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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

cys: Rod
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APR 15 1988

Mr. Rod Nelson
Project Manager
Weldon Spring Site
Remedial Action Project Office
Route 2, Highway 94 South
St. Charles, Missouri 63303

Dear Mr. Nelson:

We have reviewed your recent letter proposing to carry out the action to remove the contaminated material from the Quarry and transport it to the Weldon Spring Chemical Plant area as a removal action. We believe this action should be carried out under the remedial response authority of Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).

As pointed out in your recent letter, some of the criteria in the National Contingency Plan (NCP) for determining the appropriateness of a removal action are relevant to the proposed action. However, definitions provided in the NCP and in Section 101 of CERCLA do not draw an absolute line between removal and remedial actions. The purpose of making such a classification is to make a division between relatively straight-forward, short-term response actions to releases or threatened releases and more complex, generally long-term actions taken to mitigate existing harm and prevent, to the maximum extent practical, future harm from a site.

In view of the complexity, magnitude and duration of this proposed action and its potential implications for overall remedial action, we believe that it would be more appropriately handled as a remedial action. Section 300.68(c) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) provides for taking remedial actions involving source control or management of migration prior to selection of the final remedial measure if such measures are cost-effective and consistent with a permanent remedy. Based on our understanding of your proposal,

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it would appear that it could be carried out as an operable unit remedial action. The concept of an operable unit response action has been included in the most recent draft of the NCP circulated for review within the Environmental Protection Agency (EPA) as a non-final interim action.

Sincerely yours,

Katherine Biggs

B. Kathrine Biggs
Chief, Environmental Review Branch

Enclosures

cc: David Bedan, MDNR
bcc: Katie Biggs, MDNR
Dan Shiel, CNSL