

3. EPA has determined that the presence and/or release of hazardous wastes, as defined by Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), at the Maytag facility, may present a substantial hazard to human health or the environment. While Respondent and EPA have previously evaluated this facility, certain additional information is requested by EPA to complete the evaluation. Respondent agrees, and is hereby ordered, to perform the work and actions required by this Consent Order. While not admitting EPA's findings of fact, conclusions of law, jurisdiction or authority, Respondent consents to and agrees not to contest EPA's jurisdiction to issue or enforce this Consent Order.

4. The objectives of EPA and Respondent in entering into this Consent Order are to obtain the additional information necessary to complete the evaluation of the site in accordance with the terms and conditions of this Consent Order and the Statement of Work ("SOW"), attached hereto as Attachment 3.

II. PARTIES BOUND

5. This Consent Order shall apply to and be binding upon Respondent, its agents, successors, assigns, and upon all officers, directors, employees, agents, contractors, consultants, and assigns.

6. No change in ownership, corporate, or partnership status relating to the Maytag facility described in this Consent Order will in any way alter the status or responsibility of Respondent under this Consent Order. Any conveyance by Respondent of title, easement, or other interest in the Maytag facility described herein, or a portion of such interest, shall not affect Respondent's obligations under this Consent Order. Respondent shall be responsible and liable for any failure to carry out all activities required of Respondent by this Consent Order, irrespective of their use of employees, agents, contractors, or consultants to perform any such tasks.

7. Respondent shall provide a copy of this Consent Order to all supervisory contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Consent Order within seven (7) business calendar days of the effective date of this Consent Order, or on the date of such retention, and Respondent shall condition all such contracts on compliance with the terms of this Consent Order.

8. Respondent shall also provide no less than thirty (30) days notice to EPA prior to a transfer of ownership or operation of the Maytag facility, to the extent known by Respondent.

III. EPA'S FINDINGS OF FACT

Ownership and Operation History

9. Respondent is a corporation organized under the laws of the state of Delaware.

10. The Maytag facility, referred to in this Consent Order as the "Maytag facility" is in the northeast portion of Newton, Iowa. The Maytag facility is located in Jasper County

bounded on the north side of North 19th Avenue East, to the west by East 8th Street North, and to the south and east by the Iowa Interstate Railroad Avenue, as shown on the attached map, Attachment 1, in the N.W. quarter of the N.W. quarter of Section 26 and the N.E. quarter of the N.E. quarter of Section 27 in Township 80 North and Range 19 West, as more particularly described in the attached "Covenant Deed," Attachment 2.

11. Maytag manufactured household appliances and laundry equipment from the 1950's until approximately 2007 at the Maytag facility known at various times as the Maytag Company, Plant #2; Maytag and Admiral Products, Plant #2; and Newton Laundry Product, Plant #2 in Newton, Iowa. Some of the operations included plating operations, sheet metal forming assembly operations, grinding, painting and paint drying, and porcelain applications.

12. In 2007, manufacturing operations ceased.

Inspections, Investigations, Studies, Evaluations, and Analytical Information

13. On December 30, 1993, Maytag Corporation entered into an Administrative Order on Consent pursuant to section 3008(h) of RCRA to perform a remedial facility investigation ("RFI"). The RFI is dated December 1995 and was submitted by Maytag and Admiral Products, Plant #2. The purposes of the RFI were inter alia, to characterize the environmental setting including potential pathways of contaminant migration, characterize sources and nature of hazardous constituents, and assess the potential human and environmental receptors of the hazards posed by identified releases.

14. The RFI Report included results of sampling of soils and groundwater and summarized results showing elevated levels above the maximum contaminant level (MCL) for tetrachloroethene (PCE), and other volatile organic compounds in groundwater .

15. The RFI Report stated that leaching of contaminants in soils was a migration pathway to groundwater.

16. On February 23, 1996, Newton Laundry Products, Plant #2 submitted a Corrective Measures Study (CMS) to EPA that provided a risk characterization and recommendation of corrective measures, as follows:

The CMS identified a Hazard Index (HI) for various contaminants of concern (COC's) with an HI of greater than 1 indicating a possible non-cancer risk level. An HI of 7,340 for chrome was identified. The RFI found that concentrations of hexavalent chromium presented an unacceptable risk to human health but that the likelihood of exposure through ingestion, the only route of exposure to contaminants identified at that time, was remote.

The CMS also recommended the continuation of the extraction well and monitoring of the chromium plume, which was approximately 120 feet by 90 feet and located near Building Nos. 105, 106, and 107.

The CMS also confirmed COC's at the site which were identified in the RFI Report. Those COC's consist of 1,1-Dichloroethene (1,1-DCE), cis-1,2-Dichloroethene, Tetrachloroethene (PCE), Toluene, 1,1,1-Trichloroethane, Trichloroethene, (TCE), hexavalent chromium and total chromium.

17. On October 17, 1996, EPA approved the CMS Report and the associated remedies for the site.

18. On November 20, 1996, EPA presented Maytag with a letter documenting successful completion of the 1993 Administrative Consent Order.

19. On November 27, 1996, Maytag voluntarily submitted a scope of work for Corrective Measures Implementation (CMI) to EPA.

20. On March 17, 1997, Maytag voluntarily submitted a CMI Work Plan for review and approval by EPA.

21. On March 26, 1997, EPA approved the CMI Work Plan. Between April 1997 and March 2004, Maytag voluntarily implemented the CMI Work Plan consisting of remediation system installation, operation and monitoring and groundwater monitoring including submitting CMI progress reports on an annual basis to EPA. During this time, there was on-going dialogue between EPA and Maytag regarding site activities and direction, including the addition of 1,4-dioxane analysis to the list of groundwater monitoring parameters at the request of EPA in 2003.

22. On November 15, 2005, EPA issued a letter commenting on the March 2004 CMI Progress Report.

23. On February 23, 2006, Maytag submitted a response to EPA comments regarding the March 2004 CMI Progress Report which included a Post-Baseline Monitoring Work Plan which included an expanded VOC list and a geoprobe investigation to address concerns raised by EPA. On November 22, 2006, EPA approved the Post-Baseline Monitoring Work Plan which was implemented by Maytag in November and December 2006.

24. On April 12, 2007, Maytag submitted the results of the implementation of the Post-Baseline Monitoring Work Plan in the CMI Progress Report.

25. In November 2008, Maytag voluntarily conducted the first of three planned groundwater monitoring events to monitor trends in VOCs, 1,4-dioxane and hexavalent chromium at the site.

26. On March 4, 2009, Maytag submitted a CMI Progress Report to EPA documenting the results of the November 2008 sampling. Maytag agreed to continue voluntarily monitoring to accumulate supporting documentation and proposed monitoring system enhancements.

27. On April 7, 2009, a Comprehensive Groundwater Monitoring Evaluation ("2009 CGME") of the Maytag facility was performed by Tetra Tech on behalf of EPA. The 2009 CGME makes a number of recommendations regarding the installation of new or additional wells to determine the lateral and vertical nature and extent of contamination in the groundwater in the chrome area, paint/paint mix area and incinerator area. The 2009 GME also makes recommendations regarding the sinking of new wells upgradient and down gradient of existing wells; verification of proper abandonment of certain wells; markings of well casings; and submission of various documentation, all more fully described in the 2009 CGME.

Evidence of Releases that may Pose a Substantial Threat

28. Pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, Respondent, Maytag, notified EPA of its hazardous waste activities by submittal of its "Notification of Hazardous Waste Activity," ("Notification") dated August 15, 1980. The Notification stated that the Maytag facility generated, treated, stored, or disposed of certain listed hazardous wastes: F001 (specified spent halogenated solvents used in degreasing), F002 (specified spent halogenated solvents), F003 (specified spent non-halogenated solvents), F005 (specified non-halogenated solvents), F006 (wastewater treatment sludges) and F007 (spent cyanide plating solutions from electroplating operations).

29. On November 17, 1980, Respondent Maytag submitted a Part A Permit Application and Notification stating that it treated stored, or disposed of D001 hazardous waste (solid waste showing the characteristic for ignitability), D007 hazardous waste (solid waste showing the toxicity characteristic for chromium), and of F003 and F005 listed wastes.

30. On February 14, 1983, Respondent Maytag submitted a revision to its Part A Permit Application and Notification stating it treated, stored, or disposed of D001 and D007 characteristic waste, as well as F003 and F005 listed wastes.

31. Respondent operated a chrome plating process from 1954 to 1993 using a chromic acid solution containing hexavalent chromium. Two documented releases in 1984 and 1988 occurred from the 7,500 gallon in-ground chrome treatment tank, located next to the wastewater treatment building, at Building No. 107. In 1984, 300 gallons of solution were released containing chromium at 21 parts per million. In 1988, an overflow from the chrome treatment tank occurred containing 100 to 125 gallons of chrome-bearing waste.

32. As recently as November 17-20, 2008, PCE, and trichloroethylene or trichloroethene (TCE), all hazardous constituents, were detected in groundwater under the facility at levels exceeding the Safe Drinking Water Act MCL of 5 micrograms/liter ($\mu\text{g}/\text{l}$) as high as 33 $\mu\text{g}/\text{l}$ and 7 $\mu\text{g}/\text{l}$, respectively, as shown in the Annual Corrective Measures Implementation Report dated March 4, 2009, submitted by Maytag.

33. As recently as November 2008, hexavalent chromium was detected at a level of 3,520 $\mu\text{g}/\text{L}$ in groundwater under the facility as shown in the Annual Corrective Measures Implementation Report dated March 4, 2009, submitted by Maytag. The MCL for hexavalent chromium is 100 $\mu\text{g}/\text{L}$.

34. In the May 1995 RFI Report, arsenic, chromium, toluene, 1,1,1-trichloroethane (TCA), and cis-1,2 dichloroethene (DCE) were detected in groundwater at levels as high as 750 µg/l, 11,300 µg/l, 260,000 µg/l, 13,000 µg/l, and 220 µg/l, respectively. The MCLs for the above hazardous wastes and/or constituents are 10 µg/l for arsenic, 100 µg/l for chromium, 1,000 µg/l for toluene, 200 µg/l for TCA, and 70 µg/l for DCE.

35. On November 17 -20, 2008, 1,4 dioxane, a hazardous constituent, also an additive to 1,1,1-trichloroethane (TCA), was detected in groundwater under the facility at levels of 8 to 18 µg/L with a Region 7 screening level of 6.1 µg/L, as shown in the Annual Corrective Measures Implementation Report dated March 4, 2009, submitted by Maytag.

36. Arsenic in groundwater is of concern to EPA because in some instances ingestion of arsenic can cause sore throat or irritated lungs, nausea, and vomiting. Skin contact with arsenic may cause redness or swelling.

37. Hexavalent chromium in groundwater is of concern to EPA because in some instances an increase in stomach tumors was observed in humans exposed to hexavalent chromium in drinking water.

38. 1,4-dioxane in groundwater is of concern to EPA because in some instances liver and kidney damage has been observed in rats chronically exposed to 1,4-dioxane through inhalation, ingestion, and dermal contact.

39. PCE in groundwater is of concern to EPA because in some instances PCE persists in the atmosphere for several months and may also persist in groundwater for several years or more. Because of its pervasiveness and ability to persist under certain conditions, the potential for human exposure may exist. In humans, exposure by drinking contaminated water with high concentrations of PCE can cause dizziness, headache, sleepiness, confusion, nausea, difficulty in speaking and walking, unconsciousness, and death.

40. TCE in groundwater is of concern to EPA because in some instances drinking large amounts of TCE may cause nausea, liver damage, unconsciousness, impaired heart function, or death. Drinking small amounts of TCE for long periods may cause liver and kidney damage, impaired immune system function, and impaired fetal development in pregnant women, although the extent of some of these effects is not yet clear. Skin contact with TCE for short periods may cause rashes.

41. Chromium, hexavalent chromium, PCE, TCE, TCA, cis-1,2-DCE and 1,4 dioxane are some of the hazardous wastes and/or constituents that have been, or are likely to have been, released at the Maytag facility and are the Contaminants of Concern (COC).

42. The exposure pathways of concern for the hazardous wastes and/or constituents managed and/or released at the Maytag facility is groundwater. Specifically, persons, animals, or organisms ingesting the groundwater may be adversely impacted by hazardous wastes released from the Maytag facility.

43. The area east and north of the plant is largely undeveloped and consists of farmland with a few commercial enterprises to the north. A residence and park are to the west of the plant.

IV. EPA'S CONCLUSIONS OF LAW

Based on the above Findings of Fact and EPA's administrative record for this Consent Order, EPA has determined the following:

44. The Maytag facility is a "facility or site" within the meaning of Section 3013(a) and (b) of RCRA, 42 U.S.C. § 6934 (a) and (b).

45. Maytag is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

46. Maytag is the previous operator of the Maytag facility, as described in Paragraph 10, within the meaning of Section 3013(b) of RCRA, 42 U.S.C. § 6934(b).

47. Hazardous wastes, as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), have been generated and/or otherwise managed and are present at the Maytag facility within the meaning of Section 3013 of RCRA, 42 U.S.C. § 6934.

48. The presence of hazardous wastes at the Maytag facility and/or the release of such hazardous wastes and/or constituents from the Maytag facility may present a substantial hazard to human health and/or the environment within the meaning of Section 3013 of RCRA, 42 U.S.C. § 6934.

49. The actions required by this Consent Order are reasonable to ascertain the nature and extent of such potential hazard and to protect human health and the environment.

V. WORK TO BE PERFORMED

General Requirements

50. Based upon the Findings of Fact and Conclusions of Law set forth above, pursuant to Section 3013 of RCRA, 42 U.S.C. Section 6934, Respondent is hereby ordered to perform the activities described in Attachment 3 (the SOW) pursuant to the schedule and in the manner specified herein. Respondent agrees to perform the activities described in the SOW pursuant to the schedule and in the manner specified herein. All work undertaken pursuant to this Consent Order shall be performed in a manner consistent with, at a minimum: the SOW, attached hereto as Attachment 3 and incorporated by reference, and all other Work Plans and/or reports approved by EPA pursuant to the terms of this Consent Order; RCRA and its implementing regulations; and all applicable or relevant EPA guidance documents.

51. All work performed pursuant to this Consent Order shall be under the direction and supervision of a qualified groundwater scientist, or a qualified professional engineer or geologist with expertise in hazardous waste site cleanup.

52. All work required by this Consent Order shall be performed within the time frames specified herein, or according to schedules approved by EPA, unless an extension of time is granted in writing by EPA's Project Manager.

53. Unless otherwise specified herein the term "days" as used in this Consent Order shall mean business days. In the event that a deadline falls on a weekend or Federal holiday, the deadline shall become the next workday.

54. In the event that Respondent obtains information which indicates there exists a previously unknown release of hazardous waste and/or constituents at the Site, that has not been previously reported to a state or federal agency, including any submittals under this Consent Order, which Respondent has a reasonable basis to believe poses a significantly increased threat to human health or the environment, Respondent shall immediately notify EPA orally of such situation.

55. Respondent shall notify EPA in writing of such previously unknown release described in the previous paragraph, within seven (7) days of when Respondent became aware of the situation. The written notification shall summarize the immediacy and magnitude of the threat or potential threat to human health or the environment and the proposed response to the release to control, abate or mitigate such threat.

Required Work and Deliverables

56. Within thirty (30) days of the effective date of this Consent Order, Respondent shall submit to EPA a Work Plan ("WP") that shall be completed in a manner consistent with Task I of the SOW.

57. Within forty-five (45) days of EPA's approval of the WP, unless an alternative schedule is approved by EPA, Respondent shall commence the work specified in the approved WP, and shall complete this work within the schedule approved by EPA. This work shall be completed in accordance with the approved WP and Task I of the SOW. If at any time during implementation of corrective action under this AOC the EPA determines that additional work is necessary to accomplish the corrective action required under this AOC, EPA will provide written notification to the Respondent of the requirement for additional work to be performed by the Respondent.

58. EPA will consider any proposals by Respondent in the WP to perform investigative work in addition to that required by Task I of the SOW in approving any alternative deadlines for completion of the required field work.

59. Within sixty (60) days of completion of the work required by the approved WP, Respondent shall submit a Work Plan Implementation Report to EPA for review and approval. The Report shall be prepared in accordance with Task I of the SOW.

60. In the event a Trigger COC determination is made pursuant to Task II of the Purpose in the SOW, Respondent shall submit a draft Corrective Measures Study (CMS) Work Plan pursuant to Section III of the SOW within sixty (60) days of the final Trigger COC determination.

61. Within sixty (60) days of receipt of EPA approval of the draft CMS Work Plan, Maytag shall submit for approval a draft CMS report. The CMS Report shall be prepared in accordance with EPA guidance and the SOW.

62. Following the effective date of this Consent Order until termination, Respondent shall provide the EPA with signed Semi-Annual Progress Reports by the 15th day of each calendar month following the end of the 6-month monitoring period. Semi-annual Progress Reports shall be prepared in accordance with the SOW.

63. All deliverables are subject to EPA approval, modification and/ or disapproval pursuant to Section IX.

64. Respondent shall provide EPA fifteen (15) days advance notice of all field activities.

65. The absence of an EPA Project Manager from the Maytag facility shall not be cause for stoppage of Work.

VI. ACCESS TO PROPERTY AND INFORMATION

66. Respondent shall provide access to the Maytag facility and to all records and documentation related to the Work set out in Section V and to nearby property as is necessary to conduct the activities required by this Consent Order.

67. Such access to property and information shall be provided to EPA employees, contractors, agents, consultants, designees, authorized EPA representatives, and authorized State of Iowa representatives. These individuals shall be permitted to conduct those activities which EPA determines to be necessary, which include, but may not be limited to, inspection and copying of all bills, photographs, documents and other materials, including all sampling and monitoring data. Respondent shall submit to EPA, upon request, results of all sampling or tests and all other data generated by Respondent or its contractor(s), during implementation of this Consent Order.

68. Where Work under this Consent Order is to be performed in areas owned by or in possession of someone other than Respondent, Respondent shall use their best efforts to obtain all necessary access agreements within thirty (30) days after the later of (i) the effective date of this Consent Order, or (ii) the date when the need for such access is identified if such access is

required. Respondent shall immediately notify EPA if, after using its best efforts, it is unable to obtain such agreements.

69. As used in this Section, "best efforts" shall include, at a minimum, an initial visit, a follow-up telephone call, and a certified letter from Respondent to the present owner of the property, requesting an access agreement to permit Respondent and EPA, including its authorized representatives, access to the property to conduct the activities required under this Consent Order. "Best efforts" also includes the payment of reasonable consideration for access to the present owner of any property where Work is to be performed, or where EPA may determine access is necessary

70. In Respondent's notification to EPA of failure to obtain access, Respondent shall describe in writing their efforts to obtain access. EPA may then assist Respondent in gaining access, to the extent necessary to effectuate the Work described herein.

71. Respondent shall provide EPA a copy of the Site(s) Health and Safety Plan(s) within sixty(60) days of the effective date of this Consent Order.

72. Access shall continue until such time as EPA has granted notice of completion as set forth in Section XIX, Termination and Satisfaction.

73. In the event that Respondent wishes to assert a privilege with regard to any document which EPA seeks to inspect or copy pursuant to this Consent Order, Respondent shall provide a written description of the content of each document withheld, the privilege claimed, and the basis of the privilege being claimed. For the purposes of this Consent Order, privileged documents are those documents exempt from discovery from the United States in litigation under the Federal Rules of Civil Procedure and/or any applicable case law. EPA may dispute any such claim of privilege pursuant to Section XI, Dispute Resolution.

74. Nothing in this Consent Order shall limit or otherwise affect EPA's right of access and entry pursuant to RCRA, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601 et seq., (CERCLA), or any other legal authority.

VII. ADDITIONAL WORK

75. Consistent with the objectives of this Consent Order, EPA or Respondent may determine that additional monitoring, testing, analysis and/or reporting is necessary to ascertain the nature and extent of any hazard to human health and the environment which may be presented by the presence or release of hazardous waste and/or constituents at or from the Maytag facility.

76. If EPA determines that such additional work is necessary, EPA shall request in writing that Respondent perform the additional work and shall specify the basis for EPA's determination that additional work is necessary.

77. Within fifteen (15) calendar days after the receipt of such request, Respondent shall have the opportunity to request a conference with EPA to discuss the additional work EPA has requested.

78. In the event that Respondent agrees to perform the additional work, Respondent shall submit to EPA, within thirty (30) days following EPA's receipt of Respondent's agreement to perform additional work, a Work Plan including schedule, for performance of such additional work.

79. Such Work Plan shall be subject to the review and approval procedures of Section IX, Submissions/EPA Review/Modifications, of this Consent Order. Upon receipt of EPA's approval of such Work Plan, Respondent shall implement such Work Plan in accordance with its terms and schedule.

80. EPA reserves the right to order Respondent to perform such additional work or to perform such additional work itself and to seek to recover from Respondent all costs of performing such additional work, pursuant to any right it may have under applicable law.

VIII. MINIMUM QUALIFICATIONS FOR PERSONNEL

81. All work performed by Respondent pursuant to this Consent Order shall be under the direction and supervision of an individual who has demonstrated expertise in hazardous waste site investigation.

82. Within seven (7) business days after the effective date of this Consent Order, or within seven (7) business days prior to retention of any supervisory contractor who will be performing work under this Consent Order, Respondent shall submit to EPA in writing, the name, title, and qualifications of the supervisory personnel and of any contractors or subcontractors to be used in carrying out the terms of this Consent Order.

83. Notwithstanding Respondent's selection of supervisory personnel, contractors or subcontractors, nothing herein shall relieve Respondent of its obligation to comply with the terms and conditions of this Consent Order.

84. Respondent shall notify EPA seven (7) calendar days prior to any change in the supervisory personnel and/or contractors or subcontractors to be used in carrying out the terms of this Consent Order, and shall submit to EPA, in writing, the name, title and qualifications of the additional or replacement supervisory personnel, contractor or subcontractor. EPA may disapprove at any time the use of any supervisory personnel, contractor or subcontractor and shall notify Respondent, in writing, of such disapproval.

85. EPA's disapproval of any such supervisory personnel, contractor, and/or subcontractor shall not be subject to the dispute resolution procedures of Section XI, below.

86. Within fifteen (15) business days from receipt of EPA's written notice disapproving the use of any supervisory personnel, contractor and/or subcontractor, Respondent shall notify EPA, in writing, of the name, title and qualifications of the personnel who will replace the personnel disapproved by EPA.

87. In the event of subsequent disapproval of the proposed replacement, EPA reserves the right to conduct the work required pursuant to this Consent Order and seek reimbursement from Respondent, pursuant to any right it may have under applicable law.

IX. SUBMISSIONS/EPA REVIEW/MODIFICATIONS

88. All reports, plans, procedures, and other documents which must be submitted to EPA pursuant to this Consent Order shall be sent to EPA's Project Manager by certified mail or overnight express that provides proof of service. EPA's Project Manager's name, mailing address, telephone number, facsimile number, and email address are as follows:

David Garrett
Environmental Scientist
AWMD/RCAP
U.S. EPA, Region 7
901 North 5th Street
Kansas City, Kansas 66101
(913) 551-7159
(913) 551-9159 (facsimile)
Garrett.David@epa.gov.

89. After submission of any document, plan, or report, EPA will approve the document, conditionally approve the document with comments, or disapprove the document with comments.

90. If EPA approves the document, plan, or report, EPA will notify the Respondent in writing and the Respondent shall implement all activities required in the document, if any, in accordance with the schedules in the approved document.

91. If EPA conditionally approves the document with comments, the comments shall be considered incorporated into the document. The conditionally approved document with the comments incorporated shall be an enforceable part of this Consent Order. Respondent shall revise the document in accordance with the comments and resubmit it within thirty (30) days of Respondent's receipt of conditional approval.

92. If EPA disapproves the document with comments, the Respondent shall revise the document in accordance with EPA's comments within thirty (30) business days of receipt of notice of disapproval. EPA will review the resubmitted document in accordance with this section. If approved or conditionally approved with comments upon resubmission, the Respondent shall commence any work required by the document in accordance with the schedules therein.

93. If upon resubmittal of a document, EPA determines in its sole discretion that the Respondent has failed to adequately incorporate EPA's comments, such failure shall be considered a violation of this Consent Order and subject to the provisions of Section XIV (Stipulated Penalties) of this Consent Order

94. EPA may unilaterally revise the document in accordance with EPA's comments, and the unilaterally modified document shall be considered the approved document. The Respondent shall commence any work required by the unilaterally modified document in accordance with the schedules therein.

95. If Respondent takes exception to the modifications made by the Director, the Respondent shall follow the dispute resolution procedures set out in IX (Dispute Resolution).

96. The Respondent shall implement all documents, plans, or reports according to the specifications and schedules contained in the EPA-approved document, plan, or report.

97. Any EPA approved submission, or submission modified by EPA, shall be incorporated into and made an enforceable part of this Consent Order, and failure to implement the submission in accordance with the requirements and schedules contained therein shall be deemed a violation of this Consent Order unless excused pursuant to Section XI, Dispute Resolution or Section XII, Force Majeure.

98. Respondent shall provide EPA with semi-annual progress reports which contain a summary of Work performed and information required in accordance SOW, Task II.

94. Any notice report, certification, data presentation, or other document submitted by Respondent pursuant to this Consent Order which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Respondent's compliance or noncompliance with any requirement of this Consent Order shall be certified by a duly authorized representative of Respondent. A person is a "duly authorized representative" only if (a) the authorization is made in writing; (b) the authorization specifies either an individual or position having responsibility for overall operation of the regulated facility or activity; thus, the individual must be named and occupy a named position; and the written authorization is submitted to EPA's Project Manager.

100. The certification required by the previous paragraph shall be in the following form:

"I certify under penalty of law that this [name of submission] and all attachments were prepared under my direction or supervision in accordance with procedures designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____

Name: _____

Title: _____

X. INFORMATION SUBMITTED TO EPA

101. Respondent may assert a business confidentiality claim in the manner described in 40 C.F.R. § 2.203(b) covering all or part of any information submitted to EPA pursuant to this Consent Order. In accordance with 40 C.F.R. § 2.204(e)(4), any assertion of confidentiality shall be adequately substantiated by Respondent when the assertion is made.

102. Information submitted for which Respondent have asserted a claim of confidentiality as specified above shall be disclosed by EPA only to the extent and manner permitted by 40 C.F.R. Part 2, Subpart B. If no such confidentiality claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice to the Respondent.

103. Respondent agrees not to assert any confidentiality claim with respect to any physical, sampling, monitoring, or analytical data.

104. EPA may dispute, or request validation of, any claim that information is "confidential business information" pursuant to the provisions of 40 C.F.R. Part 2.

105. If Respondent believes that information submitted to EPA should be exempt from requests made to EPA under the Freedom of Information Act (FOIA), 5 U.S.C. 552, et seq., because of national security concerns, Respondent may identify such information to EPA. EPA will evaluate whether such information is properly exempt from FOIA production.

XI. DISPUTE RESOLUTION

106. The parties shall use their best efforts to informally and in good faith resolve all disputes or differences of opinion. Except where expressly provided, the parties agree that the procedures contained in this section are the sole procedures for resolving disputes arising under this Consent Order.

107. If Respondent disagrees, in whole or in part, with any decision by EPA pursuant to this Consent Order, Respondent's Project Coordinator shall notify the EPA Project Coordinator of the dispute within ten (10) days of notification of such decision. The Project Coordinators shall attempt to resolve the dispute informally.

108. If the Project Coordinators have not resolved the dispute informally within twenty (20) days of Respondent's notice to EPA, Respondent shall have at that time the option to pursue the matter formally by placing its objections in writing. Respondent's written objections must be sent to the EPA Project Coordinator within five (5) business days after the period for informal discussion has ended, and must set forth the specific points of the dispute, the position Respondent claims should be adopted as consistent with the requirements of this Consent Order, the basis for Respondent's position, and any matters which it considers necessary for EPA's determination. If Respondent fails to follow any of the requirements contained in this paragraph then it shall have waived its right to further consideration of the disputed issue. EPA and Respondent shall then have an additional twenty (20) days from EPA's receipt of Respondent's objections to attempt in good faith to resolve the dispute. If agreement is reached, the resolution shall be reduced to writing, signed by representatives of each party and shall become a part of this Consent Order. Any extension of time shall be accomplished through a written amendment to this Consent Order pursuant to Section XIX, Subsequent Modification.

109. If the parties are unable to reach an agreement within the aforesaid twenty (20) day period, the matter shall be referred to the Division Director, Air and Waste Management Division, EPA Region VII. The Division Director shall then decide the matter and provide a written statement of his or her decision to Respondent. Such decision shall become an enforceable part of this Consent Order.

110. The questions of whether and in what amounts Respondent shall be liable for stipulated penalties which accrued during or on account of the dispute resolution process shall be resolved by the Division Director in his or her decision of the dispute. If the Division Director determines that Respondent was correct in its position, Respondent will not be liable for stipulated penalties.

111. No action or decision by EPA, including without limitation, decisions of the Division Director, or his or her designates, pursuant to this Consent Order, shall constitute final agency action giving rise to any rights to judicial review prior to EPA's initiation of judicial action to compel Respondent's compliance with the requirements of this Consent Order.

112. Except as provided in Section XXIV, Stipulated Penalties, the existence of a dispute as defined in this Section and EPA's consideration of matters placed into dispute shall not excuse, toll, or suspend any compliance obligation or deadline required pursuant to this Consent Order during the pendency of the dispute resolution process.

XII. FORCE MAJEURE

113. Respondent agrees to perform all requirements of this Consent Order within the time limits set forth herein, unless the performance is prevented or delayed by events which constitute a force majeure. For the purposes of this Consent Order, a force majeure is defined as any event arising from causes beyond Respondent's reasonable control, or beyond the reasonable control of their consultants and contractors, which delays or prevents performance by a date required by this Consent Order, despite Respondent's best efforts to meet all applicable time limits. The term force majeure shall not include unanticipated or increased costs of performance,

changed economic circumstances, normal precipitation events, or failure to obtain federal, state, or local permits.

114. Respondent shall immediately notify EPA orally, and shall also notify EPA in writing within five (5) business days after it becomes aware of events which Respondent believes constitutes a force majeure. Such notice shall include an estimate of the anticipated length of delay, including necessary demobilization and remobilization, a description of the cause of the delay, the measures taken or to be taken to minimize delay, and an estimated timetable for implementation of these measures. Respondent shall exercise best efforts to avoid or minimize the delay as a result of the alleged force majeure.

115. Failure to comply with the notice provision of this Section shall constitute a waiver of Respondent's right to assert a force majeure.

116. If EPA determines that the delay has been or will be caused by a force majeure, the time for performance for that element of work may be extended, upon EPA approval, for a period equal to the delay resulting from such circumstances. This schedule extension shall be accomplished through written amendment to this Consent Order pursuant to Section XIX (Subsequent Modification of Final Consent Order). Such an extension does not alter the schedule for performance or completion of other, non-dependent tasks required by the Consent Order or the SOW.

117. In the event EPA and Respondent cannot agree that any delay or failure has been or will be caused by a force majeure, or if there is no agreement on the length of the extension, such dispute shall be resolved in accordance with the provisions of Section XI of this Consent Order, Dispute Resolution.

XIII. RECORD PRESERVATION

118. Respondent shall retain, during the pendency of this Consent Order, and for a minimum of three (3) years after its termination, a copy of all data, records, and documents now in its possession or control, or in the possession or control of its contractors, subcontractors, representatives, or which come into the possession or control of the Respondent, their contractors, subcontractors, or representatives, which relate in any way to this Consent Order.

119. Respondent shall notify EPA, in writing, at least thirty (30) days in advance of the destruction of any such records, and shall provide EPA with the opportunity to take possession of any such records. Such written notification shall reference the caption, docket number and date of issuance of this Consent Order and shall be addressed to:

Branch Chief
RCRA Corrective Action and Permits Branch
Air and Waste Management Division
U.S. EPA, Region 7
901 North 5th Street
Kansas City, Kansas 66101.

Additionally, Respondent shall provide data, records, and documents retained under this Section at any time before the expiration of the three (3) year period at the written request of EPA.

XIV. STIPULATED PENALTIES

120. The stipulated penalties set forth below shall be assessed against Respondent whenever Respondent fails to timely and adequately comply with any requirement of this Consent Order. Compliance by Respondent with this Consent Order shall include commencement or completion of an activity under this Consent Order or a plan approved under this Consent Order in a manner acceptable to EPA and within time schedules approved under this Consent Order.

121. The stipulated penalties for violations relating to this Consent Order shall accrue as follows:

a. For failure to submit any plan, report, or other document to EPA in a timely and adequate manner as required by this Consent Order or under a plan approved under this Consent Order:

- (1) \$300 per day for the first through fourteenth days of non-compliance;
- (2) \$600 per day for the fifteenth through the thirtieth days of non-compliance and;
- (3) \$1,500 per day for the thirty-first day and each succeeding day of non-compliance thereafter.

b. For any other violation of this Consent Order, or for failure to properly perform the work required by this Consent Order or a plan approved by this Consent Order; or failure to perform work within the time frames contained in and approved under this Consent Order or by a plan approved under this Consent Order, other than submission of plans, reports, or other documents:

- (1) \$500 per day for the first through fourteenth days of non-compliance;
- 2) \$1,000 per day for the fifteenth through the thirtieth days of non-compliance; and
- (3) \$1,500 per day for the thirty-first day and each succeeding day of non-compliance thereafter.

122. All penalties shall begin to accrue on the date that complete performance is due or a violation or non-compliance occurs and shall continue to accrue through the final day of correction of the violation or non-compliance. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations of this Consent Order.

123. All penalties owing under this Section shall be due within thirty (30) calendar days of receipt by Respondent of written demand by EPA for payment thereof, unless Respondent timely invoke procedures set out in Section XI, Dispute Resolution. Interest shall begin to accrue on the unpaid balance at the end of this thirty (30) day period. Interest will accrue on the unpaid balance until such penalties and interest have been paid in full and will be compounded annually.

124. All penalties shall be paid by certified or cashier's check made payable to Treasurer of the United States" and remitted to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000.

All payments shall reference the EPA Docket Number which appears on the face of this Consent Order and the Respondent's name and shall indicate that they are in payment of stipulated penalties. A copy of the payment and transmittal of payment shall be sent to EPA's Project Manager at the address shown in Section IX, Submissions/EPA Review.

125. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA by reason of Respondent's failure to comply with any of the requirements of this Consent Order, nor shall payment of said penalties relieve Respondent of the responsibility to comply with this Consent Order.

126. Neither invoking dispute resolution procedures pursuant to Section XI nor the payment of penalties shall alter in any way Respondent's obligation to comply with the requirement of this Consent Order.

XV. RESERVATION OF RIGHTS

127. In the event that the Respondent fails or refuses to comply with any requirement of this Consent Order, EPA may commence a civil action pursuant to Section 3013(e) of RCRA, 42 U.S.C. § 6934(e), to require compliance with this Consent Order and to assess a civil penalty not to exceed \$5,500 for each day during which such failure or refusal occurs.

128. This Consent Order shall not limit or otherwise preclude EPA from taking additional enforcement action pursuant to Section 3008 and Section 7003 of RCRA or Section 106 of CERCLA, or any other available legal authorities, should EPA determine that such actions are necessary to address non-compliance and/or protect human health or the environment.

129. Compliance by Respondent with the terms of this Consent Order shall not relieve Respondent of their obligations to comply with RCRA or any other applicable local, state or federal laws.

130. Nothing herein shall limit the power and authority of EPA or the United States to, at any time, take, direct, or order all actions necessary to protect public health, welfare, or the environment and/or to prevent, abate, or minimize an actual or threatened release of hazardous

substances, pollutants or contaminants, or hazardous or solid waste on, at, or from Respondent's facility.

131. Nothing herein shall prevent EPA from seeking legal or equitable relief to enforce the terms of this Consent Order, including the right to seek injunctive relief and/or the imposition of statutory penalties. EPA also further reserves the right to take any legal or equitable action as it deems appropriate and necessary, or to require Respondent in the future to perform additional activities pursuant to RCRA, CERCLA or any other applicable law.

132. EPA hereby expressly reserves any right it may have to perform any work required to be performed hereunder, including, but not limited to, site characterization, feasibility studies, and response/corrective actions as EPA deems necessary to protect public health or the environment if Respondent fail to perform the work consented to herein or any additional work agreed upon pursuant to this Consent Order in a timely and satisfactory manner.

133. Notwithstanding Respondent's compliance with the terms of this Consent Order, EPA reserves any right it may have to seek reimbursement for all costs incurred by the United States, and the Respondent are not released from liability, if any, for such costs.

XVI. SUBSEQUENT MODIFICATION OF FINAL CONSENT ORDER

134. Except as provided in paragraph 76, this Consent Order may be amended only by mutual agreement of EPA and Respondent. Any such amendment shall be in writing, shall be signed by an authorized representative of each party, shall have as its effective date the date on which it is signed by EPA, and shall be incorporated into this Consent Order.

135. Any reports, plans, specifications, schedules, other submissions and attachments required by this Consent Order are, upon written approval by EPA, incorporated into this Consent Order. Any noncompliance with such EPA-approved reports, plans, specifications, schedules, other submissions, and attachments shall be considered a violation of this Consent Order and shall subject Respondent to the stipulated penalty provisions included in Section XIV, Stipulated Penalties.

136. Modifications in the studies, techniques, procedures, designs, or schedules utilized in carrying out this Consent Order and necessary for the completion of the project may be made by written agreement of the Project Managers. Such modifications shall have as an effective date the date on which the agreement is signed by the EPA Project Manager.

137. No informal advice, guidance, suggestions, or comments by EPA regarding reports, plans, specifications, schedules, and any other writing submitted by Respondent shall be construed as relieving Respondent of their obligation to obtain written approval when required by this Consent Order.

XVII. OTHER APPLICABLE LAWS

138. All actions required to be taken pursuant to this Consent Order shall be undertaken in accordance with the requirements of all applicable federal, state, and local laws, regulations, permits, and ordinances.

139. Compliance by Respondent with the terms of this Consent Order shall not relieve Respondent of their obligation to comply with RCRA, or any other applicable federal, state, or local laws, regulations, permits, and ordinances.

140. This Consent Order is not and shall not be interpreted to be a permit, or as a ruling or a determination of any issue related to a permit under federal, state or local law. This Consent Order shall not in any way affect Respondent's obligation, if any, to secure such a permit, nor shall this Consent Order be interpreted in any way to affect or waive any of the conditions or requirements that may be imposed by such permit, nor of Respondent's right to appeal any conditions of such permit. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

XVIII. OTHER CLAIMS

141. Nothing in this Consent Order shall constitute or be construed as a release from any claim, cause of action, demand, or defense 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 wastes, hazardous waste constituents, hazardous substances, pollutants, or contaminants found at, taken to, or migrating from the Sites.

142. Neither the United States nor EPA shall be deemed a party to any contract involving Respondent and relating to activities at Respondent's facility. Further, the United States and/or EPA shall not be liable for any claim or cause of action arising from or on account of any act, or the omission of Respondent, its officers, employees, contractors, receivers, trustees, agents or assigns, in carrying out the activities required by this Consent Order.

143. Respondent agree to indemnify and hold harmless the United States, EPA, and their employees from claims arising directly from acts or omissions of Respondent or its employees, officers, directors, agents, independent contractors, and assigns in carrying out activities required by this Consent Order.

XIX. TERMINATION AND SATISFACTION

144. The provisions of this Consent Order shall be deemed satisfied upon Respondent's receipt of written notice from EPA that Respondent has demonstrated to the satisfaction of EPA that the terms of the Consent Order, have been satisfactorily completed. Respondent may request termination as appropriate and EPA shall consider the request in good faith. This notice shall not, however, terminate Respondent's obligations to comply with any

Preservation; Section XV, Reservation of Rights; Section XVII, Other Applicable Laws; and Section XVIII, Other Claims.

XX. SEVERABILITY

145. If any portion or authority of this Consent Order, or application of this Consent Order to any party or circumstances, is held by any judicial or administrative authority to be invalid, the application of other provisions to Respondent shall not be affected and shall remain in full force.

XXI. EFFECTIVE DATE

146. The effective date of this Consent Order shall be the date on which Respondent receives a true and correct copy of the fully executed Consent Order, as shown by the return receipt.

FOR RESPONDENT:

Maytag Corporation:
Former Operator

R. J. LaForest
Name: Robert J. LaForest
Title: Vice President and
Secretary

9-23-10
Date

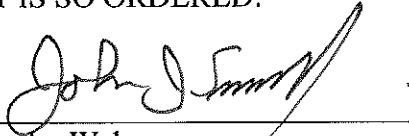
FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

Signatures

Denise Roberts
Denise Roberts
Senior Assistant Regional Counsel

9/23/10
Date

IT IS SO ORDERED:



9/23/10
Date

for

Becky Weber
Director
Air and Waste Management Division

Attachments:

1. Map of Site
2. Covenant Deed
3. Scope of Work

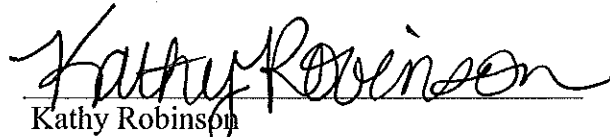
CERTIFICATE OF SERVICE

I certify that I have caused a copy of the foregoing Consent Order to be served upon the person designated below on the date below, by causing said copy to be deposited in the U.S. Mail, First Class (Certified Mail, Return Receipt Requested, postage prepaid), at Kansas City, Kansas, in an envelope addressed to the below:

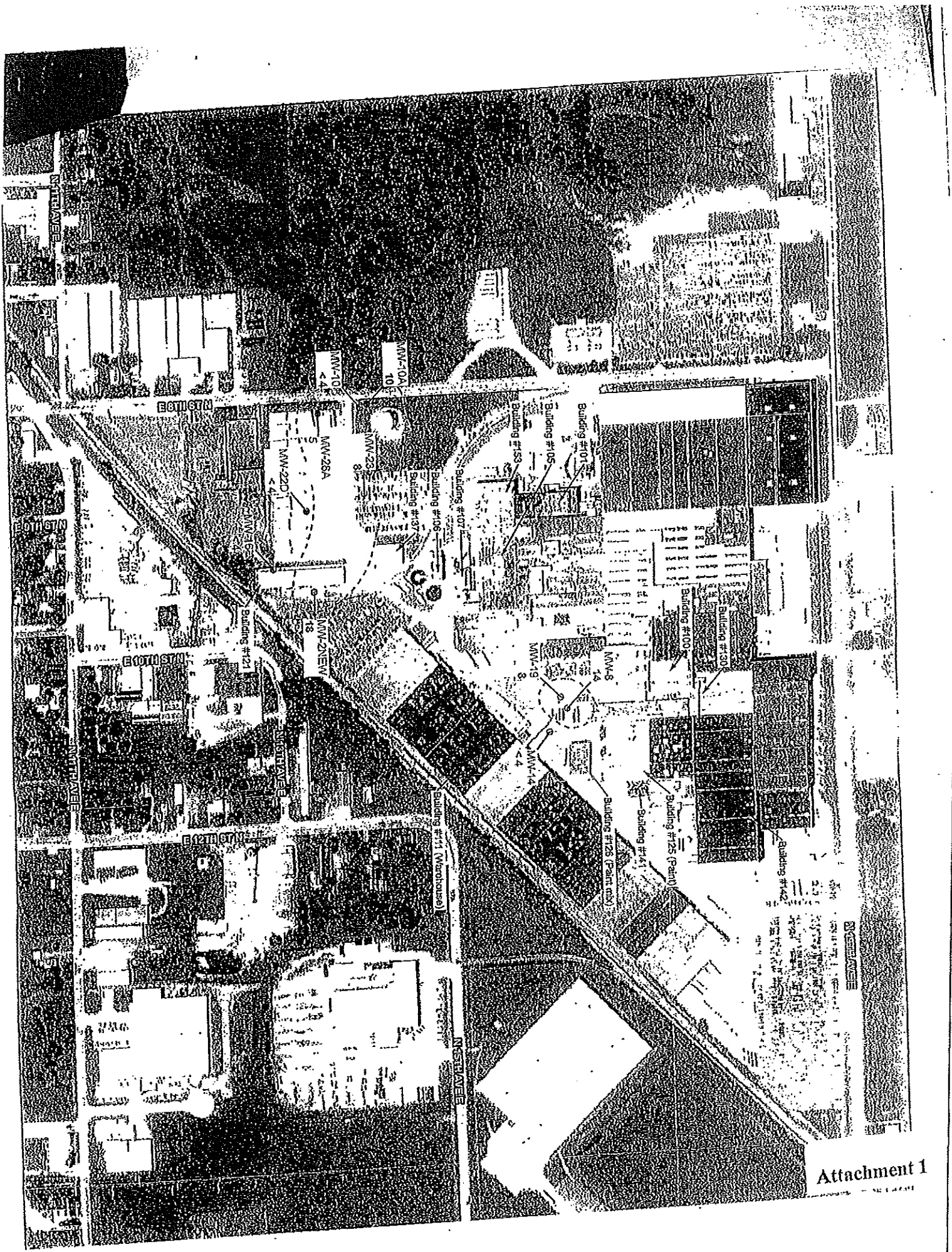
Ralph Hake
Chairman and Chief Executive Officer
Maytag Corporation
927 North 19th Avenue East
Newton, Iowa 50208

Jane McAllister
Ahlers & Cooney, PC
100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231

Attorney for Maytag Corporation


Kathy Robinson
Regional Hearing Clerk

Dated this 24th day of Sept, 2010.



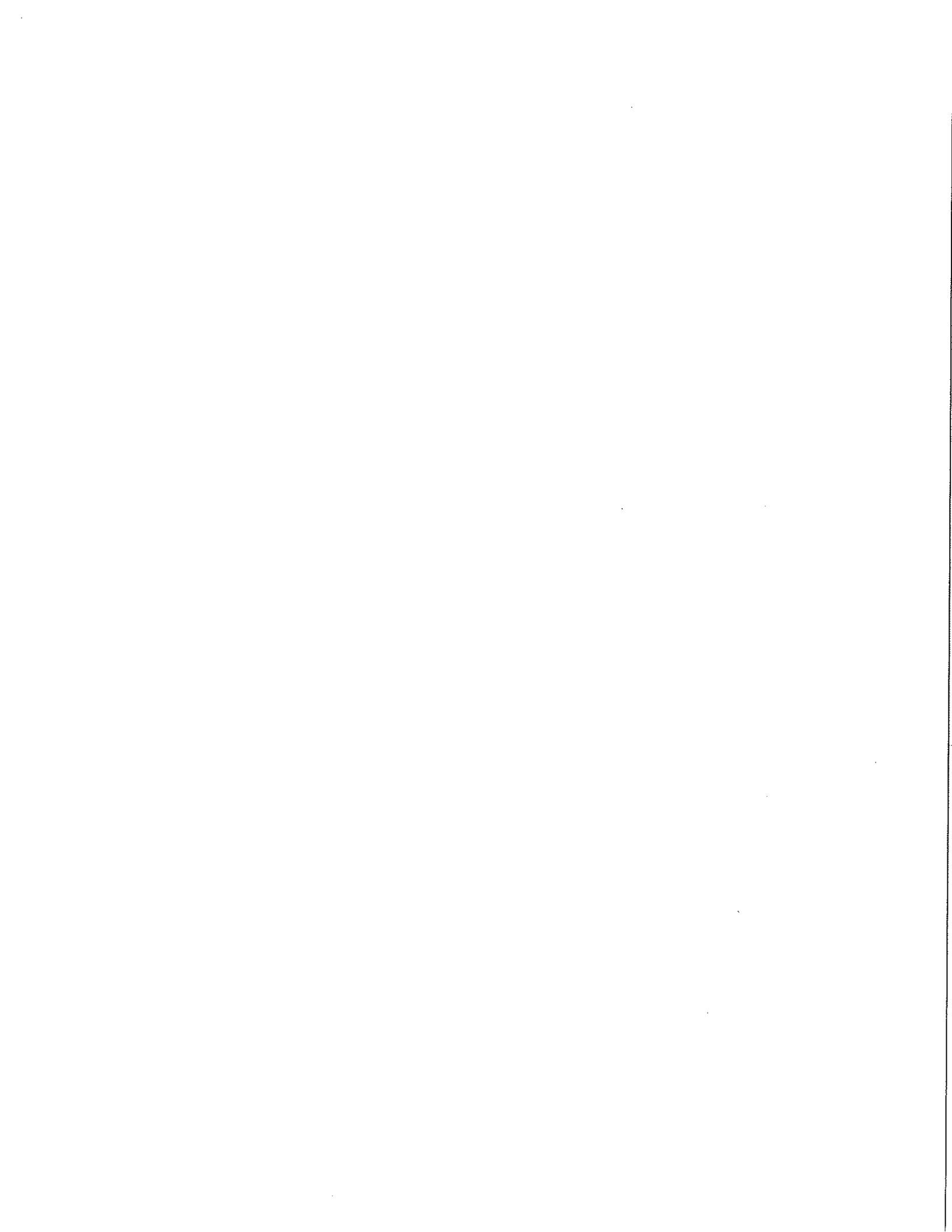
Prepared by:
Allison J. Mulder
Warner Norcross & Judd LLP
111 Lyon Street, NW, Suite 900
Grand Rapids, MI 49503
(616) 752-2000

Taxpayer and Return To:
WPM Properties, LLC
a Delaware limited liability company
12214 Lakewood Boulevard
Downey, California 90242

COVENANT DEED

For the consideration of One Dollar (\$1.00) and other valuable consideration, MAYTAG CORPORATION, a Delaware Corporation, of 2000 North M-63, Benton Harbor, Michigan 49022, does hereby Convey to WPM PROPERTIES, LLC, a Delaware limited liability company, of 12214 Lakewood Boulevard, Downey, California 90242, the following described real estate in Jasper County, Iowa:

- Parcel 1: That part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 80 North, Range 19 West of the 5th Principal Meridian, Jasper County, Iowa, which is bordered on the east by the county road designated as E. 19th Street North, bordered on the south by the city street designated N. 19th Avenue East and bordered on the northwest by the Chicago, Rock Island & Pacific Railroad right of way.
- Parcel 2: That part of the Northwest Quarter of the Northwest Quarter which lies North and West and South and East of the Chicago, Rock Island and Pacific Railroad right-of-way of Section 26, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa.
- Parcel 3: The West 445 feet of the Northeast Quarter of the Northwest Quarter of Section 26, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa, EXCEPT right-of-way of the Chicago, Rock Island and Pacific Railroad Company.
- Parcel 4: Parcel D of Parcel C and Parcel E in the Northeast Quarter of the Northwest Quarter of Section 26, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa, as appears in Plat recorded in Book 1125 page 612A in the office of the Recorder of said County.
- Parcel 5: Lots 7, 8, 9, 10 and 11 of the Northeast Quarter of Section 27, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa, appears in plat recorded in Plat Book B page 274 in the office of the Recorder of said County.



Parcel 6:

Part of Lot 2 of the Northeast Quarter of Section 27, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa, as appears in plat recorded in Plat Book B page 274 in the office of the Recorder of said County described as: From the point of intersection of the center line of East 8th Street North in the City of Newton, Iowa, (formerly the College Farm Road) with the South line of the Northeast Quarter of said Section 27, which point is 158.7 feet West of the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 27, run thence North along the center line of said street, 922.2 feet, thence run East 583.2 feet to the point of beginning; from this point of beginning run South parallel to the center line of said street, 384.9 feet to the North boundary line of the Chicago, Rock Island and Pacific Railroad right of way, thence Northeasterly along said right of way line 561 feet, thence West 402.9 feet to the place of beginning and that part of said Lot 2 described as: From the point of intersection of the center line of East 8th Street North in the City of Newton, Iowa (formerly the College Farm Road) with the South line of the Northeast Quarter of said Section 27, which point is 158.7 feet West of the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 27, run thence North along the center line of said street 922.2 feet to the point of beginning; from this point of beginning run North 360 feet to the Northwest corner of said Lot 2, thence East 1352 feet to the Northeast corner of said Lot 2, thence Southwesterly along the North line of the Chicago, Rock Island & Pacific Railroad right of way 510.3 feet, thence West 986.1 feet to the place of beginning.

Grantor for itself, and its successors, does covenant, promise and agree, to and with the Grantee, its heirs and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and that it will warrant and defend, the said premises, against all persons lawfully claiming, or to claim the same, by, through or under it, and against no other persons, subject to those matters listed on Exhibit A.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: December 22, 2006

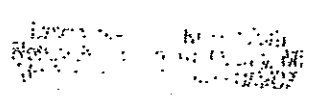
Maytag Corporation

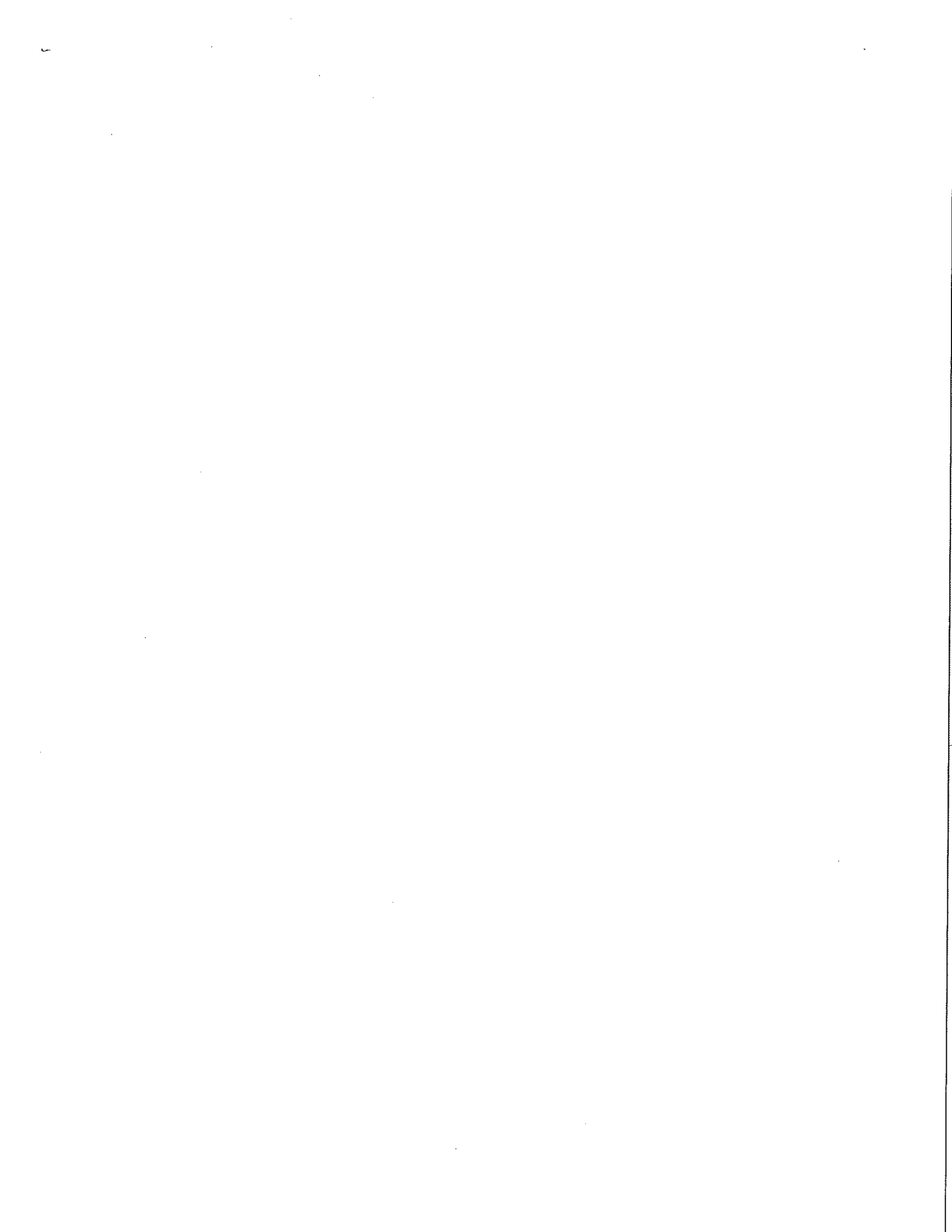
By [Signature]
Lee R. Utke, Director Global Corporate
Real Estate

State of Michigan)
)ss:
Kent County)

On this 22nd day of December, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Lee R. Utke, not individually, but as Director Global Corporate Real Estate of MAYTAG CORPORATION, a Delaware corporation, to me known to be the identical person authorized for and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

[Signature]
Dawn Marie Jakubowski
Acting in Kent County, Michigan
My Commission Expires: 8/5/07





ATTACHMENT 3 SCOPE OF WORK

- I. PURPOSE:** The purpose of this Scope of Work (SOW) is to support and enhance the corrective measures implementation activities for the former Maytag Plant.#2 Facility, (hereinafter “Maytag”) located at 927 N. 19th Avenue East, Newton, Iowa (hereinafter “Facility”) as specified by the following:

Task I:

Prepare a Work Plan to support and guide the work necessary to address the recommendations identified in the Comprehensive Groundwater Monitoring Evaluation (CGME), Revision 1, dated April 7, 2009. The principal recommendations of the CGME are summarized as follows.

1. All monitoring wells at the facility must be properly installed and protected, or properly abandoned, so as not to serve as potential conduits for subsurface contamination.
2. The 2009 CGME identified a number of well construction deficiencies, which were confirmed during the current evaluation. Future well construction and development activities should address the deficiencies as noted in the CGME.
3. The facility should revise its monitoring well network as described in the CGME.
4. The facility should develop planning documents to address the deficiencies identified in the CGME, i.e. Sampling and Analysis Plan (SAP), Quality Assurance Project Plan (QAPP) for corrective measures groundwater sampling, Operations and Maintenance (O&M) Plan for the groundwater monitoring network.
5. Because exceptions to the previous Annual CMI Report were observed with regard to well number, depth and location agreement, the facility should address the following issues identified in the CGME, i.e., documenting monitoring well closure, proper labeling of monitoring wells, field and reporting procedures.
6. The facility also should address well maintenance issues identified in the CGME, i.e., clearing and repairing concrete pads, repair or abandon select monitoring wells, marking and repainting, etc.
7. The facility should address the following well gauging issues identified in the CGME, i.e. order of gauging, available construction information, monitoring well redevelopment where necessary, etc.
8. The facility should revise its groundwater purging, sampling, and decontamination procedures as indicated in the CGME, i.e. order of sampling, list of equipment, duplicate sample and field procedures, etc.
9. The COC form should be updated as blanks and samples are added to the iced cooler.

A chronological record of documents pertaining to the RFI and associated remediation activities at the Facility is presented in Attachment A. Tetrachloroethene (PCE), Trichloroethene (TCE), 1, 1-Dichloroethene (1, 1-DCE), hexavalent chromium, total chromium, cis-1, 2-Dichloroethene are the hazardous wastes and/or hazardous constituents that were identified in the RFI as exceeding the Maximum Contaminant Level (MCL). 1, 4-Dioxane was identified at the site in 2003 during an annual CMI sampling event. These listed constituents are the Contaminants of Concern (COC) for the work described herein. This scope of work is to augment existing reports.

Task II:

Maytag will be required to prepare a CMS Work Plan and Report for the Facility, if upon completion of the Task I Work groundwater results indicate that hexavalent chromium is detected in the lower aquifer at or above 4 µg/L which would confirm migration. This determination shall be referred to herein as the "Trigger COC." The CMS shall provide sufficient information to support the selection of an appropriate remedy and to support the implementation of the corrective measures.

In accomplishing the above Purpose, Maytag shall comply with the provisions of the corresponding Administrative Order on Consent (Order) to which this SOW is appended, between the United States Environmental Protection Agency (EPA) and Maytag; this SOW; and applicable EPA guidance, (including, but not limited to, the guidance documents referenced in the Order and this SOW).

The SOW for currently identified work to be performed under the Order is set forth below:

**II. TASK I IMPLEMENTATION: CORRECTIVE MEASURES
IMPLEMENTATION GROUNDWATER MONITORING**

A. Purpose – Maytag has conducted an onsite delineation of groundwater to provide data of sufficient quality (e.g. quality assurance procedures have been followed and these procedures are documented) and quantity to describe the three-dimensional nature and extent of releases of hazardous waste and/or hazardous constituents detected historically in the Paint/Paint Mix Area, Fuel Oil Area, Chrome Area and Incinerator Area and other areas where detections of contaminants exceeded an MCL. However, the CGME concluded that additional information is necessary and must be collected in order to fill current data gaps. The Work Plan shall include a description of groundwater delineation both horizontally and vertically in the upper and lower aquifer units both upgradient and downgradient at the site for the former Paint/Paint Mix area, the former Chrome area, and in the former Incinerator area using the monitoring network depicted in Attachment B. In addition, the Work Plan shall

describe the one-time sampling at locations at the Facility where additional delineation is necessary in both the upper and lower aquifer units as depicted in Attachment C. Attachment C also depicts sampling of and installation of monitoring wells and direct-push locations both onsite and offsite. However, the data results from delineation may require additional monitoring wells to be installed and wells and/or geoprobe locations to be sampled beyond a one-time sampling event.

B. Conformity -- This process shall conform to applicable EPA guidance as stated in the Order and this SOW.

C. Scope – The Work Plan shall consist of four subtasks:

1. **Work Plan**
2. **Work Plan Implementation**
3. **Work Plan Implementation Report**
4. **Semi-Annual Reports**

D. Work Plan – Within the timeframes specified in the Order, Maytag shall prepare a Work Plan which will focus on evaluating the Corrective Measures Implementation groundwater monitoring network to ensure the network is adequate to: (1) detect contamination off site, (2) demonstrate contamination is not impacting the public water supply, and (3) demonstrate contamination is not impacting areas of the Facility that have previously been non-detect. The Work Plan will include the following:

1. **Quality Assurance Project Plan (QAPP)** - To ensure that all information, data, and resulting decisions are technically sound, statistically valid, and properly documented, Maytag shall prepare a Sampling and Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) to document monitoring procedures, sampling, field measurements and sample analysis performed during the Work Plan implementation. Maytag shall use quality assurance, quality control, and chain-of-custody procedures approved by the EPA. The QAPP shall be prepared in accordance with the most current version of EPA *Requirements for Quality Assurance Project Plans* [EPA QA/R-5, EPA/240/B-01/003, March 2001, as revised May 2006], *Guidance for Preparing Quality Assurance Project Plans*, EPA QA/G-5, EPA/240/R-02/009, December 2002, and EPA *Guidance on Choosing a Sampling Design for Environmental Data Collection*, EPA QA/G-5S, EPA/240/R-02/005, December 2002. These sources of information can be found at the following websites:

<http://www.epa.gov/quality/qs-docs/r5-final.pdf>

<http://www.epa.gov/quality/qs-docs/g5-final.pdf>

<http://www.epa.gov/quality/qs-docs/g5s-final.pdf>

The minimum elements of Maytag's quality assurance program for data collection activities are in Chapter One of EPA publication SW-846, entitled *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*. Standard operating procedures (SOPs) shall be included as an attachment to the plan(s) if SOPs are cited in the text.

2. **Sampling and Analysis Plan (SAP)** The SAP, at a minimum, should include the following:
 - a. Clearly stated objectives for each specific sampling event, including the ultimate goal and/or use of the sampling data and the techniques which will ensure that the samples will provide the required data;
 - b. A discussion of sampling procedures which shall include: sampling locations, field quality assurance samples, analyses to be conducted including analytical method numbers, sample containers, sample preservation and shipment, and chain-of-custody procedures;
 - c. A discussion of sample analytical methodologies and procedures which shall include: identification of the contracted laboratory, sample storage and preparation procedures, sample matrix, analytical methods, method detection limits, precision and accuracy of the methodology and potential interferences. The SAP will focus on Tetrachloroethene (PCE), Trichloroethene (TCE), 1, 1-Dichloroethene (1, 1-DCE), hexavalent chromium, cis-1, 2-Dichloroethene and 1, 4-dioxane;
 - d. Monitoring well and soil boring location, construction, installation, development and sampling procedures; and
 - e. A discussion of laboratory internal quality control checks, laboratory performance and system audits and frequency including: method blanks, laboratory control sample, calibration check samples, replicate samples, matrix-spiked samples, "blind" quality control samples, surrogate samples, preventative maintenance procedures and schedules, laboratory corrective actions, and sample turnaround time.

3. **Health and Safety Plan (HASP)** – Maytag shall submit a Facility-specific HASP for all field activity. This document may be subject to review and comment, but not approval, by EPA.
 4. **Schedule for Work Plan Implementation.** Schedules should be as detailed as possible, but can be represented as a series of contingent activities (e.g., sampling beginning within 30 days of Work Plan approval.)
 5. **Operations and Maintenance (O&M) Plan.** Maytag shall prepare an O&M Plan for the Corrective Measures Implementation groundwater monitoring network. The O&M Plan will identify all of the recommendations noted in Section 4.0 of EPA's Compliance Monitoring Evaluation (CME) Report (dated April 07, 2009) that need to be addressed to ensure that the groundwater monitoring network is adequate for the purpose stated herein, including repair, replace and/or abandon monitoring wells with prior EPA approval at the Facility. The O&M Plan will also identify the frequency and procedures for site inspections and corrective measures to be implemented as a result of said inspections. The O&M Plan will also present the procedures and process for the abandonment of the existing, non operational remediation systems consisting collection trenches and associated sumps with prior EPA approval.
- D. Work Plan Implementation** - The Work Plan implementation activities shall follow the plans set forth in the EPA approved Work Plan in accordance with timelines specified by the project schedule therein. Respondent shall conduct two (2) annual monitoring events of the monitoring network in Attachment B under the Work Plan.
- E. Work Plan Implementation Report** – In accordance with the timelines specified in the Order and the approved Work Plan, Maytag shall submit to EPA a Work Plan Implementation Report. The report shall include an analysis and summary of all activities conducted during implementation of the Work Plan. This analysis shall be sufficient to define the three-dimensional extent, origin, direction, and rate of movement of contaminants on-site and potentially off-site in both the upper and lower aquifer units. The report will also provide documentation of the approved groundwater monitoring network including repairs and abandonment of site features such as monitoring wells and remediation systems with EPA approval. The report shall address the need for additional monitoring and/or modifications to the monitoring network through reducing or adding monitoring locations. EPA will review and approve or modify this submittal in accordance with Section IX of the Order. The following information, at a minimum, must be included in the Work Plan Implementation Report;

The Work Plan Implementation Report shall at a minimum include the following:

1. **Current evaluation of contamination** - the Work Plan Implementation Report shall include a current evaluation of the hydrogeologic conditions at the Facility.
 2. **Delineation** - The Work Plan Report shall present and analyze data previously presented to EPA and the data obtained during the Work Plan Implementation. The Report shall describe the nature, extent, origin, direction, velocity, horizontal and vertical extent of any COC groundwater contamination originating from the facility, and rate of movement of the COCs on-site and off-site.
 3. **Data Analysis** - The Work Plan Report shall include analysis and summary of all Facility investigations and their results in a tabular format as found in the facility's historical reports.
 4. **Interim Measures** – The Work Plan Report shall report on any interim measures/additional work conducted or planned pursuant to this SOW or the Order.
- F. Progress Reports – Semi-annual Progress Reports** must be submitted as required by the Order. Maytag shall include the following information in the Progress Reports:
1. A description of all of the Work Plan activities, as appropriate, completed during the reporting period;
 2. A description of all changes made during the reporting period;
 3. Summaries of all contacts, during the reporting period, with representatives of the local community, public interest groups or State government concerning activities at the Facility;
 4. Summaries of all problems or potential problems encountered during the reporting period;
 5. Actions being taken to rectify problems;
 6. Changes in project coordinator, principal contractor, laboratory, and/or consultant during the reporting period;
 7. Projected work for the next reporting period;
 8. Other relevant documentation, including, but not limited to copies of laboratory/monitoring data received and/or generated during the reporting period;

9. Other activities conducted by the Facility (e.g., Project Specific Reporting Requirements); and
10. Conclusions and Recommendations.

III. TASK II IMPLEMENTATION: CORRECTIVE MEASURES STUDY (CMS), IF REQUIRED

A. Purpose – In the event a Trigger COC determination is made pursuant to this SOW, Maytag shall conduct a Corrective Measures Study (CMS) that identifies, compares, and recommends alternative potential remedies to address the Trigger COC groundwater contamination at and/or originating from Maytag's Facility to protect human health and the environment, which shall provide sufficient information to support the selection of an appropriate remedy and to support the implementation of corrective measures. This process shall conform to EPA's *RCRA Corrective Action Plan* and other applicable EPA guidance.

B. Scope – The CMS shall consist of the following components:

1. CMS Work Plan;
2. CMS Report;
 - a. Introduction/Purpose;
 - b. Description of Current Conditions;
 - c. Corrective Action Objectives;
 - d. Identification, Screening and Development of Corrective Measures Alternatives;
 - e. Evaluation of a Final Corrective Measure Alternative;
 - f. Recommendation by Maytag for a Final Corrective Measures Alternative; and
 - g. Public Involvement Plan.
3. Progress Reports.

C. CMS Work Plan – Within the timeframes specified in the Order, the Maytag shall prepare a CMS Work Plan which includes the following elements:

1. A site-specific description of the overall purpose of the Corrective Measure Study;
2. A description of the corrective measure objectives, including proposed target media cleanup standards (e.g., promulgated federal and state standards, risk derived standards) and points of compliance or a description of how a risk assessment will be performed (e.g., guidance documents);
3. A description of the specific corrective measure technologies and/or corrective measure alternatives;
4. A description of the general approach to investigating and evaluating potential corrective measures;
5. A detailed description of any proposed pilot, laboratory and/or bench scale studies; and
6. A proposed outline for the CMS Report, including a description of how information will be presented.

D. CMS Report - Within the time specified in the Order, Maytag shall submit to EPA for approval a draft & final CMS Report. The CMS Report shall describe how alternatives provide human health and environmental protection and attain media cleanup standards, based on the ability of alternatives to achieve the media cleanup standards selected by EPA. Maytag shall describe how measures control the sources of releases and reduce or eliminate to the maximum extent possible further releases. Maytag shall identify/develop methods to comply with standards for the management of wastes generated during corrective measures. The CMS Report shall provide a detailed evaluation of corrective measure alternatives and a recommendation as to the alternative (or alternatives) which should be selected to address Trigger COC contamination originating at all SWMUs and/or Areas of Contamination (AOCs) at the Facility. The CMS Report shall address, without limitation, all items set forth in this Task, below. EPA will review and approve or modify this submittal in accordance with Section IX of the Order. Irrespective of an approved CMS Work Plan, EPA may require the Maytag to collect, present and/or analyze additional information beyond the scope of the approved CMS Work Plan and the following list to accomplish the purpose and objectives of the CMS. The following information must be included in the CMS Report:

1. **Statement of Purpose** - The CMS Report shall describe the purpose of the document and provide a summary description of the project;

2. **Description of Current Conditions** - The CMS Report shall include a brief discussion of any new information that has been developed since the Work Plan .
3. **Corrective Action Objectives** - The CMS Report shall describe and propose Maytag's corrective action objectives. Specifically, Maytag shall propose applicable media cleanup standards for each medium where Facility-related contamination poses an unacceptable risk to human health and the environment. The CMS Report shall explain how these objectives are protective of human health and the environment and are consistent with EPA guidance and the requirements of applicable federal statutes. Final corrective action objectives will be determined by the EPA when the final corrective action remedy is selected.
 - i. **Ground Water Protection Standards** - The CMS Report shall provide information to support the Agency's selection/development of Ground Water Protection Standards for all of the constituents found in the ground water during the CMS.
 - ii. **Other Relevant Protection Standards** - The CMS Report shall identify all relevant and applicable standards for the protection of human health and the environment (e.g., site specific risk-based media cleanup standards, surface water and sediment cleanup standards, etc.). All standards shall be developed in accordance with EPA guidance and the requirements of applicable federal statutes.
4. **Potential Receptors** - The CMS Report shall collect data describing the human populations and environmental systems that currently or potentially are at risk of contaminant exposure from the Facility.
5. **Identification, Screening, and Development of Corrective Measure Alternatives**
 - a. The CMS Report shall list and describe potentially applicable technologies for each affected media that may be used to achieve the corrective action objectives proposed by Maytag. The CMS Report shall include a table that summarizes the available technologies; and
 - b. **Screening of Technologies** - the CMS Report shall present a screening of corrective measures technologies to demonstrate why certain corrective measures technologies may not prove feasible to implement given the existing set of waste and site-specific conditions. This screening process must use consistent, defensible, and quantitative evaluation criteria to the extent possible.
6. **Corrective Measure Development**

- a. The CMS Report shall assemble the technologies that pass the screening step into specific alternatives that have the potential to meet the corrective action objectives for all media; and
 - b. Each alternative proposed in the CMS Report shall consist of an individual technology or a combination of technologies used in parallel or in sequence (i.e., a treatment train). Different alternatives may be considered for separate areas of the Facility. The developed alternatives shall be carried forward for evaluation using the EPA's four Screening Criteria and five Balancing Criteria.
7. **Screening Criteria** - For each remedy which warrants a more detailed evaluation, the CMS Report shall provide detailed documentation of how the potential remedy will comply with each of the Screening Criteria listed below:
- **Be protective of human health and the environment;**
 - **Attain media cleanup standards set by the EPA;**
 - **Control the source(s) of releases so as to reduce or eliminate, to the extent practicable, further releases that may pose a threat to human health and the environment; and**
 - **Comply with any applicable standards for management of wastes.**

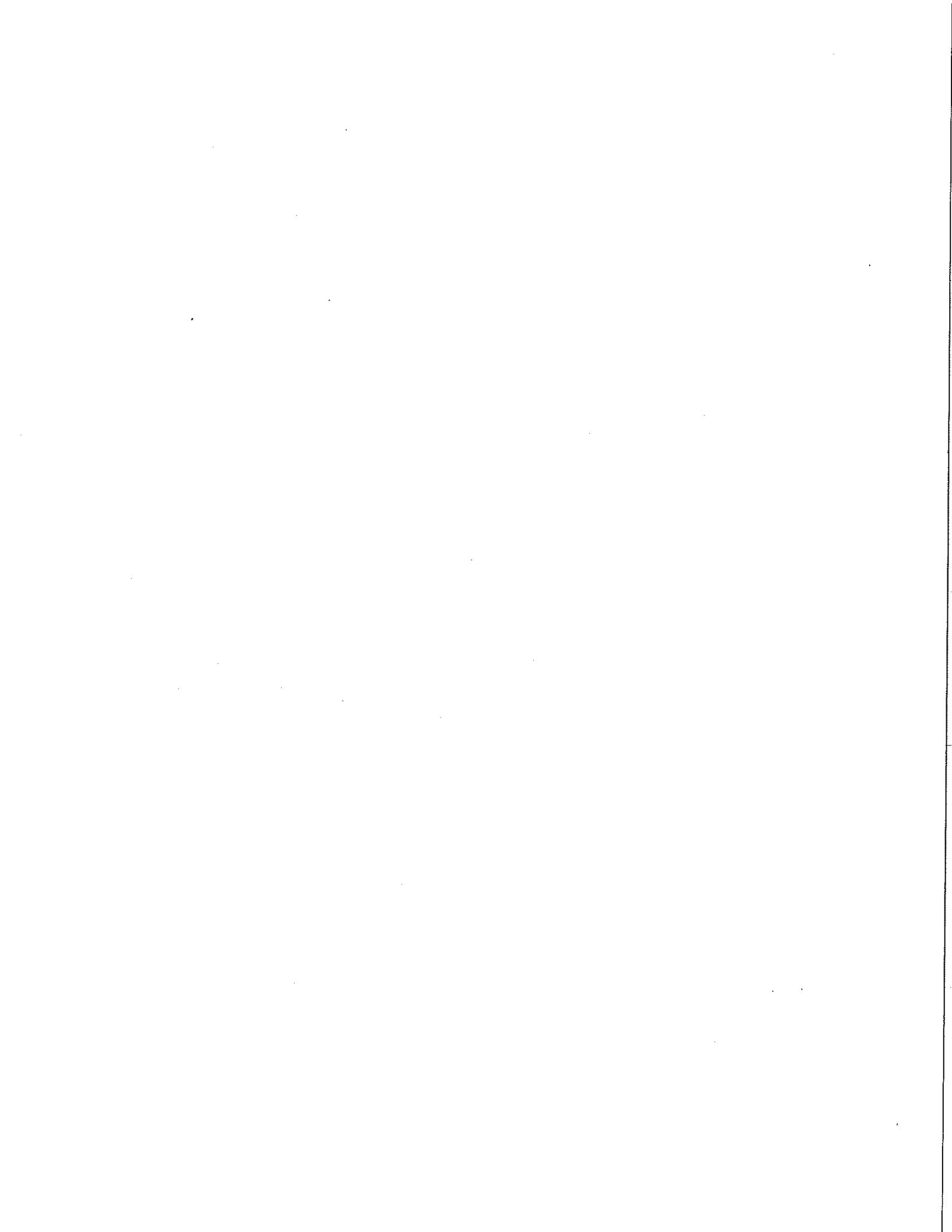
Any corrective measure alternative proposed by Maytag in the CMS Report must satisfy the four Screening Criteria listed above in order to be carried forward for evaluation using the Balancing Criteria. In evaluating the selected corrective measure alternative or alternatives, the Maytag shall prepare and submit information that documents that the specific remedy will meet the standards listed above. A detailed explanation of the Screening Criteria is set forth in the *RCRA Corrective Action Plan*.

8. **Balancing Criteria** - Any remedy proposed by Maytag which meets the four Screening Criteria shall also be evaluated according to the five Balancing Criteria. These criteria represent a combination of technical measures and management controls for addressing the environmental problems at the Facility. The five criteria are:
- **Long-term reliability and effectiveness;**
 - **Reduction in the toxicity, mobility or volume of wastes;**

- **Short-term effectiveness;**
- **Implementability; and**
- **Cost.**

The CMS Report shall discuss and provide information on these criteria in the evaluation of corrective action alternatives. A detailed explanation of the Balancing Criteria is set forth in the *RCRA Corrective Action Plan*.

9. **If the CMS Report proposes corrective measures that leave contamination onsite at a level that does not allow for unrestricted use and unlimited exposure**, Maytag shall include as a component of such corrective measures a plan to evaluate institutional controls such as a restrictive covenant to prevent unacceptable exposures to human health and the environment. Such a plan shall be consistent with EPA guidance including but not limited to “*Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups*,” EPA 540-F-00-005, OSWER 9355.0-74FS-P, September 2000 and the draft “*Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups*” February 2003.
10. **Public Involvement Plan** – Additional public involvement activities may be necessary, based on facility specific circumstances if requested or as needed.
11. **Semi-Annual Progress Reports** – Maytag will, at a minimum, provide the implementing agency with signed semi-annual progress reports, as described in Section II, F.



ATTACHMENT A

CHRONOLOGICAL RECORD OF REMEDIATION DOCUMENTS MAYTAG PLANT #2, NEWTON, IOWA (Descending Order)

March 30, 2010	EPA – Draft Administrative Order on Consent (AOC)
December 15, 2009	Electronic mail from Ahlers & Cooney, PC to EPA – providing name of the current owner of the Maytag Plant Property
December 14, 2009	Electronic mail from EPA to MWH acknowledging postponement of annual groundwater sampling until after Administrative Order is issued.
December 11, 2009	Electronic mail MWH to EPA confirming telephone communication regarding postponement of annual groundwater sampling activities pending Administrative Order
November 25, 2009	MWH submittal to EPA – Response to CGME Inspection report from 2008 sampling.
October 29, 2009	Letter from EPA – Providing summary of CGME findings and the CGME Inspection Report.
April 7, 2009	Tetra Tech EM Inc. – Comprehensive Groundwater Monitoring Evaluation (CGME)
February 24, 2009	MWH submittal to EPA – Annual CMI Progress Report, dated February 24, 2009
November 17-20, 2008	Maytag conducts first of three planned groundwater monitoring events.
August 18, 2008	MWH, Whirlpool and EPA Telephone conference call regarding Plant #2 – RFI Activities.
July 8, 2008	MWH submittal to EPA – Response to comments regarding Annual CMI Progress report dated February 15, 2008 and response to response to comments.
June 4, 2008	Letter from EPA – Comments on Annual CMI Progress Report.
February 15, 2008	MWH submittal to EPA – Annual CMI Progress Report, Revised February 2008
January 30, 2008	Letter from EPA – Response to response to comments regarding April 12, 2007 CMI Progress Report.
December 26, 2007	Electronic submittal to EPA from MWH (cited in 1-30-2008 letter from EPA)
December 19, 2007	EPA letter – Approval of Extension request.
December 17, 2007	Conference call with MWH, Maytag, and EPA.

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CHRONOLOGICAL RECORD OF REMEDIATION DOCUMENTS MAYTAG PLANT #2, NEWTON, IOWA (Descending Order)

November 20, 2007 MWH submittal to EPA – Request for extension on response to comments regarding the 2007 CMI report.

November 20, 2007 Electronic response from MWH to EPA to present questions and request for clarifications regarding the November 1, 2007 Comments from EPA.

November 1, 2007 Letter from EPA – Comments on Annual CMI Progress Report.

April 12, 2007 MWH submittal to EPA – Annual CMI Progress Report, dated April 12, 2007

December 18-22, 2006 Geoprobe investigation in accordance with Post-Baseline Monitoring Work Plan

November 22, 2006 Letter from EPA – Approving Post-Baseline Monitoring Work Plan

November 13-16, 2006 Site wide gauging and sampling in accordance with Post-Baseline Monitoring Work Plan

September 22, 2006 Response to Comments Regarding March 12, 2004 Annual CMI Progress Report

September 11, 2006 Letter from EPA – request for extension granted.

August 24, 2006 MWH letter to EPA requesting extension for response to EPA comments.

August 23, 2006 Meeting with EPA, Whirlpool and MWH at former Maytag Plant II.

August 10, 2006 Letter from EPA – Response to Comments by MWH on February 23, 2006 and Comments on Post-Baseline Monitoring Work Plan for Fall 2006.

February 23, 2006 MWH submittal to EPA – Response to comments regarding the March 12, 2004 CMI Progress Report including submittal of Post-Baseline Monitoring Work Plan as Attachment B.

January 19, 2006 Conference call with EPA, Maytag, and MWH.

December 22, 2005 EPA letter granting extension for response to comments.

December 7, 2005 MWH letter to EPA requesting extension for response to EPA comments.

November 15, 2005 Letter from EPA – Comments on Annual CMI Progress Report, dated March 12, 2004.

September 19, 2005 Letter from EPA – David Garrett, new EPA Project Coordinator.

June 3, 2004 Abandoned MW-4 and MW-21D.

May 14, 2004 MWH letter to EPA – Comments on Annual CMI Progress Report.

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CHRONOLOGICAL RECORD OF REMEDIATION DOCUMENTS MAYTAG PLANT #2, NEWTON, IOWA (Descending Order)

March 12, 2004	MWH submittal to EPA – Annual CMI Progress Report.
February 17, 2004	Letter from EPA – Marc Matthews, new EPA Project Coordinator.
August 25, 2003	Letter from EPA – Request results from Fall 2002 groundwater sampling; directs Maytag to include 1,4-dioxane as an analyte in future monitoring.
June 19, 2002	EPA email to MWH – Data from MW-22D accepted with conditions.
June 14, 2002	MWH response to EPA via E-mail – Requesting to keep MW-22D and use for VOC analysis (not replace).
June 11, 2002	E-mail from EPA accepting May 14, 2002, response; outstanding issue is replacement of MW-22D.
May 14, 2002	MWH submits comments to EPA in follow-up to May 2, 2002 conference call.
May 2, 2002	Conference call with MWH, Maytag, and EPA regarding March 21, 2002 EPA comments.
March 21, 2002	EPA comments on Annual CMI Progress Report, dated March 6, 2002.
March 6, 2002	Annual CMI Progress Report – Proposes SWSs and presents hydraulic conductivity information for site with respect to protected and nonprotected groundwater.
March 7, 2001	Annual CMI Progress Report.
March 8, 2000	Annual CMI Progress Report.
March 8, 1999	Annual CMI Progress Report.
July 17, 1998	Letter from EPA – Approve abandonment of MW-26 and MW-1A.
July 9, 1998	Letter to EPA requesting abandonment of MW-26 and MW-1A.
March 10, 1998	Annual CMI Progress Report.
March 26, 1997	Letter from EPA – Approval of CMI Work Plan.
March 17, 1997	CMI Work Plan.
December 4, 1996	Letter from EPA – Approval of Scope of Work for CMI.
November 27, 1996	MWH submits scope of work for CMI.

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CHRONOLOGICAL RECORD OF REMEDIATION DOCUMENTS MAYTAG PLANT #2, NEWTON, IOWA (Descending Order)

November 20, 1996 Letter from EPA – Successful completion of Consent Order.

October 30, 1996 Letter to EPA from Maytag stating terms of Consent Order completed.

October 17, 1996 Letter from EPA – End of comment period for CMS Report; no comments; EPA states Maytag will implement selected alternatives on a voluntary basis.

October 2, 1996 Quarterly report submitted by MWH to EPA.

September 13, 1996 Begin 30-day public notice.

September 9, 1996 EPA tentatively approves February 1996 CMS Report.

September 5, 1996 Draft Fact Sheet submitted by EPA to MWH.

September 4, 1996 EPA sends draft public notice to MWH via facsimile.

August 15, 1996 Revised Statement of Basis submitted by EPA to MWH.

July 22, 1996 Draft Statement of Basis submitted by EPA to MWH.

July 3, 1996 Quarterly Report submitted by MWH to EPA.

June 3, 1996 MWH submittal to EPA – Replacement tables to CMS Report.

April 30, 1996 MWH submittal to EPA – Response to comments to CMS Report.

April 8, 1996 Quarterly Report submitted by MWH to EPA.

April 1, 1996 Maytag's Annual CMI Progress Report required by Consent Order submitted to EPA.

February 1996 CMS Report.

January 3, 1996 Quarterly Report submitted by MWH to EPA.

November 28, 1995 Letter from EPA approves CMS Work Plan; EPA requests CMS Report within 90 days.

November 16, 1995 CMS Work Plan submitted to EPA (Plant #2 Administrative Order).

November 10, 1995 Maytag notifies EPA of a release of paint (October 27, 1995).

October 6, 1995 Quarterly Report submitted by MWH to EPA.

September 14, 1995 Letter from EPA approves RFI Report and request CMS Work Plan within 90 days.

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CHRONOLOGICAL RECORD OF REMEDIATION DOCUMENTS
MAYTAG PLANT #2, NEWTON, IOWA
(Descending Order)

July 6, 1995	Quarterly Report submitted by MWH to EPA.
May 1995	RFI Report.
April 20, 1995	Letter from EPA approving abandonment of MW-2, MW-15, and SB-111.
April 6, 1995	Quarterly Report submitted by MWH to EPA.
March 17, 1995	Letter from EPA (hydrogeology section) to Jim Callier (Iowa RCRA branch section) pertaining to extraction well test (letter dated March 3, 1995); test completed in accordance with accepted practices.
March 13, 1995	Letter from EPA – appears that extent of contamination has been determined; additional investigations of areas in the RFI Work Plan are not warranted.
March 3, 1995	Letter to EPA – extraction well pump test (Chrome well, plating basement).
February 14, 1995	Letter from EPA regarding extraction well pump test.
February 10, 1995	Update report for RFI Activities; report states SB-111, MW-28A, and MW-10A evaluate VOCs all below MCLs.
January 27, 1995	Extraction Well Evaluation Plan sent to EPA.
January 24, 1995	Transmittal letter from EPA – EPA results from split sampling.
January 17, 1995	Letter from EPA – Approval of revised schedule.
January 6, 1995	Quarterly Report submitted by MWH to EPA.
December 27, 1994	Installed boring SB-111 west of MW-28A and MW-10A to a depth of 44 feet which is in the sand lens; analytical results indicated nondetect for VOCs.
December 1, 1994	Notes on telephone conversation with Don Lininger.
October 28, 1994	Update report for RFI Activities; report presents hydraulic conductivity for shallow and deep units at the site.
October 6, 1994	Quarterly Report submitted by MWH to EPA.
July 15, 1994	Initiated Site work for RFI Work Plan.
June 10, 1994	MWH submits Addendum to RFI Work Plan.
April 6, 1994	Quarterly Report submitted by MWH to EPA.

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CHRONOLOGICAL RECORD OF REMEDIATION DOCUMENTS MAYTAG PLANT #2, NEWTON, IOWA (Descending Order)

April 1994	RFI Work Plan.
January 1994	Correspondence to EPA (Harris bank) about financial assurance and letters to vendors, also letter to EPA stating vendors that are being used for Consent Order activities.
January 4, 1994	Closure received for incinerator, waste pile, and UST.
December 1993	Consent Order.
June 1993	Closure Certification for Hazardous Waste Storage Pad.
June 15, 1993	Information of SWMUs – Response to EPA Request for Information, Maytag Plant #2.
April 29, 1993	EPA document – Request for Information, Maytag Plant #2.
January 18, 1993 to February 18, 1993	EPA document – Information for closure of one container storage unit.
November 1992	Closure Plan for Hazardous Waste Storage pad.
March 1991	Additional Site Investigation for Groundwater Contamination at the Incinerator and UST areas.
May 1990	Closure Certification for Removal of Contaminated Soil and RCRA UST.
May 1990	Update on Site Investigation of Incinerator Area and RCRA UST.
March 19, 1990	Letter to EPA Region VII – notification of sampling schedule.
February 27, 1990	Progress report to EPA Region VII (draft).
February 1990	Groundwater Sampling Plan.
February 3, 1990	Letter to EPA Region VII, notifying of sampling schedule and proposal to install interim remediation system.
December 4, 1989	Letter to EPA Region VII – Results of MW-21D and MW-21.
October 25, 1989	JMM correspondence regarding PVC versus stainless steel monitoring wells.
October 4, 1989	Notify EPA Region VII of contractors for investigation work.
Fall 1989	Hazardous Waste Site Training – JMM.
September 22, 1989	Letter of warning from amendments to “Groundwater Monitoring Plan,”

ATTACHMENT A
CHRONOLOGICAL RECORD OF REMEDIATION DOCUMENTS
MAYTAG PLANT #2, NEWTON, IOWA
(Descending Order)

August 1988, submitted August 7, 1989.

September 22, 1989 30-day notice to EPA Region VII for tank removal and contaminated soil.

August 30, 1989 Acknowledgement from EPA Region VII of receipt of August 7, 1989, correspondence.

August 7, 1989 Amendments from JMM to "Groundwater Monitoring Plan," August 1988.

July 14, 1989 Letter of warning regarding "Site Investigation for Groundwater Contamination."

June 13, 1989 Letter from EPA Region VII; tentative approval of Closure Plan.

June 12, 1989 Acknowledgement of receipt of March 1989 document "Site Investigation for Groundwater Contamination" and clean certifications for waste pile, incinerator, container storage, and tanks undergoing closure.

April 1989 Closure Certification – Incinerator and associated Equipment.

March 1989 Closure Certification – Waste Pile Area.

March 1989 Site Investigation for Groundwater Contamination.

January 1989 Paint Sludge Laboratory Ignitability Analyses.

January 1989 Closure Certification – Interim Container Storage Areas.

October 1988 Hydrogeological Assessment for Underground Product Solvent Tanks.

September 28, 1988 EPA approval of Closure Plan – storage area, incinerator and associated tanks, and waste pile area.

August 1988 Groundwater Monitoring Plan.

June 1988 Closure Plan for RCRA Facilities.

May 1988 Contingency Post-Closure Plan for UST area.

May 1988 Closure Plan for RCRA Facilities.

March 17, 1988 EPA Region VII comments; amendments to April 1985 Closure Plan.

October 7, 1986 Maytag response to October 8, 1986, comment letter on Closure Plan.

August 8, 1986 EPA Region VII comments on April 1985 Closure Plan.

May 9, 1985 Comments on Closure Plan submitted April 24, 1985 from Robert Campbell

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CHRONOLOGICAL RECORD OF REMEDIATION DOCUMENTS
MAYTAG PLANT #2, NEWTON, IOWA
(Descending Order)

(IAAWM) to EPA Region VII.

April 1985

Closure Plan for Waste Storage Area and Incinerator Facility.

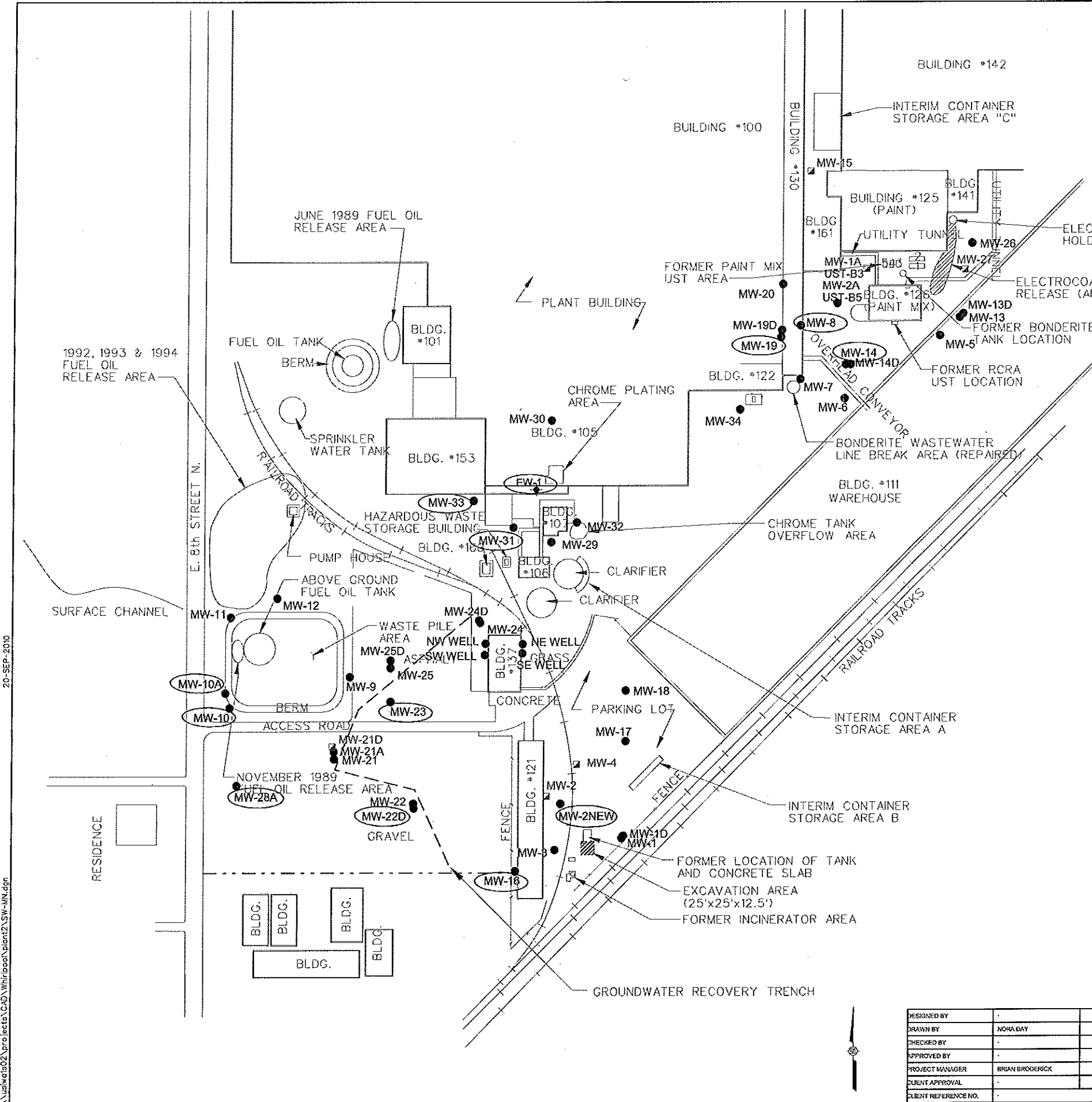
Notes:

CMI = Corrective Measures Implementation
CMS = Corrective Measures Study
EPA = Environmental Protection Agency
JMM = James M. Montgomery Consulting Engineers
MCL = Maximum Contaminant Level
RCRA = Resource Conservation and Recovery Act
RFI = RCRA Facility Investigation
SWMU = Solid Waste Management Unit
SWS = Statewide Standard
UST = underground storage tank
VOC = volatile organic compound

JVANRYSW/657047.1/MSWord11349006

LEGEND:

- ◆ EXTRACTION WELL
- MONITORING WELLS
- ◻ ABANDONED MONITORING WELL
- MW-6 WELLS IN PAINT/PAIN MIX AREA
- MW-33 WELLS IN CHROME AREA
- MW-25 WELLS IN INCINERATOR AREA
- SITE PROPERTY BOUNDARY
- MW-1 PROPOSED FEB. 2008
SAMPLED NOV. 2008
REPORT MAR. 2009

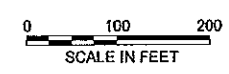


Monitoring Well	Gauging Location	Groundwater Monitoring Location	Parameters			Well Screen Depth Interval (feet bgs)	Monitored Water-Bearing Unit
			VOCs	1,4-dioxane	Hexavalent Chromium		
MW-2A	X					7.5-18.3	UPPER
MW-5	X					9.9-20.7	UPPER
MW-6	X					8.7-19.5	UPPER
MW-7	X					8.5-19.3	UPPER
MW-8	X	X	X	X		8.7-19.5	UPPER
MW-13	X					10.42-20.42	UPPER
MW-13D	X					28.71-38.71	LOWER
MW-14	X	X	X	X		10.15-20.15	UPPER
MW-14D	X					36.58-41.58	LOWER
MW-15	X					10.77-20.77	UPPER
MW-19	X	X	X	X		10.62-20.62	UPPER
MW-19D	X					48-53	LOWER
MW-20	X					11.08-21.08	UPPER
MW-26	X					7.58-17.58	UPPER
MW-27	X					8.24-18.24	UPPER
MW-30	X					13.5-24	UPPER
MW-34	X					8.9-18.9	UPPER
EW-1	X	X			X	TBD	UPPER
MW-29	X				X	7-17	UPPER
MW-31	X	X			X	7-17	UPPER
MW-32	X				X	7-17	UPPER
MW-33	X	X			X	7-17	UPPER
MW-1	X					9.2-20	UPPER
MW-10	X					35.47-40.47	LOWER
MW-2NEW	X	X	X	X		7.5-19.3	UPPER
MW-3	X					10.2-21	UPPER
SE WELL	X					TBD	UPPER
NE WELL	X					TBD	UPPER
SW WELL	X					TBD	UPPER
NW WELL	X					TBD	UPPER
MW-9	X					9.9-19.9	UPPER
MW-10	X	X	X	X		10.5-20.5	UPPER
MW-10A	X	X	X	X		44.8-49.8	LOWER
MW-11	X					9.9-19.9	UPPER
MW-12	X					9.3-18.3	UPPER
MW-16	X	X	X	X		10.75-20.75	UPPER
MW-17	X					9.71-19.71	UPPER
MW-18	X					10.26-20.26	UPPER
MW-21	X					7.84-17.84	UPPER
MW-21A	X					61.3-73.3	DEEP
MW-22	X					8.92-18.92	UPPER
MW-22D	X	X	X	X		42-47	LOWER
MW-23	X	X	X	X		10.7-20.7	UPPER
MW-24	X					10.62-20.62	UPPER
MW-24D	X					35.86-40.86	LOWER
MW-25	X					8.39-18.39	UPPER
MW-25D	X					35-40	LOWER
MW-28A	X	X	X	X		50-55	LOWER
PROPOSED GEOPROBE POINTS						~10/-40	UPPER/ LOWER

TBD = TO BE DETERMINED

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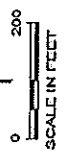
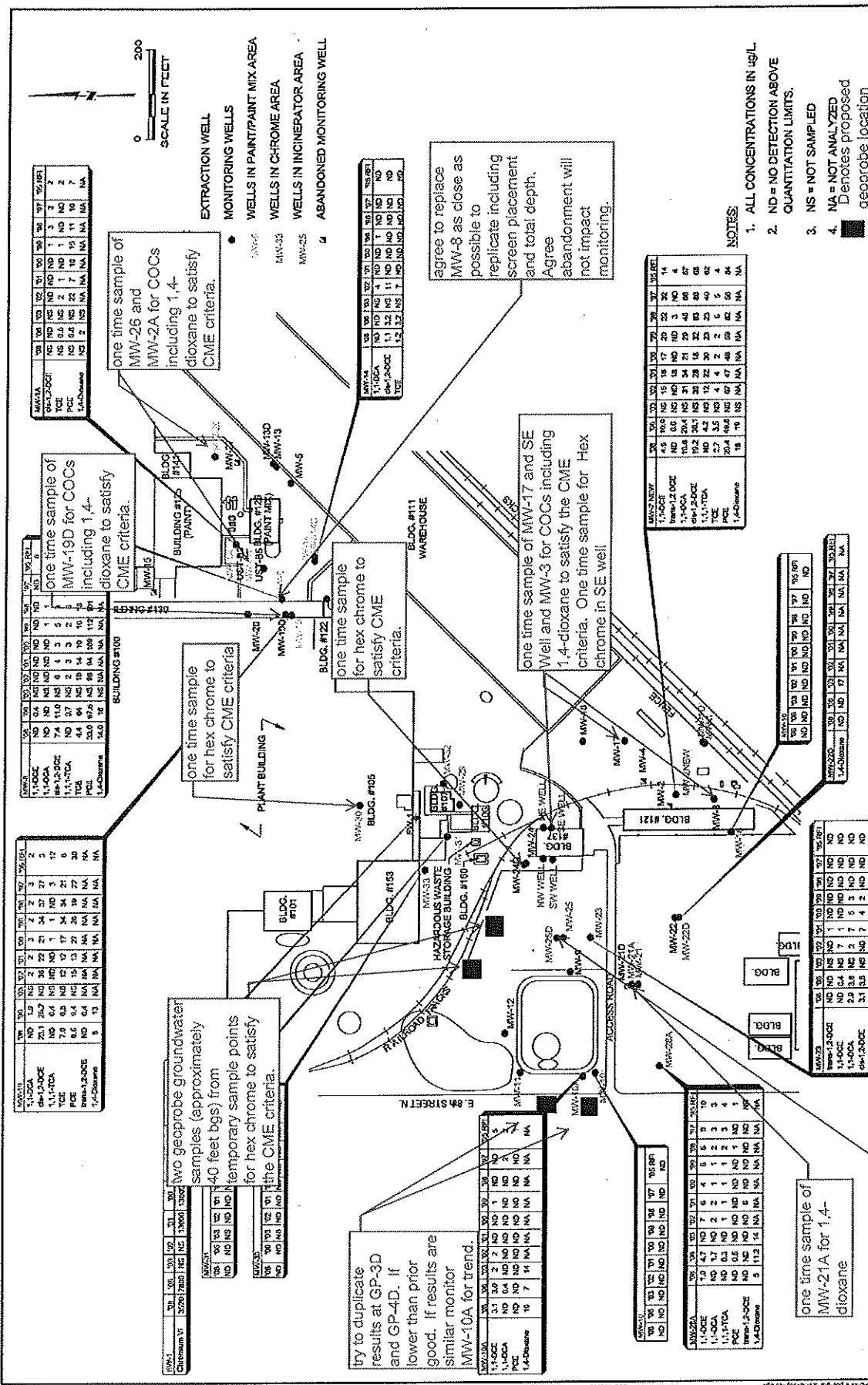
DESIGNED BY	
DRAWN BY	MORADAY
CHECKED BY	
APPROVED BY	
PROJECT MANAGER	BRIAN BRODERICK
CLIENT APPROVAL	
CLIENT REFERENCE NO.	



PROJECT LOCATION: DES MOINES, IA
 PROJECT: MAYTAG NEWTON LAUNDRY PRODUCTS PLANT #2
 TITLE: SCOPE OF WORK MONITORING NETWORK



ATTACHMENT	B	REVISION	
FILE NAME			



- EXTRACTING WELL
- MONITORING WELLS
- WELLS IN PAINT/PAIN MIX AREA
- WELLS IN CHROME AREA
- WELLS IN INCINERATOR AREA
- ABANDONED MONITORING WELL

One time sample of MW-26 and MW-2A for COCs including 1,4-dioxane to satisfy CME criteria.

agree to replace MW-8 as close as possible to replicate including screen placement and total depth. Agree abandonment will not impact monitoring.

One time sample of MW-17 and SE Well and MW-3 for COCs including 1,4-dioxane to satisfy the CME criteria. One time sample for Hex chrome in SE well

Two geoprobe groundwater samples (approximately 40 feet bgs) from temporary sample points for hex chrome to satisfy the CME criteria.

try to duplicate results at GP-3D and GP-4D. If lower than prior good. If results are similar monitor MW-10A for trend.

one time sample of MW-21A for 1,4-dioxane

one time sample of MW-25D for 1,4-dioxane and Hex Chrome

CONC	100	200	300	400	500	600	700	800	900	1000	1500	2000	3000	4000	5000	7000	10000
MW-26	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
MW-2A	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

CONC	100	200	300	400	500	600	700	800	900	1000	1500	2000	3000	4000	5000	7000	10000
MW-19D	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

CONC	100	200	300	400	500	600	700	800	900	1000	1500	2000	3000	4000	5000	7000	10000
MW-11	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

CONC	100	200	300	400	500	600	700	800	900	1000	1500	2000	3000	4000	5000	7000	10000
MW-3D	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

CONC	100	200	300	400	500	600	700	800	900	1000	1500	2000	3000	4000	5000	7000	10000
MW-3D	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

CONC	100	200	300	400	500	600	700	800	900	1000	1500	2000	3000	4000	5000	7000	10000
MW-22A	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

CONC	100	200	300	400	500	600	700	800	900	1000	1500	2000	3000	4000	5000	7000	10000
MW-23	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

CONC	100	200	300	400	500	600	700	800	900	1000	1500	2000	3000	4000	5000	7000	10000
MW-22	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

CONC	100	200	300	400	500	600	700	800	900	1000	1500	2000	3000	4000	5000	7000	10000
MW-2	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND

NOTES:

1. ALL CONCENTRATIONS IN ug/L
2. ND = NO DETECTION ABOVE QUANTITATION LIMITS.
3. NS = NOT SAMPLED
4. NA = NOT ANALYZED Denotes proposed geoprobe location

MWH

MAYTAG NEWTON LAUNDRY PRODUCTS PLANT #2

Supplemental Delineation Locations

Attachment C