is to be performed, whether or not caused by a force majeure event, Respondents shall notify the EPA Project Coordinator orally of the circumstances within forty-eight (48) hours of when Respondents first knew or should reasonably have known that the event might cause delay. If the EPA Project Coordinator is unavailable, Respondents shall notify the designated alternate or the Director of the Waste Management Division, EPA Region IV. Within seven (7) calendar days after Respondents first became aware of such circumstances, Respondents shall supply to EPA in writing: (1) the reasons for the delay; (2) the anticipated duration of the delay; (3) all actions taken or to be taken to prevent or minimize the delay; (4) a schedule for implementation of any measures to be taken to mitigate the effect of the delay; and (5) a statement as to whether, in the opinion of the Respondents, such event may cause or contribute to an endangerment to public health, welfare, or the environment. Respondents shall exercise best efforts to avoid or minimize any delay and any effects of a delay. Failure to comply with the

above requirements shall preclude Respondents from asserting any claim of force majeure.

C. If EPA agrees that a delay is or was caused by a force majeure event, the time for performance of the obligations under this Consent Order that are directly affected by the force majeure event shall be extended by agreement of the parties, pursuant to Section XXIII, for a period of time not to exceed the actual duration of the delay caused by the force majeure event. An extension of the time for performance of the obligation directly affected by the force majeure event shall not necessarily justify an extension of time for performance of any subsequent obligation.

D. If EPA does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, or does not agree with Respondents on the length of the extension, the issue shall be subject to the dispute resolution procedures set forth in Section XIV of the Consent Order. In any such proceedings, to qualify for a force majeure defense, Respondents shall have the burden of proof that the delay or anticipated delay was or will be caused by a force majeure event, that the duration of the delay was or will be warranted under the circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that Respondents complied with the requirements of paragraph B of this Section. Should Respondents carry this burden, the delay at issue shall be deemed not to be a violation by Respondents of the affected obligation of the Consent Order.

#### XVI. STIPULATED PENALTIES

Unless excused under the provisions of Sections XIV or XV, Respondents shall pay into the Hazardous Substance Superfund administered by EPA, the sums set forth below as stipulated penalties.

Stipulated penalties shall accrue as follows:

A. For each day during which Respondents fail to perform, in accordance with the schedules contained in this Consent Order and in the various plans and reports required under this Consent Order incorporated by reference herein, any of the following activities:

1. for failure to timely submit the RI/FS Work Plan, Sampling and Analysis Plan, draft RI Report and draft FS Report required under this Consent Order;

2. for failure to timely submit any modifications requested by EPA or its representatives to the RI/FS Work Plan, Sampling and Analysis Plan, draft RI Report and draft FS Report as required under this Consent Order;

3. for failure to timely submit payment of oversight costs as provided in Section XVII; and

4. for failure to timely submit the Baseline Risk Assessment Report if required under this Consent Order.

Respondents shall be liable to EPA for stipulated penalties in the following amounts:

<u>Period of Failure to Comply</u>	<u>Penalty Per Violation Per Day</u>
1st through 14th day	\$ 500.00
15th through 44th day	\$ 2,000.00
45th day and beyond	\$ 4,000.00

B. If Respondents fail to submit a monthly progress report by its due date, Respondents shall be liable to EPA for stipulated penalties in the amount of \$250.00 per violation for each day during which Respondents fail to submit and, if necessary, modify monthly reports.

C. Respondents shall be liable to EPA for stipulated penalties in the amount of \$500.00 per violation for each day during which Respondents fail to comply with all other requirements of this Consent Order including, but not limited to, any implementation schedule, payment requirement, notification requirement or completion deadline. Before assessing stipulated penalties pursuant to this Subparagraph C, EPA shall provide Respondents with written notice of the violation. Respondents shall have seven (7) calendar days from receipt of EPA's notice to cure the violation before stipulated penalties will be assessed. Notwithstanding EPA's notice, stipulated penalties shall accrue as set forth below.

All stipulated penalties begin to accrue on the day the violation occurs or on the day following Respondents' failure to comply with any schedule or deadline or the terms, conditions, or requirements contained in this Consent Order and/or Work Plan. Stipulated penalties shall continue to accrue until Respondents' violation ends or until Respondents comply with the particular schedule or deadline.

Payment of stipulated penalties shall be due and owing within fifteen (15) days from the receipt of a written notice from EPA notifying Respondents that penalties have been assessed. Interest shall accrue on any unpaid amounts, beginning at the end of the fifteen day period, at the rate established by the Department of Treasury under 31 U.S.C. § 3717. Respondents shall pay a handling charge of one percent to be assessed at the end of each thirty one (31) day period, and a six (6) percent per annum penalty charge, to be assessed if the penalty is not paid in full within ninety (90) days after it is due. The check and transmitted letter shall identify the Name of the Site, the Site identification number and the title of this Order. A copy of the

transmittal letter should be sent simultaneously to the EPA Project Coordinator.

Payment shall be made to:

U.S. Environmental Protection Agency  
Region IV  
Superfund Accounting  
P. O. Box 100142  
Atlanta, Georgia 30384  
ATTENTION: (Collection Officer for Superfund)

Respondents may dispute EPA's right to the stated amount of penalties by invoking the Dispute Resolution procedures under Section XIV of this Order. Penalties shall accrue but need not be paid during the dispute resolution period. If Respondents do not prevail upon resolution, all penalties shall be due to EPA within thirty (30) days of resolution of the dispute. If Respondents prevail upon resolution, no penalties shall be paid.

Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations of this Consent Order.

The stipulated penalties set forth in this Section do not preclude EPA from electing to pursue any other remedies or sanctions which may be available to EPA. Such remedies and sanctions may include a suit for statutory penalties up to the amount authorized by law, a federally-funded response action, and a suit for reimbursement of costs incurred by the United States.

In any judicial action initiated by EPA to enforce Section XVI hereof (Stipulated Penalties) or to collect statutory penalties, the Parties agree that the standard of review should be whether EPA's assessment of stipulated or statutory penalties was arbitrary or capricious based on the administrative record developed by EPA during the dispute resolution process.

#### XVII. REIMBURSEMENT OF OVERSIGHT AND RESPONSE COSTS

In accordance with Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1), Respondents agree to reimburse the Hazardous Substance Superfund for all response and oversight costs incurred by EPA or its authorized representatives in oversight of Respondents' performance of work under the Consent Order.

At the end of each fiscal year, EPA will submit to Respondents an accounting of all response and oversight costs incurred by the U.S. Government with respect to this Consent Order. Oversight costs shall include all direct and indirect costs of EPA's oversight arrangement for the RI/FS, including, but not limited to, time and travel costs of EPA personnel and associated indirect costs, contractor costs, compliance monitoring, including the collection and analysis of split samples, inspection of RI/FS activities, site visits,

interpretation of Consent Order provisions, discussions regarding disputes that may arise as a result of this Consent Order, review and approval or disapproval of reports, the costs of redoing any of Respondents tasks, and any assessed interest.

EPA's certified Agency Financial Management System Summary data (SPUR Reports) and any other necessary documents, shall serve as the basis for payment demands.

Failure to submit an accounting in one fiscal year does not prevent EPA from submitting an accounting for that year in a subsequent fiscal year. Respondents shall, within thirty (30) calendar days of receipt of each accounting, remit a certified or cashiers check for the amount of those costs made payable to the Hazardous Substance Superfund. Interest shall begin to accrue on the unpaid balance from that date. Checks should specifically reference the identity of the Site and should be sent to:

U. S. Environmental Protection Agency  
Region IV  
Superfund Accounting  
P. O. Box 100142  
Atlanta, Georgia 30384  
ATTENTION: Collection Officer for Superfund

A copy of the transmittal letter should be sent simultaneously to the EPA Project Coordinator.

Respondents agree to limit any disputes concerning costs to accounting errors and the inclusion of costs outside the scope of this Consent Order. Respondents shall identify any contested costs and the basis of its objection. All undisputed costs shall be remitted by Respondents in accordance with the schedule set out above. Disputed costs shall be paid by Respondents into an escrow account while the dispute is pending. Respondents bear the burden of establishing an EPA accounting error and the inclusion of costs outside the scope of this Consent Order.

EPA reserves the right to bring an action against the Respondents pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, to enforce the response and oversight cost reimbursement requirements of this Consent Order and to collect stipulated penalties assessed pursuant to section XVI of this Consent Order. Moreover, EPA reserves the right to seek reimbursement of response and oversight costs at any time from potentially responsible parties who are not signatories to this Consent Order.

#### XVIII. RESERVATION OF RIGHTS

Notwithstanding compliance with the terms of this Consent Order, Respondents are not released from liability, if any, for any actions beyond the terms of this Consent Order taken by EPA regarding this Site. EPA reserves the right to take any

enforcement action pursuant to CERCLA or any other available legal authority, including the right to seek injunctive relief, monetary penalties, and punitive damages for any violation of law or this Consent Order.

Except as otherwise provided herein, EPA and Respondents expressly reserve all rights and defenses that they may have, including EPA's right both to disapprove of work performed by Respondents and to require that Respondents perform tasks in addition to those detailed in the RI/FS Work Plan, as provided in this Consent Order. In the event that Respondents decline to perform any additional or modified tasks, EPA will have the right to undertake any RI/FS work. In addition, EPA reserves the right to undertake removal actions and/or remedial actions at any time. In either event, EPA reserves the right to seek reimbursement from Respondents thereafter for such costs which are incurred by the United States and Respondents reserve all rights to contest or defend against such claims or actions.

Following satisfaction of the requirements of this Consent Order, Respondents shall have resolved its liability to EPA for the performance of the RI/FS that is the subject of this Order. The Respondents are not released from liability, if any, for any actions taken beyond the terms of this Order regarding removals, other operable units, remedial design/remedial action (RD/RA), or activities arising pursuant to Section 121(c) of CERCLA, 42 U.S.C. § 9621(c).

#### XIX. OTHER CLAIMS

Nothing in this Consent Order constitutes a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Site.

EPA reserves the right to bring an action against the Respondents pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of all response and oversight costs incurred by the United States related to this Consent Order and not reimbursed by Respondents, as well as any other past and future costs incurred by the United States in connection with response activities conducted pursuant to CERCLA at this site.

This Consent Order does not constitute a preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

In entering into this Consent Order, Respondents waive any right to seek reimbursement under Section 106(b)(2) of CERCLA, 42 U.S.C. § 9606(b)(2), for any past costs associated with this Site, or any costs incurred in complying with this Order.

Respondents shall bear their own costs and attorney fees.

XX. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to this Consent Order will be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations unless an exemption from such requirements is specifically provided in this Consent Order, or made a part of this Consent Order by being incorporated herein at some later date.

XXI. INDEMNIFICATION OF THE UNITED STATES GOVERNMENT

Respondents agree to indemnify and save and hold harmless the United States Environmental Protection Agency and all other federal departments or agencies including, officials, agents; employees, contractors, or representative thereof, except for those federal departments or agencies that are responsible parties at the Aqua-Tech Site, from any and all claims or causes of action arising from or on account of acts or omissions of Respondents, their officers, employees, receivers, trustees, agents, or assigns, in carrying out the activities pursuant to this Consent Order. The United States Government or any agency or authorized representative thereof shall not be held to be a party to any contract between Respondents and any third parties or between two or more Respondents at or relating to the Site. Nothing herein shall effect the contribution protection provisions of any Agreement between the United States and the Aqua-Tech PRP group or any contribution protection the United States Governmnet may be entitled to under CERCLA or other federal law.

XXII. PUBLIC COMMENT

Upon submittal to EPA of the Feasibility Study Final Report, EPA will make both the Remedial Investigation Final Report and the Feasibility Study Final Report and EPA's Proposed Plan available to the public for review and comment for, at a minimum, a thirty (30) day period, pursuant to EPA's Community Relations Plan and the NCP. Following the public review and comment period, EPA will notify Respondents of the remedial action alternative selected for the Site.

XXIII. EFFECTIVE DATE AND SUBSEQUENT MODIFICATION

In consideration of the communications between Respondents and EPA prior to the issuance of this Consent Order concerning its terms, Respondents agree that there is no need for a settlement conference prior to the effective date of this Consent Order. Therefore, the effective date of this Consent Order will be the date on which it is signed by EPA. This Consent Order may be amended by mutual agreement of EPA and Respondents. Such amendments will be in writing and will have, as the effective date, that date on which such amendments are signed by EPA. EPA

Project Coordinators do not have the authority to sign amendments to the Consent Order.

Any reports, plans, specifications, schedules, and attachments required by this Consent Order are, upon approval by EPA, incorporated into this Consent Order. Any noncompliance with such EPA approved reports, plans, specifications, schedules, and attachments will be considered a failure to achieve the requirements of this Consent Order and will subject the Respondent to the provisions included in the "force majeure" and "Stipulated Penalties" sections (Sections XV and XVI) of this Consent Order.

No informal advice, guidance, suggestions, or comments by EPA regarding reports, plans, specifications, schedules, and any other writing submitted by Respondents will be construed as relieving Respondents of their obligation to obtain such formal approval of EPA as may be required by this Consent Order.

#### XXIV. NOTICE TO THE STATE

EPA has notified the State of South Carolina regarding the requirements of this Consent Order.

Upon completion of the RI/FS, pursuant to the requirements of Section 104(c)(2) of CERCLA, 42 U.S.C. § 9604(c)(2), EPA will notify the State of South Carolina before determining the appropriate remedial action to be taken at the Site.

#### XXV. NO ADMISSIONS BY RESPONDENTS

Respondents have entered into this Consent Order to further the public interest and avoid unnecessary conflict or litigation between the parties. By entering into this Consent Order, or by taking any action in accordance with it, Respondents do not admit any of the findings of fact, conclusions of law, or determinations of any of the allegations contained herein.

XXV. TERMINATION AND SATISFACTION

This Consent Order shall terminate when the Respondents demonstrate in writing and certify to the satisfaction of EPA that all activities required under this Consent Order, including any additional work, payment of past costs, response and oversight costs, and any stipulated penalties demanded by EPA, have been performed and EPA has approved the certification. This notice shall not, however, terminate Respondents' obligation to comply with Sections XIII, XVII, and XVIII of this Consent Order.

XXVI. EFFORTS TO COORDINATE WITH NON-PARTIES TO THIS CONSENT ORDER

A. Respondents shall make best efforts to coordinate in the performance of the Work required by this Consent Order with any person not a party to this Consent Order who offers to perform or, in lieu of performance, to pay for, in whole or in part, the Work required by this Consent Order. Best efforts to coordinate shall include, at a minimum:

- (1). Replying in writing within a reasonable period of time to an offer to perform or pay for the Work required by this Order;
- (2). Engaging in good-faith negotiations with any person not a party to this Consent Order who offers to perform or to pay for the Work required by this Consent Order; and
- (3). Good-Faith consideration of a good-faith offer to perform or pay for the Work required by this Consent Order.

B. On request of EPA and subject to any applicable claims of privilege(s), Respondents shall submit to EPA all documents in Respondents' possession, custody, or control relating to (1) any offer to perform or pay for, or (2) the performance of, or payment for, the Work required by this Consent Order by any party or non-party to this Consent Order.

IT IS SO AGREED AND ORDERED:

BY: Robert Jourdan  
Robert Jourdan  
Chief  
North Superfund Remedial Branch  
Waste Management Division  
Region IV  
U.S. Environmental Protection Agency

9/26/95  
Date

ATTACHMENT B  
SCOPE OF WORK FOR THE  
REMEDIAL INVESTIGATION AND FEASIBILITY STUDY  
AT THE AQUA-TECH ENVIRONMENTAL, INC. SITE

**SCOPE OF WORK FOR THE  
REMEDIAL INVESTIGATION AND FEASIBILITY STUDY  
AT THE AQUA-TECH ENVIRONMENTAL, INC., SITE**

**INTRODUCTION**

The purpose of this Remedial Investigation/Feasibility Study ("RI/FS") is to investigate the nature and extent of contamination at the Aqua-Tech Environmental, Inc., Site (the "Site"), assess the current and potential risk to public health, welfare, and the environment, and to develop and evaluate potential Remedial Action Alternatives. The RI and FS are interactive and shall be conducted concurrently so that the data collected in the RI influences the development of Remedial Action Alternatives in the FS, which in turn affects the data needs and the scope of Treatability Studies.

The Respondents shall conduct the RI/FS and produce an RI/FS Report that is in accordance with this Scope of Work, the Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA, (Interim Final) (U.S. EPA Office of Emergency and Remedial Response, October 1988) (the "RI/FS Guidance"), the National Oil and Hazardous Substances Pollution Contingency Plan (March 8, 1990) and other guidance used by EPA in conducting an RI/FS (the primary guidance are listed in Attachment A), as well as any additional requirements in the Administrative Order. The RI/FS Guidance describes the report format and the required report content. Pertinent RI/FS Guidance section numbers are denoted in parenthesis throughout this Scope of Work. The Respondents shall furnish all necessary personnel, materials, and services needed, or incidental to, performing the RI/FS, except as otherwise specified in the Administrative Order.

At the completion of the RI/FS, EPA shall be responsible for the selection of a remedy to be implemented for the Site. EPA will document this selection of a remedy in a Record of Decision (ROD). The Remedial Action Alternative selected by EPA will meet the cleanup standards specified in Section 121 of CERCLA, 42 U.S.C. § 9621. That is, the selected remedial action will be protective of human health and the environment, will be cost-effective, will utilize permanent solutions and alternative treatment technologies or resource recovery technologies to the maximum extent practicable, will be in compliance with, or include a waiver of, applicable or relevant and appropriate requirements of other laws or regulations, and will address the statutory preference for on-site treatment which permanently and significantly reduces the volume, toxicity, or mobility of the hazardous substances, pollutants, and contaminants as a principal element.

The Final Remedial Investigation and Feasibility Study Report(s), as adopted by EPA, and the Baseline Risk Assessment will, with the remainder of the Administrative Record, form the basis for

the selection of the remedy to be implemented for the Site and will provide the information necessary to support the development of the ROD.

As specified in § 104(a)(1) of CERCLA, as amended by SARA, 42 U.S.C. § 9604(a)(1), EPA must provide oversight of the Respondents' activities throughout the RI/FS. The Respondents shall support EPA's initiation and conduct of activities related to the implementation of oversight activities. However, the primary responsibility for conducting an adequate RI/FS to enable and support the selection of a remedy shall lie with the Respondents. EPA review and approval of deliverables is a tool to assist this process and to satisfy, in part, EPA's responsibility to provide effective protection of public health, welfare, and the environment. EPA approval of a task or deliverable shall not be a guarantee as to the ultimate adequacy of such task or deliverable. A summary of the major deliverables that Respondents shall submit for the RI/FS is attached (Attachment B). In addition, a general schedule of RI/FS activities is also attached (Attachment C).

#### **TASK 1 - SCOPING (RI/FS Guidance, Chapter 2)**

Scoping is the initial planning process of the RI/FS and has been initiated by EPA to determine the site-specific objectives of the RI/FS prior to negotiations between the Respondents and EPA. Scoping is continued, repeated as necessary, and refined throughout the RI/FS process. In addition to developing the Site objectives of the RI/FS, EPA has developed a Site Management Strategy. Consistent with the Site Management Strategy, the specific project scope shall be planned by the Respondents and EPA. The Respondents shall document the specific project scope in a Work Plan. Because the work required to perform an RI/FS is not fully known at the onset, and is phased in accordance with a Site's complexity and the amount of available information, it may be necessary to modify the Work Plan during the RI/FS to satisfy the objectives of the study.

The Site objectives for the Aqua-Tech Environmental, Inc., Site have been determined preliminarily, based on available information, to be the following:

1. Review of existing information pertaining to the Site. This review includes EPA Site Inspection Reports, reports from local, State and Federal agencies, court records, information from local businesses such as local well drillers and waste haulers and generators, facility records, and information from facility owners and employees and nearby citizens. Upon request, EPA will provide to Respondents any currently existing Inspection Reports and copies of any future Inspection Reports.

2. Review of relevant guidance (see attached references) to understand the remedial process. This information shall be used in performing the RI/FS and preparing all deliverables under this SOW.

3. Identification of all Federal and State applicable or relevant and appropriate requirements ("ARARs").

4. Determination of the nature and lateral and vertical extent of contamination (waste types, concentrations and distributions) for all affected media including air, ground water, soil, surface water, and sediment, etc.

5. Performance of a comprehensive well survey within a one (1) mile radius of the Site including determining water uses, well construction methods used, the number and age of users, and the volume and rate of water usage. Performance of an additional limited well survey within a four (4) mile radius which includes a review of publicly available records.

6. Identification and screening of potential treatment technologies along with containment/disposal requirements for residuals or untreated wastes.

7. Assembly of technologies into Remedial Action Alternatives and screening of alternatives.

8. Performance of bench or pilot Treatability Studies as necessary.

9. Detailed analysis of Remedial Action Alternatives.

The Site Management Strategy for the Aqua-Tech Environmental Site includes the following:

1. A complete investigation of the Site including any and all off-site contamination which may have been caused by contaminants originating from the Site.

2. Evaluation of the Site as a whole, i.e., it is not anticipated at this time that the Site will be partitioned into separate operable units. It is anticipated that only one ROD will be prepared for the Site.

3. An expectation that no interim remedial measures are required.

5. EPA oversight of the Respondents' conduct of the work (i.e., the RI/FS and any response action) to ensure compliance with applicable laws, regulations and guidance and to ensure that the work proceeds in a timely fashion.

6. Preparation of the Baseline Risk Assessment.

7. EPA management of the Remedy Selection and ROD phase with input from State Agencies, Natural Resource Trustees and the Public (including the Respondents).

When scoping the specific aspects of a project, the Respondents shall meet with EPA, as necessary, to discuss all project planning decisions and special concerns associated with the Site. The following activities shall be performed by the Respondents as a function of the project planning process.

a. Site Background (2.2)

The Respondents shall gather and analyze the existing background information regarding the Site and shall conduct a visit to the Site to assist in planning the scope of the RI/FS.

Collect and Analyze Existing Data and Document the Need for Additional Data (2.2.2; 2.2.6; 2.2.7)

Before planning RI/FS activities, all existing Site data shall be thoroughly compiled and reviewed by the Respondents. Specifically, this compilation and review shall include currently available data relating to the varieties and quantities of hazardous substances at the Site and past disposal practices (what type of contaminants were dumped where, when, and by whom). This compilation and review shall also include results from any previous sampling or other investigations that may have been conducted. The Respondents shall refer to Table 2-1 of the RI/FS Guidance for a comprehensive list of data collection information sources. This information shall be utilized in determining additional data needed for Site Characterization, better defining potential applicable or relevant and appropriate requirements ("ARARs"), and developing a range of preliminarily identified Remedial Action Alternatives. Subject to EPA approval, Data Quality Objectives ("DQOs") shall be established that specify the usefulness of existing data. Decisions on the necessary data and DQOs shall be made by EPA.

Conduct Site Visit

The Respondents shall conduct a visit to the Site with the EPA Project Coordinator during the project scoping phase to assist in developing a conceptual understanding of sources and areas of contamination as well as potential exposure pathways and receptors at the Site. The Respondents shall observe the physiography, hydrology, geology, and demographics of the Site as well as related natural resource, ecological and cultural features. This

information shall be utilized to better scope the project and to determine the extent of additional data necessary to characterize the Site, better define potential ARARs, and narrow the range of preliminarily identified Remedial Action Alternatives.

b. Project Planning (2.2)

Once the Respondents have collected and analyzed existing data and conducted a visit to the Site, the specific project scope shall be planned. Project planning activities include those tasks described below as well as the development of specific required deliverables as described in paragraph c. The Respondents shall meet with EPA regarding the following activities and before the drafting of the scoping deliverables.

Refine the Site Objectives and Develop Preliminary Remedial Action Objectives and Alternatives (2.2.3)

Once existing information about the Site has been analyzed and a conceptual understanding of the potential risks posed by the Site has been obtained, the Respondents shall review and, if necessary, refine the Site objectives and develop preliminary remedial action objectives for each actually or potentially contaminated medium. Any revised Site objectives shall be documented in a technical memorandum and are subject to EPA approval prior to development of the other scoping deliverables. The Respondents shall then identify a preliminary range of broadly defined potential Remedial Action Alternatives and associated technologies. The range of potential alternatives shall include, at a minimum, alternatives in which treatment is used to reduce the toxicity, mobility, or volume of the waste, but varying in the types of treatment, the amount treated, and the manner in which long-term residuals or untreated wastes are managed; alternatives that involve containment and treatment components; alternatives that involve containment with little or no treatment; and a no-action alternative.

Document the Need for Treatability Studies (2.2.4)

If remedial actions involving treatment have been identified by the Respondents or EPA, Treatability Studies shall be required except where the Respondents can demonstrate to EPA's satisfaction that they are not needed. Where Treatability Studies are needed, identification of possible technologies and screening shall be done and the results submitted with the RI/FS Work Plan. Study activities (such as research and study design) shall be planned to occur concurrently with Site Characterization activities (see Tasks 3 and 4).

Begin Preliminary Identification of Potential ARARs (2.2.5)

The Respondents shall conduct a preliminary identification of potential State and Federal ARARs (chemical-specific, location-specific, and action-specific) to assist in the refinement of remedial action objectives and the initial identification of Remedial Action Alternatives and ARARs associated with particular actions. ARAR identification shall continue as conditions and contaminants at the Site and Remedial Action Alternatives are better defined.

c. Scoping Deliverables (2.3)

At the conclusion of the project planning phase, the Respondents shall submit an RI/FS Work Plan, a Sampling and Analysis Plan, and a Health and Safety Plan. The RI/FS Work Plan and Sampling and Analysis Plan must be reviewed and approved and the Health and Safety Plan reviewed by EPA prior to the initiation of field activities.

RI/FS Work Plan (2.3.1)

A Work Plan documenting the decisions and evaluations completed during the scoping process shall be submitted to EPA for review and approval. The Work Plan shall be developed in conjunction with the Sampling and Analysis Plan and the Health and Safety Plan, although each plan may be delivered under separate cover. The Work Plan shall include a comprehensive description of the work to be performed, the media to be investigated (i.e., Air, Ground Water, Surface Water, Surface and Subsurface Soils, and Sediments, etc.), the methodologies to be utilized, and the rationale for the selection of each methodology. A comprehensive schedule for completion of each major activity and submission of each deliverable shall also be included. This schedule shall be consistent with Attachment C.

Specifically, the Work Plan shall present the following:

- A statement of the problem(s) and potential problem(s) posed by the Site and the objectives of the RI/FS.
- A background summary setting forth the following:
  - a description of the Site including the geographic location, and, to the extent possible, a description of the physiography, hydrology, geology, demographics, and the ecological, cultural, and natural resource features of the Site;
  - a synopsis of the history of the Site including a summary of past disposal practices and a description of

previous responses that have been conducted by local, State, Federal, or private parties at the Site;

- a summary of the existing data in terms of physical and chemical characteristics of the contaminants identified and their distribution among the environmental media at the Site.
- A description of the Site Management Strategy developed by EPA during scoping as discussed previously in this SOW and as may be modified with EPA's approval;
- A preliminary identification of Remedial Action Alternatives and data needs for evaluation of Remedial Action Alternatives. This preliminary identification shall reflect coordination with Treatability Study requirements (see Tasks 1 and 4).
- A process for identifying Federal and State ARARs (chemical-specific, location-specific, and action-specific).
- A detailed description of the tasks to be performed, information needed for each task and for the Baseline Risk Assessment, information to be produced during and at the conclusion of each task, and a description of the work products that shall be submitted to EPA. This description must also include the deliverables set forth in the remainder of this Scope of Work.
- A schedule for each of the required activities which is consistent with Attachment C and the RI/FS Guidance.
- A project management plan, including a data management plan (e.g., requirements for project management systems and software, minimum data requirements, data format, and backup data management), monthly reports to EPA, and meetings and presentations to EPA at the conclusion of each major phase of the RI/FS.

The Respondents shall refer to Appendix B of the RI/FS Guidance for a comprehensive description of the contents of the required Work Plan.

Because of the unknown nature of the Site and iterative nature of the RI/FS, additional data requirements may be identified throughout the RI/FS process. The Respondents shall submit a technical memorandum documenting any need for additional data along with the proposed DQOs whenever such requirements are identified. In any event, the Respondents are responsible for fulfilling additional data and analysis needs identified by EPA consistent with the general scope and objectives of this RI/FS and subject to the terms and

conditions of the Administrative Order regarding additional data requests. Additional data requests from EPA and undertaken by Respondents may require schedule expansion.

Sampling and Analysis Plan (2.3.2)

The Respondents shall prepare a Sampling and Analysis Plan (SAP) to ensure that sample collection and analytical activities are conducted in accordance with technically acceptable protocols and that the data generated will meet the DQOs established. The SAP provides a mechanism for planning field activities and consists of a Field Sampling and Analysis Plan (FSAP) and a Quality Assurance Project Plan (QAPP).

The FSAP shall define in detail the sampling and data-gathering methods that shall be used on the project. It shall include sampling objectives, sample location (horizontal and vertical) and frequency, sampling equipment and procedures, and sample handling and analysis. The QAPP shall describe the project objectives and organization, functional activities, and quality assurance and quality control (QA/QC) protocols that shall be used to achieve the desired DQOs. The DQOs will, at a minimum, reflect use of analytical methods for identifying contamination and addressing contamination consistent with the levels for remedial action objectives identified in the proposed National Contingency Plan. In addition, the QAPP shall address personnel qualifications, sampling procedures, sample custody, analytical procedures, and data reduction, validation, and reporting. These procedures must be consistent with the Region IV Environmental Compliance Branch Standard Operating Procedures and Quality Assurance Manual (February 1, 1991). Field personnel shall be available for EPA QA/QC training and orientation, as required.

The Respondents shall demonstrate, in advance and to EPA's satisfaction, that each laboratory it may use is qualified to conduct the proposed work. This demonstration must include use of methods and analytical protocols for the chemicals of concern (typically the Target Compound List (TCL) and the Target Analyte List (TAL)) in the media of interest within detection and quantification limits consistent with both QA/QC procedures and DQOs approved by EPA in the QAPP for the Site. The laboratory must have and follow an EPA-approved QA program. The Respondents shall provide assurances that EPA has access to laboratory personnel, equipment and records for sample collection, transportation, and analysis. EPA may require that the Respondents submit detailed information to demonstrate that the laboratory is qualified to conduct the work, including

information on personnel qualifications, equipment, and material specifications. In addition, EPA will require submittal of data packages equivalent to those generated in the EPA Contract Laboratory Program (CLP) and may require laboratory analysis of performance samples (blank and/or spike samples) in sufficient number to determine the capabilities of the laboratory. If a laboratory not currently participating in the CLP is selected, methods consistent with CLP methods that would be used at this Site for the purposes proposed and QA/QC procedures approved by EPA shall be used. In addition, if the laboratory is not in the CLP program, a laboratory QA program must be submitted for EPA review and approval granted prior to the shipment of Site samples to that laboratory for analysis.

#### Health and Safety Plan (2.3.3)

A Health and Safety Plan shall be prepared in conformance with the Respondents' health and safety program, and in compliance with OSHA regulations and protocols. The Health and Safety Plan shall include the eleven elements described in the RI/FS Guidance, such as a health and safety risk analysis, a description of monitoring and personal protective equipment, medical monitoring, and site control. It should be noted that EPA does not "approve" the Respondents' Health and Safety Plan, but rather EPA reviews it to ensure that all necessary elements are included, and that the plan provides for the protection of human health and the environment.

#### **TASK 2 - COMMUNITY RELATIONS (2.3.4)**

The development and implementation of community relations activities are the responsibility of EPA. The critical community relations planning steps performed by EPA include conducting community interviews and developing a community relations plan. Although implementation of the community relations plan is the responsibility of EPA, the Respondents may be requested to assist by providing information regarding the history of the Site and participating in public meetings. The extent of the Respondents' involvement in community relations activities is left to the discretion of EPA. The Respondents' community relations responsibilities, if any, shall be specified in the community relations plan. All community relations activities conducted by Respondents shall be subject to oversight by EPA.

Respondents shall prepare and submit to EPA for review and comment, three (3) or more Baseline Risk Assessment memoranda which will summarize the toxicity assessment and human and ecological exposure assessment components of the Baseline Risk Assessment. Once finalized, EPA shall make these memoranda available to all interested parties for comment by placing them

in the information repository that EPA shall establish for the Site and by placing them in the Administrative Record. EPA, however, is not required to formally respond to comments except during the formal comment period which occurs after a Proposed Plan is issued.

**TASK 3 - SITE CHARACTERIZATION (RI/FS Guidance, Chapter 3)**

As part of the RI, the Respondents shall perform the activities described in this task, including the preparation of a Site Characterization Summary and a RI Report. The overall objective of Site Characterization is to describe areas of the Site that may pose a threat to human health or the environment. This objective is accomplished by first determining physiography, geology, and hydrology of the Site. Surface and subsurface pathways of migration shall also be defined. The Respondents shall identify the sources of contamination and define the nature, extent, and volume of the sources of contamination and any affected media, including their physical and chemical constituents as well as their concentrations at incremental locations in the affected media. The Respondents shall also investigate the extent of migration of this contamination as well as its volume and any changes in its physical or chemical characteristics. This investigation will provide for a comprehensive understanding of the nature and extent of contamination at the Site. Using this information, contaminant fate and transport shall be determined and projected.

During this phase of the RI/FS, the Work Plan, SAP, and Health and Safety Plan shall be implemented. Field data shall be collected and analyzed to provide the information required to accomplish the objectives of the study. Unless otherwise agreed to by the parties, the Respondents shall notify EPA at least two weeks in advance of the field work regarding the planned dates for field activities, including installation of monitoring wells, installation and calibration of equipment, pump tests, field lay out of any sampling grid, excavation, sampling and analysis activities, and other field investigation activities. The Respondents shall demonstrate that the laboratory and type of laboratory analyses that will be utilized during Site Characterization meets the specific QA/QC requirements and the DQOs as specified in the SAP. In view of the unknown conditions at the Site, activities are often iterative and, to satisfy the objectives of the RI/FS, it may be necessary for the Respondents to supplement the work specified in the initial Work Plan. In addition to the deliverables below, the Respondents shall provide a monthly progress report and participate in meetings with EPA at major points in the RI/FS.

a. Field Investigation (3.2)

The field investigation includes the gathering of data to define physical characteristics, sources of contamination, and the nature and extent of contamination at the Site. These activities shall be performed by the Respondents in accordance with the Work Plan and SAP. At a minimum, this investigation shall include the following activities:

Implementing and Documenting Field Support Activities  
(3.2.1)

The Respondents shall initiate field support activities following approval of the Work Plan and SAP. Field support activities may include obtaining access to the Site, property surveys, scheduling, and procuring equipment, office space, laboratory services, utility services and/or contractors. The Respondents shall notify EPA at least two weeks prior to initiating field support activities so that EPA may adequately schedule oversight tasks. The Respondents shall also notify EPA in writing upon completion of field support activities.

Investigating and Defining Site Physical and Biological Characteristics (3.2.2)

The Respondents shall collect data on the physical and biological characteristics of the Site and its surrounding areas including the physiography, geology, hydrology, and specific physical characteristics identified in the Work Plan. This information shall be ascertained through a combination of physical measurements, observations, and sampling efforts and shall be utilized to define potential transport pathways and receptor populations. In defining the physical characteristics of the Site, the Respondents shall also obtain sufficient engineering data (such as pumping characteristics, soil particle size, permeability, etc.) for the projection of contaminant fate and transport and the development and screening of Remedial Action Alternatives, including information necessary to evaluate treatment technologies.

Defining Sources of Contamination (3.2.3)

The Respondents shall locate each source of contamination. For each location, the lateral and vertical extent of source material contamination shall be determined by sampling at incremental depths on a sampling grid or in another organized fashion approved by EPA. The physical characteristics and chemical constituents and their concentrations shall be determined for all known and discovered sources of contamination. The Respondents shall

conduct sufficient sampling to define the boundaries of the contaminant sources to the level established in the QA/QC plan and DQOs. Sources of contamination shall be analyzed for the potential of contaminant release (e.g., long term leaching from soil), contaminant mobility and persistence, and characteristics important for evaluating remedial actions, including information necessary to evaluate treatment technologies.

Describing the Nature and Extent of Contamination (3.2.4)

The Respondents shall gather information to describe the nature and extent of contamination as a final step during the field investigation. To describe the nature and extent of contamination, the Respondents shall utilize the information on Site physical characteristics and sources of contamination to give a preliminary estimate of the contaminants that may have migrated. The Respondents shall then implement an iterative monitoring program and any study program identified in the Work Plan or SAP such that, by using analytical techniques sufficient to detect and quantify the concentration of contaminants, the migration of contaminants through the various media at the Site can be determined. In addition, the Respondents shall gather data for calculations of contaminant fate and transport. This process is continued until the lateral and vertical extent of contamination has been determined to the contaminant concentrations consistent with the established DQOs set forth in the QAAP. EPA shall use the information on the nature and extent of contamination to determine the level of risk presented by the Site. Respondents shall use this information to help to determine aspects of the appropriate Remedial Action Alternatives to be evaluated.

b. Data Analyses (3.4)

Evaluate Site Characteristics (3.4.1)

The Respondents shall analyze and evaluate the data to describe: (1) physical and biological characteristics of the Site; (2) contaminant source characteristics; (3) nature and extent of contamination; and (4) contaminant fate and transport. The information on physical and biological characteristics, source characteristics, and nature and extent of contamination shall be used in the analysis of contaminant fate and transport. The evaluation shall include the actual and potential magnitude of releases from the sources and lateral and vertical spread of contamination as well as mobility and persistence of contaminants. Where modeling is appropriate, such models shall be identified to EPA in a technical memorandum prior to their use. All data and programming, including any proprietary programs, shall

be made available to EPA together with a sensitivity analysis. All models shall be approved by EPA prior to their use. The RI data shall be presented in a computer disk format utilizing Lotus 1-2-3 or other equivalent commonly used computer software. Respondents shall then collect any data identified by EPA as necessary to fill data gaps that EPA determines are present during review of the Baseline Risk Assessment (see "Guidance for Data Useability in Risk Assessment," U.S. EPA, Office of Emergency and Remedial Response, October 1990, OSWER Directive No. 9285.7-05). Any requests by EPA to fill data gaps shall be subject to the terms and conditions of the Consent Order. Also, this evaluation shall provide any information relevant to characteristics of the Site necessary for evaluation of the need for remedial action in the Baseline Risk Assessment, the development and evaluation of Remedial Action Alternatives, and the refinement and identification of ARARs. Analyses of data collected for Site Characterization shall meet the DQOs developed in the QAPP.

c. Data Management Procedures (3.5)

The Respondents shall consistently document the quality and validity of field and laboratory data compiled during the RI. At a minimum, this documentation shall include the following activities:

Documenting Field Activities (3.5.1)

Information gathered during characterization of the Site shall be consistently documented and adequately recorded by the Respondents in well maintained field logs and laboratory reports. The method(s) of documentation must be specified in the Work Plan and/or the SAP. Field logs must be utilized to document observations, calibrations, measurements, and significant events that have occurred during field activities. Laboratory reports must document sample custody, analytical responsibility, analytical results, adherence to prescribed protocols, nonconformity events, corrective measures, and/or data deficiencies. Supporting documentation described as the "CLP Data Package" must be provided with the sample analysis for all samples split or duplicated with EPA.

Maintaining Sample Management and Tracking (3.5.2; 3.5.3)

The Respondents shall maintain field reports, sample shipment records, analytical results, and QA/QC reports to ensure that only validated analytical data are utilized in the development and evaluation of the Baseline Risk Assessment and Remedial Action Alternatives. Analytical results developed under the Work Plan shall not be included

in any characterization reports for the Site unless accompanied by or cross-referenced to a corresponding QA/QC report. In addition, the Respondents shall establish a data security system to safeguard chain-of-custody forms and other project records to prevent loss, damage, or alteration of project documentation.

d. Site Characterization Deliverables (3.7)

The Respondents shall prepare the Preliminary Site Characterization Summary and the Remedial Investigation Report.

Preliminary Site Characterization Summary (3.7.2)

After completing field sampling and analysis, the Respondents shall prepare a concise Site Characterization Summary. This summary shall review the investigative activities that have taken place and describe and display data for the Site documenting the location and characteristics of surface and subsurface features and contamination at the Site including the affected media, location, types, physical state, and quantity and concentrations of contaminants. In addition, the location, dimensions, physical condition, and varying concentrations of each contaminant throughout each source and the extent of contaminant migration through each of the affected media shall be documented. The data shall be presented in a computer disk format utilizing Lotus 1-2-3 or other equivalent commonly used computer software. The Site Characterization Summary shall provide EPA with a preliminary reference for review of the Baseline Risk Assessment and for developing preliminary remediation goals, evaluating the development and screening of Remedial Action Alternatives, and the refinement and identification of ARARs.

Remedial Investigation (RI) Report (3.7.3)

The Respondents shall prepare and submit a Draft RI Report to EPA for review and approval. This report shall summarize results of field activities to characterize the Site, sources of contamination, nature and extent of contamination, and the fate and transport of contaminants. The Respondents shall refer to the RI/FS Guidance for an outline of the report format and contents. Following comment by EPA, the Respondents shall prepare a Final RI Report which satisfactorily addresses EPA's comments.

**TASK 4 - TREATABILITY STUDIES (RI/FS Guidance, Chapter 5)**

Except where Respondents demonstrate to the satisfaction of EPA that they are not needed, Treatability Studies shall be performed

by the Respondents to assist in the detailed analysis of alternatives. If applicable, study results and operating conditions will later be used in the detailed design of the selected remedial technology. The following activities shall be performed by the Respondents.

a. Determination of Candidate Technologies and the Need for Treatability Studies (5.2; 5.4)

The Respondents shall identify in a technical memorandum, subject to EPA review and comment, candidate technologies for a Treatability Studies program during project planning (Task 1). The listing of candidate technologies shall cover the range of technologies required for alternatives analysis (Task 5a). The specific data requirements for the Treatability Studies program shall be determined and refined during Site Characterization and the development and screening of Remedial Action Alternatives (Tasks 3 and 4, respectively).

Conduct Literature Survey and Determine the Need for Treatability Studies (5.2)

The Respondents shall conduct a literature survey to gather information on performance, relative costs, applicability, removal efficiencies, operation and maintenance ("O&M") requirements, and implementability of candidate technologies. EPA shall determine whether Treatability Studies will be required.

Evaluate Treatability Studies (5.4)

Where EPA has determined that Treatability Studies are required, the Respondents and EPA shall decide on the type of Treatability Studies to use (e.g., bench versus pilot). Because of the time required to design, fabricate, and install pilot scale equipment as well as to perform testing for various operating conditions, the decision to perform pilot testing shall be made as early in the process as possible to minimize potential delays of the FS. To assure that a Treatability Study program is completed on time, and with accurate results, the Respondents shall either submit a separate Treatability Study Work Plan or an amendment to the original RI/FS Work Plan for EPA review and approval.

b. Treatability Study Deliverables (5.5; 5.6; 5.8)

In addition to the memorandum identifying candidate technologies, the deliverables that may be required when Treatability Studies are to be conducted include a Treatability Study Work Plan, a Treatability Study Sampling and Analysis Plan, a Final Treatability Study Evaluation Report, and a Treatability Study Health and Safety Plan, where appropriate.

Treatability Study Work Plan (5.5)

The Respondents shall prepare a Treatability Study Work Plan or amendment to the original RI/FS Work Plan for EPA review and approval. This Plan shall describe the background of the Site, remedial technologies to be tested, test objectives, experimental procedures, treatability conditions to be tested, measurements of performance, analytical methods, data management and analysis, health and safety, and residual waste management. The DQOs for Treatability Studies shall be documented as well. If pilot-scale Treatability Studies are to be performed, the Treatability Study Work Plan shall describe pilot plant installation and start-up, pilot plant operation and maintenance procedures, and operating conditions to be tested. If testing is to be performed off-site, permitting requirements must be addressed.

Treatability Study Sampling and Analysis Plan (5.5)

If the original QAPP or FSAP is not adequate for defining the activities to be performed during the Treatability Studies, a separate Treatability Study SAP or amendment to the original RI/FS SAP shall be prepared by the Respondents for EPA review and approval. It shall be designed to monitor pilot plant performance. Task 1c of this Scope of Work provides additional information on the requirements of the SAP.

Treatability Study Health and Safety Plan (5.5)

If the original RI/FS Health and Safety Plan is not adequate for defining the activities to be performed during the Treatability Studies, a separate or amended Health and Safety Plan shall be developed by the Respondents. Task 1c of this Scope of Work provides additional information on the requirements of the Health and Safety Plan. EPA does not "approve" the Treatability Study Health and Safety Plan.

Treatability Study Evaluation Report (5.6)

Following completion of Treatability Studies, the Respondents shall analyze and interpret the testing results in a technical report to EPA. Depending on the sequence of activities, this report may be a part of the RI/FS Report or a separate deliverable. The report shall evaluate each technology's effectiveness, implementability, cost, and actual results as compared with predicted results. The report shall also evaluate full-scale application of the technology, including a sensitivity analysis identifying the key parameters affecting full-scale operation.

**TASK 5 - DEVELOPMENT AND SCREENING OF REMEDIAL ACTION ALTERNATIVES (RI/FS Guidance, Chapter 4)**

The development and screening of Remedial Action Alternatives is performed to select an appropriate range of waste management options to be evaluated. This range of options shall include, at a minimum, alternatives in which treatment is used to reduce the toxicity, mobility, or volume of the waste, but varying in the types of treatment, the amount treated, and the manner in which long-term residuals or untreated wastes are managed; alternatives that involve containment and treatment components; alternatives that involve containment with little or no treatment; and a no-action alternative. The following activities shall be performed by the Respondents as a function of the development and screening of Remedial Action Alternatives.

a. Development and Screening of Remedial Action Alternatives (4.2)

The Respondents shall begin to develop and evaluate, concurrent with the RI Site Characterization task, a range of appropriate waste management options that, at a minimum, ensure protection of human health and the environment and compliance with all ARARs.

Refine and Document Remedial Action Objectives (4.2.1)

The Respondents shall review and, if necessary, propose refinement to the Site Objectives and preliminary remedial action objectives that were established during the Scoping phase (Task 1). Any revised Site Objectives or revised remedial action objectives shall be documented in a technical memorandum as discussed in Task 1b. These objectives shall specify the contaminants and media of interest, exposure pathways and receptors, and an acceptable contaminant level or range of levels (at particular locations for each exposure route).

Develop General Response Actions (4.2.2)

The Respondents shall develop general response actions for each medium of interest defining containment, treatment, excavation, pumping, or other actions, singly or in combination, to satisfy the remedial action objectives.

Identify Areas and Volumes of Media (4.2.3)

The Respondents shall identify areas and volumes of media to which general response actions may apply, taking into account requirements for protectiveness as identified in the remedial action objectives. The chemical and physical characterization of the Site and the Baseline Risk

Assessment and remediation goals shall also be taken into account.

Identify, Screen, and Document Remedial Technologies (4.2.4; 4.2.5)

The Respondents shall identify and evaluate technologies applicable to each general response action to eliminate those that cannot be implemented at the Site. General response actions shall be refined to specify remedial technology types. Technology process options for each of the technology types shall be identified either concurrent with the identification of technology types or following the screening of the considered technology types. Process options shall be evaluated on the basis of effectiveness, implementability, and cost factors to select and retain one or, if necessary, more representative processes for each technology type. The technology types and process options shall be summarized for inclusion in a technical memorandum. The reasons for eliminating alternatives must be specified.

Assemble and Document Alternatives (4.2.6)

The Respondents shall assemble selected representative technologies into alternatives for each affected medium or operable unit. Together, all of the alternatives shall represent a range of treatment and containment combinations that shall address either the Site or the operable unit as a whole. A summary of the assembled alternatives and their related action-specific ARARs shall be prepared by the Respondents for inclusion in a technical memorandum. The reasons for eliminating alternatives during the preliminary screening process must be specified.

Refine Alternatives

The Respondents shall refine the Remedial Action Alternatives to identify contaminant volumes to be addressed by the proposed process and sizing of critical unit operations as necessary. Sufficient information shall be collected for an adequate comparison of alternatives. Remedial action objectives for each medium shall also be refined as necessary to incorporate any new risk assessment information presented in the Baseline Risk Assessment Report. Additionally, action-specific ARARs shall be updated as the Remedial Action Alternatives are refined.

Conduct and Document Screening Evaluation of Each Alternative (4.3)

The Respondents may perform a final screening process based on short and long term aspects of effectiveness,

implementability, and relative cost. Note that the evaluation of effectiveness involves evaluating the long-term and short-term risks - among other factors - associated with a remedial alternative. Generally, this screening process is only necessary when there are many feasible alternatives available for detailed analysis. If necessary, the screening of alternatives shall be conducted to assure that only the alternatives with the most favorable composite evaluation of all factors are retained for further analysis.

As appropriate, the screening shall preserve the range of treatment and containment alternatives that was initially developed. The range of remaining alternatives shall include options that use treatment technologies and permanent solutions to the maximum extent practicable. The Respondents shall prepare a technical memorandum summarizing the results and reasoning employed in screening, arraying alternatives that remain after screening, and identifying the action-specific ARARs for the alternatives that remain after screening.

b. Alternatives Development and Screening Deliverables (4.5)

The Respondents shall prepare a technical memorandum summarizing the work performed and the results of each task above, including an alternatives array summary. This alternatives array shall be modified by the Respondents when conducting Task 6 if required by EPA's comments to assure identification of a complete and appropriate range of viable alternatives to be considered in the detailed analysis. This deliverable shall document the methods, rationale, and results of the alternatives screening process.

**TASK 6 - DETAILED ANALYSIS OF REMEDIAL ACTION ALTERNATIVES**  
(RI/FS Guidance, Chapter 6)

The detailed analysis shall be conducted by the Respondents to provide EPA with the information needed to allow for the selection of a remedy for the Site.

a. Detailed Analysis of Alternatives (6.2)

The Respondents shall conduct a detailed analysis of remaining alternatives. This analysis shall consist of an assessment of each option against a set of nine evaluation criteria and a comparative review of all options using the same nine evaluation criteria as a basis for comparison.

Apply Nine Criteria and Document Analysis (6.2.1 - 6.2.4)

The Respondents shall apply nine evaluation criteria to the assembled Remedial Action Alternatives to ensure that the

selected Remedial Action Alternative will be protective of human health and the environment; will be in compliance with, or include a waiver of, ARARs; will be cost-effective; will utilize permanent solutions and alternative treatment technologies, or resource recovery technologies, to the maximum extent practicable; and will address the statutory preference for treatment as a principal element. The evaluation criteria include: (1) overall protection of human health and the environment; (2) compliance with ARARs; (3) long-term effectiveness and permanence; (4) reduction of toxicity, mobility, or volume; (5) short-term effectiveness; (6) implementability; (7) cost; (8) State acceptance; and (9) community acceptance. Criteria 8 and 9 are considered after the RI/FS Report has been released to the general public. For each alternative, the Respondents shall provide: (1) a description of the alternative that outlines the waste management strategy involved and identifies the key ARARs associated with each alternative; and (2) a discussion of the individual criterion assessment. Since the Respondents do not have direct input on criteria (8) State acceptance and (9) community acceptance, these two criteria will be addressed by EPA after completion of the Draft FS Report.

Compare Alternatives Against Each Other and Document the Comparison of Alternatives (6.2.5; 6.2.6)

The Respondents shall perform a comparative analysis among the Remedial Action Alternatives. That is, each alternative shall be compared against the others using the nine evaluation criteria as a basis of comparison. No alternative shall be identified by Respondents as the preferred alternative in the Feasibility Study. Identification and selection of the preferred alternative is conducted by EPA.

b. Detailed Analysis Deliverables (6.5)

The Respondents shall prepare a Draft FS Report for EPA review and comment. This report, as ultimately adopted or amended by EPA, provides a basis for remedy selection by EPA and documents the development and analysis of Remedial Action Alternatives. The Respondents shall refer to the RI/FS Guidance for an outline of the report format and the required report content. The Respondents shall prepare a Final FS Report which satisfactorily addresses EPA's comments. Once EPA's comments have been addressed by the Respondents to EPA's satisfaction and EPA approval has been obtained or an amendment has been furnished by EPA, the Final FS Report may be bound with the Final RI Report.

**ATTACHMENT A  
REFERENCES**

The following list, although not comprehensive, comprises many of the regulations and guidance documents that apply to the RI/FS process:

1. The National Oil and Hazardous Substances Pollution Contingency Plan, March 8, 1990.
2. "Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA, Interim Final" U.S. EPA, Office of Emergency and Remedial Response, October 1988, OSWER Directive No. 9355.3-01.
3. "Interim Guidance on Potentially Responsible Party Participation in Remedial Investigation and Feasibility Studies," U.S. EPA, Office of Waste Programs Enforcement, Appendix A to OSWER Directive No. 9355.3-01.
4. "Guidance on Oversight of Potentially Responsible Party Remedial Investigations and Feasibility Studies," U.S. EPA, Office of Waste Programs Enforcement, OSWER Directive No. 9835.3.
5. "A Compendium of Superfund Field Operations Methods," Two Volumes, U.S. EPA, Office of Emergency and Remedial Response, EPA/540/P-87/001a, August 1987, OSWER Directive No. 9355.0-14.
6. "EPA NEIC Policies and Procedures Manual," May 1978, revised November 1984, EPA-330/9-78-001-R.
7. "Data Quality Objectives for Remedial Response Activities," U.S. EPA, Office of Emergency and Remedial Response and Office of Waste Programs Enforcement, EPA/540/G-87/003, March 1987, OSWER Directive No. 9335.0-7B.
8. "Guidelines and Specifications for Preparing Quality Assurance Project Plans," U.S. EPA, Office of Research and Development, Cincinnati, OH, QAMS-004/80, December 29, 1980.
9. "Interim Guidelines and Specifications for Preparing Quality Assurance Project Plans," U.S. EPA, Office of Emergency and Remedial Response, QAMS-005/80, December 1980.
10. "Users Guide to the EPA Contract Laboratory Program," U.S. EPA, Sample Management Office, December 1986.
11. "Interim Guidance on Compliance with Applicable or Relevant and Appropriate Requirements," U.S. EPA, Office of Emergency

- and Remedial Response, July 9, 1987, OSWER Directive No. 9234.0-05.
12. "CERCLA Compliance with Other Laws Manual," Two Volumes, U.S. EPA, Office of Emergency and Remedial Response, August 1988 (Draft), OSWER Directive No. 9234.1-01 and -02.
  13. "Guidance on Remedial Actions for Contaminated Ground Water at Superfund Sites," U.S. EPA, Office of Emergency and Remedial Response, (Draft), OSWER Directive No. 9283.1-2.
  14. "Draft Guidance on Preparing Superfund Decision Documents," U.S. EPA, Office of Emergency and Remedial Response, March 1988, OSWER Directive No. 9355.3-02
  15. "Interim Final Risk Assessment Guidance for Superfund - Volume I - Human Health Evaluation Manual, Part A," U.S. EPA, Office of Emergency and Remedial Response, EPA/540/1-89/002A, December 1989, OSWER Directive No. 9285.7-01a.
  16. "Interim Final Risk Assessment Guidance for Superfund - Volume I - Human Health Evaluation Manual, Part B," U.S. EPA, Office of Emergency and Remedial Response, EPA/540/1-89/002B, OSWER Directive No. 9285.7-01b.
  17. "Interim Final Risk Assessment Guidance for Superfund - Volume I - Human Health Evaluation Manual, Part C," U.S. EPA, Office of Emergency and Remedial Response, EPA/540/1-89/002C, OSWER Directive No. 9285.7-01c.
  18. "Interim Final Risk Assessment Guidance for Superfund - Volume II - Environmental Evaluation Manual," U.S. EPA, Office of Emergency and Remedial Response, EPA/540/1-89/001, March 1989, OSWER Directive No. 9285.7-01.
  19. "Superfund Exposure Assessment Manual," U.S. EPA, Office of Emergency and Remedial Response, EPA/540/1-88/001, April 1988, OSWER Directive No. 9285.5-1.
  20. "Guidance for Data Useability in Risk Assessment," U.S. EPA, Office of Emergency and Remedial Response, EPA/540/G-90/008, October 1990, OSWER Directive No. 9285.7-05.
  21. "Role of the Baseline Risk Assessment in Superfund Remedy Selection Decisions," April 22, 1991, OSWER Directive No. 9355.0-30.
  22. "Health and Safety Requirements of Employees Employed in Field Activities," U.S. EPA, Office of Emergency and Remedial Response, July 12, 1981, EPA Order No. 1440.2.

23. OSHA Regulations in 29 CFR 1910.120 (Federal Register 45654, December 19, 1986).
24. "Interim Guidance on Administrative Records for Selection of CERCLA Response Actions," U.S. EPA, Office of Waste Programs Enforcement, March 1, 1989, OSWER Directive No. 9833.3A.
25. "Community Relations in Superfund: A Handbook," U.S. EPA, Office of Emergency and Remedial Response, June 1988, OSWER Directive No. 9230.0-3B.
26. "Community Relations During Enforcement Activities And Development of the Administrative Record," U.S. EPA, Office of Waste Programs Enforcement, November 1988, OSWER Directive No. 9836.0-1A.
27. "Environmental Compliance Branch Standard Operating Procedures and Quality Assurance Manual", U.S. EPA Region IV, Environmental Services Division, February 1, 1991 (revised periodically).
28. "USEPA Contract Laboratory Program Statement of Work for Organics Analysis", U.S. EPA, Office of Emergency and Remedial Response, February 1988.
29. "USEPA Contract Laboratory Program Statement of Work for Inorganics Analysis", U.S. EPA, Office of Emergency and Remedial Response, July 1988.

**ATTACHMENT B**  
**SUMMARY OF THE MAJOR DELIVERABLES FOR THE**  
**REMEDIAL INVESTIGATION AND FEASIBILITY STUDY AT**  
**THE AQUA-TECH ENVIRONEMNTAL, INC., SITE**

<u>TASK</u>	<u>DELIVERABLE</u>	<u>EPA RESPONSE</u>
TASK 1	SCOPING	
	- RI/FS Work Plan (5)	Review and Approve
	- Field Sampling and Analysis Plan (5)	Review and Approve
	- Quality Assurance Project Plan (5)	Review and Approve
	- Site Health and Safety Plan (5)	Review and Comment
TASK 3	SITE CHARACTERIZATION	
	- Technical Memorandum on Contaminant Fate and Transport Modeling (where appropriate) (5)	Review and Approve
	- Technical Memorandum on Baseline Risk Assessment (5)	Review and Comment
	- Preliminary Site Characterization Summary (5)	Review and Comment
	- Baseline Risk Assessment (5)	Review and Approve
	- Remedial Investigation (RI) Report (5)	Review and Approve
TASK 4	TREATABILITY STUDIES	
	- Technical Memorandum Identifying Candidate Technologies (5)	Review and Comment

- Treatability Study Work Plan (or amendment to original Work Plan) (5) Review and Approve
- Treatability Study SAP (or amendment to original SAP) (5) Review and Approve
- Treatability Study Evaluation Report (5) Review and Approve

TASK 5 DEVELOPMENT AND SCREENING OF REMEDIAL ACTION ALTERNATIVES

- Technical Memorandum Documenting Revised Remedial Action Objectives (5) Review and Approve
- Technical Memorandum on Remedial Technologies, Alternatives, and Screening (5) Review and Comment

TASK 6 DETAILED ANALYSIS OF REMEDIAL ACTION ALTERNATIVES

- Feasibility Study (FS) Report (5) Review and Approve

Note: The number in parenthesis indicates the number of copies to be submitted by Respondents. One copy shall be unbound, the remainder shall be bound. Also, see the Administrative Order on Consent for additional reporting requirements and further instructions on submittal and dispositions of deliverables.

ATTACHMENT C  
GENERAL SCHEDULE FOR  
REMEDIAL INVESTIGATION AND FEASIBILITY STUDY  
AQUA-TECH ENVIRONMENTAL, INC., SITE

Major milestones for this RI/FS are as follows:

<u>Milestone</u>	<u>Time Pathway</u>
Effective Date of AOC	A
EPA Approves RI/FS Workplan	B
EPA Initiates Baseline Risk Assessment	C
EPA Approves Baseline Risk Assessment	C7, B5
EPA Approves RI Report	D
EPA Approves FS and TS	E

SCHEDULE

<u>Activity</u>	<u>Days After Milestone</u>	
Effective Date of AOC	A	
Notify EPA of Selected Contractor	A + 30	(A1)
EPA Approves Contractor	A + 45	(A2)
Submit Draft RI/FS Workplan	A + 75	(A3)
EPA Review		
EPA Approval of RI/FS Workplan	B	
Final RI/FS Workplan Submittal	B + 15	(B1)
Initiate Field Activities	B + 30	(B2)
Complete Field Activities	B + 120	(B3)
Submit Site Characterization Report to EPA	B + 150	(B4)
Submit Draft Baseline Risk Assessment	B + 240	
Submit Draft RI Report	B + 300	(B7)
EPA Review		
EPA Approves RI Report	D	
Final RI Submitted	D + 15	(D1)
Draft FS and Treatability Study Submitted	D + 75	(D2)
EPA Review		
EPA Approves FS Report	E	
Final FS Report Submitted	E + 15	(E1)
Final Treatability Report Submitted	E + 30	(E2)

Note: Other deliverables listed in Attachment B shall also be incorporated into the schedule to be submitted as part of the RI/FS Work Plan.

ATTACHMENT A  
RESPONDENTS TO AQUA-TECH RI/FS AOC

1. Abbott Laboratories
2. A.B. Carter, Inc.
3. Aeroquip Corporation
4. Allen-Bradley Company, Inc.
5. American Nickeloid Company
6. Amoco Corp.
7. Atlantic Richfield Company/ARCO Metals
8. AVX Corporation
9. Barber-Colman Company
10. BASF Corporation (for Badische Corp.)
11. Bridgestone/Firestone, Inc.
12. Cartex Corporation
13. Cincinnati Milacron, Inc.
14. CMI Industries, Inc. (for Clinton Mills, Inc.)
15. Communications Instruments, Inc.
16. C.R. Bard, Inc.
17. De Monte Corporation
18. Dunlop Sports
19. Duracell Inc.
20. Electro-Plating, Inc.
21. Exxon Enterprises Division of Exxon Corporation
22. Federal Cartridge/Federal-Hoffman, Inc.
23. Fluid Controls, Inc.
24. General Electric Company
25. General Motors Corporation
26. Greenville News-Piedmont
27. Greenwood Mills, Inc.
28. Grimes Aerospace Company (Midland Ross)/Grimes Manufacturing
29. Hoechst Celanese Corporation
30. Jacobs Chuck Manufacturing Co.
31. JPS Converter & Industrial, Inc. (for J.P. Stevens)
32. KEMET Electronics Corporation
33. Kohler Co.
34. Lipe Clutch Products Co.
35. Mater Lock Company
36. Mayville Metal Products
37. (Cooper Industries) for McGraw-Edison Power Systems Div.
38. Measurements Group, Incorporated
39. Metro Machine Corp.
40. (AT&T for) Nassau Recycle Corporation
41. National Tank Service of WI, Inc.
42. NI Industries, Inc.
43. Norplex (AlliedSignal Laminate Systems)
44. OHM Resource Recovery Corp.
45. OMC Evinrude
46. Penske Tank
47. Philips Components Discrete Products Division of North America - Philips Corporation (Philips Components)
48. (Hollingsworth Saco Lowell for) Platt Saco Lowell
49. Progress Lighting
50. Quaker Chemical Corporation

51. Rmax, Inc.
52. Robert Bosch Corporation
53. Rockford Products Corp.
54. (SCM Chemicals for) SCM Pigments
55. (Aluminum Company of America for) Southeastern-Kusan Co.
56. Space Ordnance Systems
57. Spartan Mills
58. Spartanburg Steel Products, Inc.
59. Square D Company
60. (VyTech Industries, Inc. for) Stauffer Chemical
61. Sun Chemical (a/k/a/ Sequa Corporation)
62. Talon, Inc.
63. Textron (Homelite Division)
64. Tipper Tie, Inc.
65. Torrington Bearing (Ingersoll-Rand)
66. Tracor Aerospace, Inc.
67. TRW, Inc.
68. Union Carbide Corporation
69. Waste Conversion, Inc.
70. W.R. Grace
71. York Tape & Label Co.
72. Genicom Corp
73. Milliken & Company
74. Saxonica - Franke
75. Knight Publishing Company
76. Sybron Corporation
77. Volvo GMT Heavy Truck Corporation
78. Cortex Corp
79. Lanza, Inc.
80. Ryobi Motor Products
81. Tifco Inc.

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Abbott Laboratories  
(Typed)

By:  Date: August 9, 1995

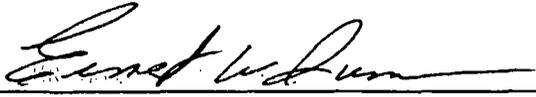
Name (Typed): Daniel O. Struble

Title (Typed): Vice President, Corporate Engineering

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: A.B. CARTER, INC.  
(Typed)

By:  Date: 8/04/95

Name (Typed): ERNEST W. SUMNER

Title (Typed): VICE -PRESIDENT

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Aeroquip Corporation  
(Typed)

By:  Date: 7/26/95

Name (Typed): Howard M. Selland

Title (Typed): President

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Allen-Bradley Company, Inc.  
(Typed)

By: Robert Beck Date: 7/28/95

Name (Typed): Robert Beck

Title (Typed): Assistant General Counsel

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: American Nickeloid Company  
(Typed)

By:  Date: 7/27/95

Name (Typed): George H. Maze

Title (Typed): President

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: PAUL RESSMEYER Amoco Corp.  
(Typed)

By: Paul Ressmeyer Date: 8/17/95

Name (Typed): PAUL RESSMEYER

Title (Typed): ENVIRONMENTAL LIABILITY MANAGER

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Atlantic Richfield Company/ARCO Metals  
(Typed)

By: *CR Knowles* <sup>WCB</sup> <sup>BRD</sup> <sup>WB</sup> Date: August 2, 1995

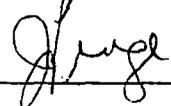
Name (Typed): C. R. KNOWLES

Title (Typed): MANAGER, ENVIRONMENTAL REMEDIATION

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: AVX CORPORATION  
(Typed)

By:  Date: 8/24/95

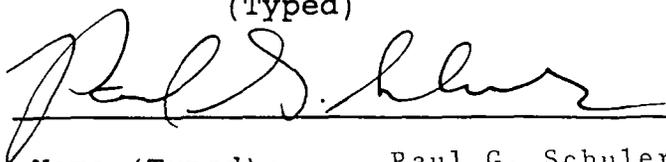
Name (Typed): JOAN PRAGER

Title (Typed): CORPORATE SECRETARY

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Barber-Colman Company  
(Typed)

By:  Date: August 15, 1995

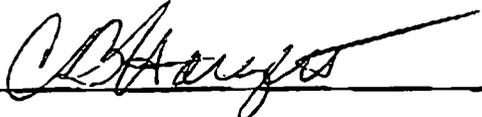
Name (Typed): Paul G. Schuler

Title (Typed): Secretary

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: BASF Corporation on behalf of Badische Corporation  
(Typed)

By:  Date: 8/2/95

Name (Typed): Charles B. Hargett

Title (Typed): Vice President - Regulatory

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Bridgestone/Firestone, Inc.  
(Typed)

By:  Date: August 18, 1995

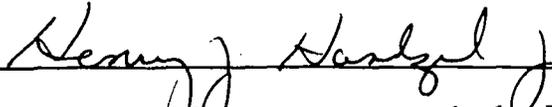
Name (Typed): JAMES K. VINES

Title (Typed): GENERAL COUNSEL - ENVIRONMENTAL

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Cartex Corporation  
(Typed)

By:  Date: 8/10/95

Name (Typed): Henry J. Handzel, Jr.

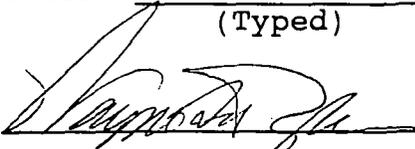
Title (Typed): Attorney

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Cincinnati Milacron Inc.

(Typed)

By:  \_\_\_\_\_ Date: \_\_\_\_\_

Name (Typed): Wayne F. Taylor

Title (Typed): Vice President, General Counsel and Secretary

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: CMI Industries, Inc. (successor to Clinton Mills, Inc.)  
(Typed)

By: Harry B. Sullivan Date: 7/27/95

Name (Typed): Harry B. Sullivan

Title (Typed): Director of Engineering and Environmental Compliance

**AQUA-TECH**  
**RI/FS ADMINISTRATIVE ORDER ON CONSENT**

IT IS SO AGREED:

**RESPONDENT:** COMMUNICATIONS INSTRUMENTS, INC.

**BY:**  **DATE:** AUGUST 14, 1995

**Name:** G. DAN TAYLOR

**Title:** Executive Vice President

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: C. R. BARD, INC.  
(Typed)

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name (Typed): Richard A. Flink

Title (Typed): Vice President, General Counsel & Secretary

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Del Monte Corporation  
(Typed)

By: *Wm. R. Sawyers* Date: *August 18, 1995*  
Name (Typed): William R. Sawyers  
Title (Typed): Vice President, Legal Affairs & Secretary

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Frank D. Williams      DUNLOP SPORTS  
(Typed)

By: Frank D. Williams      Date: 7/24/95

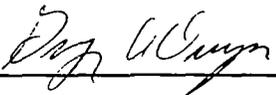
Name (Typed): Frank D. Williams

Title (Typed): Plant Manager - Golf Balls

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Duracell Inc.  
(Typed)

By:  Date: August 28, 1995

Name (Typed): Gregg A. Dwyer

Title (Typed): Senior Vice President and General Counsel

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: ELECTRO-PLATING, INC.  
(Typed)

By: Michael A. Wagner Date: 8-28-95

Name (Typed): MICHAEL A. WAGNER

Title (Typed): PRESIDENT

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: EXXON ENTERPRISES DIVISION OF EXXON CORPORATION  
(Typed)

By: Thomas P. Notaraini Date: 8-24-95

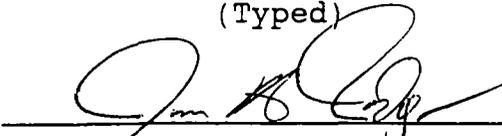
Name (Typed): THOMAS P. NOTARAINI

Title (Typed): VICE PRESIDENT  
EXXON ENTERPRISES

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Federal Cartridge/Federal-Hoffman, Inc.  
(Typed)

By:  Date: 8/14/95

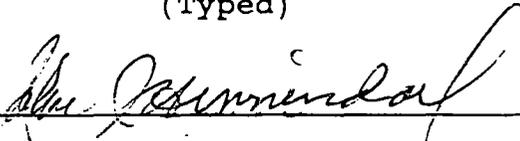
Name (Typed): Jim Rodgers

Title (Typed): \_\_\_\_\_

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Fluid Controls, Inc.  
(Typed)

By:  Date: July 26, 1995

Name (Typed): John J. Hinnendael

Title (Typed): Vice President and Secretary

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: General Electric Company

By: David W. Thompson Date: 7/31/95

Name (Typed): David W. Thompson

Manager, Mid-Atlantic/Southeast Region  
Title: (Typed): Environmental Remediation Program

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: General Motors Corporation  
(Typed)

By: *Don A. Schiemann* Date: July 26, 1995

Name (Typed): Don A. Schiemann

Title (Typed): Attorney

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: The Greenville News-Piedmont  
(Typed)

By:  Date: August 21, 1995

Name (Typed): Hal Tanner

Title (Typed): Vice-President/Business Manager

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Greenwood Mills, Inc.  
(Typed)

By: Wade T. Harter Date: August 29, 1995

Name (Typed): Wade T. Harter

Title (Typed): Vice President Corporate Engineering

**Aqua-Tech**

RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Grimes Aerospace Company for Midland Ross and  
Grimes Manufacturing Company  
(Typed)

By:  Date: 2/27/95

Name (Typed) : Christopher Kearney

Title (Typed) : Senior Vice President and General  
Counsel, Grimes Aerospace Company

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Hoechst Celanese Corporation  
(Typed)

By:  Date: 8/1/95

Name (Typed): Harry Benz

Title (Typed): Senior Vice President & Chief Financial Officer

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: The Jacob's Chuck Manufacturing Company  
(Typed)

By: *Gerard M. Miclette* Date: 7/26/95

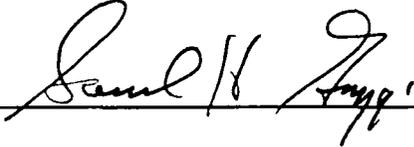
Name (Typed): Gerard M. Miclette

Title (Typed): Consumer Business Manager

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: JPS Converter & Industrial, Inc. (J.P. Stevens-Dunear Plant)

By: 

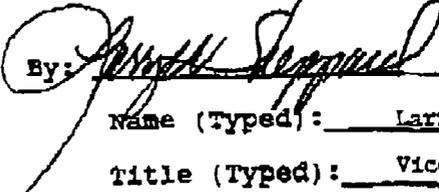
Date: 8/22/95

Name: Samuel H. Griggs  
Title: Director of Environmental Affairs  
JPS Converter & Industrial

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: KEMET Electronics Corporation  
(Typed)

By:  Date: July 26, 1995

Name (Typed): Larry W. Sheppard

Title (Typed): Vice-President Human Resources

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Kohler Co.  
(Typed)

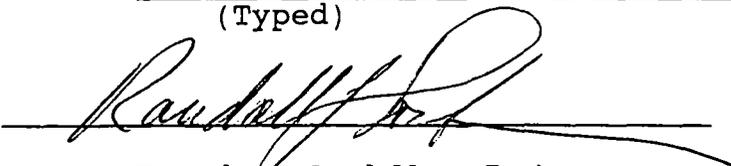
By: *James R. Kieckhefer* Date: 7/27/95  
Name (Typed): James R. Kieckhefer

Title (Typed): Attorney

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Lipec Clutch Products Co.  
(Typed)

By:  Date: 8/12/95

Name (Typed): Randall J. Foster

Title (Typed): Director of Safety & Environmental Compliance

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Master Lock Company  
(Typed)

By:  Date: 7/27/85

Name (Typed): Robert C. Rich

Title (Typed): Executive Vice President Operations

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: MAYVILLE METAL PRODUCTS  
(Typed)

By: William A Clapp Date: 27 July 1995  
Name (Typed): William A. Clapp  
Title (Typed): President

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: (Cooper Industries) for McGraw-Edison  
(Typed)

By: Robert W. Teets Date: 7-26-95

Name (Typed): Robert W. Teets

Title (Typed): Vice President, Environmental Affairs & Risk Management

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Measurements Group, Inc.  
(Typed)

By:  Date: 7-24-95

Name (Typed): Andrew P. Dalgliesh

Title (Typed): Treasurer

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Metro Machine Corporation  
(Typed)

By:  Date: 8/7/95

Name (Typed): Richard A. Goldbach

Title (Typed): President

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: AT&T FOR NASSAU RECYCLE CORP.  
(Typed)

By: RJ Fenemella Date: 7/28/95

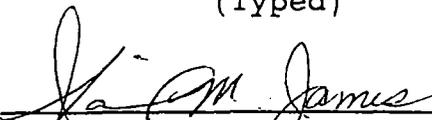
Name (Typed): ROY J. FENENELLA

Title (Typed): CORPORATE ENVIRONMENTAL OPERATIONS  
STRATEGY DIRECTOR

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: National Tank Service of WI, Inc.  
(Typed)

By:  Date: August 28, 1995

Name (Typed): Gail M. James

Title (Typed): President

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: NI Industries, Inc.  
(Typed)

By: Scott Halpert Date: 8-2-95

Name (Typed): Scott A. Halpert

Title (Typed): Assistant Corporate Counsel

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Norplex(AlliedSignal Laminate Systems)  
(Typed)

By: Michael Heth Date: 7/25/95

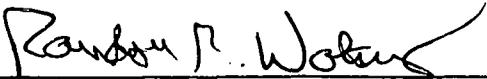
Name (Typed): Michael L. Heth

Title (Typed): Director Health, Safety and  
Environmental Sciences

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: OHM Resource Recovery Corp.  
(Typed)

By:  Date: August 11, 1995

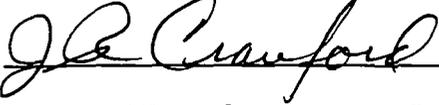
Name (Typed): Randall M. Walters

Title (Typed): Vice President and Secretary

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: OMC Evinrude  
(Typed)

By:  Date: 8/21/95

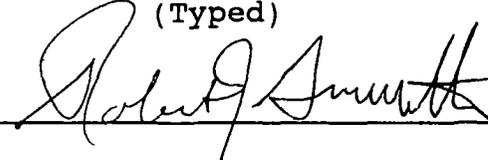
Name (Typed): J. R. Crawford

Title (Typed): Director, Environmental Affairs  
Outboard Marine Corporation

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: PENSKE TANK  
(Typed)

By:  VP Date: 7/31/95

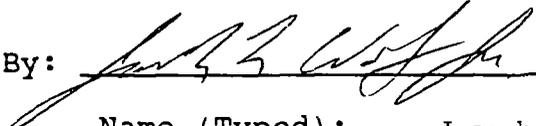
Name (Typed): Robert J. Gerth

Title (Typed): Vice President

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Philips Components  
(Typed)

By:  Date: July 28, 1995

Name (Typed): Joseph L. Wolf, Jr.

Title (Typed): Division Environmental Manager

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Hollingsworth Saco Lowell (formerly Platt Saco Lowell  
(Typed)

By:  Date: 8-3-95

Name (Typed): Russell E. Dunlap

Title (Typed): Production Manager

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Progress Lighting  
(Typed)

By: *Scott F. Muse* Date: 8/22/95

Name (Typed): Scott Muse

Title (Typed): President

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: QUAKER CHEMICAL CORPORATION  
(Typed)

By:  Date: 31 July 1995

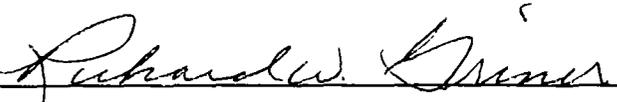
Name (Typed): Karl H. Spaeth

Title (Typed): Vice President and Corporate Secretary

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Rmax, Inc.  
(Typed)

By:  Date: 7/24/95

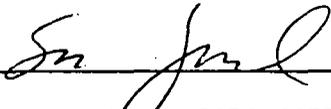
Name (Typed): Richard W. Griner

Title (Typed): President

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

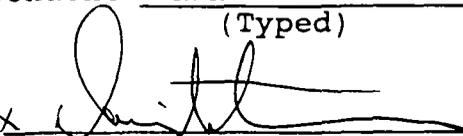
Respondent: ROBERT BOSCH CORPORATION  
(Typed)

By:  Date: August 4, 1975  
Name (Typed): SARA GORDON  
Title (Typed): SENIOR STAFF ATTORNEY

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: ROCKFORD PRODUCTS CORPORATION  
(Typed)

By:  Date: JULY 26, 1995

Name (Typed): DAVID PETERSON

Title (Typed): GROUP VICE PRESIDENT

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

SCM Chemicals, Inc.

Respondent: Named Herein As SCM Pigments  
(Typed)

By: *Samuel Friedman* Date: 7/28/95

Name (Typed): Samuel Friedman

Title (Typed): Vice President - General Counsel

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Aluminum Company of America  
on behalf of Southeastern-Kusan  
(Typed)

By:  Date: 8/3/95

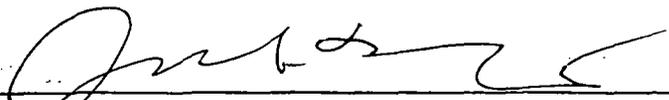
Name (Typed): Kevin L. McKnight

Title (Typed): Manager, Environmental NRDA & CERCLA  
Remediation Project

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: SPACE ORDNANCE SYSTEMS  
(Typed)

By:  Date: 7-31-95

Name (Typed): JEFFREY A. FORGANG

Title (Typed): DIRECTOR OF ENVIRONMENTAL AFFAIRS

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: SPARTAN MILLS  
(Typed)

By:  Date: 7/24/95  
Name (Typed): JOHN W OWENBY  
Title (Typed): ENVIRONMENTAL ENGINEER

**Agua-Tech  
RI/FS Administrative Order on Consent**

**IT IS SO AGREED:**

**Respondent: SPARTANBURG STEEL PRODUCTS, INC.  
(Typed)**

**By: Rick O'Hara Date: 7/28/95**

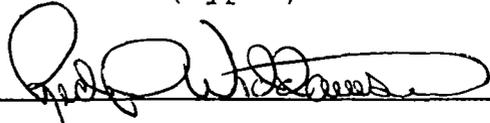
**Name (Typed): Rick O'Hara**

**Title (Typed): Section Manager/Environmental**

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: SQUARE D COMPANY  
(Typed)

By:  Date: 8/29/95

Name (Typed): Richard Widdowson

Title (Typed): Director, Safety, Health & Environmental Affairs

Page 24 of 24

As part of the Administrative Order on Consent for Remedial Investigation / Feasibility Study received 8/25/95, in the matter of: The Aqua-Tech Env., Inc. site in Greer, South Carolina.

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: VyTech Industries, Inc. (Stauffer Chemical)  
(Typed)

By:  Date: 7/25/95

Name (Typed): Clifford J. Gandis

Title (Typed): President/CEO

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Sequa Corporation (f/k/a Sun Chemical Corporation)  
(Typed)

By:  Date: 7/28/95

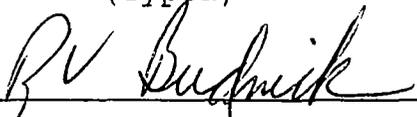
Name (Typed): Leonard P. Pasculli

Title (Typed): Director, Environmental Law

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Talon, Inc.  
(Typed)

By:  Date: August 1, 1995

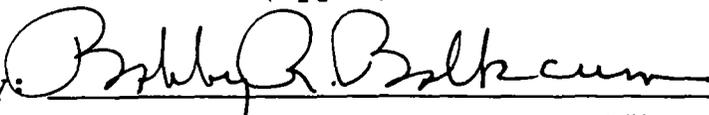
Name (Typed): R. V. Budnick

Title (Typed): Vice President

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: TIPPER TIE, INC..  
(Typed)

By:  Date: 7/26/95

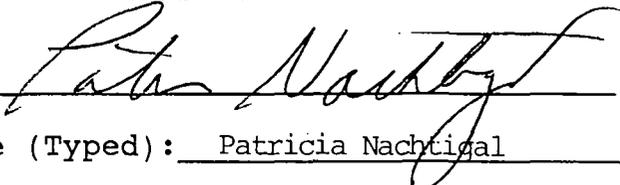
Name (Typed): BOBBY R. BALKCUM

Title (Typed): DIRECTOR, HUMAN RESOURCES / ENVIRONMENTAL COORDINATOR

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Ingersoll-Rand Company (Torrington Bearing)  
(Typed)

By:  Date: July 31, 1995

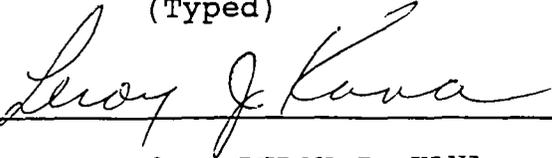
Name (Typed): Patricia Nachtigal

Title (Typed): Vice President & General Counsel

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: TRACOR AEROSPACE, INC.  
(Typed)

By:  Date: JULY 28, 1995

Name (Typed): LEROY J. KANA

Title (Typed): CORPORATE VICE PRESIDENT, QSE

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: TRW Inc.  
(Typed)

By: David B. Goldston Date: August 4, 1995

Name (Typed): David B. Goldston

Title (Typed): Assistant Secretary

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Union Carbide Corporation  
(Typed)

By: Arthur M. McClain Date: 9/1/95

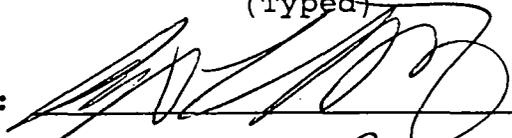
Name (Typed): Arthur M. McClain

Title (Typed): Associate Director, Environment

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Waste Conversion, Inc.  
(Typed)

By:  Date: 8/18/95

Name (Typed): August C. Schultes III

Title (Typed): \_\_\_\_\_

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: W. R. Grace  
(Typed)

By: David R. Vaughn Date: August 15, 1995

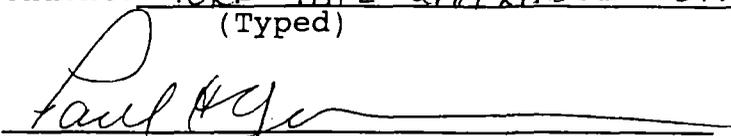
Name (Typed): David R. Vaughn

Title (Typed): Director , Environmental, Health and Safety

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: YORK TAPE and LABEL COMPANY  
(Typed)

By:  Date: 7/31/95

Name (Typed): PAUL H. YEAGLE

Title (Typed): President

ATTACHMENT A  
RESPONDENTS TO AQUA-TECH RI/FS AOC

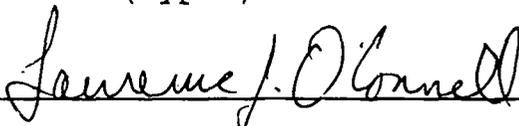
1. Abbott Laboratories
2. A.B. Carter, Inc.
3. Aeroquip Corporation
4. Allen-Bradley Company, Inc.
5. American Nickeloid Company
6. Amoco Corp.
7. Atlantic Richfield Company/ARCO Metals
8. AVX Corporation
9. Barber-Colman Company
10. BASF Corporation (for Badische Corp.)
11. Bridgestone/Firestone, Inc.
12. Cartex Corporation
13. Cincinnati Milacron, Inc.
14. CMI Industries, Inc. (for Clinton Mills, Inc.)
15. Communications Instruments, Inc.
16. C.R. Bard, Inc.
17. De Monte Corporation
18. Dunlop Sports
19. Duracell Inc.
20. Electro-Plating, Inc.
21. Exxon Enterprises Division of Exxon Corporation
22. Federal Cartridge/Federal-Hoffman, Inc.
23. Fluid Controls, Inc.
24. General Electric Company
25. General Motors Corporation
26. Greenville News-Piedmont
27. Greenwood Mills, Inc.
28. Grimes Aerospace Company (Midland Ross)/Grimes Manufacturing
29. Hoechst Celanese Corporation
30. Jacobs Chuck Manufacturing Co.
31. JPS Converter & Industrial, Inc. (for J.P. Stevens)
32. KEMET Electronics Corporation
33. Kohler Co.
34. Lipe Clutch Products Co.
35. Mater Lock Company
36. Mayville Metal Products
37. (Cooper Industries) for McGraw-Edison Power Systems Div.
38. Measurements Group, Incorporated
39. Metro Machine Corp.
40. (AT&T for) Nassau Recycle Corporation
41. National Tank Service of WI, Inc.
42. NI Industries, Inc.
43. Norplex (AlliedSignal Laminate Systems)
44. OHM Resource Recovery Corp.
45. OMC Evinrude
46. Penske Tank
47. Philips Components Discrete Products Division of North America - Philips Corporation (Philips Components)
48. (Hollingsworth Saco Lowell for) Platt Saco Lowell
49. Progress Lighting
50. Quaker Chemical Corporation

51. Rmax, Inc.
52. Robert Bosch Corporation
53. Rockford Products Corp.
54. (SCM Chemicals for) SCM Pigments
55. (Aluminum Company of America for) Southeastern-Kusan Co.
56. Space Ordnance Systems
57. Spartan Mills
58. Spartanburg Steel Products, Inc.
59. Square D Company
60. (VyTech Industries, Inc. for) Stauffer Chemical
61. Sun Chemical (a/k/a/ Sequa Corporation)
62. Talon, Inc.
63. Textron (Homelite Division)
64. Tipper Tie, Inc.
65. Torrington Bearing (Ingersoll-Rand)
66. Tracor Aerospace, Inc.
67. TRW, Inc.
68. Union Carbide Corporation
69. Waste Conversion, Inc.
70. W.R. Grace
71. York Tape & Label Co.

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Textron Inc., for its former Homelite Division  
(Typed)

By:  Date: 8/14/95

Name (Typed): Lawrence J. O'Connell

Title (Typed): Risk Management Counsel

TO  
Bernie  
Hayes

# G & SPALDING

191 PEACHTREE STREET  
ATLANTA, GEORGIA 30303-1763  
TELEPHONE: 404/572-4600  
FACSIMILE: 404/572-5100

DIRECT DIAL:

404/572-4820

DIRECT FAX:

404/572-5141

October 5, 1995

Ms. Suzanne Rubini  
Office of Regional Counsel  
United States Environmental  
Protection Agency  
Region IV  
345 Courtland Street  
Atlanta, Georgia 30365

Re: Aqua-Tech Site RI/FS Consent Order

Dear Suzanne:

Enclosed please find additional signature pages for the parties listed on the attachment. Please add these to the signature pages for the RI/FS Consent Order which I have previously forwarded.

Sincerely,



Charles H. Tisdale, Jr.

CHT:kb  
Enclosures

RI/FS CONSENT DECREE  
SIGNATURE PAGES RECEIVED FROM:

1. Genicom Corporation
2. Milliken & Company
3. Saxonia-Franke

Agua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Michael J. Shelor GENICOM CORPORATION

By: *(Signature)* (Typed) Date: 8-10-95

Name (Typed): Michael J. Shelor

Title (Typed): Vice President, Multivendor Operations  
and Site General Manager

Notary Public *(Signature)*

My Commission Expires January 31, 1995

Date: September 10, 1995

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Milliken & Company  
(Typed)

By:  Date: Sept. 1, 1995

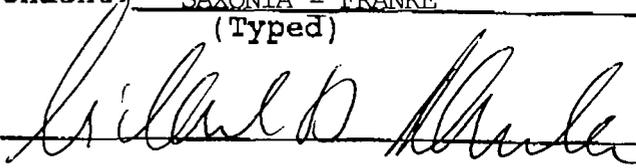
Name (Typed): Terry T. Moyer

Title (Typed): Vice President & General Counsel

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: SAXONIA - FRANKE  
(Typed)

By:  Date: 9-6-95

Name (Typed): Michael D. Franke

Title (Typed): President

# KING & SPALDING

191 PEACHTREE STREET  
ATLANTA, GEORGIA 30303-1763  
TELEPHONE: 404/572-4600  
FACSIMILE: 404/572-5100

DIRECT DIAL:

404/572-4820

DIRECT FAX:

404/572-5141

October 27, 1995

Ms. Suzanne Rubini  
Office of Regional Counsel  
United States Environmental  
Protection Agency  
Region IV  
345 Courtland Street  
Atlanta, Georgia 30365

Re: Aqua-Tech Site RI/FS Consent Order

Dear Suzanne:

Enclosed please find additional signature pages for the parties listed on the attachment. Please add these to the signature pages for the RI/FS Consent Order which I have previously forwarded.

Sincerely,



Charles H. Tisdale, Jr.

CHT:kb  
Enclosures

11-13

Bernie -

Here are some  
additional signature  
pages for the  
A-Tech RI/FS -  
we're up to 77  
participants -  
Suzanne

**RI/FS CONSENT DECREE**  
**SIGNATURE PAGES RECEIVED FROM:**

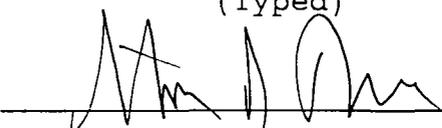
1. Knight Publishing Company
2. Sybron Corporation
3. Volvo GM Heavy Truck Corporation



Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Sybron Transition Corporation  
(Typed)

By:  \_\_\_\_\_ Date: October 16, 1995

Name (Typed): Stephen J. Tomassi

Title (Typed): Assistant General Counsel

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: VOLVO GM HEAVY TRUCK CORPORATION

By: *Martha P. Boyd*  
(Typed)

Date: October 13, 1995

Name (Typed): Martha P. Boyd

Title (Typed): Associate General Counsel

# KING & SPALDING

191 PEACHTREE STREET  
ATLANTA, GEORGIA 30303-1763  
TELEPHONE: 404/572-4600  
FACSIMILE: 404/572-5100

DIRECT DIAL:

404/572-4820

DIRECT FAX:

404/572-5141

June 24, 1996

Ms. Suzanne Rubini  
Office of Regional Counsel  
United States Environmental  
Protection Agency  
Region IV  
345 Courtland Street  
Atlanta, Georgia 30365

Re: Aqua-Tech Site RI/FS Consent Order

Dear Suzanne:

Enclosed please find signature pages for Andrews Bearing, Lipe-Rollway, and Watlow Industries. Please add these to the signature pages for the RI/FS Consent Order which I have previously forwarded.

Sincerely,



Charles H. Tisdale, Jr.

CHT:kb  
Enclosures

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Andrews Bearing  
(Typed)

By:  Date: January 24, 1996

Name (Typed): Bruce Conrad

Title (Typed): Secretary/Treasurer

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: LIFE-Rollway Corporation  
(Typed)

By: William J. Eames CFO Date: 6/5/95

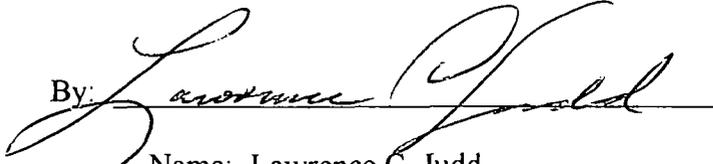
Name (Typed): William J. EAMES

Title (Typed): Chief Financial Officer

Aqua-Tech  
RI/FS Administrative Order on Consent

IT IS SO AGREED:

Respondent: Watlow Industries, Inc.

By:  \_\_\_\_\_ Date: 3/11/96 \_\_\_\_\_

Name: Lawrence C. Judd

Title: Director, Corporate Safety and Environmental Affairs