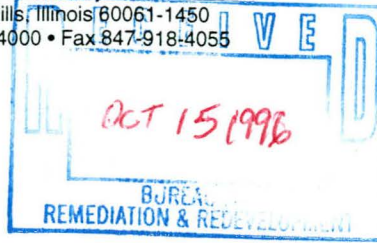




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→ Tom Janisch-WR/2
Note attachments
on recent
meetings



10 October 1996

Mr. Russell D. Hart
Remedial Project Manager (HSRW-6J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604

Work Order No. 02687-007-002

Re: Monthly Progress Report for September 1996
Moss-American Site, Milwaukee, Wisconsin

Dear Mr. Hart:

Roy F. Weston, Inc. (WESTON®) has prepared this monthly progress report on behalf of the Settling Defendant for the Moss-American Superfund site, Kerr-McGee Chemical Corporation (KMCC). This monthly progress report has been prepared to document progress during September 1996.

Progress During September 1996

During this period, KMCC/WESTON conducted the following work activities:

- KMCC, WESTON, U.S. EPA, and WDNR have conducted two meetings (20 August, 26 September) and a teleconference (3 October) to continue progress toward selection of a revised remedy for the Moss-American site. Summary highlights of these meetings are enclosed as attachments to this progress report. A follow-up meeting is scheduled for 31 October 1996 at U.S. EPA's Chicago office.
- We continued the operation of the free-product recovery system at the site.
- We completed transmittal of the 60% remedial design (RD) for the groundwater remedial system. A two-volume intermediate design document was sent to U.S. EPA and WDNR on 4 September 1996.

Activities Anticipated During October 1996

During October, KMCC/WESTON anticipate the following activities:





Mr. Russell D. Hart
U.S. EPA

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10 October 1996

- We are scheduled to meet again with U.S. EPA and WDNR in Chicago on 31 October 1996 to continue to resolve issues related to selection of a revised remedy for the site.
- We will continue operation and maintenance of the free-product recovery system at the site. During October, we will begin to make arrangements for winter shutdown of the recovery system.

Should further clarification of this progress report be required, please contact the undersigned at (847) 918-4000.

Very truly yours,

ROY F. WESTON, INC.

Gary J. Deigan
Principal Project Manager

Kurt S. Stimpson
Project Director

GJD:KSS/slr
Attachments

cc: Mr. A. Keith Watson
Kerr-McGee Chemical Corporation
Kerr-McGee Center
P.O. Box 25861
Oklahoma City, OK 73125

Mr. Richard Meserve
Covington & Burling
1201 Pennsylvania Avenue N.W.
P.O. Box 7566
Washington, D.C. 20044



Mr. Russell D. Hart
U.S. EPA

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10 October 1996

cc: Regional Counsel
Attn: Moss-American Site Coordinator (5CS)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604

Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044
Ref. D.J. #90-11-2-590

Section Chief (3 copies)
Environmental Response and Repair Section
Bureau of Solid and Hazardous Waste Management
Wisconsin Department of Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, WI 53707-7921

Mr. Jim Schmidt (2 copies)
Department of Natural Resources
Southeast District Office
P.O. Box 12436
Milwaukee, WI 53212

Attachment 1

Summary Highlights of 20 August 1996 Meeting

Attendees:

R. Hart, U.S. EPA
G. Edelstein, WDNR (by telephone)
K. Watson, KMCC
J. Larsen, KMCC
G. Deigan, WESTON

The attached "Matrix of Remedies" was utilized as a basis for conducting the meeting and determining the various parties' recommended remedies for the river, soil, and groundwater areas of the site. By the end of the meeting, KMCC had requested U.S. EPA and WDNR's review of a revised, recommended remedy to also include:

- Remediation of the third segment of river.
- Payment offset for use by WDNR for additional beneficial river corridor improvements.
- Thermal treatment of an additional 20,000 cubic yards of site soil followed by placement under soil cover.

The meeting discussion also addressed the approach to administratively handling remedy changes using ROD amendments and/or an Explanation of Significant Difference (ESD). KMCC indicated that its desires were to have a ROD amendment for changes to the river and soil remedy and an ESD for the groundwater remedy.

Attachment 1 (Cont'd)

**Matrix of Remedies
Moss-American Site
Milwaukee, Wisconsin**

Task	Proposed KMCC Remedy	U.S. EPA Remedy Position	WDNR Remedy Position
River Remedy			
	Dredge/remediate 2 segments of river.	Dredge/remediate 4 segments.	Dredge/remediate 4 segments.
	Place sediment on-site with soil cover.	Create limited habitat improvements.	Backfill/restore river habitats.
	MPB-based cleanup standard	Performance-based cleanup standard.	Performance-based cleanup standard.
Soil Remedy			
	Thermal treat 10,000 cubic yards of soil.	Thermal treat 10,000 cubic yards of soil.	Bioslurry treatment
	Consolidate and cover treated and untreated soil with soil and asphalt cover.	Consolidate and cover treated and untreated soil under NR 500 cover.	Place treated and untreated soil in lined and covered cell.
	78 ppm - industrial risk-based cleanup standard		NR 720 cleanup standard
Groundwater Remedy			
	Free-product recovery system	Free-product recovery system	Free-product recovery system
	Funnel and gate in situ treatment	Funnel and gate in situ treatment	Funnel and gate in situ treatment
Operation and Maintenance			
	Soil remedy O&M	River remedy O&M	River remedy O&M
	Groundwater remedy O&M	Soil remedy O&M	Soil remedy O&M
		Groundwater remedy O&M	Groundwater remedy O&M

Attachment 2

Summary Highlights of September 26, 1996 Meeting Moss-American Site - Milwaukee, Wisconsin

Attendees:

R. Hart, U.S. EPA
G. Edelstein, WDNR
T. Janish, WDNR
W. Warwzyn, WDNR
K. Watson, KMCC
J. Larsen, KMCC
G. Deigan, WESTON
T. Graan, WESTON

1. U.S. EPA has decided to do an explanation of significant difference (ESD) for the groundwater remedy changing from pump and treat to funnel and gate in situ treatment. Hart has drafted language of potential ESD and is requesting WDNR review. Hart's goal is to finalize ESD 1st Qtr 1997.
2. U.S. EPA will prepare a ROD Amendment for changes in soil remedy and river remedy. Target schedule is to finalize by 2nd or 3rd Qtr 1997. Hart handed out potential "themes" he was considering for justifying ROD Amendment.
3. Hart is compiling an index of the Administrative Record and will route to KMCC/WDNR for review and comment to ensure complete and accurate index.
4. WESTON reminded WDNR/EPA that documents used in support of a ROD Amendment had to have a sound technical basis or we would object (i.e., river management team memos and reports used as a basis for ROD Amendment).
5. KMCC/WESTON indicated that we had followed up on our action item of 20 August meeting by teleconferencing with WDNR on proposed PAH guidelines under NR 720 rules. Edelstein indicated NR 720 PAH guidance should be finalized in November, and will provide when available.
6. KMCC/WESTON expressed concern with Edelstein's 24 September 1996 draft memo of river team's conference call. We viewed this as a considerable step back in determining a reasonable remedy based on :
 - Incomplete technical basis for WDNR's MPB values.
 - Open-ended definition of extent of remediation in Segments 4 and 5 (based on future sampling).

Attachment 2 (Cont'd)

- Unreasonable and undefined sampling and analysis approach.
- Degree of restoration suggested goes beyond scope of CERCLA.

On this basis, KMCC/WESTON reconsidered our 20 August 1996 remedy recommendation for thermal desorption of 30,000 cubic yards of soil and the \$500,000 offset.

7. KMCC will consider the dispute resolution process, but would prefer to work differences out with EPA/WDNR. EPA hopes that even if dispute resolution is necessary we can continue to remediate site soil and remediate the river to mile 3 and resolve differences concurrently rather than stop work.
8. EPA/WDNR clarified that remediation in Segment 4 of the river would probably be limited to ~2,000 to 2,500 feet. They didn't expect much remediation at all in Segment 5.
9. WDNR wants to consider Natural Resource Damages Assessment (NRDA). They have requested that KMCC consider addressing NRDA along with the remedy and settle both issues concurrently.
10. WDNR provided design performance guidelines for use in our evaluation of the extent of restoration they are requesting in the river.

Action Items:

1. Next meeting tentatively scheduled for October 31 in Chicago EPA offices.
2. WDNR/EPA river team draft report expected by end of October (KMCC/WESTON will have opportunity to comment).
3. KMCC/WESTON was provided the opportunity to draft comments on U.S. EPA's "themes" handed out regarding ROD Amendment justifications. WESTON to provide Hart with unit cost of bioslurry treatment for his justifying thermal desorption as alternative.
4. KMCC to get back to WDNR re: conducting NRDA settlement concurrent with remedy negotiations.

Attachment 3

Summary Highlights of 3 October 1996 Teleconference

Participants:

R. Hart, U.S. EPA
G. Edelstein, WDNR
K. Watson, KMCC
J. Larsen, KMCC
G. Deigan, WESTON

KMCC/WESTON requested a brief teleconference as a follow-up to a voice mail message left by R. Hart and G. Edelstein on 30 September 1996, and to maintain continued discussions following our 26 September 1996 meeting in Milwaukee.

During the teleconference, KMCC/WESTON outlined a revised soil and river remedy to include:

- Dredging the Little Menomonee River for a linear distance of approximately 3.8 miles downstream from Brown Deer Road, corresponding to Sample Point SD-04-0015.
- Thermal treatment of approximately 30,000 cubic yards of site soil followed by placement under a 6- to 8-inch soil/vegetative cover.

The revised river remedy would not include any additional O&M in the river beyond one post-construction growing season's maintenance of vegetation and erosion controls. Additional sampling and analysis of sediments or biological monitoring would not be required based on the extent and magnitude of sediment removal proposed.

U.S. EPA and WDNR indicated that they would review this recommendation. WESTON requested that WDNR provide specific ARAR submittal requirements that would allow WDNR to accept a revised soil remedy.

WDNR again expressed a desire to address NRDA issues concurrently with the resolution of a revised remedy. KMCC will review this request and inform WDNR of its decision.