

10 NOV 10 PM 3:06  
ENVIRONMENTAL PROTECTION  
AGENCY REGION VII  
REGIONAL HEARING CLERK

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION VII

IN THE MATTER OF:  
Former Nebraska Ordnance Plant  
Site

The Dow Chemical Company and  
General Dynamics Corporation,

Respondents

AMENDMENT TO  
ADMINISTRATIVE SETTLEMENT  
AND ORDER ON CONSENT FOR  
INVESTIGATION

U.S. EPA Region VII  
CERCLA -07-2006-0157

Proceeding Under Sections 104, 107  
and 122 of the Comprehensive  
Environmental Response,  
Compensation, and Liability Act, as  
Amended, 42 U.S.C. §§ 9604, 9607,  
and 9622.

INTRODUCTION

The above-captioned Administrative Settlement binds the United States Environmental Protection Agency (EPA) and The Dow Chemical Company and General Dynamics Corporation (Respondents) and their successors and assigns. Paragraph 8 of Section III of the Administrative Settlement sets forth its purpose. To fulfill the purpose, Respondents have proposed and EPA agrees that a pilot test to evaluate the effectiveness of the Accelerated Remedial Technologies in-well treatment system which utilizes in-situ continuous air sparging and air stripping to cause the removal of trichloroethylene (TCE) is appropriate.

Paragraph 101 of Section XXIX of the Settlement Agreement (Effective Date and Subsequent Modification) provides that the Settlement Agreement may be amended by mutual agreement of EPA and Respondents.

AMENDMENT

WHEREFORE, Respondents and EPA agree that Respondents shall implement a Focused Extraction Pilot Test at Operable Unit 2 (Pilot Test) in accordance with the

IN THE MATTER OF: Former Nebraska Ordnance Plant Site The Dow Chemical Company and General Dynamics Corporation, Respondents

Sampling and Analysis Plan for the Focused Extraction Pilot Test at Operable Unit 2 (SAP) approved by EPA by letter dated October 13, 2010.


Paragraph 98 of Section XXVII of the Settlement Agreement is hereby amended to include: "Appendix C" is the Focused Extraction Pilot Test at Operable Unit 2.

Respondents shall follow the schedule for implementing the Pilot Test, as set forth in Section 2.2 of Appendix C. Reference therein to the date of "execution of the ACC" shall mean the Effective Date of this Amendment, which is defined in Section XIX of the Settlement Agreement as the date the Regional Administrator or his/her delegatee signs.

All references to the Settlement Agreement shall mean the Settlement Agreement as amended herein.

Agreed this 20 day of OCT. 2010.

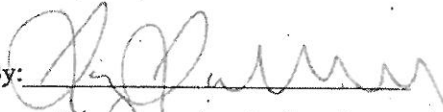
For Respondent The Dow Chemical Company

By:   
Title: AUTHORIZED REPRESENTATIVE

**IN THE MATTER OF: Former Nebraska Ordnance Plant Site The Dow Chemical Company and  
General Dynamics Corporation, Respondents**

Agreed this \_\_\_ day of \_\_\_\_\_ 2010.

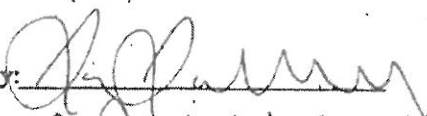
For Respondent General Dynamics Corporation

By:   
Title: Senior Vice President and General Counsel

IN THE MATTER OF: Former Nebraska Ordnance Plant Site The Dow Chemical Company and  
General Dynamics Corporation, Respondents

Agreed this 17<sup>th</sup> day of October 2010.

For Respondent General Dynamics Corporation

By:   
Title: Senior Vice President and General Counsel

**IN THE MATTER OF: Former Nebraska Ordnance Plant Site The Dow Chemical Company and  
General Dynamics Corporation, Respondents**

It is so ORDERED AND AGREED on this 3 day of November 2010.

By: 

Cecilia Tapia, Director  
Superfund Division  
Region VII  
U.S. Environmental Protection Agency