

Received 10-02-17



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

Mrs. Kristin DuFresne  
2984 Shawano Avenue  
Green Bay, WI 54313-6727

Re: Notice of Planned Negotiations with Potential Responsible Party for remedial design of the response actions at Marinette MGP Site and Opportunity to Participate in the Negotiations

Dear Kristin:

The U.S. Environmental Protection Agency (EPA) is providing notice of negotiations to be conducted with the potential responsible party (PRP) at the Marinette MGP Superfund Alternative Site in Marinette, Wisconsin as provided by the Comprehensive Environmental, Response and Compensation Act, as amended, Section 122(j)(1), 42 U.S.C. 9622 (j)(1). The negotiations are intended to implement the remedial action selected in a Record of Decision to be issued by EPA in September 2017.

Attached is a Statement of Work (SOW) which provides further information regarding the Work sought from the PRP in the negotiations. Please provide me with any comments that you have regarding the SOW within 30 days of the date of this letter. This will allow EPA sufficient time to discuss your comments with you and proceed with the negotiations.

Please notify Peter Felitti, Associate Regional Counsel, if you desire to participate in the negotiations or if you may wish to be a party to any settlement agreement by October 27, 2017.

You may contact me at [Gielniewski.margaret@epa.gov](mailto:Gielniewski.margaret@epa.gov) or 312/ 886-6244. Peter Felitti can be contacted at [felitti.peter@epa.gov](mailto:felitti.peter@epa.gov) or 312/ 886-5114.

Sincerely,

A handwritten signature in cursive script that reads "Margaret Gielniewski".

Margaret Gielniewski

Cc: Peter Felitti, C-14J  
Bill Fitzpatrick  
Xiaochun Zhang

**REMEDIAL DESIGN**

**STATEMENT OF WORK**

**WISCONSIN PUBLIC SERVICE CORPORATION MARINETTE FORMER  
MANUFACTURED GAS PLANT SUPERFUND ALTERNATIVE SITE**

**City of Marinette, Marinette County, State of Wisconsin**

**EPA Region 5**

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## 1. INTRODUCTION

**1.1 Purpose of the SOW.** This Statement of Work (SOW) sets forth the procedures and requirements for implementing the Work.

### 1.2 Structure of the SOW

- Section 2 (Community Involvement) sets forth EPA's and Settling Defendants' (SD') responsibilities for community involvement.
- Section 3 (Remedial Design) sets forth the process for developing the RD, which includes the submission of specified primary deliverables.
- Section 4 (Reporting) sets forth SD' reporting obligations.
- Section 5 (Deliverables) describes the content of the supporting deliverables and the general requirements regarding SD' submission of, and EPA's review of, approval of, comment on, and/or modification of, the deliverables.
- Section 6 (Schedules) sets forth the schedule for submitting the primary deliverables, specifies the supporting deliverables that must accompany each primary deliverable, and sets forth the schedule of milestones regarding the completion of the RA.
- Section 7 (State Participation) addresses State participation.
- Section 8 (References) provides a list of references, including URLs.

**1.3 The Scope of the Remedy** includes the design of the actions described in Section K.2 of the ROD, including:

- Remove accessible MGP source material from Boom Landing and WWTP Zones, which are the primary contributors to of the dissolved-phase plume;
- Installation of horizontal engineered barriers over surficial soil exceeding PRGs;
- Address the dissolved-phase groundwater plume through application of *in situ* treatment reagents in the excavation and injection wells combined with monitoring;
- Monitor the existing RCM and sediment that remained after the NTCRA to ensure at least six inches of clean sand remain over those areas with MGP-residuals remaining, and that the 0-6inch zone remains below remedial action levels (RALs); and
- Implement institutional controls to manage remaining potential soil, groundwater, soil gas, and sediment risks.

**1.4** The terms used in this SOW that are defined in CERCLA, in regulations promulgated under CERCLA, or in the Settlement Agreement (SA), have the meanings assigned to them in CERCLA, in such regulations, or in the SA, except that the term "Paragraph" or "¶" means a paragraph of the SOW, and the term "Section" means a section of the SOW, unless otherwise stated.

## 2. COMMUNITY INVOLVEMENT

### 2.1 Community Involvement Responsibilities

- (a) EPA has the lead responsibility for developing and implementing community involvement activities at the Site. Previously during the RI/FS phase, EPA developed a Community Involvement Plan (CIP) for the Site. Pursuant to 40 C.F.R. § 300.435(c), EPA shall review the existing CIP and determine whether it should be revised to describe further public involvement activities during the Work that are not already addressed or provided for in the existing CIP.
- (b) If requested by EPA, SD shall participate in community involvement activities, including participation in (1) the preparation of information regarding the Work for dissemination to the public, with consideration given to including mass media and/or Internet notification, and (2) public meetings that may be held or sponsored by EPA to explain activities at or relating to the Site. SD's support of EPA's community involvement activities may include providing online access to initial submissions and updates of deliverables to (1) any Community Advisory Groups, (2) any Technical Assistance Grant recipients and their advisors, and (3) other entities to provide them with a reasonable opportunity for review and comment. EPA may describe in its CIP SD's responsibilities for community involvement activities. All community involvement activities conducted by SD at EPA's request are subject to EPA's oversight. Upon EPA's request, SD shall establish a community information repository at or near the Site to house one copy of the administrative record.
- (c) **SD's CI Coordinator.** If requested by EPA, SD shall, within 15 days, designate and notify EPA of SD's Community Involvement Coordinator (SD' CI Coordinator). SD may hire a contractor for this purpose. SD' notice must include the name, title, and qualifications of the SD's CI Coordinator. SD's CI Coordinator is responsible for providing support regarding EPA's community involvement activities, including coordinating with EPA's CI Coordinator regarding responses to the public's inquiries about the Site.

## 2.2 SD's Responsibilities for Technical Assistance

- (a) If EPA requests, SD shall arrange for a qualified community group to receive the services of a technical advisor(s) who can: (i) help group members understand Site cleanup issues (specifically, to interpret and comment on Site-related documents developed under this SOW); and (ii) share this information with others in the community. The technical advisor(s) will be independent from the SD. SD's TAP assistance will be limited to \$50,000, except as provided in ¶ 2.2(d)(3), and will end when EPA issues the Certification of Work Completion. SD shall implement this requirement under a Technical Assistance Plan (TAP).
- (b) If EPA requests, SD shall cooperate with EPA in soliciting interest from community groups regarding a TAP at the Site. If more than one community group expresses an interest in a TAP, SD shall cooperate with EPA in encouraging the groups to submit a single, joint application for a TAP.

- (c) If EPA requests, SD shall, within 30 days, submit a proposed TAP for EPA approval. The TAP must describe the SD' plans for the qualified community group to receive independent technical assistance. The TAP must include the following elements:
- (1) For SD to arrange for publication of a notice in local media explaining how interested community groups may submit an application for a TAP grant. If EPA has already received a Letter of Intent to apply for a TAP grant from a community group, the notice should explain how other interested groups may also try to combine efforts with the group or submit their own applications, by a reasonable specified deadline;
  - (2) For SD to review the application(s) received and determine the eligibility of the community group(s). The proposed TAP must include eligibility criteria as follows:
    - (i) A community group is eligible if it is: (a) comprised of people who are affected by the release or threatened release at the Site, and (b) able to demonstrate its ability to adequately and responsibly manage TAP-related responsibilities.
    - (ii) A community group is ineligible if it is: (a) a potentially responsible party (PRP) at the Site, represents such a PRP, or receives money or services from a PRP (other than through the TAP); (b) affiliated with a national organization; (c) an academic institution; (d) a political subdivision; (e) a tribal government; or (f) a group established or presently sustained by any of the above ineligible entities; or (g) a group in which any of the above ineligible entities is represented.
  - (3) For SD to notify EPA of its determination on eligibility of the applicant group(s) to ensure that the determination is consistent with the SOW before notifying the group(s).
  - (4) If more than one community group submits a timely application, for SD to review each application and evaluate each application based on the following elements:
    - (i) The extent to which the group is representative of those persons affected by the Site; and
    - (ii) The effectiveness of the group's proposed system for managing TAP-related responsibilities, including its plans for working with its technical advisor and for sharing Site-related information with other members of the community.

- (5) For SD to document its evaluation of, and its selection of, a qualified community group, and to brief EPA regarding their evaluation process and choice. EPA may review SD's evaluation process to determine whether the process satisfactorily follows the criteria in ¶ 2.2(c)(4). TAP assistance may be awarded to only one qualified group at a time;
- (6) For SD to notify all applicant(s) about SD's decision;
- (7) For SD to designate a person (TAP Coordinator) to be their primary contact with the selected community group;
- (8) A description of SD' plans to implement the requirements of ¶ 2.2(d) (Agreement with Selected Community Group); and
- (9) For SD to submit quarterly progress reports regarding the implementation of the TAP.

(d) **Agreement with Selected Community Group**

- (1) SD shall negotiate an agreement with the selected community group that specifies the duties of SD and the community group. The agreement must specify the activities that may be reimbursed under the TAP and the activities that may not be reimbursed under the TAP. The list of allowable activities must be consistent with 40 C.F.R. § 35.4070 (e.g., obtaining the services of an advisor to help the group understand the nature of the environmental and public health hazards at the Site and the various stages of the response action, and communicating Site information to others in the community). The list of non-allowable activities must be consistent with 40 C.F.R. § 35.4075 (e.g., activities related to litigation or political lobbying).
- (2) The agreement must provide that SD's review of the Community Group's recommended choice for Technical Advisor will be limited, consistent with 40 C.F.R. §§ 35.4190 and 35.4195, to criteria such as whether the advisor has relevant knowledge, academic training, and relevant experience as well as the ability to translate technical information into terms the community can understand.
- (3) The agreement must provide that the Community Group is eligible for additional TAP assistance, if it can demonstrate that it has effectively managed its TAP responsibilities to date, and that at least three of the following ten factors are satisfied:
  - (i) EPA expects that more than eight years (beginning with the initiation of the RI/FS) will pass before construction completion will be achieved;



- (ii) EPA requires treatability studies or evaluation of new and innovative technologies;
  - (iii) EPA reopens the ROD;
  - (iv) The public health assessment (or related activities) for the Site indicates the need for further health investigations and/or health-related activities;
  - (v) After SD's selection of the Community Group for the TAP, EPA designates additional operable units at the Site;
  - (vi) EPA issues an Explanation of Significant Differences for the ROD;
  - (vii) After SD's selection of the Community Group, a legislative or regulatory change results in significant new Site information;
  - (viii) Significant public concern about the Site exists, as evidenced, e.g., by relatively large turnout at meetings, the need for multiple meetings, the need for numerous copies of documents to inform community members, etc.;
  - (ix) Any other factor that, in EPA's judgment, indicates that the Site is unusually complex; or
  - (x) A RI/FS costing at least \$2 million was performed at the Site.
- (4) SD are entitled to retain any unobligated TAP funds upon EPA's Certification of Work Completion.
  - (5) SD shall submit a draft of the proposed agreement to EPA for its comments.

### 3. REMEDIAL DESIGN

**3.1 RD Work Plan.** SD shall submit a Remedial Design (RD) Work Plan (RDWP) for EPA approval. The RDWP must include:

- (a) Plans for implementing all RD activities identified in this SOW, in the RDWP, or required by EPA to be conducted to develop the RD;
- (b) A description of the overall management strategy for performing the RD, including a proposal for phasing of design and construction, if applicable;
- (c) A description of the proposed general approach to contracting, construction, operation, maintenance, and monitoring of the Remedial Action (RA) as necessary to implement the Work;

- (d) A description of the responsibility and authority of all organizations and key personnel involved with the development of the RD;
- (e) Descriptions of any areas requiring clarification and/or anticipated problems (e.g., data gaps);
- (f) Description of any proposed pre-design investigation;
- (g) Description of any proposed treatability study;
- (h) Descriptions of any applicable permitting requirements and other regulatory requirements;
- (i) Description of plans for obtaining access in connection with the Work, such as property acquisition, property leases, and/or easements; and
- (j) The following supporting deliverables described in ¶ 5.6 (Supporting Deliverables): Health and Safety Plan; and Emergency Response Plan.

**3.2** SD shall meet regularly with EPA to discuss design issues as necessary, as directed or determined by EPA.

**3.3 Pre-Design Investigation.** The purpose of the Pre-Design Investigation (PDI) is to address data gaps by conducting additional field investigations.

- (a) **PDI Work Plan.** SD shall submit a PDI Work Plan (PDIWP) for EPA approval. The PDIWP must include:
  - (1) An evaluation and summary of existing data and description of data gaps;
  - (2) A sampling plan including media to be sampled, contaminants or parameters for which sampling will be conducted, location (areal extent and depths), and number of samples; and
  - (3) Cross references to quality assurance/quality control (QA/QC) requirements set forth in the Quality Assurance Project Plan (QAPP) as described in ¶ 5.6(d).
- (b) Following the PDI, SD shall submit a PDI Evaluation Report. This report must include:
  - (1) Summary of the investigations performed;
  - (2) Summary of investigation results;
  - (3) Summary of validated data (i.e., tables and graphics);
  - (4) Data validation reports and laboratory data reports;

- (5) Narrative interpretation of data and results;
  - (6) Results of statistical and modeling analyses;
  - (7) Photographs documenting the work conducted; and
  - (8) Conclusions and recommendations for RD, including design parameters and criteria.
- (c) EPA may require SD to supplement the PDI Evaluation Report and/or to perform additional pre-design studies.

### **3.4 Treatability Study**

- (a) SD shall perform a Treatability Study (TS) for the purpose of determining which reducing compounds to place in excavated areas as well as which reducing compounds to inject into the groundwater.
- (b) SD shall submit a TS Work Plan (TSWP) for EPA approval. SD shall prepare the TSWP in accordance with EPA's *Guide for Conducting Treatability Studies under CERCLA, Final* (Oct. 1992), as supplemented for RD by the *Remedial Design/Remedial Action Handbook*, EPA 540/R-95/059 (June 1995).
- (c) Following completion of the TS, SD shall submit a TS Evaluation Report for EPA comment.
- (d) EPA may require SD to supplement the TS Evaluation Report and/or to perform additional treatability studies.

### **3.5 Preliminary (30%) RD.** SD shall submit a Preliminary (30%) RD for EPA's comment. The Preliminary RD must include:

- (a) A design criteria report, as described in the *Remedial Design/Remedial Action Handbook*, EPA 540/R-95/059 (June 1995);
- (b) Preliminary drawings and specifications;
- (c) Descriptions of permit requirements, if applicable;
- (d) Preliminary Operation and Maintenance (O&M) Plan and O&M Manual;
- (e) A description of how the RA will be implemented in a manner that minimizes environmental impacts in accordance with EPA's *Principles for Greener Cleanups* (Aug. 2009);
- (f) A description of monitoring and control measures to protect human health and the environment, such as air monitoring and dust suppression, during the RA;

- (g) Any proposed revisions to the RA Schedule that is set forth in ¶ **Error! Reference source not found.** (RA Schedule); and
  - (h) Updates of all supporting deliverables required to accompany the RDWP and the following additional supporting deliverables described in ¶ 5.6 (Supporting Deliverables): Field Sampling Plan; Quality Assurance Project Plan;] Site Wide Monitoring Plan; Construction Quality Assurance/Quality Control Plan; Transportation and Off-Site Disposal Plan; O&M Plan; O&M Manual; and Institutional Controls Implementation and Assurance Plan.
- 3.6 Intermediate (60%) RD.** At EPA’s request, the SD shall submit the Intermediate (60%) RD for EPA’s comment. The Intermediate RD must: (a) be a continuation and expansion of the Preliminary RD; (b) address EPA’s comments regarding the Preliminary RD; and (c) include the same elements as are required for the Preliminary (30%) RD.
- 3.7 Pre-Final (95%) RD.** SD shall submit the Pre-final (95%) RD for EPA’s comment. The Pre-final RD must be a continuation and expansion of the previous design submittal and must address EPA’s comments regarding the Intermediate RD. The Pre-final RD will serve as the approved Final (100%) RD if EPA approves the Pre-final RD without comments. The Pre-final RD must include:
- (a) A complete set of construction drawings and specifications that are: (1) certified by a registered professional engineer; (2) suitable for procurement; and (3) follow the Construction Specifications Institute’s MasterFormat 2012;
  - (b) A survey and engineering drawings showing existing Site features, such as elements, property borders, easements, and Site conditions;
  - (c) Pre-Final versions of the same elements and deliverables as are required for the Preliminary/Intermediate RD;
  - (d) A specification for photographic documentation of the RA; and
  - (e) Updates of all supporting deliverables required to accompany the Preliminary (30%) RD.
- 3.8 Final (100%) RD.** SD shall submit the Final (100%) RD for EPA approval. The Final RD must address EPA’s comments on the Pre-final RD and must include final versions of all Pre-final RD deliverables.

#### 4. REPORTING

- 4.1 Progress Reports.** Commencing with the month following the receipt of EPA’s approval of the RD Work Plan, SD shall submit progress reports to EPA on a monthly basis, or as otherwise requested by EPA. The reports must cover all activities that took place during the prior reporting period, including:
- (a) The actions that have been taken toward achieving compliance with the SA;

- (b) A summary of all results of sampling, tests, and all other data received or generated by SD;
- (c) A description of all deliverables that SD submitted to EPA;
- (d) A description of any modifications to the work plans or other schedules that SD have proposed or that have been approved by EPA; and
- (e) A description of all activities undertaken in support of the Community Involvement Plan (CIP) during the reporting period and those to be undertaken in the next six weeks.

**4.2 Notice of Progress Report Schedule Changes.** If the schedule for any activity described in the Progress Reports, including activities required to be described under ¶ **Error! Reference source not found.**, changes, SD shall notify EPA of such change at least 7 days before performance of the activity.

## 5. DELIVERABLES

**5.1 Applicability.** SD shall submit deliverables for EPA approval or for EPA comment as specified in the SOW. If neither is specified, the deliverable does not require EPA's approval or comment. Paragraphs 5.2 (In Writing) through 5.3 (Technical Specifications) apply to all deliverables. Paragraph 5.5 (Certification) applies to any deliverable that is required to be certified. Paragraph 5.6 (Approval of Deliverables) applies to any deliverable that is required to be submitted for EPA approval.

**5.2 General Requirements for Deliverables.** All deliverables must be submitted by the deadlines in the RD Schedule. SD shall submit all deliverables to EPA in electronic form, with final, technical deliverables in an electronic and paper version. Deliverables must be submitted to Wisconsin Department of Natural Resources per their specifications, including paper versions of major deliverables. Technical specifications for sampling and monitoring data and spatial data are addressed in ¶ 6.4. All other deliverables shall be submitted to EPA in the electronic form specified by the EPA Project Coordinator. If any deliverable includes maps, drawings, or other exhibits that are larger than 8.5" by 11", SD shall also provide EPA with paper copies of such exhibits.

### 5.3 Technical Specifications

- (a) Sampling and monitoring data should be submitted in standard regional Electronic Data Deliverable (EDD) format. Other delivery methods may be allowed if electronic direct submission presents a significant burden or as technology changes.
- (b) Spatial data, including spatially-referenced data and geospatial data, should be submitted: (1) in the ESRI File Geodatabase format; and (2) as unprojected geographic coordinates in decimal degree format using North American Datum 1983 (NAD83) or World Geodetic System 1984 (WGS84) as the datum. If applicable, submissions should include the collection method(s).

Projected coordinates may optionally be included but must be documented. Spatial data should be accompanied by metadata, and such metadata should be compliant with the Federal Geographic Data Committee (FGDC) Content Standard for Digital Geospatial Metadata and its EPA profile, the EPA Geospatial Metadata Technical Specification. An add-on metadata editor for ESRI software, the EPA Metadata Editor (EME), complies with these FGDC and EPA metadata requirements and is available at <https://edg.epa.gov/EME/>.

- (c) Each file must include an attribute name for each site unit or sub-unit submitted. Consult <https://www.epa.gov/geospatial/geospatial-policies-and-standards> for any further available guidance on attribute identification and naming.
- (d) Spatial data submitted by SD does not, and is not intended to, define the boundaries of the Site.

**5.4 Certification.** All deliverables that require compliance with this ¶ 5.5 must be signed by the SD's Project Coordinator, or other responsible official of SD, and must contain the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than 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.

**5.5 Approval of Deliverables**

**(a) Initial Submissions**

- (1) After review of any deliverable that is required to be submitted for EPA approval under the SA or the SOW, EPA shall: (i) approve, in whole or in part, the submission; (ii) approve the submission upon specified conditions; (iii) disapprove, in whole or in part, the submission; or (iv) any combination of the foregoing.
- (2) EPA also may modify the initial submission to cure deficiencies in the submission if: (i) EPA determines that disapproving the submission and awaiting a resubmission would cause substantial disruption to the Work; or (ii) previous submission(s) have been disapproved due to material defects and the deficiencies in the initial submission under consideration indicate a bad faith lack of effort to submit an acceptable deliverable.

- (b) **Resubmissions.** Upon receipt of a notice of disapproval under ¶ 5.5(a)(Initial Submissions), or if required by a notice of approval upon specified conditions under ¶ 5.6(a), SD shall, within 15 days or such longer time as specified by EPA in such notice, correct the deficiencies and resubmit the deliverable for approval. After review of the resubmitted deliverable, EPA may: (1) approve, in whole or in part, the resubmission; (2) approve the resubmission upon specified conditions; (3) modify the resubmission; (4) disapprove, in whole or in part, the resubmission, requiring SD to correct the deficiencies; or (5) any combination of the foregoing.
- (c) **Implementation.** Upon approval, approval upon conditions, or modification by EPA under ¶ 5.6(a) (Initial Submissions) or ¶ 5.5(b) (Resubmissions), of any deliverable, or any portion thereof: (1) such deliverable, or portion thereof, will be incorporated into and enforceable under the SA; and (2) SD shall take any action required by such deliverable, or portion thereof. The implementation of any non-deficient portion of a deliverable submitted or resubmitted under ¶ 5.6(a) or ¶ 5.6(b) does not relieve SD of any liability for stipulated penalties under Section XVIII Stipulated Penalties of the SA.

**5.6 Supporting Deliverables.** SD shall submit each of the following supporting deliverables for EPA approval, except as specifically provided. SD shall develop the deliverables in accordance with all applicable regulations, guidances, and policies (see Section 7 (References)). SD shall update each of these supporting deliverables as necessary or appropriate during the course of the Work, and/or as requested by EPA.

- (a) **Health and Safety Plan.** The Health and Safety Plan (HASP) describes all activities to be performed to protect on site personnel and area residents from physical, chemical, and all other hazards posed by the Work. SD shall develop the HASP in accordance with EPA's Emergency Responder Health and Safety and Occupational Safety and Health Administration (OSHA) requirements under 29 C.F.R. §§ 1910 and 1926. The HASP should cover RD activities EPA does not approve the HASP, but will review it to ensure that all necessary elements are included and that the plan provides for the protection of human health and the environment.
- (b) **Emergency Response Plan.** The Emergency Response Plan (ERP) must describe procedures to be used in the event of an accident or emergency at the Site (for example, power outages, water impoundment failure, treatment plant failure, slope failure, etc.). The ERP must include:
  - (1) Name of the person or entity responsible for responding in the event of an emergency incident;
  - (2) Plan and date(s) for meeting(s) with the local community, including local, State, and federal agencies involved in the cleanup, as well as local emergency squads and hospitals; and

- (3) Spill Prevention, Control, and Countermeasures (SPCC) Plan (if applicable), consistent with the regulations under 40 C.F.R. Part 112, describing measures to prevent, and contingency plans for, spills and discharges.
- (c) **Field Sampling Plan.** The Field Sampling Plan (FSP) addresses all sample collection activities. The FSP must be written so that a field sampling team unfamiliar with the project would be able to gather the samples and field information required. SD shall develop the FSP in accordance with *Guidance for Conducting Remedial Investigations and Feasibility Studies*, EPA/540/G 89/004 (Oct. 1988).
- (d) **Quality Assurance Project Plan.** The Quality Assurance Project Plan (QAPP) augments the FSP and addresses sample analysis and data handling regarding the Work. The QAPP must include a detailed explanation of SD's quality assurance, quality control, and chain of custody procedures for all treatability, design, compliance, and monitoring samples. SD shall develop the QAPP in accordance with *EPA Requirements for Quality Assurance Project Plans*, QA/R-5, EPA/240/B-01/003 (Mar. 2001, reissued May 2006); *Guidance for Quality Assurance Project Plans*, QA/G-5, EPA/240/R 02/009 (Dec. 2002); and *Uniform Federal Policy for Quality Assurance Project Plans*, Parts 1-3, EPA/505/B-04/900A through 900C (Mar. 2005). The QAPP also must include procedures:
  - (1) To ensure that EPA and the State of Wisconsin and their authorized representatives have reasonable access to laboratories used by SD in implementing the SA (SD' Labs);
  - (2) To ensure that SD' Labs analyze all samples submitted by EPA pursuant to the QAPP for quality assurance monitoring;
  - (3) To ensure that SD' Labs perform all analyses using EPA-accepted methods (i.e., the methods documented in *USEPA Contract Laboratory Program Statement of Work for Inorganic Analysis*, ILM05.4 (Dec. 2006); *USEPA Contract Laboratory Program Statement of Work for Organic Analysis*, SOM01.2 (amended Apr. 2007); and *USEPA Contract Laboratory Program Statement of Work for Inorganic Superfund Methods (Multi-Media, Multi-Concentration)*, ISM01.2 (Jan. 2010)) or other methods acceptable to EPA;
  - (4) To ensure that SD' Labs participate in an EPA-accepted QA/QC program or other program QA/QC acceptable to EPA;
  - (5) For SD to provide EPA and the State with notice at least 30 days prior to any sample collection activity;
  - (6) For SD to provide split samples and/or duplicate samples to EPA and the State upon request;



- (7) For EPA and the State to take any additional samples that they deem necessary;
  - (8) For EPA and the State to provide to SD, upon request, split samples and/or duplicate samples in connection with EPA's and the State's oversight sampling; and
  - (9) For SD to submit to EPA and the State all sampling and tests results and other data in connection with the implementation of the CD.
- (e) **Site Wide Monitoring Plan.** The purpose of the Site Wide Monitoring Plan (SWMP) is to obtain baseline information regarding the extent of contamination in affected media at the Site; to obtain information, through short- and long- term monitoring, about the movement of and changes in contamination throughout the Site, before implementation of the RA; to obtain information regarding contamination levels to determine whether Performance Standards (PS) are achieved; and to obtain information to determine whether to perform additional actions, including further Site monitoring. The SWMP must include:
- (1) Description of the environmental media to be monitored;
  - (2) Description of the data collection parameters, including existing and proposed monitoring devices and locations, schedule and frequency of monitoring, analytical parameters to be monitored, and analytical methods employed;
  - (3) Description of how performance data will be analyzed, interpreted, and reported, and/or other Site-related requirements;
  - (4) Description of verification sampling procedures;
  - (5) Description of deliverables that will be generated in connection with monitoring, including sampling schedules, laboratory records, monitoring reports, and monthly and annual reports to EPA and State agencies; and
  - (6) Description of proposed additional monitoring and data collection actions (such as increases in frequency of monitoring, and/or installation of additional monitoring devices in the affected areas) in the event that results from monitoring devices indicate changed conditions (such as higher than expected concentrations of the contaminants of concern or groundwater contaminant plume movement).
- (f) **Construction Quality Assurance/ (CQA).** The purpose of the Construction Quality Assurance Plan (CQAP) is to describe planned and systemic activities that provide confidence that the RA construction will satisfy all plans, specifications, and related requirements, including quality objectives:

- (1) Identify, and describe the responsibilities of, the organizations and personnel implementing the CQA;
  - (2) Describe the activities to be performed: (i) to provide confidence that PS will be met; and (ii) to determine whether PS have been met;
  - (3) Describe verification activities, such as inspections, sampling, testing, monitoring, and production controls, under the CQA;
  - (4) Describe industry standards and technical specifications used in implementing the CQA;
  - (5) Describe procedures for tracking construction deficiencies from identification through corrective action;
  - (6) Describe procedures for documenting all CQA/QCP activities; and
  - (7) Describe procedures for retention of documents and for final storage of documents.
- (g) **O&M Plan.** The O&M Plan describes the requirements for inspecting, operating, and maintaining the RA. SD shall develop the O&M Plan in accordance with *Guidance for Management of Superfund Remedies in Post Construction*, OLEM 9200.3-105 (Feb. 2017). The O&M Plan must include the following additional requirements:
- (1) Description of PS required to be met to implement the ROD;
  - (2) Description of activities to be performed: (i) to provide confidence that PS will be met; and (ii) to determine whether PS have been met;
  - (3) **O&M Reporting.** Description of records and reports that will be generated during O&M, such as daily operating logs, laboratory records, records of operating costs, reports regarding emergencies, personnel and maintenance records, monitoring reports, and monthly and annual reports to EPA and State agencies;
  - (4) Description of corrective action in case of systems failure, including: (i) alternative procedures to prevent the release or threatened release of Waste Material which may endanger public health and the environment or may cause a failure to achieve PS; (ii) analysis of vulnerability and additional resource requirements should a failure occur; (iii) notification and reporting requirements should O&M systems fail or be in danger of imminent failure; and (iv) community notification requirements; and
  - (5) Description of corrective action to be implemented in the event that PS are not achieved; and a schedule for implementing these corrective actions.

- (h) **O&M Manual.** The O&M Manual serves as a guide to the purpose and function of the equipment and systems that make up the remedy. SD shall develop the O&M Manual in accordance with *Guidance for Management of Superfund Remedies in Post Construction*, OLEM 9200.3-105 (Feb. 2017).
- (i) **Institutional Controls Implementation and Assurance Plan.** The Institutional Controls Implementation and Assurance Plan (ICIAP) describes plans to implement, maintain, and enforce the Institutional Controls (ICs) at the Site. SD shall develop the ICIAP in accordance with *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites*, OSWER 9355.0-89, EPA/540/R-09/001 (Dec. 2012), and *Institutional Controls: A Guide to Preparing Institutional Controls Implementation and Assurance Plans at Contaminated Sites*, OSWER 9200.0-77, EPA/540/R-09/02 (Dec. 2012). The ICIAP must include the following additional requirements:
  - (1) Locations of recorded real property interests (e.g., easements, liens) and resource interests in the property that may affect ICs (e.g., surface, mineral, and water rights) including accurate mapping and geographic information system (GIS) coordinates of such interests; and
  - (2) Legal descriptions and survey maps that are prepared according to current American Land Title Association (ALTA) Survey guidelines and certified by a licensed surveyor.

## 6. SCHEDULES

- 6.1 Applicability and Revisions.** All deliverables and tasks required under this SOW must be submitted or completed by the deadlines or within the time durations listed in the RD Schedule set forth below. SD may submit proposed revised RD Schedules for EPA approval. Upon EPA's approval, the revised RD Schedule supersedes the RD Schedule set forth below, and any previously-approved RD Schedule.

## 6.2 RD Schedule

	Description of Deliverable, Task	¶ Ref.	Deadline
1	TAP (as necessary)	2.2(c)	30 days after EPA request
2	Designate TAP Coordinator (as necessary)	2.2(c)(7)	30 days after EPA request
3	RDWP	3.1	60 days after EPA's Authorization to Proceed regarding Supervising Contractor under SA ¶ or 60 days after PDIWP work completion (as necessary)
4	PDIWP (as necessary)	3.3(a)	60 days after EPA's Authorization to Proceed regarding Supervising Contractor under SA
5	Preliminary (30%) RD	3.5, 3.3(a)	60 days after EPA approval of Final RDWP
6	Intermediate (60%) RD (as necessary)	3.6	45 days after EPA comments on Preliminary RD
7	Pre-final (90/95%) RD	3.7	45 days after EPA comments on Preliminary or Intermediate RD
8	Final (100%) RD	3.8	30 days after EPA comments on Pre-final RD

## 7. STATE PARTICIPATION

- 7.1 Copies.** SD shall, at any time it sends a deliverable to EPA, send a copy of such deliverable to the State. EPA shall, at any time it sends a notice, authorization, approval, disapproval, or certification to SD, send a copy of such document to the State.
- 7.2 Review and Comment.** The State will have a reasonable opportunity for review and comment prior to any EPA approval or disapproval under ¶ 5.6 (Approval of Deliverables) of any deliverables that are required to be submitted for EPA approval; and

## 8. REFERENCES

- 8.1** The following regulations and guidance documents, among others, apply to the Work. Any item for which a specific URL is not provided below is available on one of the two EPA Web pages listed in ¶ 8.2:
- (a) A Compendium of Superfund Field Operations Methods, OSWER 9355.0-14, EPA/540/P-87/001a (Aug. 1987).
  - (b) CERCLA Compliance with Other Laws Manual, Part I: Interim Final, OSWER 9234.1-01, EPA/540/G-89/006 (Aug. 1988).
  - (c) Guidance for Conducting Remedial Investigations and Feasibility Studies, OSWER 9355.3-01, EPA/540/G-89/004 (Oct. 1988).

- (d) CERCLA Compliance with Other Laws Manual, Part II, OSWER 9234.1-02, EPA/540/G-89/009 (Aug. 1989).
- (e) Guidance on EPA Oversight of Remedial Designs and Remedial Actions Performed by Potentially Responsible Parties, OSWER 9355.5-01, EPA/540/G-90/001 (Apr.1990).
- (f) Guidance on Expediting Remedial Design and Remedial Actions, OSWER 9355.5-02, EPA/540/G-90/006 (Aug. 1990).
- (g) Guide to Management of Investigation-Derived Wastes, OSWER 9345.3-03FS (Jan. 1992).
- (h) Permits and Permit Equivalency Processes for CERCLA On-Site Response Actions, OSWER 9355.7-03 (Feb. 1992).
- (i) Guidance for Conducting Treatability Studies under CERCLA, OSWER 9380.3-10, EPA/540/R-92/071A (Nov. 1992).
- (j) National Oil and Hazardous Substances Pollution Contingency Plan; Final Rule, 40 C.F.R. Part 300 (Oct. 1994).
- (k) Guidance for Scoping the Remedial Design, OSWER 9355.0-43, EPA/540/R-95/025 (Mar. 1995).
- (l) Remedial Design/Remedial Action Handbook, OSWER 9355.0-04B, EPA/540/R-95/059 (June 1995).
- (m) EPA Guidance for Data Quality Assessment, Practical Methods for Data Analysis, QA/G-9, EPA/600/R-96/084 (July 2000).
- (n) Comprehensive Five-year Review Guidance, OSWER 9355.7-03B-P, 540-R-01-007 (June 2001).
- (o) Guidance for Quality Assurance Project Plans, QA/G-5, EPA/240/R-02/009 (Dec. 2002).
- (p) Institutional Controls: Third Party Beneficiary Rights in Proprietary Controls (Apr. 2004).
- (q) Quality management systems for environmental information and technology programs -- Requirements with guidance for use, ASQ/ANSI E4:2014 (American Society for Quality, February 2014).
- (r) Uniform Federal Policy for Quality Assurance Project Plans, Parts 1-3, EPA/505/B-04/900A through 900C (Mar. 2005).

- (s) Superfund Community Involvement Handbook, SEMS 100000070 (January 2016), <https://www.epa.gov/superfund/community-involvement-tools-and-resources>.
- (t) EPA Guidance on Systematic Planning Using the Data Quality Objectives Process, QA/G-4, EPA/240/B-06/001 (Feb. 2006).
- (u) EPA Requirements for Quality Assurance Project Plans, QA/R-5, EPA/240/B-01/003 (Mar. 2001, reissued May 2006).
- (v) EPA Requirements for Quality Management Plans, QA/R-2, EPA/240/B-01/002 (Mar. 2001, reissued May 2006).
- (w) USEPA Contract Laboratory Program Statement of Work for Inorganic Analysis, ILM05.4 (Dec. 2006).
- (x) USEPA Contract Laboratory Program Statement of Work for Organic Analysis, SOM01.2 (amended Apr. 2007).
- (y) EPA National Geospatial Data Policy, CIO Policy Transmittal 05-002 (Aug. 2008), <https://www.epa.gov/geospatial/geospatial-policies-and-standards> and <https://www.epa.gov/geospatial/epa-national-geospatial-data-policy>.
- (z) Summary of Key Existing EPA CERCLA Policies for Groundwater Restoration, OSWER 9283.1-33 (June 2009).
- (aa) Principles for Greener Cleanups (Aug. 2009), <https://www.epa.gov/greenercleanups/epa-principles-greener-cleanups>.
- (bb) **[If Technical Assistance Plan provided for in SOW: Providing Communities with Opportunities for Independent Technical Assistance in Superfund Settlements, Interim (Sep. 2009).]**
- (cc) USEPA Contract Laboratory Program Statement of Work for Inorganic Superfund Methods (Multi-Media, Multi-Concentration), ISM01.2 (Jan. 2010).
- (dd) Close Out Procedures for National Priorities List Sites, OSWER 9320.2-22 (May 2011).
- (ee) Groundwater Road Map: Recommended Process for Restoring Contaminated Groundwater at Superfund Sites, OSWER 9283.1-34 (July 2011).
- (ff) Recommended Evaluation of Institutional Controls: Supplement to the “Comprehensive Five-Year Review Guidance,” OSWER 9355.7-18 (Sep. 2011).
- (gg) Construction Specifications Institute’s MasterFormat 2012, available from the Construction Specifications Institute, <http://www.csinet.org/masterformat>.

- (hh) Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach , OSWER 9200.2-125 (Sep. 2012)
- (ii) Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites, OSWER 9355.0-89, EPA/540/R-09/001 (Dec. 2012).
- (jj) Institutional Controls: A Guide to Preparing Institutional Controls Implementation and Assurance Plans at Contaminated Sites, OSWER 9200.0-77, EPA/540/R-09/02 (Dec. 2012).
- (kk) EPA's Emergency Responder Health and Safety Manual, OSWER 9285.3-12 (July 2005 and updates), <https://www.epaossc.org/HealthSafetyManual/manual-index.htm>.
- (ll) Broader Application of Remedial Design and Remedial Action Pilot Project Lessons Learned, OSWER 9200.2-129 (Feb. 2013).
- (mm) Guidance for Evaluating Completion of Groundwater Restoration Remedial Actions, OSWER 9355.0-129 (Nov. 2013).
- (nn) Groundwater Remedy Completion Strategy: Moving Forward with the End in Mind, OSWER 9200.2-144 (May 2014).
- (oo) Guidance for Management of Superfund Remedies in Post Construction, OLEM 9200.3-105 (Feb. 2017), <https://www.epa.gov/superfund/superfund-post-construction-completion>.

**8.2** A more complete list may be found on the following EPA Web pages:

Laws, Policy, and Guidance: <https://www.epa.gov/superfund/superfund-policy-guidance-and-laws>

Test Methods Collections: <https://www.epa.gov/measurements/collection-methods>

For any regulation or guidance referenced in the SA or SOW, the reference will be read to include any subsequent modification, amendment, or replacement of such regulation or guidance. Such modifications, amendments, or replacements apply to the Work only after SD receive notification from EPA of the modification, amendment, or replacement.