

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII

IN THE MATTER OF:

IDAHO POLE COMPANY SITE

SITE NO. 0862

BURLINGTON NORTHERN RAILROAD COMPANY,

IDAHO POLE COMPANY,

A WASHINGTON CORPORATION,

L.D. McFARLAND COMPANY, LIMITED,

BRENDON CORRY McFARLAND,

GREGORY D. McFARLAND,

RESPONDENTS.

PROCEEDING UNDER SECTION 106(a)  
OF THE COMPREHENSIVE ENVIRONMENTAL  
RESPONSE, COMPENSATION, AND  
LIABILITY ACT, AS AMENDED (42 U.S.C.  
§ 9606(a).

EPA Docket No. CERCLA  
VIII-93-26

ADMINISTRATIVE ORDER  
FOR REMEDIAL DESIGN/REMEDIAL ACTION

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ATTACHMENTS

- Exhibit 1. Record of Decision
- Exhibit 2. Statement of Work

## I. INTRODUCTION AND JURISDICTION

1. This Order directs Respondents to perform a remedial design for the remedy described in the Record of Decision for the Idaho Pole Company site (the "Site"), dated September 28, 1992 (attached hereto as Exhibit 1), and to implement the design by performing a remedial action. This Order is issued to Respondents by the United States Environmental Protection Agency (EPA) under the authority vested in the President of the United States by section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9606(a), as amended (CERCLA). This authority was delegated to the Administrator of EPA on January 23, 1987, by Executive Order 12,580, 52 Fed. Reg. 2,923, and was further delegated to EPA Regional Administrators on September 13, 1987, by EPA Delegation No. 14-14-B. This authority has been further delegated to the Director of the Hazardous Waste Management Division, EPA Region VIII.

## II. FINDINGS OF FACT

2. The Site is located near the northern limits of Bozeman, Montana, in the east half of Section 6 and the west half of Section 5, Township 2S, Range 6E of Gallatin County. Since 1945, a wood treating plant has operated at the Site. Burlington Northern Railroad operated a railroad roundhouse and storage facility on the property from 1883 to 1945. An interstate highway (U.S. I-90) bisects the Site. Site operations have resulted in the release of hazardous substances into soil and groundwater at the Site.

3. Pursuant to section 105 of CERCLA, 42 U.S.C. § 9605, EPA placed the Site on the National Priorities List set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on June 10, 1986, 51 Fed. Reg. 21054.

4. From about May, 1989 to about March, 1992, the state of Montana undertook a Remedial Investigation and Feasibility Study for the Site, pursuant to CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300 (NCP).

5. In accordance with section 117 of CERCLA, 42 U.S.C. § 9617, EPA published notice of the completion of the Feasibility Study and of the proposed plan for remedial action on April 16, 1992 and provided an opportunity for public comment on the proposed remedial action.

6. EPA's remedial action decision for the Site is embodied in a Record of Decision (ROD), executed on September 28, 1992. The ROD is supported by an administrative record that contains

the documents and information upon which EPA based the selection of the response action.

7. Hazardous substances present at the Site include pentachlorophenol (PCP), polynuclear aromatic hydrocarbons (PAHs), dioxins, and furans. Through sampling efforts conducted during the Remedial Investigation, it is estimated that there are approximately 41,000 cubic yards of contaminated soils and sediments, and 210 million gallons of contaminated groundwater at the Site. The March, 1992 Remedial Investigation contains detailed information on the nature and extent of contamination at the Site.

8. The primary routes of exposure to hazardous substances at the Site are ingestion of and direct contact with contaminated groundwater, ingestion of and direct contact with soils, and inhalation of air-entrained soils; secondary routes are ingestion of and direct contact with surface water and ingestion of vegetation. Potentially affected receptors include individuals living in the neighborhood north of the Site (population 30), on-site workers, trespassers and terrestrial and aquatic biota. The Baseline Risk Assessment, finalized in March, 1992, contains detailed information concerning threats posed by the Site.

9. The selected remedy includes the following components:
- a. Excavation and surface land biological treatment of approximately 19,000 cubic yards of contaminated soils;
  - b. Hot water/steam flushing of soils underlying the wood treating facility and the interstate highway in order to recover hazardous substances;
  - c. Separation and disposal of oily wood treating fluid (a source of hazardous substances) extracted from soils;
  - d. Closure of on-site treatment units in compliance with RCRA Subtitle C requirements;
  - e. Groundwater cleanup using extraction and biological treatment and return of water to the groundwater aquifer to enhance in situ biological degradation and to control potential migration of contaminants;
  - f. Treatment of contaminated residential wells exceeding maximum contaminant levels or risk-based concentrations of hazardous substances at the distribution point in addition to institutional

controls preventing access to contaminated groundwater; and

- g. Residential groundwater monitoring to determine movement of hazardous substances and compliance with remedial action requirements.

For more detailed information about the selected remedy, refer to the ROD, issued on September 28, 1992.

#### 10. Respondents

- a. Respondent Idaho Pole Company (Washington Corporation) is now, and has been since 1978, the owner and operator of the facility. During that time, hazardous substances, including some or all of those described in this section, were disposed of at the Site.
- b. Respondents Brendon Corry McFarland, and Gregory D. McFarland were partners of Idaho Pole Company (Partnership). Idaho Pole Company (Partnership) was, from on or about 1945, until 1978, an operator of the facility, and was, from on or about 1961, until 1978, an owner of the facility. During that time, hazardous substances, including some or all of those described in this section, were disposed of at the Site.
- c. Respondent L.D. McFarland Company, Limited was, from on or about 1945, until 1974, an operator of the facility. During that time, hazardous substances, including some or all of those described in this section, were disposed of at the Site.
- d. Respondent Burlington Northern Railroad Company was, from on or about 1883, until 1945, an operator of the facility. From 1864, until 1975, Respondent Burlington Northern Railroad Company was an owner of the facility. During that time, hazardous substances, including some or all of those described in this section, were disposed of at the Site.

### III. CONCLUSIONS OF LAW AND DETERMINATIONS

11. Based on the preceding Findings of Fact and the administrative record for the Site, EPA has made the following conclusions of law and determinations:

- a. The Site is a "facility" as defined in section 101(9) of CERCLA, 42 U.S.C. § 9601(9);
- b. Respondents are "persons" as defined in section 101(21) of CERCLA, 42 U.S.C. § 9601(21);
- c. Respondents are liable parties under sections 104 and 107 of CERCLA, 42 U.S.C. §§ 9604 and 9607, and are subject to this Order under section 106(a) of CERCLA, 42 U.S.C. § 9606(a);
- d. Substances found at the Site are "hazardous substances" as defined in section 101(14) of CERCLA, 42 U.S.C. § 9601(14);
- e. The presence of hazardous substances at the Site and the past, present, or potential future migration of hazardous substances described in Section II of this Order constitutes an actual or threatened "release" as defined in section 101(22) of CERCLA, 42 U.S.C. § 9601(22);
- f. The actual or threatened release of one or more hazardous substances from the facility may present an imminent and substantial endangerment to public health or welfare or the environment; and
- g. The actions required by this Order are necessary to protect the public health and welfare and the environment.

### IV. NOTICE TO THE STATE

12. EPA has notified the state of Montana (state) of this action pursuant to section 106(a) of CERCLA, 42 U.S.C. § 9606(a), and provided for state involvement in the initiation, development, and selection of the remedial action in accordance with section 121(f) of CERCLA, 42 U.S.C. § 9621(f). EPA is the lead agency for coordinating, overseeing, and enforcing the response action required by this Order.

### V. ORDER

13. Respondents are hereby ordered jointly and severally to comply with this Order, including but not limited to, all

attachments to this Order and all documents incorporated by reference into this Order.

## VI. DEFINITIONS

14. Unless otherwise expressly provided herein, terms used in this Order which are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them in CERCLA or such regulations. Whenever terms listed below are used in this Order or in the documents attached to this Order or incorporated by reference into this Order, the following definitions shall apply:

**"Contractor"** means any person, including the contractors, subcontractors, consultants, or agents retained or hired by Respondents to undertake any Work under this Order.

**"Day"** means calendar day. In computing any period of time under this Order, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the end of the next working day. Time will be computed in accordance with Rule 6 of the Federal Rules of Civil Procedure, unless otherwise specified.

**"Deliverable"** means any written product, including but not limited to, plans, reports, memoranda, data, and other documents that Respondents must submit to EPA under this Order.

**"NCP"** means the National Oil and Hazardous Substances Pollution Contingency Plan promulgated under Section 105 of CERCLA, 42 U.S.C. § 9605, and codified at 40 C.F.R. Part 300, including any amendments thereto.

**"Operation and Maintenance"** or **"O&M"** means all activities required under the Operation and Maintenance Plan developed by Respondents pursuant to this Order and approved by EPA.

**"Order"** means this Order, the exhibits attached to this Order, the EPA-approved Work Plan, and all documents incorporated into this Order by reference or according to the procedures set forth herein.

**"Performance Standards"** means those cleanup standards, standards of control, and other substantive requirements, criteria or limitations, identified in the Record of Decision and Statement of Work that the remedial action and other Work performed under this Order must attain and maintain.

"Record of Decision" or "ROD" means the EPA Record of Decision for the Site, signed on September 28, 1992 by the Regional Administrator, EPA Region VIII, and all attachments thereto.

"Remedial Action" or "RA" means those activities, except for operation and maintenance, to be undertaken by Respondents to implement the final plans and specifications submitted by Respondents pursuant to the Work Plan approved by EPA, including any additional activities required under Sections X, XI, XII, XIII, and XIV of this Order.

"Remedial Design" or "RD" means those activities to be undertaken by Respondents to develop the final plans and specifications for the remedial action pursuant to the Work Plan.

"Response Costs" means all costs, including direct costs, indirect costs, and accrued interest incurred by the United States to perform or support response actions at the Site. Response costs include, but are not limited to, the costs of overseeing the Work, such as the costs of reviewing or developing plans, reports, and other items pursuant to this Order, and costs associated with verifying the Work.

"Respondents" means Burlington Northern Railroad Company, Idaho Pole Company (Washington Corporation), L.D. McFarland Company, Ltd., Brendon Corry McFarland, and Gregory D. McFarland.

"Statement of Work" or "SOW" means the statement of work attached hereto as Exhibit 2 and incorporated herein by reference.

"Site" means the Idaho Pole Company Superfund site, encompassing approximately 50 acres, located near the northern limits of Bozeman, Montana, in the east half of Section 6 and the west half of Section 5, Township 2S, Range 6E of Gallatin County, as described in the ROD.

"Work" means all activities Respondents are required to perform under this Order, including remedial design, remedial action, operation and maintenance, and any other activities necessary to fulfill the requirements of this Order.

#### VII. NOTICE OF INTENT TO COMPLY

15. Respondents shall provide, not later than five Days after the effective date of this Order, written notice to the EPA Remedial Project Manager stating whether they will comply with this Order. If Respondents do not unequivocally commit to



perform the RD and RA as provided by this Order, they shall be deemed to have violated this Order and to have failed or refused to comply with this Order. Respondents' written notice shall describe, based on facts that exist on or prior to the effective date of this Order, any "sufficient cause" defenses asserted by Respondents under sections 106(b) and 107(c)(3) of CERCLA, 42 U.S.C. §§ 9606(b) and 9607(c)(3). The absence of a response by EPA to the notice required by this paragraph shall not be deemed to be acceptance of Respondents' assertions.

#### VIII. PARTIES BOUND

16. This Order shall apply to and be binding upon each Respondent and its directors, officers, employees, agents, successors, and assigns. Respondents are jointly and severally responsible for carrying out all activities required by this Order. No change in the ownership, corporate status, or other control of any Respondent shall alter any of the Respondents' responsibilities under this Order.

17. During the period in which this Order is in effect, Respondents shall provide a copy of this Order to any prospective owners or successors before a controlling interest in Respondents' assets, property rights, or stock is transferred to the prospective owner or successor. Respondents shall provide a copy of this Order to each Contractor and laboratory retained to perform any Work under this Order, within five Days after the effective date of this Order or on the date such services are retained, whichever date occurs later. Respondents shall also provide a copy of this Order to each person representing any Respondents with respect to the Work and shall condition all contracts and subcontracts entered into hereunder upon performance of the Work in conformity with this Order. Each Contractor retained to perform Work shall be deemed to be related by contract to Respondents within the meaning of section 107(b)(3) of CERCLA, 42 U.S.C. § 9607(b)(3). Notwithstanding the terms of any contract, Respondents are responsible for compliance with this Order and for ensuring that their Contractors comply with this Order, and perform any Work in accordance with this Order.

18. Within 14 Days after the effective date of this Order each Respondent that owns real property comprising all or part of the Site shall record a copy or copies of this Order in the appropriate governmental office where land ownership and transfer records are filed or recorded, and shall ensure, if possible, that the recording of this Order is indexed to the titles of each and every property at the Site so as to provide notice to third parties of the issuance and terms of this Order with respect to those properties. Respondents shall, within 21 Days after the effective date of this Order, send notice of such recording and indexing to EPA.

19. Not later than 30 Days prior to any transfer of any real property interest in any property included within the Site, Respondents shall submit a true and correct copy of the transfer document(s) to EPA, and shall identify the transferee by name and principal business address and effective date of the transfer.

#### IX. WORK TO BE PERFORMED

20. Respondents shall plan, implement, perform, and complete all actions required by this Order in accordance with the standards, criteria, specifications, requirements, and schedule set forth herein. All Work under this Order is subject to oversight by and the prior approval of EPA. Undertaking any on-site physical activity without prior approval of EPA is a violation of this Order.

21. All Work shall be conducted and completed in accordance with CERCLA, the NCP, pertinent EPA guidance, and any amendments thereto which become effective prior to the date of completion of Work under this Order. Respondents shall be responsible for identifying and using other guidelines, policies, procedures, and information that may be appropriate for performing Work.

22. All Work shall be consistent with the ROD and the Performance Standards set forth in the ROD and the SOW, including all applicable or relevant and appropriate requirements. Notwithstanding any action by EPA, Respondents remain fully responsible for achievement of the Performance Standards. Nothing in this Order, nor in EPA's approval of any document prepared by EPA under this Order, shall be deemed to constitute a warranty or representation of any kind by EPA that full performance of the RD or RA will achieve Performance Standards. Respondents' compliance with such approved documents does not foreclose EPA from seeking additional Work to achieve Performance Standards.

23. Respondents shall employ sound scientific, engineering, and construction practices in performing Work under this Order. All tasks shall be under the direction and supervision of qualified personnel with experience in the types of tasks required for implementation of the Work.

24. All aspects of the Work to be performed by Respondents pursuant to this Order shall be under the direction and supervision of the project manager, the selection of which shall be subject to disapproval by EPA. Within seven Days of the effective date of this Order, Respondents shall notify EPA in writing of the name, title, address, telephone number, and qualifications of the project manager and the identity and qualifications of the primary support entities, staff, and Contractors proposed to be used in carrying out Work under this Order. EPA will issue a notice of disapproval or an

authorization to proceed. If at any time thereafter, Respondents propose to use a different project manager, support entities, staff, or Contractors, Respondents shall notify EPA and provide similar information at least 14 Days before such persons perform any Work under this Order. Respondents must obtain an authorization to proceed from EPA before the new project manager performs, directs, or supervises any Work under this Order.

25. EPA will review Respondents' selection of and changes in project manager, support entities, staff, or Contractors according to the terms of this Order. If EPA disapproves of the selection of a project manager, support entities, staff, or Contractors, Respondents shall submit to EPA within 14 Days after receipt of EPA's disapproval, a list of project managers, support entities, staff, or Contractors that would be acceptable to Respondents. EPA will thereafter provide written notice to Respondents of the names that are acceptable to EPA. Respondents may then select any approved name or names from that list and shall notify EPA of their selection(s) within 14 Days of receipt of EPA's written notice.

26. Respondents shall, no later than three Days prior to any off-site shipment of hazardous substances from the Site to an out-of-state waste management facility, provide written notification of such shipment of hazardous substances to the appropriate state environmental official in the receiving state and to EPA. However, the notification of shipments shall not apply to any off-site shipments when the total volume of all shipments from the Site to the state will not exceed ten cubic yards.

a. The notification shall be in writing, and shall include the following information: (1) the name and location of the facility to which hazardous substances are to be shipped; (2) the type and quantity of hazardous substances to be shipped; (3) the expected schedule for the shipment of the hazardous substances; and (4) the method of transportation. Respondents shall notify EPA and the receiving state of major changes in the shipment plan, such as a decision to ship the hazardous substances to another facility within the same state or to a facility in another state.

b. The identity of the receiving facility will be determined by Respondents at the earliest possible time. Respondents shall provide all relevant information, including the information noted above, as soon as practicable after a decision is reached, but in no event later than the time specified in this paragraph.

27. Respondents shall cooperate with EPA in providing information regarding the Work to the public. If requested by EPA, Respondents shall participate in the preparation of such

information for distribution to the public and in public meetings which may be held or sponsored by EPA to explain activities at or relating to the Site.

28. Remedial Design

a. Within 30 Days of the effective date of this Order, Respondents shall submit to EPA a work plan for the design of the Remedial Action at the Site ("Remedial Design Work Plan"). The Remedial Design Work Plan shall provide for design of the remedy set forth in the ROD in accordance with the SOW. Upon its approval by EPA, it shall be incorporated into and become enforceable under this Order. The Remedial Design Work Plan shall include plans and schedules for implementation of all remedial design and pre-design tasks identified in the SOW and a schedule for completion of the Remedial Action Work Plan. As specified in the SOW, the Remedial Design Work Plan shall also contain a description of all deliverables to be submitted as part of the Remedial Design, including (1) a Preliminary Design Report; (2) a Prefinal Design Report; (3) a Final Design Report; (4) an Additional Studies and Design Basis Report; (5) a Construction Quality Assurance Plan; (6) a Ground Water and Residential Well Monitoring Plan; (7) a Remedial Action Operation Plan; (8) O & M Updates to the Remedial Design Report; and (10) procedures and a schedule for obtaining any necessary permits.

b. Within 30 Days of the effective date of this Order, Respondents shall submit to EPA the following: (1) a Health and Safety Plan for Remedial Design and Remedial Action field activities which conforms to the applicable Occupational Safety and Health Administration and EPA requirements including, but not limited to, 29 C.F.R. § 1910.120; (2) a Sampling and Analysis Plan; (3) a Remedial Design Quality Assurance Project Plan in accordance with Section IX (Quality Assurance, Sampling and Data Analysis); and (4) an Additional Studies Work Plan.

c. Upon approval of the Remedial Design Work Plan, the Sampling and Analysis Plan, the Remedial Design Quality Assurance Project Plan and the Additional Studies Work Plan by EPA and submittal of the Health and Safety Plan for all field activities to EPA, Respondents shall implement the Remedial Design Work Plan. Respondents shall submit to EPA all plans, submittals and other Deliverables required under the approved Remedial Design Work Plan in accordance with the approved schedule for review and approval. Unless otherwise directed by EPA, Respondents shall not commence further Remedial Design activities at the Site prior to approval of the Remedial Design Work Plan.

d. Respondents shall incorporate all pertinent requirements in the SOW when preparing and submitting Remedial Design Deliverables.

29. Remedial Action -

a. Within 60 Days after the approval of the Final Design Report, Respondents shall submit to EPA and the State, a work plan for the performance of the Remedial Action at the Site ("Remedial Action Work Plan"). The Remedial Action Work Plan shall provide for construction of the remedy, in accordance with the SOW, as set forth in the design plans and specifications in the approved Final Design Report. Upon its approval by EPA, the Remedial Action Work Plan shall be incorporated into and become enforceable under this Order.

b. The Remedial Action Work Plan shall include, at a minimum, the following: (1) revisions, to the extent deemed necessary by EPA, of the remedial design planning documents; and (2) an initial formulation of Respondents' Remedial Action Project Team (including, but not limited to, the Remedial Action project manager, if different than the Remedial Design project manager).

c. Upon approval of the Remedial Action Work Plan by EPA, Respondents shall implement the activities required under the Remedial Action Work Plan. Respondents shall submit to EPA all plans, submittals, or other Deliverables required under the approved Remedial Action Work Plan in accordance with the approved schedule for review and approval. Unless otherwise directed by EPA, Respondents shall not commence physical on-site activities at the Site prior to approval of the Remedial Action Work Plan and completion of a preconstruction conference with EPA, the State, and any other involved parties.

30. The Work performed by Respondents pursuant to this Order shall include the obligation to achieve the Performance Standards.

## **X. FAILURE TO ATTAIN PERFORMANCE STANDARDS**

31. In the event that EPA determines that additional response activities are necessary to attain Performance Standards, EPA may notify Respondents that additional response actions are necessary.

32. Unless otherwise stated by EPA, within 30 Days of receipt of notice from EPA that additional response activities are necessary to meet Performance Standards, Respondents shall submit for approval by EPA a work plan for the additional response activities. The plan shall conform to the applicable requirements of Sections IX, XVI, and XVII of this Order. Upon EPA's approval of the plan pursuant to Section XIV, Respondents shall implement the plan for additional response activities in accordance with the provisions and schedule contained therein.

## **XI. EPA PERIODIC REVIEW**

33. Under section 121(c) of CERCLA, 42 U.S.C. § 9621(c), and any applicable regulations, EPA may review the remedial action to assure that the Work performed pursuant to this Order adequately protects human health and the environment. Respondents shall conduct the studies, investigations, or other response actions determined necessary by EPA for EPA to conduct its review. As a result of any review performed under this paragraph, Respondents may be required to perform additional Work or to modify Work previously performed.

## **XII. ADDITIONAL RESPONSE ACTIONS**

34. EPA may determine that Work, in addition to that identified in this Order, may be necessary to protect human health and the environment. If EPA determines that additional response activities are necessary, EPA may require Respondents to submit a work plan for additional response activities. EPA may also require Respondents to modify any plan, design, or other Deliverable required by this Order, including any approved Deliverable.

35. Not later than 30 Days after receiving EPA's notice that additional response activities are required pursuant to this Section, Respondents shall submit a work plan for the response activities to EPA for review and approval. Upon approval by EPA, the work plan is incorporated into this Order as a requirement of this Order and shall be an enforceable part of this Order. Upon approval of the work plan by EPA, Respondents shall implement the work plan according to the standards, specifications, and schedule in this Order and the approved Work Plan. Respondents shall notify EPA of their intent to perform such additional response activities within seven Days after receipt of EPA's request for additional response activities.

### XIII. ENDANGERMENT AND EMERGENCY RESPONSE

36. In the event of any action or occurrence during the performance of the Work which causes or threatens to cause a release of a hazardous substance or which may present an immediate threat to public health or welfare or the environment, Respondents shall immediately take all appropriate action to prevent, abate, or minimize the threat, and shall immediately notify EPA. If the EPA Remedial Project Manager is not available, Respondents shall notify the EPA Emergency Response Branch, EPA Region VIII. Respondents shall take such action in consultation with the EPA Remedial Project Manager and in accordance with all applicable provisions of law and of this Order. In the event that Respondents fail to take appropriate response action as required by this Section, and EPA takes action instead, Respondents shall reimburse the United States for all costs of the response action not inconsistent with the NCP. Respondents shall pay the response costs in the manner described in Section XXII of this Order.

37. Nothing in the preceding paragraph shall be deemed to limit any authority of the United States to take, direct, or order any action to protect human health and the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances on, at, or from the Site.

### XIV. EPA REVIEW OF DELIVERABLES

38. After review of any Deliverable which must be submitted for review and approval pursuant to this Order, EPA may: (a) approve the submission, (b) approve the submission with its own modifications, (c) disapprove the submission and direct Respondents to re-submit the document after incorporating EPA's comments, or (d) disapprove the submission and assume responsibility for performing all or any part of the response action. As used in this Order, the terms "approval by EPA," "EPA approval," or similar term means the action described in phrases (a) or (b) of this paragraph.

39. In the event of approval or approval with modifications by EPA, Respondents shall proceed to take any action required by the Deliverable, as approved or modified by EPA.

40. Upon receipt of a notice of disapproval or a request for a modification, Respondents shall, within seven Days or such time as specified by EPA in its notice of disapproval or request for modification, correct the deficiencies and resubmit the Deliverable for approval. Notwithstanding the notice of disapproval, or approval with modification, Respondents shall proceed, at the direction of EPA, to take any action required by any non-deficient portion of the Deliverable.

41. Any failure of Respondents to obtain full approval of a Deliverable when required is a violation of this Order.

#### XV. REPORTING REQUIREMENTS

42. Respondents shall submit to EPA and the state monthly progress reports containing, at a minimum, the following information:

- a. A description of actions taken to comply with this Order, including plans and actions completed, during the previous month;
- b. A description of problems encountered and any anticipated problems, any actual or anticipated delays, and solutions developed and implemented to mitigate any problems or delays;
- c. Any change orders, nonconformance reports, claims made, and actions taken to rectify problems;
- d. Work planned for the next two months with schedules relating such Work to the overall project schedule for RD/RA completion, and
- e. Except for information previously submitted, copies of inspection logs and results of all sampling, tests, and other data (including validated analytical data with supporting documentation on Contract Laboratory Program Form I's or in a similar format) received or produced by Respondents during the course of Work during the previous month.

These reports shall be submitted on or before the tenth day of each month from the effective date of the Order and each month thereafter until EPA determines that reports are no longer required.

43. During construction, Respondents shall prepare daily and weekly reports on construction activities discussing, at a minimum, the daily activities, field adjustments, change orders, summaries of problems and actions to rectify problems, and such information as is customary in the industry. The daily reports and the weekly report shall be compiled and delivered to EPA and the state each week on the day specified by the EPA Remedial Project Manager.

44. Respondents shall prepare and submit to EPA and the state O&M reports that include, at a minimum, the following elements:



- a. A description of O&M activities performed during the reporting period;
- b. A description of the performance of each component of the remedial action requiring O&M, including a summary of any monitoring data demonstrating the performance of the remedy and its effectiveness in meeting Performance Standards;
- c. A description and summary of the results of all monitoring performed in connection with the remedy;
- d. A statistical evaluation of the monitoring data and a conclusion as to whether the results necessitate the implementation of contingency measures;
- e. Identification of any problems or potential problems and a description of all steps taken or to be taken to rectify the problems;
- f. An appendix containing all validated data and supporting documentation on Contract Laboratory Program Form I's or in a similar format collected during the reporting period and not previously submitted; and
- g. Copies of any O&M training materials and a record of employee attendance at training sessions.

O&M reports shall be submitted quarterly on or before the 10th day of January, April, July, and October, commencing with the submission of the written reports requesting certification of completion of each portion of the Remedial Action, as described in the SOW and continuing until EPA notifies Respondents that the frequency of reporting may be reduced.

45. Respondents shall prepare and submit the periodic review reports described in the SOW. These reports shall be due, at a minimum, five years from the date of initiation of the Remedial Action, and on the same date every five years thereafter.

#### **XVI. QUALITY ASSURANCE, SAMPLING, AND DATA ANALYSIS**

46. Respondents shall ensure that Work performed, samples taken, and analyses conducted conform to the requirements of this Order and the EPA-approved sampling and analysis plan. Respondents will ensure that their field personnel are properly trained in the use of field equipment and chain-of-custody procedures.

47. To provide quality assurance and maintain quality control, Respondents shall:

- a. Use only laboratories which have a documented Quality Assurance Program that complies with EPA guidance document QAMS-005/80;
- b. Ensure that any laboratory used performs analyses according to a method or methods deemed satisfactory by EPA and submits all protocols to be used for analyses to EPA at least 30 Days before beginning analysis;
- c. Ensure that EPA personnel or authorized representatives are allowed access to the laboratory and personnel used by Respondents for analyses; and
- d. Upon EPA request, have such laboratories analyze samples submitted by EPA for quality-assurance monitoring.

48. Respondents shall notify EPA in writing not less than 14 Days prior to any sample collection activity. At the request of EPA, Respondents shall allow split or duplicate samples to be taken by EPA or its authorized representatives of any samples collected by Respondents with regard to the Site or pursuant to the implementation of this Order. In addition, EPA and/or its authorized representatives shall have the right to take any other samples that EPA deems necessary.

#### **XVII. COMPLIANCE WITH APPLICABLE LAWS**

49. All Work shall be performed in accordance with the requirements of all federal and state laws and regulations. Except as provided in section 121(e) of CERCLA, 42 U.S.C. § 9621(e), and the NCP, no permit shall be required for any portion of the Work conducted entirely on-site. Where any portion of the Work requires a federal or state permit or approval, Respondents shall submit timely and complete applications and take all other actions necessary to obtain and to comply with all such permits or approvals.

50. This Order is not, and shall not be construed to be, a permit issued pursuant to any federal or state statute or regulation.

51. All materials removed from the Site shall be disposed of or treated at a facility approved by EPA and in accordance with section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3); with EPA's "Revised Off-site Policy," OSWER Directive 9834.11 (Nov.

13, 1987); and with all other applicable federal, state, and local requirements.

**XVIII. REMEDIAL PROJECT MANAGER**

52. The EPA Remedial Project Manager is:

Jim Harris (8MO)  
EPA Region VIII  
301 S. Park  
Drawer 10096  
Helena, Montana 59626-0096  
(406) 449-5414

EPA may change its Remedial Project Manager at any time and will inform Respondents of such changes.

53. The EPA Remedial Project Manager shall have the authority lawfully vested in a Remedial Project Manager and On-Scene Coordinator by the NCP. The EPA Remedial Project Manager shall have authority, consistent with the NCP, to halt any Work required by this Order, and to take any necessary response action.

54. All communications, whether written or oral, from Respondents to EPA shall be directed from Respondents' project manager to the EPA Remedial Project Manager. Respondents shall submit to EPA three copies of all documents, including plans, reports, and other correspondence, which are developed pursuant to this Order, and shall hand-deliver or send these documents by certified mail, return receipt requested, or overnight mail.

**XIX. ACCESS AND DATA/DOCUMENT AVAILABILITY**

55. Respondents shall allow EPA and its authorized representatives to enter and move freely about any and all property owned or controlled by Respondents at the Site and off-site areas subject to or affected by the Work under this Order or where documents required to be prepared or maintained by this Order are located, for the purposes of inspecting conditions, activities, the results of activities, records, operating logs, and contracts related to the Site or Respondents and their representatives or Contractors pursuant to this Order; reviewing the progress of Respondents in carrying out the terms of this Order; conducting tests as EPA or its authorized representatives deem necessary; using a camera, sound recording device or other documentary type equipment; and verifying the data submitted to EPA by Respondents. Respondents shall allow EPA and its authorized representatives to enter the Site, to inspect and copy all records, files, photographs, documents, sampling and monitoring data, and other writings related to Work undertaken in carrying out this Order. Nothing herein shall be interpreted as

limiting or affecting EPA's right of entry or inspection authority under federal law.

56. If the Site, any off-site area that is to be used for access, property where documents required to be prepared or maintained by this Order are located, or other property subject to or affected by the RD or RA, is owned in whole or in part by parties other than those bound by this Order, Respondents will obtain, or use their best efforts to obtain, site access agreements from the present owner(s) within 30 Days of the effective date of this Order.

- a. Respondents' best efforts shall include providing reasonable compensation to any off-site property owner.
- b. Access agreements shall provide access for EPA and its authorized representatives and Respondents and their Contractors and shall specify that Respondents are not EPA's representatives with respect to the Site or Site activities.
- c. Copies of such agreements shall be provided to EPA prior to Respondents' initiation of field activities. If access agreements are not obtained within the time referenced above, Respondents shall immediately notify EPA of its failure to obtain access.

Subject to the United States' non-reviewable discretion, EPA may use its legal authorities to obtain access for Respondents, may perform response actions with EPA Contractors, or may terminate the Order if Respondents cannot obtain access agreements. Respondents shall reimburse EPA, pursuant to Section XXII of this Order, for all response costs (including attorney fees) incurred by the United States to obtain access for Respondents. If EPA performs tasks or activities with Contractors and does not terminate the Order, Respondents shall perform all other activities not requiring access to that property, and shall reimburse EPA, pursuant to Section XXII of this Order, for all costs incurred in performing such activities. Respondents shall integrate the results of any such tasks undertaken by EPA into the Work they perform under this Order.

57. Respondents shall provide to EPA, upon request, copies of all documents and information within their possession and/or control or that of their Contractors relating to activities at the Site or to the implementation of this Order, including but not limited to, sampling, analysis, chain-of-custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information related to the Work. Respondents shall also make available to

EPA for purposes of investigation, information gathering, or testimony, their employees, agents, or representatives with knowledge of relevant facts concerning the performance of the Work.

58. Respondents may assert a claim of business confidentiality covering part or all of the information submitted to EPA pursuant to the terms of this Order under 40 C.F.R. § 2.203, provided such claim is not inconsistent with section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), or other provisions of law. This claim shall be asserted in the manner described by 40 C.F.R. § 2.203(b) and substantiated by Respondents at the time the claim is made. Information determined to be confidential by EPA will be given the protection specified in 40 C.F.R. Part 2. If no such claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to Respondents.

#### XX. RECORD PRESERVATION

59. For a period of ten years after Work is completed under this Order, each Respondent shall preserve and retain all records and documents in its possession or control and in the possession or control of its Contractors, on and after the date of signature of this Order, that relate in any manner to the Site, Respondents' potential liability under CERCLA, or performance of Work under this Order. At the conclusion of this document-retention period, Respondents shall notify the United States at least 90 Days prior to the destruction of any such records or documents, and upon request by the United States, Respondents shall deliver any such records or documents to EPA at no cost to EPA.

#### XXI. ASSURANCE OF ABILITY TO COMPLETE WORK

60. Respondents shall demonstrate their ability to complete the Work required by this Order and to pay all claims that arise from the performance of the Work by obtaining and presenting to EPA, within 30 Days after EPA approval of the Work Plan, one of the following: (1) a performance bond; (2) a letter of credit; (3) a guarantee by a third party; (4) a trust fund; or (5) internal financial information to allow EPA to determine that Respondents have sufficient assets available to perform the Work. Respondents shall demonstrate financial assurance in an amount no less than the estimate of cost for the RD and RA contained in the ROD. If Respondents seek to demonstrate ability to complete the remedial action by means of internal financial information, or by guarantee of a third party, they shall re-submit such information annually, on the anniversary of the effective date of this Order. If EPA determines that such financial information is inadequate, Respondents shall, within 30 Days after receipt of EPA's notice

of determination, obtain and present to EPA for approval one of the other three forms of financial assurance listed above.

61. At least seven Days prior to commencing any physical on-site activity at the Site pursuant to this Order, Respondents shall secure, and shall maintain for the duration of the Work required by this Order comprehensive general liability insurance and automobile insurance with limits of five million dollars, combined single limit naming as additional insured the United States. In addition, for the duration of the Work required by this Order, Respondents shall satisfy, or shall ensure that its contractors or subcontractors satisfy, all applicable laws and regulations regarding the provision of worker's compensation insurance for all persons performing the Work on behalf of Respondents in furtherance of this Order. Prior to commencement of the Work under this Order, Respondents shall provide to EPA certificates of such insurance and a copy of each insurance policy. Respondents shall resubmit such certificates and copies of policies each year on the anniversary of the effective date of this Order. If Respondents demonstrate by evidence satisfactory to EPA that any contractor or subcontractor maintains insurance equivalent to that described above, or insurance covering the same risks but in a lesser amount, then, with respect to that contractor or subcontractor, Respondents need provide only that portion of the insurance described above which is not maintained by the contractor or subcontractor.

#### XXII. REIMBURSEMENT OF RESPONSE COSTS

62. Respondents shall reimburse EPA, upon written demand, for all response costs incurred by the United States in connection with this Order. EPA may submit to Respondents on a periodic basis an accounting of such costs. The accounting shall consist of a cost summary. Within 30 Days of receipt of each EPA accounting, Respondents shall remit a certified or cashier's check for the amount set forth in the accounting, plus interest. Interest shall accrue from the later of the date that payment of a specified amount is demanded in writing or the date of the expenditure. The interest rate is the rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 C.F.R. § 102.13.

63. Checks shall be made payable to the "Hazardous Substance Superfund" and shall be forwarded to:

Mellon Bank  
EPA Region VIII  
Attn: Superfund Accounting  
Post Office Box 360859M  
Pittsburgh, Pennsylvania 15251

or other such address as EPA may designate in writing. Payments must be designated as "Response Costs--Idaho Pole Company Site and include the payor's name and address, the Site identification number - 0862, and the docket number of this Order. Respondents shall send copies of each transmittal letter and check to the EPA Remedial Project Manager at the time of payment.

#### **XXIII. UNITED STATES NOT LIABLE**

64. The United States, by issuance of this Order, assumes no liability for any injuries or damages to persons or property resulting from acts or omissions by Respondents, or their directors, officers, employees, agents, representatives, successors, assigns, Contractors, or consultants in carrying out any action or activity pursuant to this Order. Neither EPA nor the United States may be deemed to be a party to any contract entered into by Respondents or their directors, officers, employees, agents, successors, assigns, Contractors, or consultants in carrying out any action or activity pursuant to this Order.

65. Respondents shall save and hold harmless the United States and its officials, agents, employees, contractors, subcontractors, or representatives for or from any and all claims or causes of action or other costs incurred by the United States, including but not limited to, attorneys fees and other expenses of litigation and settlement arising from or on account of acts or omissions of Respondents, their officers, directors, employees, agents, contractors, subcontractors, and any persons acting on their behalf or under their control, in carrying out activities pursuant to this Order, including any claims arising from any designation of Respondents as EPA's authorized representative(s) under section 104(e) of CERCLA, 42 U.S.C. § 9604(e).

#### **XXIV. ENFORCEMENT AND RESERVATIONS**

66. EPA reserves the right to bring an action against Respondents under section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of any response costs incurred by the United States related to the Site and not reimbursed by Respondents. This reservation shall include but not be limited to past costs, direct costs, indirect costs, the costs of oversight, the costs of compiling the cost documentation to support the oversight cost demand, as well as accrued interest as provided in section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

67. Notwithstanding any other provision of this Order, at any time during the response action, EPA may perform its own studies, complete the response action (or any portion of the response action) as provided in CERCLA and the NCP, and seek

reimbursement from Respondents for its costs, or seek any other appropriate relief.

68. Nothing in this Order shall preclude EPA from taking any additional enforcement actions, including modification of this Order or issuance of additional Orders, and/or additional remedial or removal actions as EPA may deem necessary, or from requiring Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law.

69. Notwithstanding any provision of this Order, the United States hereby retains all of its information gathering, inspection, and enforcement authorities and rights under CERCLA, RCRA and any other applicable statutes or regulations.

70. Respondents shall be subject to civil penalties under section 106(b) of CERCLA, 42 U.S.C. § 9606(b), of not more than \$25,000 for each Day in which Respondents willfully violate, or fail or refuse to comply with this Order without sufficient cause. In addition, failure to provide response action properly under this Order, or any portion hereof, without sufficient cause, may result in liability under section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3), for punitive damages in an amount at least equal to, and not more than three times the amount of any costs incurred by the Fund as a result of such failure to take proper action.

71. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person for any liability it may have arising out of or relating in any way to the Site.

72. If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondents shall remain bound to comply with all provisions of this Order not invalidated by the court's order.

#### **XXV. EFFECTIVE DATE AND COMPUTATION OF TIME**

73. This Order shall be effective 30 Days after the Order is signed. All times for performance of ordered activities shall be calculated from this effective date.

#### **XXVI. OPPORTUNITY TO CONFER**

74. Respondents may, within 10 Days after the date this Order is signed, request a conference with EPA to discuss this Order. The conference shall be limited to discussion of issues involving the implementation of the response actions required by



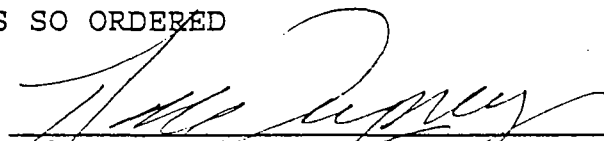
this Order and the extent to which Respondents intend to comply with this Order. This conference is not an evidentiary hearing, and does not constitute a proceeding to challenge this Order. It does not give Respondents a right to seek review of this Order, or to seek resolution of potential liability, and no official stenographic record of the conference will be made. At any conference held pursuant to Respondents' request, Respondents may appear in person or by an attorney or other representative.

75. Requests for a conference must be by telephone followed by written confirmation mailed that day to:

Suzanne J. Bohan (8RC)  
EPA Region VIII  
999 18th Street, Suite 500  
Denver, Colorado 80202-2405  
(303) 294-7568

IT IS SO ORDERED

BY:

  
\_\_\_\_\_  
Robert L. Duprey, Director  
Hazardous Waste Management Division  
U.S. Environmental Protection Agency

DATE:

July 26, 1993

EFFECTIVE DATE:

August 26, 1993

STATEMENT OF WORK  
FOR  
REMEDIAL DESIGN/REMEDIAL ACTION  
IDAHO POLE COMPANY SUPERFUND SITE  
BOZEMAN, MONTANA

July 1993

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## 1.0 INTRODUCTION

This Statement of Work ("SOW"), which is an Appendix to the Administrative Order for Remedial Design/Remedial Action for the Idaho Pole Company Site, EPA Docket No. CERCLA VIII-93-26 ("Order") issued by the United States Environmental Protection Agency ("EPA"), establishes the procedures and tasks for the Remedial Design and implementation of the Remedial Action for the Idaho Pole Company Superfund Site ("Site"), located in Bozeman, Montana. Review and approval of documents and activities relating to Site remediation shall take place according to the procedures described in the Order.

The Site background, characterization, summary of Site risks, and selected remedy are described in the Record of Decision ("ROD"), signed in September, 1992.

All activities identified in this SOW, except review and approval of deliverables and Work performed, shall be performed by Respondents, unless otherwise indicated. All submittals identified in this SOW shall be made in accordance with the Order and shall be submitted to EPA and to the State in accordance with the schedule shown in Table 1 of this SOW. Modifications to the schedule may only be made with EPA approval.

The remedy selected for the Site in the ROD is composed of the following components:

- o Excavation and surface land treatment of approximately 19,000 cubic yards of contaminated soil from several areas of the Site:
- o Hot water and steam flushing of soils underlying the operating facility and Interstate 90;
- o Separation from soils and disposal of oily wood treating fluid;
- o Closure of onsite remediation units in compliance with RCRA Subtitle C requirements;
- o Ground water cleanup using extraction and biological treatment with the return of treated water to the subsurface to enhance in situ biological degradation and to control potential migration of contaminants;
- o On-tap treatment of water from contaminated residential wells that exceed maximum contaminant levels (MCLs) or risk based concentrations of the contaminants of concern and implementation of institutional controls to prevent construction of new water supply wells; and

- o Continued monitoring of residential water supply wells and ground water monitoring wells to determine movement of contaminants and compliance with remedial action requirements.

The Performance Standards to be achieved as the result of Remedial Action are set forth in the ROD and are defined in the Order.

## **2.0 REMEDIAL DESIGN REQUIREMENTS**

### **2.1 REMEDIAL DESIGN PLANNING DOCUMENTS**

Remedial Design is a process that begins with the preparation of a Remedial Design Work Plan consisting of activities and schedules for completion of the activities to be undertaken by Respondents to develop final plans, drawings, specifications, general provisions, and special requirements necessary to implement the remedy selected in the ROD, pursuant to the Order. The Remedial Design process is described in this Section.

The final products of the Remedial Design process are design documents that contain or address all of the design elements anticipated to be necessary to implement and complete the Remedial Action. This includes all remediation support activities, initial permitting and access requirements, Operation and Maintenance ("O&M") plans, monitoring plans, development of institutional controls, as well as technical design elements.

The Remedial Design Work Plan, an Additional Studies Work Plan, a Sampling and Analysis Plan, a Quality Assurance Project Plan, and a Health and Safety Plan shall be the initial submittals from Respondents and are described below.

#### **2.1.1 REMEDIAL DESIGN WORK PLAN**

Respondents shall prepare and submit a Remedial Design Work Plan ("RD Work Plan"), which shall serve as the overall plan for designing the Remedial Action. The RD Work Plan shall be consistent with the requirements of this SOW, the ROD, and any applicable guidance, including the documents listed in Appendix A of this SOW.

At a minimum, the RD Work Plan shall include a schedule for all remedial design activities and all major remedial action milestones including those related to construction; a discussion of the requirements of all subtasks necessary to successfully complete the Remedial Design, including a description of the following deliverables to be submitted as part of the Remedial Design: the (1) Additional Studies and Design Basis Report; (2) Preliminary Design Report; (3) Construction Quality Assurance

Plan; (4) Groundwater and Residential Well Monitoring Plan; (5) Remedial Action Operation Plan; (6) O&M Updates to the Remedial Action Operation Plan; (7) Prefinal Design Report; and (8) Final Design Report; and procedures and a schedule for obtaining any necessary permits.

#### 2.1.2 ADDITIONAL STUDIES WORK PLAN

Respondents shall prepare and submit an Additional Studies Work Plan. This plan shall describe in detail the scope and objectives of additional field and laboratory investigations to be conducted at the Site to support design. Additional studies activities shall include the following:

- o Additional Roundhouse Area soil characterization to locate areas of soils that contain contaminants of concern that exceed remediation levels in Table 13 of the ROD;
- o Land Treatment Demonstration for surface land treatment activities;
- o Pilot testing of the Hot Water/Steam flushing system to provide design parameters for full scale operation in the plant area and under I-90;
- o Evaluation of the oily wood treating fluid to determine if recycling or disposal is appropriate;
- o Detailed definition of Site hydrogeologic characteristics and distribution of floating oily wood treating fluid to be used to design the Ground Water Remedial Action;
- o Pilot testing of the fixed-film bioreactor for ground water treatment and bench-scale testing to determine optimum nutrient and oxygen requirements for the in situ ground water treatment system;
- o Evaluation of "on-tap" water treatment systems for residential well water supplies; and
- o The determination of appropriate institutional controls to be implemented at the Site.

Applicable portions of the Additional Studies and Design Basis Report will be used to design and implement the optimal protocols for excavation of contaminated soils and ditch sediments at the Site. These soils and ditch sediments will be treated using surface biological treatment methods as specified in the ROD. Results of the Additional Studies will also be used to design the biological treatment system for ground water.

Applicable portions of the Additional Studies and Design Basis Report will be used to design and construct a ground water and oily wood treating fluid collection system. Results of the Additional Studies will also be used to design and construct the optimal ground water biological treatment system and oily wood treating fluid separation system. Treated ground water will be recharged to the alluvial aquifer through an artificial recharge system and/or discharged to surface water in compliance with an NPDES permit. The results of the Additional Studies will also be used to determine the specifications for such recharge or discharge features.

### 2.1.3 SAMPLING AND ANALYSIS PLAN

Respondents shall prepare and submit a Sampling and Analysis Plan ("SAP"). The SAP shall provide guidance for field work by defining in detail the sampling and data-gathering methods to be used at the Site. The SAP should be written so that a field sampling team unfamiliar with the Site would be able to gather the samples and field information required. The SAP shall describe and identify the following elements:

- o Sampling objectives by activity;
- o Sample location and frequency by activity;
- o Sample designation;
- o Sampling equipment and procedures;
- o Sample handling and analysis; and
- o Sample disposal.

The SAP shall also describe and identify the scope of all sampling activities, including sampling methods consistent with EPA guidance, analytical parameters, laboratory methods, and protocols related to the Remedial Design and Remedial Action. The SAP shall reference and make use of the Quality Assurance Project Plan for Remedial Design as outlined in Section 2.1.4.

The SAP shall include provisions for (1) verifying that the Performance Standards are achieved, and (2) the sampling and analysis activities associated with the Remedial Design, Remedial Action, O&M, Residential Well Monitoring and Additional Studies Activities.

The SAP may rely upon the Ground Water and Residential Well Monitoring Plan for some sampling activities related to ground water, such as sampling location and frequency, in order to eliminate duplication.



#### 2.1.4 QUALITY ASSURANCE PROJECT PLAN FOR REMEDIAL DESIGN

Respondents shall prepare and submit a Quality Assurance Project Plan ("QAPP") for Remedial Design, in accordance with EPA guidance contained in QAM-005/80.

The QAPP shall provide guidelines to assure high quality data and identify QA/QC responsibilities for the supervising contractor and subcontractors during Remedial Design. The QAPP shall delineate the specific procedures by which calculations and plans are checked and approved and the documentation of the design details. In particular, the QAPP shall include QA/QC and data usage guidelines for:

- o All sampling or field testing activities; and
- o Monitoring requirements for the remedy, including well installation, air monitoring requirements, and statistical methods to be used in the interpretation of the monitoring data obtained.

#### 2.1.5 HEALTH AND SAFETY PLAN

Respondents shall prepare and submit a Health and Safety Plan ("HSP"). The purpose of the HSP is to protect on-site personnel from potential physical, chemical, and biological hazards posed by the Site during Remedial Design/Remedial Action ("RD/RA") activities. The HSP shall describe the minimum health, safety, and emergency response requirements for field personnel, including the following:

- o The identification of the individual(s) responsible for responding in the event of an incident requiring the use of an emergency response plan;
- o An emergency response plan to address unplanned events that may arise from the remedial activities that may impact health and safety of workers, the community, or the environment;
- o A plan and date for meeting with local emergency squads and hospitals to develop liaisons and to consolidate procedures between involved participants in the event of an emergency incident ("Emergency Response Plan");
- o A description of the measures to ensure Site security;
- o First aid and medical information, including names of personnel trained in first aid, a clearly marked map with the locations of medical facilities, all

necessary emergency phone numbers, including those for fire, rescue local hazardous material teams, and National Emergency Response Team; and

- o A description of personnel and equipment available to provide necessary decontamination measures resulting from accidental spills and discharges from handling or transportation of hazardous materials.

To ensure consistency with appropriate EPA, OSHA, and State health and safety requirements, the following reference items should be used as guidance in developing the HSP.

- o CERCLA Sections 104(f) and 111(c)(6);
- o EPA Order 1440.2 - Health and Safety Requirements for Employees Engaged in Field Activities;
- o EPA Order 1440.1 - Respiratory Protection;
- o EPA Occupational Health and Safety Manual;
- o EPA Interim Standard Operating Safety Guide;
- o 29 CFR Part 1910, OSHA Standards for General Industry;
- o National Institute of Occupational Safety and Health ("NIOSH") Manual of Analytical Methods, Volumes I to VIII;
- o Threshold limit values ("TLV") for chemical substance and physical agency in the work environment with intended changes adopted by American Conference of Governmental Industrial Hygienists, latest edition;
- o ANSI Z 88.2 - 1980 American National Standard, Practices for Respiratory Protection; and
- o Appropriate State health and safety standards.

The HSP shall be submitted for review to EPA and the State, but does not require approval.

## 2.2 ADDITIONAL STUDIES AND DESIGN BASIS REPORT

Following the conclusion of additional studies activities, Respondents shall prepare and submit an Additional Studies and Design Basis Report summarizing the results of additional studies.

The report shall include all field and laboratory test data, including boring logs, well completion details, and the results of physical properties and analytical tests; an evaluation of all test results and a detailed description of and justification for the criteria to be used to design and implement the remedy.

## 2.3 REMEDIAL DESIGN REPORTS

Upon approval of the Additional Studies and Design Basis Report, the design reports shall be prepared to document engineering specifications and procedures outlined in the final RD Work Plan and other remedial design planning documents, and shall be submitted to EPA and the State. There shall be three design reports, referred to as: the Preliminary Design Report, the Prefinal Design Report, and the Final Design Report. These reports are further described below.

### 2.3.1 PRELIMINARY DESIGN REPORT

Respondents shall prepare and submit a Preliminary Design Report consisting of construction plans and specifications, and supporting data for all aspects of the selected remedy. This document shall reflect the design effort at approximately 30 percent completion. The Preliminary Design Report shall include:

- o Impact of additional studies on the implementation of the selected remedy through the Remedial Design and Remedial Action, based on the Additional Studies and Design Basis Report;
- o Preliminary plans, drawings, and sketches;
- o Preliminary determinations of Institutional Controls to be implemented and the method by which they are to be implemented;
- o Required specifications in outline form;
- o Preliminary construction schedule;
- o Residential Well Monitoring Section of the Ground Water Monitoring Plan.

The Preliminary Design Report should not describe activities related to operation of the Remedial Action (O&M), as this information will be included in the appropriate plans.

### 2.3.2 PREFINAL DESIGN REPORT

Respondents shall prepare and submit a Prefinal Design Report containing construction plans and specifications reflecting approximately 90 percent completion of design. At a minimum, the Prefinal Design Report shall include the following:

- o Final plans and specifications;
- o Installation and startup procedures for the remedial action components;
- o Final determination of Institutional Controls to be used, and procedures for implementing, administering, and maintaining such controls;
- o Detailed justification of design assumptions made;
- o Possible sources of error and references to potential problems;
- o Design rationale and calculations, including estimates of capital, operation, and maintenance costs; and
- o Legible copies of approved forms, applications, and other documents such as permits, approvals or waivers, needed to comply with regulatory requirements and to conduct off-site activities or documentation of the status of obtaining, or a schedule for receiving such forms, applications, or other documents.

The following Remedial Action Support Plans shall be submitted concurrent with the Prefinal Design Report:

- o Draft Construction Quality Assurance Plan
- o Draft Ground Water and Residential Well Monitoring Plan
- o Draft Remedial Action Operation Plan

### 2.3.3 FINAL DESIGN REPORT

Upon approval, or approval with conditions or modifications, of the Prefinal Design Report, Respondents shall incorporate EPA comments and prepare and submit the final design documents, complete with reproducible drawings and specifications, ready for bid advertisement as necessary. This document package shall reflect 100 percent completion of the design and shall include the design analysis, final construction drawings and specifications, cost estimate, permit status

reports, and a schedule for implementation of all remedial action milestones including those related to construction.

#### 2.4 REMEDIAL ACTION SUPPORT PLANS

Remedial Action is the implementation phase of site cleanup. The following plans, which support Remedial Action, shall be prepared and submitted by Respondents 30 days after approval of the Final Design Report.

##### 2.4.1 CONSTRUCTION QUALITY ASSURANCE PLAN

Respondents shall prepare and submit a site-specific construction quality assurance plan ("CQAP") which outlines and identifies construction performance criteria, construction quality assurance, quality control procedures, and responsibilities. The CQAP shall:

- o Serve as an operations manual for construction management by establishing project-specific instruction for managing the construction efficiently and effectively;
- o Define the project team organization and the responsibilities of individual team members;
- o Specify a quality assurance official, independent of the Constructor, to conduct a quality assurance program during the construction phase of the project;
- o Describe project communication, documentation, and record-keeping protocols, including the use of standard forms, communications on-site, progress meetings, preparation of progress reports, and construction files; and
- o Include a Construction Quality Control Section to be provided by vendors and subcontractors of the technology and equipment used for Remedial Action at the Idaho Pole Company Site. This section shall outline and identify construction and operation standards and criteria, and establish quality control procedures to ensure the proper implementation of the Remedial Action.

##### 2.4.2 GROUND WATER AND RESIDENTIAL WELL MONITORING PLAN

Respondents shall prepare and submit a separate sampling program for monitoring the ground water portion of the Remedial Action. Ground water and residential well monitoring during the remedial activities will be used to evaluate performance of the Remedial Action and determine compliance with the ground water

Performance Standards. Monitoring shall continue after Remedial Action has been certified complete, as described in Section 4.2, Post Compliance Monitoring.

The Ground Water and Residential Well Monitoring Plan may rely upon the Sampling and Analysis Plan to avoid duplication of effort.

Quarterly ground water and residential well monitoring at the Site shall commence upon approval of the Ground Water and Residential Well Monitoring Plan. The plan shall provide for the submittal of quarterly monitoring reports. The frequency and duration of monitoring, after the Remedial Action is complete, is specified in Section 4.2, Post Compliance Monitoring.

The Ground Water and Residential Well Monitoring Plan shall consist of and describe the following programs:

- o Potentiometric Monitoring Program
- o Ground Water Restoration Monitoring Program
- o Residential Well Monitoring Program

#### **2.4.2.1 POTENTIOMETRIC MONITORING PROGRAMS**

The Potentiometric Monitoring Program shall identify the monitoring points, and frequency and duration of ground water level measurements to be performed during Remedial Action. The purpose of this program shall be to determine ground water flow directions and seasonal water level variations and to track migration of contaminated ground water.

#### **2.4.2.2 GROUND WATER RESTORATION PROGRAM**

To confirm that the remedial objective of restoring on-site ground water is achieved, the Ground Water Monitoring Plan shall include a monitoring program that will provide the guidelines by which achievement of ground water Performance Standards are measured. The Ground Water Restoration Program shall consist of the following elements:

- o Performance Monitoring
- o Compliance Monitoring

#### **2.4.2.2.1 PERFORMANCE MONITORING**

The performance monitoring program shall describe the portion of the monitoring program which is designed to measure the effectiveness of the ground water portion of the remedy.

Monitoring points to be specified in the Ground Water and Residential Well Monitoring Plan shall be located to monitor the effectiveness of the ground water portion of the Remedial Action.

Existing monitoring wells and possible additional monitoring wells to be installed will be used for ground water monitoring.

#### 2.4.2.2.2 COMPLIANCE MONITORING

A compliance monitoring program shall be implemented to demonstrate achievement of the ground water Performance Standards. A post-compliance monitoring program describing procedures regarding how and when ground water monitoring may permanently cease shall also be prepared, in accordance with Section 4.2, Post Compliance Monitoring.

Monitoring points shall be located upgradient of the plume to detect contamination from other sources, on-site and off-site to track compliance with the Performance Standards for ground water and to detect contaminant migration off-site, to ensure continued compliance with the Performance Standards for ground water. Existing monitoring wells and possible additional monitoring wells to be installed will be used for ground water monitoring.

#### 2.4.2.3 RESIDENTIAL WELL MONITORING PROGRAM

The Residential Well Monitoring Program shall be designed to determine the concentrations of contaminants of concern at residences with water supply wells within and adjacent to the area of contaminated ground water identified in the ROD. Water samples shall be collected from the well head and after installation of any "on-tap" treatment device at the residence.

#### 2.4.3 REMEDIAL ACTION OPERATION PLAN

Respondents shall prepare and submit a Remedial Action Operation Plan ("RAO Plan") for implementation of the Remedial Action. The RAO plan shall include a description of all activities related to the operation of the remedy including, but not limited to, the following:

- o Methods for the disposal of any hazardous material resulting from Remedial Design and/or Remedial Action;
- o Training of all personnel who will be responsible for installation, operation, maintenance, and adjustment of any equipment operations, or monitoring systems;
- o Operations and maintenance tasks during Remedial Action and a schedule for the frequency of each task;
- o Identification of potential operating problems, sources of information regarding problems, and common remedies for those problems;

- o Use of equipment, including maintenance and replacement; and
- o Record keeping and reporting during implementation of the remedy, including daily operating logs, emergency procedures, personnel and maintenance records, sampling and analytical records, and reports to EPA and the State.

#### 2.4.4 O&M UPDATES TO THE REMEDIAL ACTION OPERATION PLAN

Respondents shall prepare amendments or revisions to the RAO Plan ("O&M Updates") describing O&M procedures for each portion of the Remedial Action.

As used in this SOW, O&M means the procedures for maintaining the effectiveness of each portion of the Remedial Action upon completion of each such portion. An O&M Update for each portion of the Remedial Action shall be submitted concurrent with the submission of the written reports to EPA and the State requesting certification of completion of each portion of the Remedial Action under this SOW.

The O&M Updates should not reiterate activities related to operation of the Remedial Action, as this information will be included in the RAO Plan. For each portion of the Remedial Action, the O&M Updates shall include, or make reference to other plans for, the following:

- o A description of and schedule for the O&M tasks necessary to maintain the effectiveness of the Remedial Action following its completion;
- o Procedures for all monitoring and testing to be accomplished as part of O&M with cross-references to the SAP and monitoring plans for specific protocols;
- o Contingency measures including a plan to address any failure to maintain the effectiveness of the Remedial Action that may impact air, soils, surface water, or ground water quality;
- o A description of equipment necessary for O&M, including installation, scheduled maintenance, and replacement; and
- o Revisions to procedures for the preparation of records and reporting, including activity logs, emergency procedures, personnel and maintenance records, sampling and analytical records, and reports to governmental agencies.



### **3.0 REMEDIAL ACTION REQUIREMENTS**

This section describes the required remedial action construction and completion activities and reports. The activities shall be conducted and the reports shall be submitted in accordance with Table 1 and the schedule presented in the approved final design plans and reports.

#### **3.1 GENERAL REQUIREMENTS**

Upon approval of the Final Design Report and revisions, as necessary, to the project remedial design planning documents, the Respondents shall construct and implement the remedy selected in the ROD in accordance with the Order. Activities in the remedial action process are identified below. For ground water, Remedial Action under this SOW shall consist of two phases: (1) construction; and (2) operation of the remedy.

#### **3.2 REMEDIAL ACTION WORK PLAN**

Respondents shall, to the extent deemed necessary by EPA, revise the Remedial Design Work Plan to provide for the performance of the Remedial Action at the Site ("Remedial Action Work Plan"). The Remedial Action Work Plan shall provide for construction of the remedy in accordance with this SOW, as set forth in the design plans and specifications in the approved Final Design Report. The Remedial Action Work Plan shall include, at a minimum, the following: (1) revisions, to the extent deemed necessary by EPA, of the remedial design planning documents; and (2) an initial formulation of Respondents' Remedial Action Project Team (including, but not limited to, the Remedial Action Supervising Contractor, if different than the Remedial Design Supervising Contractor).

#### **3.3 REMEDY IMPLEMENTATION**

Upon approval of the Remedial Action Work Plan, Respondents shall commence implementation of the remedy as outlined below.

##### **3.3.1 PRECONSTRUCTION CONFERENCE**

Respondents shall conduct a preconstruction conference to include representatives of EPA, the State of Montana, contractors, and any other involved parties, prior to the start of construction on the project.

##### **3.3.2 REMEDIAL ACTION CONSTRUCTION OVERSIGHT**

Following the preconstruction conference, Respondents shall construct and implement the remedy selected in the ROD in accordance with the approved Remedial Design. Respondents shall

provide an on-site construction inspector during all on-site construction activities. Construction oversight shall be conducted in accordance with the CQAP.

Respondents shall make on-site inspections and review construction reports and activities to verify that Work is in compliance with final design plans and specifications and shall note and resolve all discrepancies promptly. Results of on-site inspections shall be retained by Respondents and made available to EPA and State representatives upon request.

### 3.3.3 CERTIFICATION OF COMPLETION OF THE REMEDIAL ACTION

For purposes of the Order, Remedial Action shall not be deemed complete until EPA has issued certifications of completion for both the ground water portion and the soils and sediments portion of Remedial Action.

#### 3.3.3.1 CERTIFICATION OF COMPLETION OF CONSTRUCTION OF THE GROUND WATER PORTION OF THE REMEDIAL ACTION

Within 90 days after Respondents conclude that the construction of the ground water portion of the Remedial Action has been fully completed in accordance with the Remedial Design and it is operational and functional, Respondents shall request the scheduling of a pre-certification inspection to be attended by Respondents, EPA, and the State of Montana. The purpose of the pre-certification inspection shall be to determine whether all aspects of the design plans and specifications for the ground water portion of the Remedial Action have been implemented at the Site, and whether this portion of the Remedial Action is operational and functional. If any items have not been completed at the time of the pre-certification inspection, Respondents shall develop a punch list specifying the outstanding items requiring completion or correction before construction is certified complete.

A written Construction Completion Report requesting certification of completion of construction of the ground water portion of the Remedial Action shall be submitted by Respondents to EPA and the State for review after completion of the pre-certification inspection. The Construction Completion Report shall include:

- o A narrative description of the Work performed;
- o A construction chronology;
- o A list of construction inspection corrections;
- o Pre-certification inspection corrections;

- o As-built drawings signed and stamped by a registered professional engineer;
- o Quality control inspection reports, testing results, and surveys; and
- o Certification by a registered professional engineer that the construction of the ground water portion of the Remedial Action has been completed in accordance with the Remedial Design and that it is operational and functional.

If, after the pre-certification inspection and receipt and review of the Construction Completion Report, EPA determines that the construction of the ground water portion of the Remedial Action has not been fully completed in accordance with the Remedial Design or is not fully operational and functional, EPA shall notify Respondents in writing of the activities that must be undertaken to complete its construction or to make it operational and functional. EPA shall set forth in the notice a schedule for performance of such activities or require Respondents to submit a schedule to EPA and the State for approval. Respondents shall perform all activities described in the notice. A subsequent certification inspection shall be conducted when all the activities described in the notice have been completed. All items specified to require correction shall be reinspected, all tests that were originally unsatisfactory shall be conducted again, and the Construction Completion Report shall be amended to include these activities.

If, upon completion of the subsequent certification inspection and receipt of the Construction Completion Report amendment, EPA determines that the construction of the ground water portion of the Remedial Action has still not been fully completed in accordance with the Remedial Design or is not fully operational and functional, the process outlined in this section for activities that must be undertaken to complete construction of the ground water portion of the Remedial Action shall be repeated.

If EPA concludes, based on the initial or any subsequent certification of completion by Respondents, that the construction of the ground water portion of the Remedial Action for which Respondents seek certification has been fully completed in accordance with the Remedial Design, EPA will so certify in writing to Respondents. This certification shall constitute the Certification of Completion of Construction of the ground water portion of the Remedial Action.

3.3.3.2 CERTIFICATION OF COMPLETION OF THE GROUND WATER  
PORTION OF THE REMEDIAL ACTION

Within 90 days after Respondents conclude that the ground water portion of the Remedial Action has been fully performed and the Performance Standards referenced in the ROD have been attained and met continuously for a period of at least three years following discontinuation of ground water remediation, Respondents shall submit a written report to EPA for approval.

The written report requesting certification of completion of the ground water portion of the Remedial Action shall include:

- o Documentation, including the results of the ground water compliance monitoring program, demonstrating that the Performance Standards for ground water have been attained and met continuously for three consecutive years as described in this section above;
- o Certification by a registered professional engineer that the ground water portion of the Remedial Action has been completed in full satisfaction of the requirements of the Order and the SOW and that the Performance Standards for ground water have been attained and met continuously for three consecutive years as described in this section above, and
- o The following statement, signed by a responsible corporate official of Respondents or by Respondents' Project Manager:

"To the best of my knowledge, after thorough investigation, I certify that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If after receipt and review of the written report, EPA determines that the ground water portion of the Remedial Action has not been completed in accordance with the Order or that the Performance Standards have not been attained and met continuously for three consecutive years as described in this Section above, EPA will notify Respondents in writing of the activities that must be undertaken to complete that portion of the Remedial Action and to attain and meet the Performance Standards continuously for three consecutive years.

EPA will set forth in the notice a schedule for performance of such activities or require Respondents to submit a schedule for EPA approval. Respondents shall perform all activities described in the notice. A subsequent update of the written report shall be conducted when all the activities described in the notice have been completed.

If upon review of the subsequent update of the written report, EPA determines that the ground water portion of the Remedial Action has still not been completed in accordance with the Order or that the Performance Standards have still not been attained and met continuously for three consecutive years, the process outlined in this Section shall be repeated to complete that portion of the Remedial Action and attain and meet Performance Standards continuously for three consecutive years.

If EPA concludes, based on the initial or any subsequent certification of completion by Respondents, that the ground water portion of the Remedial Action has been fully performed in accordance with the Order and that the Performance Standards have been attained and met continuously for three consecutive years, EPA will so certify in writing to Respondents. This certification shall constitute the Certification of Completion of the ground water portion of the Remedial Action for purposes of this SOW.

### **3.3.3.3 CERTIFICATION OF COMPLETION OF CONSTRUCTION OF THE SOILS AND SEDIMENTS PORTION OF THE REMEDIAL ACTION**

Within 90 days after Respondents conclude that the construction of the soils and sediments portion of the Remedial Action has been fully performed in accordance with the Remedial Design, Respondents shall request the scheduling of a pre-certification inspection to be attended by Respondents, EPA, and the State of Montana. The purpose of the pre-certification inspection shall be to determine whether all aspects of the design plans and specifications for the soils and sediments portion of the Remedial Action have been implemented at the Site, and whether this portion of the Remedial Action is operational and functional. If any items have not been completed at the time of the pre-certification inspection, Respondents shall develop a punch list specifying the outstanding items requiring completion or correction before construction is certified complete.

A written Construction Completion Report requesting certification of completion of construction of the soils and sediments portion of the Remedial Action shall be submitted by Respondents to EPA and the State for review after completion of the pre-certification inspection. The Construction Completion Report shall include:

- o A narrative description of the Work performed;
- o A construction chronology;
- o A list of construction inspection corrections;
- o Pre-certification inspection corrections;
- o As-built drawings signed and stamped by a registered professional engineer;
- o Quality control inspection reports, testing results, and surveys; and
- o Certification by a registered professional engineer that the construction of the soils and sediments portion of the Remedial Action has been completed in accordance with the Remedial Design and that it is operational and functional.

If, after the pre-certification inspection and receipt and review of the Construction Completion Report, EPA determines that the construction of the soils and sediments portion of the Remedial Action has not been fully completed in accordance with the Remedial Design or is not fully operational and functional, EPA shall notify Respondents in writing of the activities that must be undertaken to complete its construction or to make it operational and functional. EPA shall set forth in the notice a schedule for performance of such activities or require Respondents to submit a schedule to EPA and the State for approval. Respondents shall perform all activities described in the notice. A subsequent certification inspection shall be conducted when all the activities described in the notice have been completed. All items specified to require correction shall be reinspected, all tests that were originally unsatisfactory shall be conducted again, and the Construction Completion Report shall be amended to include these activities.

If, upon completion of the subsequent certification inspection and receipt of the Construction Completion Report amendment, EPA determines that the construction of the soils and sediments portion of the Remedial Action has still not been fully completed in accordance with the Remedial Design or is not fully operational and functional, the process outlined in this section for activities that must be undertaken to complete construction of the soils and sediments portion of the Remedial Action shall be repeated.

If EPA concludes, based on the initial or any subsequent certification of completion by Respondents, that the construction of the soils and sediments portion of the Remedial Action for

which Respondents seek certification has been fully completed in accordance with the Remedial Design, EPA will so certify in writing to Respondents. This certification shall constitute the Certification of Completion of Construction of the soils and sediments portion of the Remedial Action.

**3.3.3.4 CERTIFICATION OF COMPLETION OF THE SOILS AND SEDIMENTS PORTION OF THE REMEDIAL ACTION**

Within 90 days after Respondents conclude that the soils and sediments portion of the Remedial Action has been fully performed and the Performance Standards have been attained, Respondents shall request the scheduling of a pre-certification inspection to be attended by Respondents, EPA and the State. The purpose of the pre-certification inspection shall be to determine whether all aspects of the design plans and specifications for the appropriate soils and sediments portion of the Remedial Action have been implemented at the Site. If any items have not been completed at the time of the pre-certification inspection, Respondents shall develop a punch list specifying the outstanding items requiring completion or correction before acceptance of the surface land treatment and soil flushing portions of the Remedial Action.

A written report requesting certification of completion of the soils and sediments portion of the Remedial Action shall be submitted by Respondents to EPA for review after completion of the pre-certification inspection. The written report shall include:

- o A narrative description of the Work performed;
- o A construction chronology;
- o A list of construction inspection corrections;
- o Pre-certification and subsequent certification inspection corrections;
- o As-built drawings signed and stamped by a professional engineer;
- o Quality control inspection reports, testing results, and surveys; and
- o Documentation demonstrating that the Performance Standards for soils and sediments have been attained;
- o Certification by a registered professional engineer that the appropriate soils and

sediments portion of the Remedial Action has been completed in full satisfaction of the requirements of the SOW and that the Performance Standards have been attained; and

- o The following statement, signed by a responsible corporate official of the Respondents or by the Respondents' Project Manager:

"To the best of my knowledge, after thorough investigation, I certify that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If, after the pre-certification inspection and receipt and review of the written report, EPA determines that the soils and sediments portion of the Remedial Action or any portion thereof has not been completed in accordance with the Order or that the Performance Standards have not been achieved, EPA will notify Respondents in writing of the activities that must be undertaken to complete that portion of the Remedial Action and to achieve the Performance Standards. EPA will set forth in the notice a schedule for performance of such activities or require Respondents to submit a schedule for EPA approval. Respondents shall perform all activities described in the notice. A subsequent certification inspection shall be conducted when all the activities described in the notice have been completed. All items requiring correction shall be reinspected and the written report shall be amended to include these activities.

If upon completion of the subsequent certification inspection and review of the written report amendment EPA determines that the soils and sediments portion of the Remedial Action in question or any portion thereof has still not been completed in accordance with the Order or that the Performance Standards have still not been achieved, the process outlined in this section for the activities that must be undertaken to complete that portion of the Remedial Action and achieve the Performance Standards shall be repeated.

If EPA concludes, based on the initial or any subsequent certification of completion by Respondents, that the soils and sediments portion of the Remedial Action in question has been fully performed in accordance with the Order and that the Performance Standards have been achieved, EPA will so certify in writing to Respondents. This certification shall constitute the Certification of Completion of the soils and sediments portion of the Remedial Action.



### 3.4 OPERATION OF THE GROUND WATER REMEDY

Respondents shall operate and maintain all components of the ground water remedy in accordance with the ROD, the Order and this SOW. Operation of the ground water remedy shall continue until the ground water portion of the Remedial Action is certified complete. If, subsequent to certification of completion of the ground water portion of the Remedial Action, ground water is found to not meet Performance Standards, Respondents must reactivate and operate the remedy as specified in this section until Performance Standards are again achieved for at least three consecutive years. The monitoring period may be extended in the Ground Water Monitoring Plan.

### 3.5 REGULAR REPORTING

Regular reporting shall be in accordance with the Order. Respondents shall submit to EPA six copies and to the State two copies of Remedial Design and Remedial Action Progress Reports monthly during Remedial Design and Remedial Action. The Remedial Design and Remedial Action Progress Reports shall follow the format specified in the Order, generally summarizing the technical and schedule status of the project. When the Remedial Action consists solely of semi-annual ground water monitoring, the reports shall be submitted semi-annually. Monthly progress reports and semi-annual ground water reports shall be provided to the EPA and State remedial project managers on or before the tenth day following the conclusion of the reporting period for the duration of Remedial Design and Remedial Action.

### 4.0 REMEDIAL ACTION CLOSEOUT

This section describes the activities and reports which follow certification that all Performance Standards specified in the ROD have been met by the Remedial Action.

### 4.1 OPERATION AND MAINTENANCE

O&M shall begin upon completion of Remedial Action, and shall include all activities described in the O&M Updates.

Respondents shall maintain the ground water portion of the remedy in accordance with the O&M Update addressing ground water. Respondents shall maintain the effectiveness of those portions of the remedy addressing media other than ground water, to the extent action is required to maintain the effectiveness of those portions of the remedy. O&M for media other than ground water shall also be carried out in accordance with the O&M Updates addressing those media.

Respondents shall prepare and submit three copies of O&M reports summarizing O&M activities to EPA and one copy of the

reports to the State of Montana. O&M reports shall be submitted on a quarterly basis unless O&M activities occur on a less frequent basis in which case Respondents may propose a change in the reporting period to EPA to reflect the same frequency as the O&M activities. O&M reports shall be provided to the EPA and State remedial project managers on or before the tenth day following the conclusion of the reporting period for the duration of Remedial Action. O&M reports shall follow the format set forth in the O&M Updates.

#### **4.2 POST-COMPLIANCE MONITORING**

After certification that the ground water portion of the Remedial Action is complete, Respondents shall monitor the indicator chemicals in ground water to detect any subsequent degradation of ground water quality at the Site. Ground water shall be monitored at least twice annually during the ground water seasonal high and low for a period of at least three years following discontinuation of the ground water remedy. The frequency and duration of post-compliance monitoring may be altered at the discretion of EPA if monitoring results during the three year period indicate significant degradation of ground water quality at the Site. Measures to address significant degradation shall be taken as specified by EPA.

#### **4.3 PERIODIC REVIEW**

Respondents shall conduct any studies and investigations requested by EPA in order to permit EPA to conduct periodic reviews, as specified in the Order.

Because the soil action levels are health-based standards for industrial use of the Site, and not unlimited use with unrestricted exposure, and because the ground water remedy may leave residual hazardous substances above action levels (MCLs or proposed MCLs), ruling out unlimited use of the ground water, the selected remedy will require a periodic review under Section 121(c) of CERCLA, Section 300.430(f)(4)(ii) of the NCP, and applicable guidance, to assure the long-term effectiveness of the remedy.

#### **4.4 CERTIFICATION OF COMPLETION OF THE WORK**

For purposes of the Order, Work shall not be deemed complete until EPA has issued a certification of completion of the Work pursuant to this section.

Within 90 days after Respondents conclude that all phases of the Work (including O & M), have been fully performed, Respondents shall schedule and conduct a pre-certification inspection to be attended by Respondents, EPA and the State. If, after the pre-certification inspection, Respondents still believe

that the Work has been fully performed, Respondents shall submit a written report by a registered professional engineer stating that the Work has been completed in full satisfaction of the requirements of the Order. The report shall contain the following statement, signed by a responsible corporate official of Respondents or Respondents' Project Coordinator:

"To the best of my knowledge, after thorough investigation, I certify that the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If, after review of the written report, EPA, after reasonable opportunity for review and comment by the State, determines that any portion of the Work has not been completed in accordance with this Order, EPA will notify Respondents in writing of the activities that must be undertaken to complete the Work. EPA will set forth in the notice a schedule for performance of such activities consistent with the Order and the SOW or require Respondents to submit a schedule to EPA for approval. Respondents shall perform all activities described in the notice in accordance with the specifications and schedules established therein.

If EPA concludes, based on the initial or any subsequent request for Certification of Completion by Respondents and after a reasonable opportunity for review and comment by the State, that the Work has been fully performed in accordance with the Order, EPA will so notify Respondents in writing.

#### 4.5 SCHEDULE AND MILESTONES

Table 1 provides a schedule specifying deliverables and submittal timeframes. Respondents shall develop a more fully detailed schedule and include it as an attachment to the RD Work Plan for EPA's approval.

## APPENDIX A

### STATUTES, REGULATIONS, POLICY, AND TECHNICAL GUIDELINES

#### General

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA").

National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR 300 ("NCP").

#### Remedial Design/Remedial Action

Superfund Remedial Design and Remedial Action Guidance. U.S. Environmental Protection Agency, OSWER Director 9355.0-4a. June 1986.

Handbook: Remedial Action at Waste Disposal Sites (Revised), U.S. Environmental Protection Agency, EPA/625/6-85-006.

Guide for Minimizing the Adverse Effects of Cleanup of Uncontrolled Hazardous Waste Sites. U.S. Environmental Protection Agency, EPA-600/8-85/008, June 1985.

Technical Guidance Document: Construction Quality Assurance for Hazardous Wastes Land Disposal Facilities. U.S. Environmental Protection Agency, OSWER Directive 9472.00-3, October 1986.

CERCLA Compliance with Other Laws Manual, Draft Guidance. U.S. Environmental Protection Agency, OSWER Directive 9234.1-01, August 8, 1988.

CERCLA Compliance with Other Laws Manual: Part II. Clean Air Act and Other Environmental Statutes and State Requirements. U.S. Environmental Protection Agency, OSWER Directive 9234.1-02, August 1989.

#### Health and Safety

Occupational Safety and Health Act.

Safety and Health Standards for General Industry, 29 CFR 1910.  
Health and Safety (continued)

Safety and Health Standards for Construction, 29 CFR 1926.

Department of Health and Human Services. NIOSH/OSHA/USCG/EPA Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities. DHHS Publication No. 85-115. October 1985.

TABLE 1

SOW DELIVERABLES AND TIME FRAMES FOR SUBMITTAL  
IDAHO POLE COMPANY SITE

<u>DELIVERABLE</u>	<u>DUE DATE</u>
<u>Remedial Design Planning Documents</u>	
Draft RD Work Plan	30 days from EPA's issuance of the Order
Draft Sampling and Analysis Plan ("SAP")	30 days from EPA's issuance of the Order
Draft Quality Assurance Project Plan for Remedial Design ("QAPP")	30 days from EPA's issuance of the Order
Draft Additional Studies Work Plan	30 days from EPA's issuance of the Order
Draft Health and Safety Plan ("HSP")	30 days from EPA's issuance of the Order
Final RD Work Plan, SAP, QAPP, Additional Studies Work Plan, and HSP	30 days after Respondents receive EPA's comments on the drafts
Additional Studies and Design Basis Report	As required by the schedules included in the EPA-approved RD Work Plan, and Additional Studies Work Plan
<u>Remedial Design Reports</u>	
Preliminary Design Report	60 days after EPA approval of the Additional Studies and Design Basis Report

Prefinal Design Report	90 days after EPA approval of the Preliminary Design Report
Final Design Report	30 days after EPA approval of the Prefinal Design Report

Remedial Action Support Plans

Draft Construction Quality Assurance Plan ("CQAP")	Concurrent with Prefinal Design Report
Draft Ground Water and Residential Well Monitoring Plan	Concurrent with Prefinal Design Report
Draft RAO Plan	Concurrent with Prefinal Design Report
Final CQAP and Ground Water and Residential Well Monitoring Plan	30 days after EPA approval of Final Design Report
Final RAO Plan	30 days after EPA approval of Final Design Report
Draft O&M Updates	Submitted concurrent with the submission of the written reports requesting certification of completion of each portion of the Remedial Action under this SOW
Final O&M Updates	30 days after Respondents receive EPA's comments on the drafts

Remedial Action Requirements

Final Update of Remedial Design Planning Documents (for conversion to RA Work Plan upon approval)	30 days after EPA approval of Final Design Report
Preconstruction Conference	At least 10 days prior to start of construction on the project
Remedial Action Construction	During all construction

Oversight

activities

Pre-certification Inspection

Within 90 days of completion of construction of the ground water portion of the remedy, and within 90 days of completion of the soils and sediments portion of the Remedial Action

Certification Inspection

Within 90 days of completion of each portion of the Remedial Action

Project Closeout Reporting

Periodic Review Reports

Concurrent with EPA Periodic Reviews, no less often than each five years from the date of initiation of the Remedial Action, as specified by EPA.

Regular Reporting

Monthly Progress Reports

By the 10th of the month for the previous reporting period until all portions of the Remedial Design and Remedial Action are complete.

O&M Monitoring

Quarterly, on or before the tenth day following the conclusion of the reporting period for the duration of Remedial Action.