

**PROPOSED PLAN FOR AMENDMENT OF THE  
OPERABLE UNIT 1 RECORD OF DECISION**

**U.S. DEPARTMENT OF ENERGY  
MOUND CLOSURE PROJECT**

PUBLIC REVIEW DRAFT

**JUNE 2011**

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1 **Acronyms**

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3	ARAR	Applicable or Relevant and Appropriate Requirement
4	BVA	Buried Valley Aquifer
5	CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
6	COPCs	Contaminants of Potential Concern
7	DOE	Department of Energy
8	ER	Environmental Restoration
9	FFA	Federal Facilities Agreement
10	HI	Hazard Index
11	IC	Institutional Control
12	MMCIC	Miamisburg Mound Community Improvement Corporation
13	NCP	National Oil & Hazardous Substances Pollution Contingency Plan
14	NPL	National Priorities List
15	ODH	Ohio Department of Health
16	OEPA	Ohio Environmental Protection Agency
17	ORC	Ohio Revised Code
18	OU	Operable Unit
19	PRAP	Proposed Response Action Plan
20	ROD	Record of Decision
21	RRE	Residual Risk Evaluation
22	SARA	Superfund Amendments and Reauthorization Act
23	SVE	Soil Vapor Extraction
24	VOC	Volatile Organic Compounds
25	USEPA	United States Environmental Protection Agency

1 **References**

- 2
- 3 *Parcel 9 Residual Risk Evaluation, Public Review Draft, June 2011*
- 4
- 5 *Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 120,*  
6 *Federal Facility Agreement, July 1993*
- 7
- 8 *Work Plan for Environmental Restoration of the DOE Mound Site, The Mound 2000 Approach, Final,*  
9 *Revision 0, February 1999*
- 10
- 11 *Operable Unit 1 Record of Decision, 1995*

1 **PROPOSED PLAN FOR AMENDMENT TO THE OPERABLE UNIT 1 RECORD OF DECISION**

2 **SITE NAME AND LOCATION**

3 U.S. Department of Energy  
4 Mound Closure Project, Operable Unit 1  
5 Montgomery County, Ohio  
6 Miamisburg, OH

7 **STATEMENT OF BASIS AND PURPOSE**

8 This decision document amends the selected remedial action for the Mound Closure Project – Operable  
9 Unit (OU) - 1 in accordance with Section 117(c) of the Comprehensive Environmental Response,  
10 Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of  
11 1986 (SARA) (hereinafter jointly referred to as CERCLA), 42 USC §9617(c), and 40 CFR  
12 §300.435(c)(2)(ii). This Amendment has been prepared to amend the selected remedy identified in the  
13 June 1995 Operable Unit 1 Record of Decision (ROD).

14 This amendment to the Record of Decision (ROD Amendment) follows “A Guide to Preparing Superfund  
15 Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents” (USEPA, *July*  
16 *1999*). The ROD Amendment documents the geographic area expansion of OU-1 within Parcel 9 and the  
17 institutional controls in the form of an environmental covenant to be implemented at OU-1 in accordance  
18 with Ohio Revised Code (ORC) §§ 5301.80 to 5301.92 . This amendment has been prepared to amend  
19 the selected remedy identified in the June 1995 OU-1 ROD. The 1995 ROD remains in effect with the  
20 amendments described in this document. The ROD Amendment will be incorporated into the Mound  
21 Closure Project Administrative Record which is available at 955 Mound Road, Miamisburg, OH 45342.

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1 **ASSESSMENT OF THE SITE**

2 Actual or threatened releases of hazardous substances from this operable unit, if not addressed by  
3 implementing the response action selected in the Operable Unit 1 ROD and this ROD Amendment, may  
4 present an imminent and substantial endangerment to the public health, welfare, and/or the environment.

5 **DESCRIPTION OF THE OPERABLE UNIT 1 ROD REMEDY**

6 In 1989, the Mound site was placed on the USEPA's National Priorities List (NPL) as a result of the  
7 volatile organic compounds (VOCs) in groundwater beneath the OU-1 landfill area. Pursuant to this NPL  
8 designation, a Federal Facilities Agreement (FFA) was executed between the U.S. Department of Energy  
9 (DOE) and the U.S. Environmental Protection Agency (USEPA) in October 1990. The Ohio  
10 Environmental Protection Agency (Ohio EPA) became a party to this agreement in 1993. Subsequent to  
11 the signing of this agreement, a CERCLA Record of Decision (ROD) for OU-1 was signed in June 1995.  
12 The 1995 ROD selected a groundwater pump and treat system to collect, treat and dispose of groundwater  
13 contaminated with VOCs which represented the principal risk concern. The Operable Unit 1 remedy  
14 described in the 1995 ROD is the collection and treatment of contaminated groundwater and disposal of  
15 treated water. The major components of the selected remedy include:

- 16 1. Installing two groundwater extraction wells within OU-1, using standard equipment and  
17 procedures.
- 18 2. Treating the extracted groundwater to remove VOCs and other constituents, as required, using  
19 cascade aeration, ultraviolet (UV) oxidation, conventional air stripping, or other suitable  
20 treatment units.
- 21 3. Discharging the treated groundwater to the Great Miami River through the existing plant National  
22 Pollutant Discharge Elimination System (NPDES) outfall or a new outfall.

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1 The remedy addressed the principal threats posed by Operable Unit 1 by controlling groundwater  
2 contamination (dilute VOCs), preventing migration of contamination toward the Mound Plant production  
3 wells and minimizing exposure to potential receptors. The pathways of concern consist of leaching of  
4 contaminants from OU-1 soils or disposed waste; entrainment in the groundwater flow; and withdrawal  
5 by the Mound Plant production wells or by other, future wells.

6 **EXPLANATION OF AMENDMENT**

7 The contents of this ROD Amendment include:

- 8 1. Documenting the geographic expansion of land area to be included in this ROD Amendment.  
9 2. Identifying Institutional Controls to be implemented for OU-1 in an environmental covenant in  
10 accordance with ORC §§ 5301.80 to 5301.92 .

11 **STATUTORY DETERMINATIONS**

12 This ROD Amendment is protective of human health and the environment, complies with federal and  
13 state requirements that are legally applicable or relevant and appropriate to the remedial action, and is  
14 cost effective. This remedy amendment documents the use of a permanent solution to the maximum  
15 extent practicable and the statutory preference for a remedy that reduces contaminant volume.

16 In accordance with CERCLA 121(c) and the Federal Facilities Agreement among the USEPA, DOE, and  
17 Ohio EPA, USEPA will review this remedial action, from a site-wide perspective, no less often than each  
18 five years after the implementation of final remedial actions to assure that human health and the  
19 environment are being protected by the remedial actions.

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United States Department of Energy

\_\_\_\_\_ Date

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2 Director  
3 Superfund Division  
4 United States Environmental Protection Agency

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9 Scott Nally  
10 Director  
11 Ohio Environmental Protection Agency

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**1.0 INTRODUCTION**

Site Name: Mound Closure Project, Operable Unit 1  
Site Location: Montgomery County  
Lead Agency: U.S. Environmental Protection Agency, Region 5 (USEPA)  
Support Agency: Ohio Environmental Protection Agency (Ohio EPA)

**1.1 BACKGROUND**

A Record of Decision (ROD) for the Mound Closure Project, Operable Unit (OU) 1 was signed by the U.S. Department of Energy (DOE) on June 2, 1995 and on June 12, 1995 by the U.S. Environmental Protection Agency (USEPA). The Ohio Environmental Protection Agency (Ohio EPA) concurred with the remedy described in the ROD on May 22, 1995. This ROD Amendment documents the geographic area expansion of OU-1 within Parcel 9, and the institutional controls (IC) to be implemented at OU-1 in an environmental covenant in accordance with ORC §§ 5301.80 to 5301.92. All other components of the 1995 ROD remain unchanged and in effect. The Amendment is issued in accordance with Section 117 (c) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) (herein jointly referred to as CERCLA), 42 USC §9617(c), and 40 CFR§300.435(c)(2)(ii).

This ROD Amendment will describe the activities conducted at OU-1 since the signing of the ROD in 1995, and document the implementation of new ICs and the geographic expansion of the area. This ROD Amendment will be incorporated into the Mound Closure Project Administrative Record which is available at 955 Mound Road, Miamisburg, OH 45342.

**2.0 SITE HISTORY, CONTAMINATION AND SELECTED REMEDY**

The Mound site is located in Miamisburg, Ohio, approximately 10 miles southwest of Dayton. Construction of the Mound facility began in 1946 and served to support the early atomic weapons programs. The site later grew into an integrated research, development, and production facility

1 performing work in support of DOE weapons and energy programs, with an emphasis on explosives and  
2 nuclear technology.

3 The plant which was operational from 1948 to 1995 was originally situated on 182 acres. In 1981, DOE  
4 purchased an additional 124 acres south of the original property; however, the property remained  
5 undeveloped.

6 In 1984, the Environmental Restoration (ER) Program at the Mound site was established to collect and  
7 assess environmental data in order to evaluate both the nature and extent of radiological and chemical  
8 contamination from facility operations. The ER Program also identified potential exposure pathways and  
9 potential human and environmental receptors (i.e., develop a conceptual site model).

10 The Mound site was placed on the National Priorities List (NPL) in November 1989 because of chemical  
11 contamination present in the site's groundwater and proximity to a sole source aquifer.

12 A Federal Facilities Agreement (FFA) between DOE and USEPA was signed in October 1990. In July  
13 1993, the FFA became a tripartite agreement through the addition of Ohio EPA.

14 In June 1995, DOE finalized the Operable Unit 1 Record of Decision (DOE 1995) to address  
15 contaminated groundwater in this discrete portion of the Mound site. The OU-1 landfill area occupies  
16 four acres of land in the southwestern portion of the original Mound Plant property. The OU-1 area  
17 includes the "historic landfill" that was used to dispose of general trash and liquid wastes from 1948 to  
18 1974. During the mid-1950s, potentially contaminated Dayton Unit salvage materials consisting of steel  
19 and metal debris, polonium (Po)-210 contaminated sand from research and production activities, and  
20 approximately 2,500 empty, crushed drums (55 gallon) that had been used to store thorium wastes were  
21 buried in the southwest corner of OU-1. An overflow pond was constructed in the OU-1 area during 1977  
22 and 1978 that partially covered the historic landfill. The portion of the historic landfill wastes excavated  
23 during the construction of the pond, principally trenches that had been used to dispose of non-hazardous

1 wastes, was relocated and encapsulated in a sanitary landfill over the top of a portion of the historic  
2 landfill area. No site wastes were disposed of in OU-1 after 1974. OU-1 also originally included the  
3 three plant production wells that were located along the southern plant boundary. Detailed and historical  
4 information on OU-1 is provided in the ROD document signed in 1995.

5 The goal of the remedy in the 1995 ROD was to control and reduce (to drinking water standards) the  
6 contaminant concentrations in groundwater beneath OU-1 and prevent contaminant movement into the  
7 Buried Valley Aquifer (BVA) which serves as a drinking water source for some area residents. The  
8 agencies determined the soils within the OU-1 area would not pose an unacceptable risk to a future  
9 outdoor industrial worker with appropriate institutional controls in place. At the time the ROD was  
10 signed, excavation and treatment of the residual subsurface contaminants within the OU-1 area was not  
11 considered practicable given the diffuse nature of contamination and lack of any identifiable  
12 contamination "hot spots." Lastly, the ROD required a CERCLA five-year review of the remedy as long  
13 as contaminants above health-based levels remained within the OU-1 area.

14 Beginning in late 1995, DOE, USEPA and Ohio EPA began to develop an approach to making decisions  
15 about the environmental restoration of the Mound site and its facilities. This approach is known as the  
16 Mound 2000 process (agreement signed in 1998) and meets the requirements of CERCLA Section  
17 120(h)-*Property Transfer of Federal Agencies*. The Mound 2000 process is used to address the  
18 environmental issues associated with the restoration of the site, completion of work at the site, and  
19 deletion of the site from the NPL. As a result, the site is in the process of being transferred and converted  
20 into an industrial/commercial site.

21 A groundwater pump and treat system was installed in 1996 following the signing of the ROD. Shortly  
22 thereafter, DOE installed a soil vapor extraction (SVE) system to treat residual VOCs in soils and  
23 accelerate remediation of the site. Based on the results of the first CERCLA five-year review completed  
24 in 2001, which found a continuing decline in the VOC concentrations within the OU-1 compliance

1 boundary, the agencies concluded the OU-1 remedy was functioning as intended and designed, and was  
2 protective of human health and the environment.

3 In 2005, data collected during the installation of drainage features and wells in support of the OU-1  
4 remedy resulted in the need to perform a removal action located within the footprint of the OU-1 landfill  
5 area. During the summer of 2005, a significant portion of the crushed thorium drums, known as potential  
6 release site (PRS) -11, was removed within the southwest corner of the OU-1 landfill area. This removal  
7 action was conducted under the CERCLA process at the Mound site to address Thorium (Th) -232  
8 contamination found. The removal action resulted in the excavation of approximately 14,978 cubic yards  
9 (cy) of radioactively contaminated soil. The excavated area was subsequently backfilled with clean soil.  
10 The contaminated soil was transported via railcars for disposal at a low-level radioactive waste facility  
11 located in Clive, Utah.

12 Although the CERCLA five-year reviews conducted in 2001 and 2006, found the OU-1 remedy to be  
13 functioning as intended and designed, and was protective of human health and the environment, the  
14 Miamisburg Mound Community Improvement Corporation (MMCIC), the entity responsible for the  
15 development and management of the Mound property as part of a 1998 sales agreement, and the City of  
16 Miamisburg remained concerned over the potential impact of the OU-1 landfill area on the plan to expand  
17 an adjacent road and future plans to construct a building in the OU-1 area. In response to these  
18 community concerns, Congress directed the DOE to take additional remedial actions at OU-1 and  
19 appropriated \$30,000,000.00 to execute this work. The DOE and MMCIC worked collaboratively to  
20 develop and evaluate response options, and the DOE issued a Proposed Response Action Plan (PRAP) for  
21 public comment in April 2006. Other than minor editorial recommendations submitted by MMCIC, no  
22 formal comments on the PRAP were received during the April 20, 2006 to May 18, 2006 public comment  
23 period.

1 Consistent with Congressional direction regarding further cleanup of OU-1, the primary response  
2 objective was to remove as much of the remaining waste and debris as possible given the \$30,000,000.00  
3 made available to conduct this work. Because of the uncertainties that existed with respect to the volumes  
4 and types of waste materials present, the actual cost to exhume and properly dispose of the wastes could  
5 not be fully ascertained at the time. Therefore, in recognition of the uncertainty with how much of these  
6 wastes will ultimately be removed from the site, the DOE in coordination with MMCIC established the  
7 following waste removal priorities: 1) thorium drum (PRS-11) area; 2) VOC hot spot area; 3) historic  
8 landfill area; 4) Dayton unit trench; and 5) site sanitary landfill.

9 In 2007 and 2008, approximately 65,000 cy of wastes associated with the PRS-11 area, VOC hot spot  
10 area, historic landfill area and the Dayton unit trench were excavated and transported by rail to a low-  
11 level radioactive waste disposal facility in Clive, Utah. In June 2007, two extraction wells associated  
12 with the groundwater pump and treat system were abandoned due to their location in the excavation  
13 footprint of the OU-1 landfill area. Two new extraction wells outside the OU-1 excavation footprint were  
14 installed in July 2007 as replacements for the abandoned wells. The pump and treat system continued to  
15 operate during the excavation activities in OU-1 with the exception of when the two new extraction wells  
16 were installed.

17 In 2009 and 2010, additional excavation occurred in the OU-1 historic landfill area. Approximately  
18 34,500 cy of this waste were transported by rail and disposed at the Clive, Utah facility. The remaining  
19 soils in the OU-1 area meet the site's cleanup objective criteria for future industrial/commercial use.

### 20 **3.0 BASIS FOR AMENDING THE 1995 ROD**

21 Since 1995 there have been changes to the OU-1 landfill area resulting from excavation activities and  
22 waste removals conducted in 2005, 2007-2008, and 2009-2010. The Mound site is now divided into  
23 parcels which are designated for eventual land transfer for future industrial/commercial use. The OU-1  
24 area (for the purpose of this action) is now included in Parcel 9. Parcel 9 also includes the former OU-1

1 pond area, OU-1 spoils area, the former production well area, the haul road from the OU-1 area and the  
2 site's former rail loadout area. Parcel 9 is shown on the Figure in Attachment A.1. The OU-1 landfill area  
3 which was the basis for the original ROD, covered only a portion of land which is now Parcel 9. A  
4 Residual Risk Evaluation (RRE) was performed on Parcel 9 to determine acceptability for  
5 commercial/industrial use before land transfer occurs. Parcel 9 Contaminants of Potential Concern  
6 (COPCs) were revised to reflect the additional land area and updated information from OU-1. Exposure to  
7 groundwater in the RRE was not assessed because of ICs implemented for OU-1 that prohibit the use of  
8 groundwater from the site.

9 Controls implemented with the 1995 OU-1 ROD continued in effect during the excavations. These initial  
10 controls were designed to control land use. Such controls included access restrictions and fencing around  
11 the site to minimize contact with soils. The purpose of this ROD Amendment is to describe new ICs to be  
12 implemented in an environmental covenant in accordance with ORC §§ 5301.80 to 5301.92 . The final  
13 ROD Amendment will also contain a copy of the environmental covenant, which includes the deed  
14 restrictions for Parcel 9 and the CERCLA 120(h) Summary Notice of Hazardous Substances for Parcel 9.

#### 15 **4.0 DESCRIPTION OF ROD AMENDMENT**

16 This ROD Amendment includes information:

- 17 1. Documenting the geographic expansion of land area to be included in this ROD Amendment.
- 18 2. Documenting new ICs for the OU-1 area to be implemented in an environmental covenant in  
19 accordance with ORC §§ 5301.80 to 5301.92.

#### 20 **4.1 Documenting the Expansion of the Affected Land Area**

21 The Mound site is now divided into parcels which are designated for eventual land transfer for future  
22 industrial/commercial use. Geographically, the OU-1 landfill area falls within Parcel 9 as shown on the  
23 Figure in Attachment A.1. Through this ROD Amendment, the area to be covered is expanded to include

1 all of Parcel 9. Parcel 9 also includes the former OU-1 pond area, OU-1 spoils area, the former  
2 production well area, the haul road from the OU-1 area and the site's former rail load out area. Because  
3 this action effectively matches the OU-1 geographical boundary to all the Parcel 9 boundary, OU-1 and  
4 Parcel 9 references are synonymous for the purpose of this document.

5 A RRE is performed on each parcel to determine acceptability for commercial/industrial use before land  
6 transfer occurs. The RRE for Parcel 9 includes COPCs that reflect the additional land area and updated  
7 information from OU-1. Exposure to the groundwater pathway was not assessed because of the ICs  
8 implemented in Parcel 9 prohibiting the use of groundwater from the site.

9 The RRE for Parcel 9 is based on industrial (construction) and site worker, baseline exposure pathways  
10 and exposure scenarios assessed for the rest of Mound site. Because the scope of the RRE was limited to  
11 industrial/commercial use, the soils within Parcel 9 have not been evaluated for unrestricted release (e.g.,  
12 residential use). Disposition of Parcel 9 soils without proper handling, sampling, and management could  
13 create an unacceptable risk to human health and the environment.

14 The anticipated future use of Parcel 9 is industrial; therefore, the total, background, and incremental risks  
15 are calculated in the RRE for current exposure scenarios for a construction worker and site worker  
16 working within the Parcel 9 boundary. These risks have been compared to the National Oil & Hazardous  
17 Substances Pollution Contingency Plan (NCP) (USEPA 1990) acceptable risk range of  $1 \times 10^{-4}$  to  $1 \times 10^{-6}$   
18 for carcinogenic risk (corresponding to an increased cancer risk of 1 in 10,000 to 1 in 1 million) as well as  
19 the Ohio EPA's target risk of  $1 \times 10^{-5}$  (OEPA 2005). Non-carcinogenic hazards were also compared to  
20 the USEPA and the Ohio EPA target hazard goal of 1.0 (USEPA 1990; OEPA 2009). Total risk for both  
21 the construction worker and site worker scenarios slightly exceed the Ohio EPA target risk goal,  
22 supporting the use and enforcement of the institutional controls (ICs) as part of the final remedy.

1 For the Construction Worker scenario in Parcel 9, the calculated incremental risk and total residual risk  
2 are both  $1.3 \times 10^{-5}$ . The calculated Hazard Index (HI) is 0.49 for the Construction Worker scenario. For  
3 the Site Worker scenario, the calculated incremental risk is  $1.6 \times 10^{-5}$  and the total residual risk is  
4  $1.7 \times 10^{-5}$ . The calculated HI for the Site Employee scenario is 0.039.

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6 Because the scope of the RRE was limited to industrial/commercial use, the soils within Parcel 9 have not  
7 been evaluated for unrestricted release (e.g., residential use). Disposition of Parcel 9 soils without proper  
8 handling, sampling, and management could create an unacceptable risk to human health and the  
9 environment.

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#### 11 **4.2 Documenting New Institutional Controls with the Remedy**

12 Controls described in the 1995 OU-1 ROD continued in effect during the excavations. These controls  
13 included fencing around the site/OU-1 Landfill Area and access controls to minimize contact with soils.  
14 At the time the 1995 ROD was written, there was not much guidance on what specific restrictions should  
15 be required or how deed restrictions should be implemented at Superfund sites. Since 1995, many  
16 Superfund sites have relied on deed restrictions as part of the final remedy. This ROD Amendment  
17 contains language to be included in an environmental covenant for Parcel 9 that meets the requirements of  
18 ORC §§ 5301.80 to 5301.92 and the CERCLA 120(h) Summary Notice of Hazardous Substances for  
19 Parcel 9

20 The ICs in the environmental covenant will include the following:

- 21 • Prohibit the removal of soil from the original 306 acres DOE Mound Site Property boundaries,  
22 unless prior written approval from Ohio EPA and Ohio Department of Health (ODH) has been  
23 obtained.



1 The first two evaluation criteria – overall protection of human health and the environment and compliance  
2 with ARARs – are considered threshold criteria that must be attained by the selected remedial action.

3 The next five criteria include short-term protectiveness, long-term effectiveness and permanence,  
4 reduction of toxicity, mobility, or volume through treatment, implementability and cost.

5 These criteria are considered primary balancing criteria, which are looked at collectively to arrive at the  
6 best overall solution that offers the best balance of tradeoffs among the criteria.

7 The final two criteria, state and community acceptance, are evaluated following receipt of comments, if  
8 any, during the formal public comment period. Table 1 provides a summary of the comparative  
9 evaluations for the amendment using the nine CERCLA National Contingency Plan criteria as the guiding  
10 framework.

Table 1. CERCLA Nine Criteria Summaries for the ROD Amendment Change

National Contingency Plan Criteria and Original Mound Operable Unit 1 Decision	New Institutional Controls Implemented Since 1995 ROD Signing
<p><i>1. Overall protection of human health and the environment.</i></p> <p>The selected remedy in OU-1 was considered health protective by controlling groundwater contamination.</p>	<p>The additional institutional controls implemented since the signing of the original ROD in 1995 provided additional protection of human health and the environment.</p>
<p><i>2. Compliance with Applicable or Relevant and Appropriate Requirements (ARARs).</i></p> <p>The OU-1 remedy achieved compliance with all ARARs.</p>	<p>The additional institutional controls do not impact compliance with ARARs.</p>
<p><i>3. Long-Term Effectiveness and Permanence.</i></p> <p>The OU-1 remedy reduced the residual risks associated with contaminated groundwater by preventing migration of contamination toward Mound Plant production wells and minimized exposure to potential receptors.</p>	<p>The additional institutional controls are long-term, permanent controls included in an environmental covenant in accordance with ORC §§ 5301.80 to 5301.92 and the CERCLA 120(h) Summary Notice of Hazardous Substances for Parcel 9.</p>
<p><i>4. Reduction of Contaminant Toxicity, Mobility or Volume Through Treatment.</i></p> <p>The Operable Unit 1 ROD remedy employs treatment as a principal element to further reduce contaminant toxicity, mobility, or volume. The statutory preference for treatment was considered adequately satisfied by the selected actions considering the waste types, contaminant types, and disposal options.</p>	<p>The additional institutional controls implemented continue to support the remedy by ensuring the public does not come in contact with the OU-1 soil or groundwater.</p>
<p><i>5. Short-Term Effectiveness.</i></p> <p>The selected remedy in the OU-1 ROD considered the short-term risks associated with remedy</p>	<p>The additional institutional controls implemented do not increase any short-term risks associated with the remedy.</p>

National Contingency Plan Criteria and Original Mound Operable Unit 1 Decision	New Institutional Controls Implemented Since 1995 ROD Signing
implementation during the original analyses.	
<p><i>6. Implementability.</i></p> <p>The selected remedy in the OU-1 ROD was considered implementable at the time of the original decision. More than 10 years of history has been gained for the remedy to prove its overall implementability and effectiveness.</p>	<p>The additional institutional controls implemented have been used on other parcels at the site effectively.</p>
<p><i>7. Cost.</i></p> <p>The original OU-1 ROD remedy was found to have costs that were proportionate to the effectiveness achieved.</p>	<p>The additional institutional controls implemented at the site have costs that were proportionate to the effectiveness achieved.</p>
<p><i>8. State Acceptance.</i></p> <p>The Ohio EPA had an opportunity to review and participate in the original OU 1 ROD decision and concurred with the original remedy that was selected.</p>	<p>The Ohio EPA had an opportunity to review and participate in the institutional control implementation process and concurred with the controls established.</p>
<p><i>9. Community Acceptance.</i></p> <p>As prescribed under CERCLA, the original OU-1 ROD provided formal opportunities for gaining community acceptance. Community concerns were addressed in the formal Responsiveness Summaries attached to the ROD.</p>	<p>As prescribed under CERCLA, the institutional controls implemented were provided for public review through the formal Proposed Plan process.</p>

1    **ARARs Identified for the Remedy** – The changes documented in this ROD Amendment meet all  
2    applicable or relevant and appropriate requirements (ARARs) as identified in the Operable Unit 1 ROD  
3    and federal and state statutes pursuant to CERCLA Section 121 (d)(1), except where waivers of federal or  
4    state law are necessary. The amended changes identified in this ROD Amendment will not require  
5    waivers of federal or state statutes. Implementation of the changes will meet the ARARs as described in  
6    the original Operable Unit 1 ROD and is not affected by new ARARs.

7    **Summary of Support Agency Comments on the ROD Amendment** –The Director of Ohio EPA will  
8    be provided with the ROD Amendment for review and signature.

9    **Statutory Determinations** – In accordance with Section 121 of CERCLA, 42 U.S.C. § 9621, the  
10   modified amendment will satisfy statutory requirements, listed as follows:

- 11       • Protection of human health and the environment;
- 12       • Compliance with ARARs;
- 13       • Cost Effectiveness; and
- 14       • Utilizes permanent solutions to the maximum extent practicable.

15   The first five-year review for OU-1 was issued in 2001. The second five-year review for OU-1 was  
16   issued in 2006. The next five-year review for OU-1 will be conducted in 2011.

17   **Public Participation Compliance** – In compliance with Section 117 of CERCLA and NCP Section  
18   300.435(c)(2)(ii), this Proposed Plan highlighting the modified remedy will be published, with a notice  
19   issued indicating that a public meeting will be held on July 13 to explain the Proposed Plan and receive  
20   comments. The public comment period will begin on July 1 and close on July 31, 2011. Members of the  
21   public can attend the public meeting and will be involved in discussions of the changes identified in this  
22   Proposed Plan. Comments received from the public will be included in the responsiveness summary that  
23   will be part of the ROD Amendment documentation.

1 Figure of Parcel 9

