

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3



_____)	
IN THE MATTER OF:)	
KOPPERS CO., INC. (NEWPORT))	CERCLA Docket No.
SUPERFUND SITE)	CERCLA-03-2023-0064DC
Beazer East, Inc.)	
Respondent)	
Proceeding under Section 106(a))	
of the Comprehensive Environmental)	
Response, Compensation, and Liability)	
Act, 42 U.S.C. § 9606(a).)	
_____)	

AMENDMENT NO. 1:

**ADMINISTRATIVE ORDER FOR REMEDIAL
DESIGN/REMEDIAL ACTION; REVOCATION
OF ADMINISTRATIVE ORDER NO. CERC-03-2006-0266-DC
SUBJECT TO CERTAIN CONTINUING REQUIREMENTS**

WHEREAS, the U.S. Environmental Protection Agency (“Agency”) issued the above-captioned order (“Order”) to Respondent on August 21, 2023;

WHEREAS, pursuant to Section VII of the Order, Respondent timely requested a conference with the Agency to discuss the Order;

WHEREAS, on October 30, 2023, the Agency and Respondent held the Section VII conference;

WHEREAS, pursuant to Section VII of the Order, Respondent timely submitted written comments on the Order and a statement of its intent to comply with the Order;

WHEREAS, on November 7, 2023, the Agency notified Respondent that the Agency was considering Respondent's request for modifications to the Order and that the Effective Date of the Order would be established via subsequent communication with Respondent;

WHEREAS, Paragraph 33 of the Order provides that the Agency may modify the Order in writing;

WHEREAS, the Agency has notified the State of Delaware, the Delaware Nation, and the Delaware Tribe of Indians of the issuance of this Amendment No. 1;

NOW, THEREFORE, the Agency issues this Amendment No. 1 to the Order and modifies the Order as follows:

I. MODIFICATIONS

The Order is hereby amended in accordance with Appendix 1 to this Amendment No. 1.

II. LIMITATION OF MODIFICATIONS

Except as provided in Section I of this Amendment No. 1, nothing in this Amendment No. 1 shall alter or otherwise affect any term, condition, or requirement of the Order.

III. EFFECTIVE DATE OF AMENDMENT NO. 1 AND THE ORDER

The Effective Date of this Amendment No. 1 and the Order shall be five calendar days after signature of this Amendment No. 1.

SO ORDERED.

PAUL LEONARD, DIRECTOR
Superfund & Emergency Management Division
EPA Region 3

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1

Mod UAO Bates Provision
Page

Amendment

1	8	Order ¶ 16	<p>The paragraph is struck and replaced with the following:</p> <p>“On July 6, 2023, the Programmatic Agreement (Appendix B, Exhibit 1) became effective. Respondent was involved in developing the Programmatic Agreement. The Programmatic Agreement obligates EPA to take certain steps to avoid or mitigate adverse effects to historic property at the Site in the course of implementing the 2022 Selected Remedy. This Order directs Respondent to avoid or mitigate adverse effects to historic property at the Site in the course of implementing the 2022 Selected Remedy using means and methods developed for the Programmatic Agreement and which are described in Section 5.0 of the SOW.”</p>
2	16	Order ¶ 37.a	<p>The last sentence in this paragraph is struck and replaced with the following:</p> <p>“Owner Respondent shall record the notice within 10 days after EPA’s approval of the notice and submit to EPA, within 10 days after receipt, a certified copy of the recorded notice.”</p>

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1

Mod UAO Bates Provision
Page

Amendment

3	130	SOW ¶ 1.1	<p>The paragraph is struck and replaced with the following:</p> <p>“Purpose/Function of the SOW; Relationship to Other Documents. This Statement of Work (SOW) sets forth the procedures and requirements for implementing the Work required by the Order to which it is an appendix. Exhibit 1 to this SOW is the fully executed <i>Programmatic Agreement Between the U.S. Environmental Protection Agency, Region III; the Delaware State Historical Preservation Office; and the Advisory Council on Historic Preservation Regarding Cleanup of the Koppers Newport Superfund Site, Newport, New Castle County, Delaware</i> (“Programmatic Agreement”) obligating EPA to take certain steps to avoid or mitigate adverse effects to historic property at the Site in the course of implementing the ROD Amendment. Section 5 of this SOW directs Respondent to avoid or mitigate adverse effects to historic property at the Site in the course of implementing the ROD Amendment using means and methods developed for the Programmatic Agreement. To the extent there is a conflict between the provisions of Section 5 of this SOW and other provisions of this SOW or the Order, the provisions of Section 5 of this SOW shall govern.”</p>
4	130	SOW ¶ 1.2	<p>The 4th bullet is struck and replaced with the following:</p> <ul style="list-style-type: none"> • “Section 5 (Obligations to Avoid or Minimize Adverse Effects to Historic Properties) sets forth requirements for taking into account the effects of the remedial action on Historic Properties at the Site.”
5	131-32	SOW ¶ 2.2.a	<p>The paragraph is struck and replaced with the following:</p> <p>“EPA has the lead responsibility for developing and implementing community involvement activities at the Site. EPA has developed a Community Involvement Plan (CIP) for the Site. In accordance with 40 C.F.R. § 300.435(c), EPA shall (1) review the existing CIP and determine whether it should be revised to describe further public involvement activities during the Work that are not already addressed or provided for in the existing CIP, or (2) develop a new CIP for the Site. The CIP shall include, if applicable, any Technical Assistance</p>

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1

Mod UAO Bates Provision
Page

Amendment

			Grant (TAG), and/or any use of the Technical Assistance Services for Communities (TASC) contract.”
6	133	SOW ¶ 3.1	<p>The paragraph is struck and replaced with the following:</p> <p>“3.1 RD Work Plan. Respondent shall submit a Remedial Design (RD) Work Plan (RDWP) for EPA approval. The RDWP must include, at a minimum:</p> <p>“(a) Plans and schedules for implementing all RD activities identified in this SOW (including, but not limited to, Section 5 of this SOW), in the RDWP, or required by EPA to be conducted to develop the RD;</p> <p>“(b) A description of the overall management strategy for performing the RD, including a proposal for phasing of design and construction, if applicable;</p> <p>“(c) A description of the proposed general approach to contracting, construction, operation, maintenance, and monitoring of the Remedial Action (RA) as necessary to implement the Work;</p> <p>“(d) A description of the responsibility and authority of all organizations and key personnel involved with the development of the RD;</p> <p>“(e) A description of elements of the Pre-Final Design submitted to EPA by Respondent in April 2013 and approved by EPA that may be changed as a result of data gaps, pre-design investigations, the ROD Amendment, or updated engineering standards;</p> <p>“(f) A description of any areas requiring clarification and/or anticipated problems (e.g., data gaps);</p> <p>“(g) A description of any pre-design investigation proposed by Respondent;</p> <p>“(h) A description of any treatability study proposed by Respondent;</p> <p>“(i) A description of any applicable permitting requirements and other regulatory requirements;</p>

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1

Mod UAO Bates Provision
Page

Amendment

			<p>“(j) A description of plans for obtaining access in connection with the Work, such as property acquisition, property leases, and/or easements; and</p> <p>“(k) Identification of supporting deliverables described in ¶ 7.7 (Supporting Deliverables) that will be submitted with the pre-design investigation workplan to support pre-design investigations. ”</p>
7	134	SOW ¶ 3.4.a	<p>The paragraph is struck and replaced with the following:</p> <p>“(a) PDI Work Plan. If EPA so directs, or if EPA agrees with Respondent’s proposal for PDI activities, Respondent shall submit a PDI Work Plan (PDIWP) for EPA approval. The PDIWP must include:</p> <p>“(1) An evaluation and summary of existing data and description of data gaps;</p> <p>“(2) A sampling plan including media to be sampled, contaminants or parameters for which sampling shall be conducted, location (areal extent and depths), and number of samples;</p> <p>“(3) Supporting deliverables described in ¶ 7.7 (Supporting Deliverables) that are needed for implementation of pre-design investigations described in the PDI Workplan. This may include, but is limited to, a Health and Safety Plan, Emergency Response Plan, Field Sampling Plan, and/or Quality Assurance Project Plan.</p> <p>“(4) Cross references to quality assurance/quality control (QA/QC) requirements set forth in the Quality Assurance Project Plan (QAPP) as described in ¶ 7.7(d); and</p> <p>“(5) Plan for minimizing adverse effects to historic properties from Pre-Design Investigation work if it is conducted prior to finalization of the Treatment Plan required by Section 5.2 of this SOW.”</p>

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1

Mod UAO Bates Provision
Page

Amendment

Mod #	UAO Bates Page #	Provision	Amendment
8	136	SOW ¶ 3.6	<p>This paragraph now reads as follows:</p> <p>“3.6 Intermediate (60%) Remedial Design (60% RD)</p> <p>“(a) Respondent submitted a draft design to EPA in April 2014 (“2014 Design”). Respondent shall update the 2014 Design for EPA comment to, among other things:</p> <p>“(1) Incorporate all relevant requirements of Section 5 of this SOW for which information is currently known (including, among other things, the Treatment Plan, if approved prior to submittal of the draft 60% RD);</p> <p>“(2) Identify all portions of the design that may potentially be modified after additional information relevant to Section 5 of this SOW is obtained (e.g., design changes that could be driven by the Treatment Plan); and</p> <p>“(3) Identify elements of the 2014 Design that have been modified as a result of the ROD Amendment, pre-design investigations, or changes in engineering standards.</p> <p>“(b) The 60% RD must include:</p> <p>“(1) A design criteria report, as described in the Remedial Design/Remedial Action Handbook, EPA 540/R-95/059 (June 1995);</p> <p>“(2) Drawings and specifications;</p> <p>“(3) Descriptions of permit requirements, if applicable;</p> <p>“(4) A description of how the RA will be implemented in a manner that minimizes environmental impacts in accordance with EPA’s Principles for Greener Cleanups (Aug. 2009);</p> <p>“(5) A description of monitoring and control measures to protect human health and the environment, such as air monitoring and dust suppression, during the RA;</p>

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1

Mod UAO Bates Provision
Page

Amendment

			<p>“(6) Any proposed revisions to the RD Schedule included in the approved RDWP;</p> <p>“(7) Updates to Supporting Deliverables described in ¶ 7.7 (Supporting Deliverables) that were submitted as part of the pre-design investigations;</p> <p>“(8) Drafts of the following supporting deliverables ¶ 7.7 (Supporting Deliverables): Health and Safety Plan, Emergency Response Plan; Field Sampling Plan; Quality Assurance Project Plan; Site Wide Monitoring Plan; Community Impacts Mitigation Plan, Construction Quality Assurance/Quality Control Plan; O&M Plan; O&M Manual; and other applicable supporting deliverables.”</p>
9	137	SOW ¶ 3.7	<p>The paragraph is struck and replaced with the following:</p> <p>“3.7 Pre-Final (95%) Remedial Design (95% RD).</p> <p>“(a) Respondent shall submit a Pre-Final (95%) RD for EPA’s comment. The Pre-Final RD must be a continuation and expansion of the previous design submittal and must address EPA’s comments regarding the 60% RD, and, among other things:</p> <p>“(1) Incorporate all relevant requirements of Section 5 of this SOW for which information is currently known (including, among other things, the Treatment Plan, if approved prior to submittal of the draft 95% RD); and</p> <p>“(2) Identify all portions of the design that may potentially be modified after additional information relevant to Section 5 of this SOW is obtained (e.g., design changes that could be driven by the Treatment Plan).</p> <p>“(b) The 95% RD must include:</p> <p>“(1) A complete set of construction drawings and specifications that are: (a) certified by a registered professional engineer; (b) suitable for procurement; and (c) follow the Construction Specifications Institute’s MasterFormat 2012;</p>

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1

Mod UAO Bates Provision
Page

Amendment

			<p>“(2) A survey and engineering drawings showing existing Site features, such as elements, property borders, easements, and Site conditions;</p> <p>“(3) Draft Final versions of the same elements and deliverables as are required for a Pre-Final RD;</p> <p>“(4) A specification for photographic documentation of the RA; and</p> <p>“(5) Updates of all supporting deliverables required to accompany the 60% RD.”</p>
10	137	SOW ¶ 3.8.a	<p>The paragraph is struck and replaced with the following:</p> <p>“Respondent shall submit the 99% RD for EPA approval after the Treatment Plan required by Section 5 of the SOW has been approved and in accordance with the schedule set forth in Section 8.2 of this SOW. The 99% RD must address EPA’s comments on the 95% RD, must incorporate any design changes necessitated by the approved Treatment Plan, and must include final versions of all 95% RD deliverables.”</p>
11	144	SOW ¶ 5	<p>The Section header is struck and replaced with the following:</p> <p>“5. OBLIGATIONS TO TAKE INTO ACCOUNT THE EFFECT OF THE REMEDIAL ACTION ON HISTORIC PROPERTIES.”</p>
12	144	SOW ¶ 5.1.a	<p>The paragraph is struck and replaced with the following:</p> <p>“(a) Programmatic Agreement. On July 6, 2023, the <i>Programmatic Agreement Between the U.S. Environmental Protection Agency, Region III; the Delaware State Historical Preservation Office; and the Advisory Council on Historic Preservation Regarding Cleanup of the Koppers Newport Superfund Site, Newport, New Castle County, Delaware</i> (“Programmatic Agreement”) became effective. Respondent was involved in development of the Programmatic Agreement. The Programmatic Agreement obligates EPA to take certain steps to avoid or mitigate adverse effects to historic property at the Site in the course of implementing the remedial action selected in the 2022 ROD (“2022 Selected Remedy”). This SOW, and the Order to which it is an appendix, directs Respondent to avoid</p>

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1

Mod UAO Bates Provision
Page

Amendment

			or minimize adverse impacts to historic property in the course of implementing the 2022 Selected Remedy using means and methods developed in the Programmatic Agreement. The Programmatic Agreement is attached as Exhibit 1 to this SOW.”
13	145	SOW ¶ 5.2.d.3	The paragraph is struck and replaced with the following: “(3) Respondent shall revise the draft Treatment Plan, making proposals in response to all comments received during the First Comment Period and the meeting or call and submit, to EPA for further preliminary approval in accordance with Paragraph 7 of this SOW, a revised draft Treatment Plan.”
14	146	SOW ¶ 5.2.d.6	The paragraph is struck and replaced with the following: “(6) Respondent shall prepare, for EPA approval pursuant to Paragraph 7 of this SOW, a final draft of the Treatment Plan, making proposals in response to all comments received during the comment periods and meetings/calls.”
15	146	SOW ¶ 5.2.d.7	The paragraph is struck and replaced with the following: “(7) EPA, in its discretion, may (a) arrange for additional meetings/calls and/or comment periods with the DE SHPO, Consulting Tribes, and Other Consulting Parties to discuss the draft Treatment Plan as EPA deems necessary to ensure that the concerns of the DE SHPO, Consulting Tribes, and Other Consulting Parties have been heard and considered, and (b) require Respondent to modify the draft Treatment Plan to make proposals in response to all comments received during such meetings/calls and/or comment periods in accordance with a schedule provided by EPA.”
16	146	SOW ¶ 5.2.e	The paragraph is struck and replaced with the following: “(e) If Respondent intends the Treatment Plan to include data recovery, Respondent shall ensure that a Data Recovery Plan is developed and included with the Treatment Plan drafts submitted to EPA. The Data Recovery Plan shall comply with the requirements described in Section II.K of the Programmatic Agreement, which are incorporated herein by reference, and shall address, at a minimum, the

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1

Mod UAO Bates Provision
Page

Amendment

			factors identified in Section II.A.4 of the Programmatic Agreement, which are incorporated herein by reference.”
17	146	SOW ¶ 5.2.f	The paragraph is struck and replaced with the following: “(f) If Respondent intends the Treatment Plan to include preservation in place of all or part of a Historic Property, Respondent shall include in such plan recommendations for use of legal instruments that would ensure long-term preservation or protection of the Historic Property, keeping in mind that any such legal instrument must include, at a minimum, the elements identified in Section II.A.5 of the Programmatic Agreement, which are incorporated herein by reference.”
18	147	SOW ¶ 5.3.a.2	The last sentence of the paragraph is struck and replaced with the following: “All final reports shall meet the standards identified in Section II.K of the Programmatic Agreement, which are incorporated herein by reference.”
19	150	SOW ¶ 5.6.g	The paragraph is struck and replaced with the following: “(g) If Respondent is aware that human remains of Native American affiliation are discovered, or is advised by EPA of the same, Respondent shall ensure that the steps described in Paragraph II.E.6 of the Programmatic Agreement, which are incorporated herein by reference, are taken until a plan for appropriate disposition of such remains has been established.”
20	154	SOW ¶ 6.1.a	The paragraph is struck and replaced with the following: “(a) The actions that have been taken toward achieving compliance with the Order including, but not limited to, actions taken to satisfy the requirements of Section 5 of the SOW;”
21	154	SOW ¶ 6.2	The paragraph is struck and replaced with the following: “6.2 If the schedule for any activity described in the Progress Reports, including activities required to be described under ¶ 6.1(d), will be delayed, Respondent shall notify EPA of such change at least 7 days before performance of the activity. If the schedule for any activity described in the Progress

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1

Mod UAO Bates Provision
Page

Amendment

			<p>Reports, including activities required to be described under ¶ 6.1(d), will be accelerated, Respondent shall notify EPA of such change as soon as practicable but in no case later than 1 day before performance of the activity.”</p>
22	155	SOW ¶ 7.4.a	<p>The paragraph is struck and replaced with the following:</p> <p>“(a) Sampling and monitoring data should be submitted in standard Regional Electronic Data Deliverable (EDD) format Respondent should follow guidance outlined in the EPA Region 3 website https://www.epa.gov/superfund/region-3-superfund-electronic-data-submission. Note that EPA Region 3’s website links to a developer’s site to download the Electronic Data Processor, which currently states that EPA Region 3 is in the process of finalizing the preferred EDD format; until the EPA Region 3 format is finalized, the Respondent should follow the guidance outlined in the EPA Region 2 website at https://www.epa.gov/superfund/region-2-superfund-electronic-data-submission. At a minimum, all electronic data deliverables are to be submitted to EPA in the Staged Electronic Data Deliverable (SEDD) 2a, 2b or SEDD 3 format (https://www.epa.gov/clp/staged-electronic-data-deliverable-sedd). The Respondent is responsible for ensuring the laboratory can generate a compliant SEDD file. Other delivery methods may be allowed if electronic direct submission presents a significant burden or as technology changes. Other delivery methods may be allowed if electronic direct submission presents a significant burden or as technology changes.”</p>
23	158	SOW ¶ 7.7.b.2	<p>The paragraph is struck and replaced with the following:</p> <p>“(2) Plans for meeting(s) with the local community, including local, State, and federal agencies involved in the cleanup, as well as local emergency squads and hospitals;”</p>
24	159-160	SOW ¶ 7.7.e.2	<p>The paragraph is struck and replaced with the following:</p> <p>“(2) A biological monitoring program replicating key site-specific activities, or elements of those activities, of the ecological risk assessment. These elements shall include, but shall not be limited to:</p>

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1

Mod UAO Bates Provision
Page

Amendment

			<p>“(i) 14-day sediment (solid-phase) toxicity tests (or such other agreed upon interval study in the SWMP) using the amphipod, <i>Hyalella azteca</i>, and the midge, <i>Chironomus tentans</i>;</p> <p>“(ii) a 10-day solid-phase sediment toxicity test (or such other agreed upon interval study in the SWMP) using embryos of the salt marsh killifish, <i>Fundulus heteroclitus</i>;</p> <p>“(iii) Forage fish collection (reduction of body burden and upper trophic level exposure; examination for DELT Anomalies); and</p> <p>“(iv) Benthic community evaluations/field benthic surveys.”</p>
25	161	SOW § 7.7.e.9	<p>This provision is struck and replaced with the following:</p> <p>“(9) A plan to immediately provide to EPA any unvalidated sampling data from Community Areas as defined in ¶ 7.7(f) affected by the remedy that exceed removal management levels as described at https://www.epa.gov/risk/regional-removal-management-levels-rmls-users-guide or three times remedial cleanup levels, whichever is lower; and”</p>
26	163	SOW § 8.2	<p>This section is struck and replaced with Exhibit 1 to this Amendment No. 1, Appendix 1.</p>
27	694	Appendix D	<p>This page is now labelled “Appendix D: Findings of Fact From Docket No. CERC-03-2006-0266DC Incorporated into Docket No. CERCLA-03-2023-0064DC”.</p>
28	694-701	Appendix D	<p>All references to “this Order” shall mean the 2006 Order.</p>
29	697	Appendix D	<p>Paragraph 7 is struck and replaced with “Reserved.”</p>

SOW Reference	Deliverable/Activity	Deadline
2.1 2.2(b)	Conduct community involvement activities	Per schedule provided by EPA at the time
2.2(c)	Develop and provide to EPA information about the design and implementation of the remedy	Per schedule provided by EPA at the time
2.2(d)	Designate and notify EPA of Respondent's Community Involvement Coordinator	Within 15 days of EPA request
3.1	Submit RD Workplan	70 days after the date of EPA's Authorization to Proceed regarding Supervising Contractor under ¶ 29(c)(2) of the Order
3.2	Submit ICIAP	70 days after the date of EPA's Authorization to Proceed regarding Supervising Contractor under ¶ 29(c)(2) of the Order
3.2	Commence to Implement ICIAP	Within 30 days after EPA approval of the ICIAP
3.3	Meet regularly with EPA to discuss design issue	Per schedule provided by EPA at the time
3.4(a)	Submit Pre-Design Investigation Work Plan	Within 45 days after directed by EPA to submit
3.4(b)	Submit Pre-Design Investigation Evaluation Report	Within 30 days after PDI work is completed and if applicable, validated data is received
3.4(c)	Supplement the PDI Evaluation Report	Per schedule provided by EPA at the time
3.5(b)	Submit Treatability Study Work Plan	Within 45 days after directed by EPA to submit
3.5(c)	Submit Treatability Study Evaluation Report	Within 30 days after Treatability Study work is completed and if applicable, validated data is received
3.5(d)	Supplement the TS Evaluation Report	Per schedule provided by EPA at the time
3.6(a)	Submit 60% Intermediate Design	Within 120 days after the date EPA approves the RD Work Plan, or if applicable, 120 days after approval of the PDI Evaluation Report.

SOW Reference	Deliverable/Activity	Deadline
3.7(a)	Submit Draft Pre-Final 95% Remedial Design	90 days after the submittal of comments on the 60% Intermediate Design.
3.8(a)	Submit Draft Pre-Final 99% Remedial Design	If the Treatment Plan has been approved, 45 days after the date of EPA's comments on the 95% RD. If the Treatment Plan has not been approved, per schedule provided by EPA at the time of Treatment Plan approval.
3.8(b)	Relabel or otherwise mark the EPA-approved design as the Final 99% RD	Upon receipt of EPA approval of the Draft 99% RD
3.9(a)(2)	Relabel or otherwise mark the Final 99% RD as the Final 100% RD	Within 2 days after receipt of EPA's notice under ¶ 3.9(a)(1).
3.9(b)(2)	Submit Draft 100% Remedial Design	Within 45 days after the date of EPA's notice under ¶ 3.9(b)(1).
3.9(b)(3)	Relabel or otherwise mark the EPA-approved design as the Final 100% RD	Within 2 days after receipt of EPA's notice under ¶ 3.9(b)(3)
3.9(c)	Award RA Construction Contract	Within 120 days after EPA approval of the Draft 100% RD
3.9(c)	Notify EPA that Construction Contract has been awarded	Within 5 days after the award.
4.1	Submit Remedial Action Work Plan	60 days after Award of RA Construction Contract
4.1	Commence and complete implementation of the EPA-approved RAWP	In accordance with the schedule in the EPA-approved RAWP
4.2	Notification to EPA of Designate IQAT	60 days after Award of RA Construction Contract
4.3(a)	Pre-Construction Conference with EPA	In accordance with schedule in approved RAWP, but at a minimum no less than 45 days prior to commencement of on-Site construction

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1: Exhibit 1

4.3(a)	Distribute Minutes from Conference	Within 5 days after the date of the conference.
4.3(b)	Distribute Minutes from Meetings	Within 5 days after the date of each meeting.
4.3(c)(2)	Provide Office Space	Upon request by EPA
4.3(c)(3)	Provide Personal Protective Equipment	Upon request by EPA
4.3(c)(4)	Take all necessary steps to correct the deficiencies and/or bring the RA Construction into compliance	Per schedule provided by EPA at the time
4.4	Emergency Response notifications, actions, reporting	In accordance with stated deadlines or instructions provided by EPA.
4.6(b)	Schedule Inspection of Constructed Remedy Component	30 days after completion of construction of remedy component(s) for review under ¶ 4.6
4.6(b)	Schedule of Constructed Remedy Component Re-Inspection	Per schedule provided by EPA at the time
4.6(c)	Provide information to EPA during shakedown period	Per schedule provided by EPA at the time
4.6(d)	Submit Remedial Action Report	60 days after receiving request from EPA
4.6(e)	Actions to Cure Deficiencies	Per schedule provided by EPA at the time
4.7(a)(1)	Submit Monitoring Report	When Respondent concludes that the Performance Standards have been achieved and Respondent seeks a Notice of RA Completion for that component
4.7(a)(2)	Actions to cure deficiencies	Per schedule provided by EPA at the time
4.7(b)(1)	Schedule inspection	When Respondent concludes that the component has been fully performed and Performance Standards have been achieved, and Respondent seeks a Notice of RA Completion for that component
4.7(b)(2)	Submit RA Report	30 days after the date of the RA Completion Inspection
4.7(b)(3)	Actions to cure deficiencies	Per schedule provided by EPA at the time

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1: Exhibit 1

4.8	Periodic Review Support Plan	Five years after the start of construction, or included with the Site Wide Management Plan
4.9(a)	Schedule Work Completion Inspection	30 days after Respondent has determined Work is complete
4.9(b)	Submit Work Completion Report	30 days after Work Completion Inspection
4.9(c)	Actions to cure	Per schedule provided by EPA at the time
5.2(c)	Submit draft Treatment Plan to EPA for preliminary approval	30 days after the final ¶ 5.2 meeting/call
5.2(d)(3)	Submit revised draft Treatment Plan to EPA	30 days after the final ¶ 5.2(d)(2) meeting/call
5.2(d)(6)	Submit revised draft Treatment Plan to EPA	30 days after the deadline for the ¶ 5.2(d)(5) comment period
5.2(d)(7)	Submit subsequent revised draft Treatment Plan(s) to EPA	Per schedule provided by EPA at the time
5.2(d)(8)	Commence implementation of the EPA-approved Treatment Plan	Upon EPA approval
5.3(a)(1)	Conduct surveys, formulate recommendations	Per schedule provided by EPA at the time
5.3(a)(2)	Submit draft and final reports	Per schedule provided by EPA at the time
5.3(a)(4)	Obtain determination from Secretary of Interior, provide documents and assistance to EPA	Per schedule provided by EPA at the time
5.3(b)	Assist EPA, provide information and documents	Per schedule provided by EPA at the time
5.4(a)	Provide information and documents requested by EPA	Per schedule provided by EPA at the time
5.5	Curation in repository	Per EPA-approved schedule in Treatment Plan
5.6(a)	Provide contractors and subcontractors with copy of Section II.E of the Programmatic Agreement	Prior to performance of field work
5.6(b)	Provide On-Site Archaeologist	At all times during Ground Disturbing Activities
5.6(c)	Notify EPA of discovery of human remains or burial sites	Within 24 hours of discovery
5.6(d)	Provide information and documents requested by EPA to comply with Para. II.E of the Programmatic Agreement	Per schedule provided by EPA at the time

Docket No. CERCLA-03-2023-0064DC: Amendment No. 1: Appendix 1: Exhibit 1

5.6(f)(1)	Assist EPA in implementing actions	Per schedule provided by EPA at the time
5.6(f)(2)	Comply with Stop Work Order	Immediately upon receipt
5.6(f)(3)	Implement reasonable efforts to be taken to avoid impacts to remains	Immediately upon discovery
5.6(g)	Steps to be taken upon discovery of remains of Native American affiliation	Immediately upon discovery
5.7(a)(i)	Cease activities in immediate area	Immediately upon discovery
5.7(a)(ii)	Make reasonable efforts to avoid further impacts	Immediately upon discovery
5.7(a)(iii)	Notify EPA	Within 24 hours of encounter or determination
5.7(a)(iv)	Comply with 5.7(c)	Per deadlines provided for such requirements
5.7(c)(1)	Assist EPA	Per schedule provided by EPA at the time
5.7(c)(2)	Comply with Stop Orders, suspensions, revocations	In accordance with documents issued by EPA
5.7(c)(3)	Implement reasonable efforts	Immediately upon discovery
5.7(c)(4)	Propose actions to resolve adverse effects	Within 10 days of discovery
5.7(c)(5)	Participate in consultation	Per schedule provided by EPA at the time
5.7(c)(6)	Submit plans for actions to resolve adverse effects	Per schedule provided by EPA at the time
5.7(c)(7)	Submit a report of the actions taken with respect to the discovery	Within 30 days of completion of actions taken to resolve adverse effects under EPA-approved plan
5.7(d)	Provide information and documents to EPA	Per schedule provided by EPA at the time
5.8(c)	Submit Draft 100% RD	IN accordance with ¶¶ 3.8 and 3.9 of this SOW
5.12	Incorporation of changes as a result of changes to law, regulations, guidance, etc.	Per schedule provided by EPA at the time
5.13(a)	Provide information and documents to EPA	Per schedule provided by EPA at the time