

EPA Region 5 Records Ctr.



381633

Explanation of Significant Differences

SHEBOYGAN RIVER AND HARBOR SUPERFUND SITE

Sheboygan County, Wisconsin

December 2010

I. Introduction to the Site and Statement of Purpose

The Sheboygan River and Harbor Site is located on the western shore of Lake Michigan approximately 55 miles north of Milwaukee, Wisconsin, in Sheboygan County (see Figure 1 below).

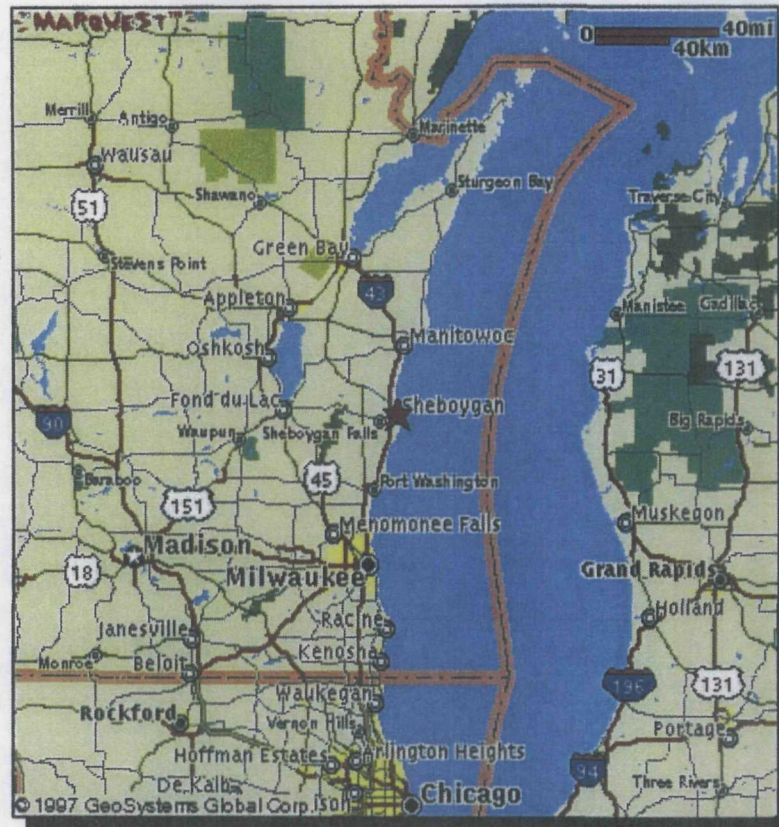


Figure 1 - Location Map

The Sheboygan River and Harbor Site includes the lower 14 miles of the river from the Sheboygan Falls Dam downstream to, and including, the Inner Harbor (see Figure 2, Site Map). This segment of the river flows through Sheboygan Falls, Kohler, and Sheboygan before entering Lake Michigan. The Sheboygan River runs from west to east through east central Wisconsin, emptying into Lake Michigan. In addition to polychlorinated biphenyl (PCB)-contaminated sediment in the river and harbor, some floodplain soils are contaminated with PCBs, and groundwater and additional PCB sources associated with the former Tecumseh Products Company (Tecumseh) Plant are also part of the Site. Site risks include risks to humans and ecological receptors via consumption of PCB-contaminated fish, and fish and waterfowl consumption advisories have been in effect since 1987.

Land use along the Upper River is industrial, residential and recreational in Sheboygan Falls. The Kohler Company owns land adjacent to the Middle River in the Village of Kohler. Land use in the Middle River consists of a horse farm, tree nursery, the company's historic River Bend property and the Black Wolf Run golf course. The 800-

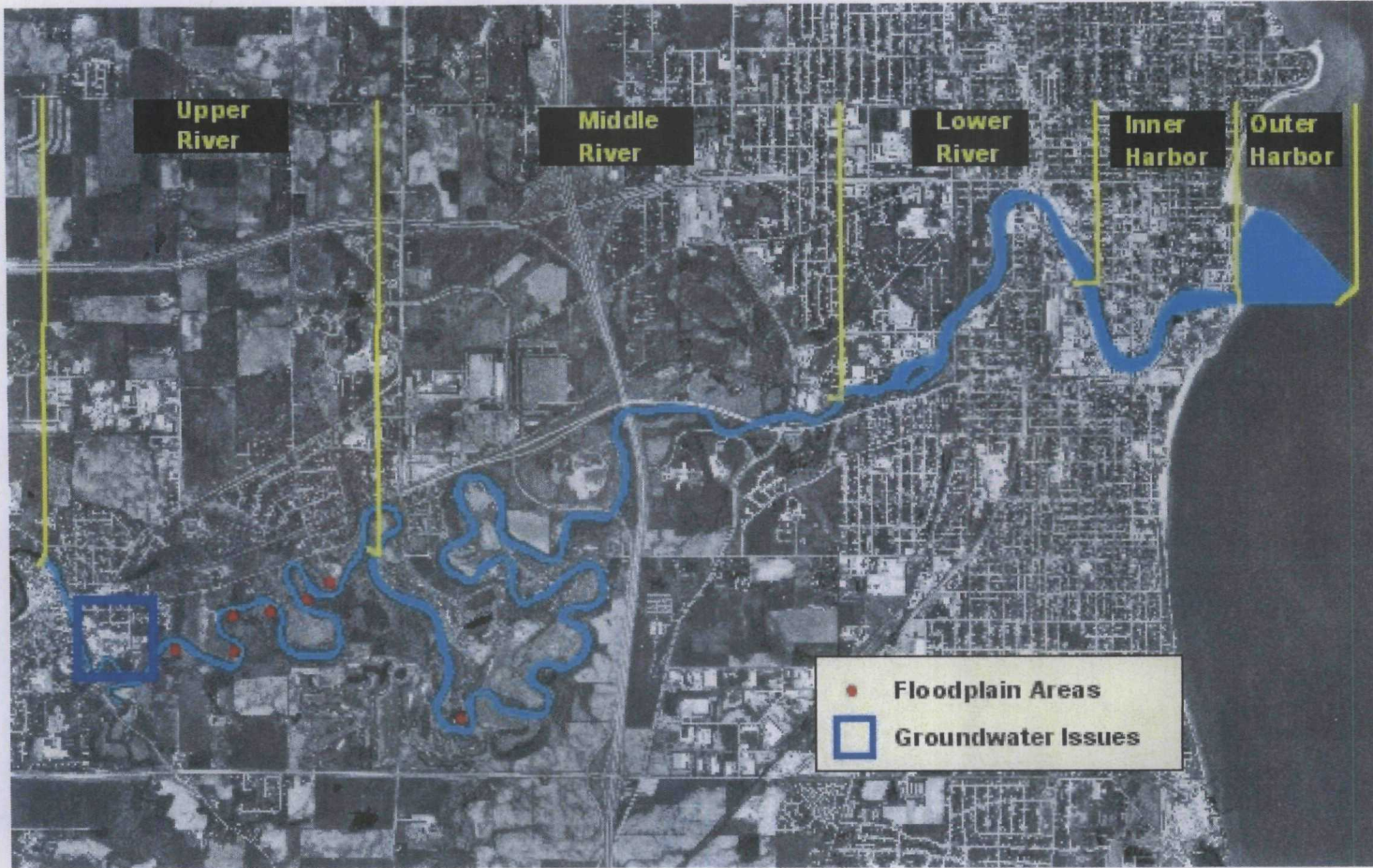


Figure 2 - Site Map

acre, Kohler Company-owned River Wildlife Area is on the south side of the river adjacent to the Upper and Middle River. The wildlife area is used as a private hunting and fishing club. Land use adjacent to the Lower River and Inner Harbor is recreational, commercial and industrial with some residential areas. The City of Sheboygan's central business district is on the north bank of the river in the harbor area. The City has revitalized the harbor area. Offices, restaurants, marinas, parks and a boardwalk are located within this area.

There are no public beaches along the river or harbor. The Lower River and Harbor are navigable, but the Upper and Middle River traffic is typically restricted to smaller craft (i.e. canoes and kayaks) which can be portaged around the dams in the Village of Kohler and Sheboygan Falls, as well as shallow areas. Public and recreational boat access is available at a number of locations within the city of Sheboygan in the Lower River and Harbor. There is considerable seasonal fishing in the Middle River, Lower River and Inner Harbor. Fishing is more limited in the Upper River. According to Wisconsin Department of Natural Resources (WDNR) surveys, most fishing occurs during spring and fall salmon and trout runs. A fish consumption advisory is in effect for Sheboygan River and Lake Michigan fish.

The Sheboygan River is not used as a public water supply, but it drains into Lake Michigan which is used as a drinking water source by Sheboygan, Sheboygan Falls, and

Kohler. The three cities regularly test the public water and it is safe to drink. Contaminated groundwater near the Tecumseh Sheboygan Falls Plant is not used as a drinking water source.

The lead agency at the Site is the United States Environmental Protection Agency (EPA) and the WDNR is the support agency. As the lead agency, EPA has determined that a significant change to the selected remedy described in the Record of Decision (ROD) dated May 12, 2000, is warranted, as provided in Section 117(c) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Section 300.435(c)(2)(i) of the National Contingency Plan (NCP). Section 117(c) of CERCLA requires that:

After adoption of a final remedial action plan –

- (1) if any remedial action is taken,
- (2) if any enforcement action under Section 106 of CERCLA is taken, or
- (3) if any settlement or consent decree under Section 106 or Section 122 of CERCLA is entered into,

and if such action, settlement, or decree differs in any significant respects from the final plan, the [EPA] or the State shall publish an explanation of the significant differences and the reasons such changes were made (42 U.S.C. §9617(c)).

The purpose of this document is to detail the need for an Explanation of Significant Differences (ESD) for the Sheboygan River and Harbor Superfund Site. In accordance with NCP Section 300.825(a)(2), this ESD and all of the technical information and data relating to it shall become part of the administrative record for the Site.

As required by EPA and the Site ROD, a pre-design investigation was performed by Pollution Risk Services (PRS) to develop the Lower River Remedial Design. Sediment was sampled from grids that were 8,100 square feet (900 square yard) in size. Discreet samples were obtained from the sediment cores in 1-foot increments. The 0-1' interval was used to represent the surface in estimating a pre-design Surface Weighted Average Concentration (SWAC) of PCBs. Fifty percent of the sample cores located within grids in the identified scour zones from Figure 4.20c of the United States Army Corps of Engineers (USACE) Model Report, November 2007 (Baird Report) (USACE 2007) were collected to four feet or refusal, whichever happened first. The rationale was to evaluate the effect of scour from potential flood events on PCB-contaminated sediments.

As part of the evaluation of the pre-design investigation data and the development of the Lower River Remedial Design it was determined that PCB concentrations were highest in the Lower River, with the greatest surface impact in the area upstream of Boat Island. The Lower River Remedial Design estimated that instead of removing 53,000 cubic yards of contaminated sediment from the Inner Harbor in Areas A, B, and C and nothing from the Lower River as stated in the ROD, the remedy would be more effective in achieving

the 0.5 parts per million (ppm) PCB SWAC over time in both river reaches if 16,158 cubic yards of contaminated sediment were removed from the Lower River and 34,390 cubic yards of contaminated sediment were removed from the Inner Harbor between the Pennsylvania Avenue Bridge and the 8th Street Bridge. This is due to the fact that the pre-design investigation data demonstrated that, compared to the estimates in the ROD, more heavily-contaminated sediment is present in the upper soft sediment layers within the Lower River, just upstream of and around Boat Island, and less contamination is present in the upper soft sediment layers in the Inner Harbor, between the Pennsylvania Avenue Bridge and the 8th Street Bridge.

II. Site History, Contamination and Selected Remedy

A. Site History

The Sheboygan Harbor was constructed at the mouth of the Sheboygan River in the early 1920s. In 1954, the lower Sheboygan River, namely the channel upstream of the Eighth Street Bridge, was added as a portion of the Sheboygan Harbor for USACE maintenance dredging. Between 1956 and 1969, a total of 404,000 cubic yards of sediment were dredged downstream of the Eighth Street Bridge. The channel above Eighth Street has not been dredged since it was first dredged in 1956.

Prior to 1969, the USACE disposed of the dredged material from the harbor in an authorized deep water disposal area in Lake Michigan. However, there has been no dredging within the Sheboygan Harbor since EPA and WDNR determined that the sediment was unsuitable for open-water disposal. Sediment sampling done by the USACE in 1979 indicated moderate to high levels of lead, zinc, PCBs, and chromium and moderate levels of arsenic present in sediment at all locations sampled. The USACE routinely removed lake sand from a sandbar that forms at the outer entrance of the harbor. The USACE last dredged the harbor mouth in the fall of 1991. In June 1979, the USACE collected 11 sediment cores from the harbor area ranging in depth from 1.5 to 9 feet. The USACE analyzed samples for lead, zinc, copper, chromium, and PCBs. The study revealed greater PCB and metal levels in the sediment of the Inner Harbor than in sediment from the Outer Harbor. In October 1979, the USACE collected a second round of samples consisting of 21 sediment cores. The USACE's analysis of these cores generally indicated an increase in PCB concentrations with the distance upstream from the harbor and with the depth of the sediment.

The Sheboygan River and Harbor are both located within the Sheboygan River Area of Concern, so designated by the International Joint Commission on the Great Lakes due to impairment of the beneficial uses of the waterway.

B. Contamination

Examination of 98 sediment profile samples collected by the USACE from the Sheboygan Harbor in December 1982 indicated the presence of PCBs in the surface sediment of the harbor.

Tecumseh, a manufacturer of refrigeration and air conditioning compressors and gasoline engines, was located adjacent to the Sheboygan River in Sheboygan Falls. PCBs were found in sewer lines that lead to the river from the former Tecumseh facility and in hydraulic fluids used in Tecumseh's Die Cast Division manufacturing processes. The contamination level was high in the sediments immediately surrounding the former Tecumseh Plant, but decreased in concentration downstream. Tecumseh, prior to the issuance of regulations governing PCBs, used PCB-contaminated soils to construct a dike located along the river downstream of the Sheboygan Falls Dam. Tecumseh voluntarily excavated and replaced the dike following EPA's issuance of regulations governing PCBs in the late 1970s. Tecumseh undertook cleanup actions, but not before PCBs were released into the Sheboygan River.

In 1978, WDNR conducted a survey that found numerous industries that discharge contaminants to the Sheboygan River. A handful had some level of PCB discharge to the river. A number of industries had heavy metals in their discharge. While heavy metals were an environmental concern, PCBs were a more significant problem and any PCB-driven cleanup would likely also address the heavy metals in the river.

PCB-Contaminated Sediment

Upper River

PCB sampling results from the Upper River in 1989 and 1990 showed concentrations ranging from 1.4 to 4,500 ppm. Tecumseh removed PCB-contaminated sediment near its facility in 1990 and 1991. PCB sampling conducted in December 1997 from the same soft sediment areas sampled in 1989 and 1990 showed concentrations ranging from non-detect to 170 ppm. Soft sediment sampling in 1999 near Tecumseh's Sheboygan Falls Plant revealed PCB concentrations as high as 840 ppm. River bank sampling in 1999 near Tecumseh's Sheboygan Falls Plant revealed PCB concentrations as high as 1,100 ppm. *PCB-contaminated sediment in this segment of the river migrates downstream due to the dynamic nature of this river reach.*

Middle River

Information obtained from the Middle River during the Remedial Investigation (RI) showed PCB concentrations ranging from non-detect to 8.8 ppm. WDNR sediment trap data showed PCB concentrations ranging from 1.4 to 3.0 ppm. WDNR obtained sediment trap data between 1990 and 1996. Samples obtained in 1997 by WDNR show PCB concentrations ranging from 0.6 ppm to 37 ppm. Like the Upper River, sediment in the Middle River is likely to be disturbed due to the dynamic nature of this river reach.

Lower River

During the original site investigations, sampling in the Lower River showed PCB concentrations as high as 67 ppm in the Camp Marina area just a couple of feet below the sediment surface. Contaminated sediments within the top two feet may be disturbed by

high flow events and/or boating. WDNR sediment trap data collected from 1994 to 1996 showed PCB concentrations ranging from 1.9 to 4.2 ppm in the Lower River.

Inner Harbor

RI sampling detected PCB concentrations as high as 220 ppm in the Inner Harbor, however these levels were detected in 1979 and remain many feet below the surface. PCB surface sampling results (from the top 6 inches of sediment) in 1987 ranged from 0.17 to 5.8 ppm. PCB surface sampling results in 1999 ranged from 0.38 to 5.3 ppm.

Soil

Tecumseh collected soil samples from within the 10-year floodplain of the Sheboygan River during the investigation phase of the project. Floodplain samples collected in 1990 showed PCB concentrations ranging from non-detect to 71 ppm. In 1990 and 1992, Tecumseh took additional rounds of samples as part of the Alternative Specific Remedial Investigation (ASRI). PCB concentrations exceeded 50 ppm in two samples and 10 ppm in six samples. Sampling in Floodplain Area 11 showed a concentration of 220 ppm. Floodplain Area 11 was re-sampled in 1992 and showed PCB concentrations of 330 and 320 ppm. Due to disturbances of the floodplain caused by golf course construction by the land owner, PCB concentrations have decreased in Floodplain Area 11 since the ASRI sampling.

Surface Water

PCBs were detected in surface water prior to, during, and after implementation of the PCB removal action in 1989 and 1990.

Groundwater

PCB contamination was also present in groundwater at the former Tecumseh plant. Groundwater sampling conducted in September 1992 and May 1993 by Tecumseh indicated that PCBs were locally present in the groundwater at Tecumseh's former Sheboygan Falls Plant in concentrations that ranged from 0.10 micrograms per liter ($\mu\text{g/L}$) to 7.4 $\mu\text{g/L}$ in unfiltered samples, and from below the detection limit (0.05 $\mu\text{g/L}$) to 0.98 $\mu\text{g/L}$ in filtered samples. These concentrations are above the 0.03 $\mu\text{g/L}$ WDNR enforcement standard (ES) for groundwater.

C. Selected Remedy

EPA issued a ROD for the Site on May 12, 2000. The remedy outlined specific actions to address PCB-contaminated sediment, PCB-contaminated floodplain soil, and groundwater contamination.

The major components of the selected remedy included:

- Upper River sediment characterization, removal of approximately 20,774 cubic yards of PCB-contaminated sediment to achieve a soft sediment SWAC of 0.5 ppm in the Upper River, and fish and sediment sampling to document natural processes and ensure that over time the entire river will reach an average PCB sediment concentration of 0.5 ppm or less.
- Middle River sediment characterization, removal of sediment if necessary to achieve a soft sediment SWAC of 0.5 ppm in the Middle River, and fish and sediment sampling to document natural processes and ensure that over time the entire river will reach an average PCB sediment concentration of 0.5 ppm or less.
- Lower River sediment characterization, removal of sediment if necessary to achieve a soft sediment SWAC of 0.5 ppm in the Lower River, annual bathymetry surveys to identify areas susceptible to scour, and fish and sediment sampling to document natural processes and ensure that over time the entire river will reach an average PCB sediment concentration of 0.5 ppm or less.
- Inner Harbor sediment characterization, removal of approximately 53,000 cubic yards of PCB-contaminated sediment to achieve a SWAC of 0.5 ppm in the Inner Harbor, annual bathymetry surveys to identify areas susceptible to scour, fish and sediment sampling to document natural processes and ensure that over time the entire river will reach an average PCB sediment concentration of 0.5 ppm or less, and maintenance of the outer harbor break-walls.
- Removal of floodplain soils containing PCB concentrations above 10 ppm.
- Investigation and mitigation of potential groundwater contamination and possible continuing sources at the former Tecumseh Plant in Sheboygan Falls.
- Placement of institutional controls (ICs) to limit access to Tecumseh's Sheboygan Falls Plant groundwater as a drinking water source.

The remedy consisted of three primary Remedial Action Objectives (RAOs):

1. Protect human health and the environment from imminent and substantial endangerment due to PCBs attributed to the Site. To achieve this remediation objective, PCB-contaminated soft sediment will be removed so that the entire river will reach an average PCB sediment concentration of 0.5 ppm or less over time. An average PCB sediment concentration of 0.5 ppm results in an excess human health carcinogenic risk of 1.0×10^{-4} or less over time through the consumption of PCB-contaminated fish.

Based on site-specific biota to sediment accumulation factors, the corresponding PCB tissue levels for resident fish are:

<u>Sport Fish</u>		<u>Bottom Feeders</u>	
Small Mouth Bass	0.31 ppm	Carp	2.58 ppm
Walleye	0.63 ppm	Catfish	2.53 ppm
Trout	0.09 ppm		

- For PCB-contaminated floodplain areas, this remediation objective will be achieved by removing sufficient contaminated soil to reach an average PCB soil concentration of 10 ppm or less.
- Mitigate potential PCB sources to the Sheboygan River/Harbor system and reduce PCB transport within the river system.

Remove and dispose of Confined Treatment Facility/Sediment Management Facility sediments and previously armored/capped PCB-contaminated soft sediment deposits.

The Upper River portion of the remedy, as well as the mitigation of potential groundwater contamination and source control at the former Tecumseh Plant in Sheboygan Falls, was completed under a 2004 consent decree with PRS. The work was implemented in two phases from September 2004 to October 2007. The final site inspection of the Upper River Phase II remedial action was conducted on November 7, 2007. The floodplain soil removal work which also was required under the Upper River consent decree is not yet completed; EPA is in the process of negotiating with the adjacent property owner for access to the floodplains for remediation.

III. Basis for the Document

The remedial action selected in the May 2000 ROD required sampling of the Middle River¹, Lower River, and Inner Harbor sediments as part of the pre-design investigation activities for the Site. In addition, the May 2000 ROD stated that if, through a re-evaluation of the Lower River sediment data, it was determined that soft sediment must be removed from this river reach to achieve a PCB soft sediment SWAC of 0.5 ppm, a ROD modification might be necessary. Based on the information available at the time of ROD issuance, EPA estimated that 53,000 cubic yards of contaminated sediment in the Inner Harbor would be dredged so that the Lower River and Inner Harbor surface sediments would achieve a PCB concentration of 0.5 ppm, or less, on average over time.

The Inner Harbor remedy required characterization and removal of contaminated sediment from the Pennsylvania Avenue Bridge to just past the 8th Street Bridge, which is depicted as Area A in Figure 3. The selected remedy for the Inner Harbor also required removal of an additional two feet of sediment in areas of the Inner Harbor where the bathymetry analysis showed scour greater than 2 feet. These areas are depicted as Area B in Figure 4 and Area C in Figure 5. The ROD stated that the USACE would be tasked to

¹ The Middle River characterization efforts conducted during the pre-design investigation confirmed, as anticipated in the ROD, that no sediment deposits in the Middle River needed to be removed.

perform modeling for the Sheboygan River prior to the implementation of the selected remedy for the Inner Harbor.

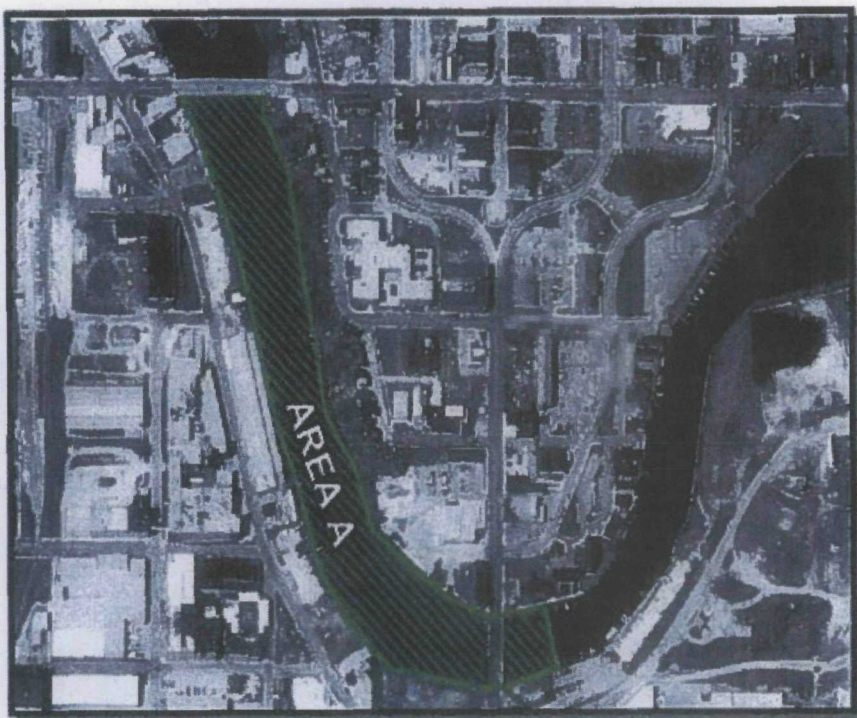


Figure 3 – Area A

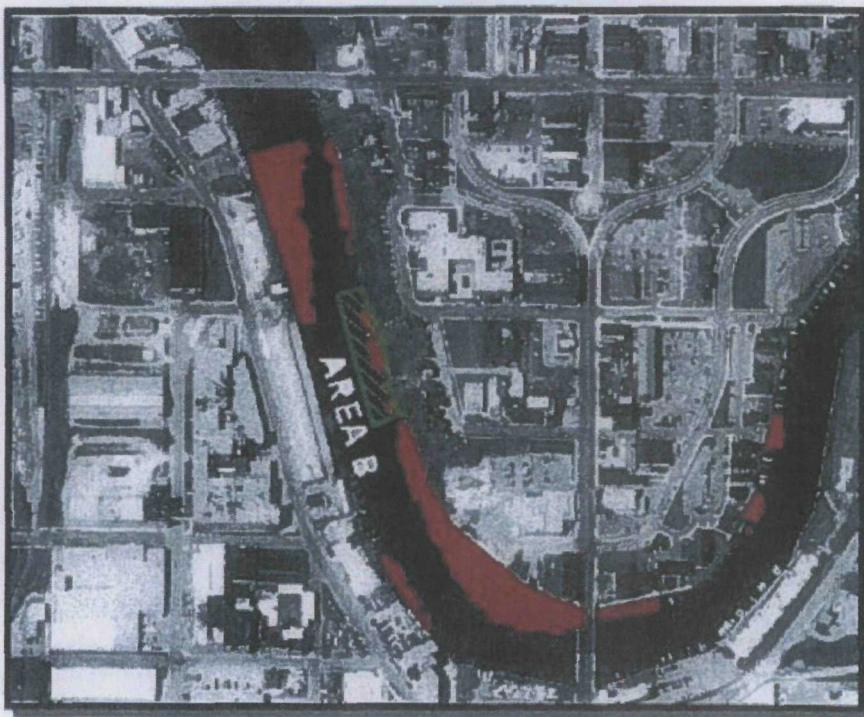


Figure 4 – Area B

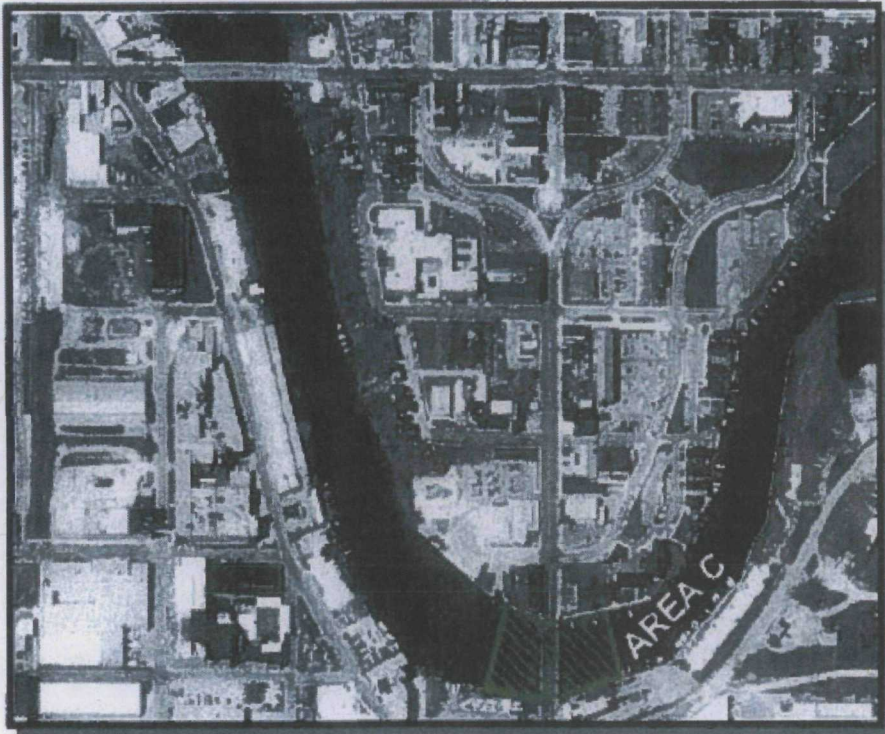


Figure 5 – Area C

As required by EPA and the ROD, sediment was sampled from grids that were 8,100 square feet (900 square yard) in size. In areas where the river width was greater than 250 feet, sample cores were randomly staggered within each grid. For the Lower River reach, the cores were advanced to either refusal or 4 feet below the sediment surface, whichever came first. For the Inner Harbor reach, the cores were advanced to either refusal or 8 feet below the soft sediment surface, whichever came first. Where the river width was less than 250 feet, a sediment core was advanced at the center of each sampling grid to either refusal or 4 feet (8 feet for the Inner Harbor) below the sediment surface, whichever came first. Discreet samples were obtained from the sediment cores in 1-foot increments. The 0-1' interval was used to represent the surface in estimating a pre-design SWAC. Fifty percent of the sample cores located within grids in the identified scour zones from Figure 4.20c of the USACE's Model Report, November 2007 (Baird Report) (USACE 2007) were collected to refusal. The rationale was to evaluate the effect of scour from potential flood events on PCB-contaminated sediments.

Further sampling and analysis was performed to define the spatial extent of contamination using the 26 ppm PCB trigger level from the ROD as a guideline. In these cases, approximately one core per 150 square yards was collected and sampled at 0.5 foot (6") intervals. This was performed by dividing the grid into six sub-grids, three upstream and three downstream. There were also grids that were divided in half. This was the case where the original sample location, as determined from the Pre-design Investigation Plan, did not fall within the river scour zone identified in the Baird Report. A total of 32 grids were re-sampled in the Lower River and 30 were re-sampled in the Inner Harbor.

IV. Description of Significant Differences

The Site ROD estimated that 53,000 yards of contaminated sediment in the Inner Harbor would be dredged so that the Lower River and Inner Harbor surface sediments would achieve a PCB concentration of 0.5 ppm, or less, on average over time. The 53,000 yards of contaminated sediment were to be removed from the Pennsylvania Avenue Bridge to just past the 8th Street Bridge as depicted in Areas A, B, and C in Figures 3, 4 and 5. As part of the evaluation of the pre-design investigation data and the development of the Lower River Remedial Design it was determined that PCB concentrations were highest in the Lower River, with the greatest surface impact in the area upstream of Boat Island. The SWAC concentration of PCBs increased moving downstream in the Lower River and then began to decrease again in the Inner Harbor. The following summarizes the SWAC concentrations based on the pre-design investigation data:

- 1.75 ppm in the Middle River deposits,
- 2.89 ppm in the Lower River discreet deposits,
- 5.43 ppm in the Lower River continuous soft sediments,
- 2.22 ppm in the Inner Harbor soft sediments between the Pennsylvania Avenue Bridge and the 8th Street Bridge, and
- 1.16 ppm downstream of the 8th Street Bridge.

The elevated levels of PCBs in the Lower River and Inner Harbor appear to exist in localized areas. The highest concentrations of PCBs were found at isolated areas in the Lower River and Inner Harbor (Pennsylvania Avenue Bridge to 8th Street Bridge) and the concentrations decreased in the downstream direction. The mass of PCBs in the Upper River was 587 lbs prior to remediation. The mass decreases to 32.32 lbs in the Middle River. However, in the Lower River and Inner Harbor, the total mass increased to 3,334.36 lbs.

The Lower River Remedial Design proposed that, instead of removing 53,000 cubic yards of contaminated sediment from the Inner Harbor in Areas A, B, and C as stated in the ROD, the remedy would be more effective in achieving the 0.5 ppm SWAC over time in both river reaches if 16,158 cubic yards of contaminated sediment were removed from the Lower River and 34,390 cubic yards of contaminated sediment were removed from the Inner Harbor between the Pennsylvania Avenue Bridge and the 8th Street Bridge. This is due to the fact that the pre-design investigation data demonstrated that, compared to the estimates in the ROD, more heavily-contaminated sediment is present in the upper soft sediment layers within the Lower River, just upstream of and around Boat Island, and less contamination is present in the upper soft sediment layers in the Inner Harbor, between the Pennsylvania Avenue Bridge and the 8th Street Bridge. The cost estimate of the ROD-selected remedy for the Lower River and Inner Harbor was \$12.1 million. The current cost estimate is \$12.6 million. Even though this ESD requires the removal of less sediment volume than estimated in the May 2000 ROD, the increase in cost is associated

with an updated, more accurate cost estimate for the implementation of the sediment dredging at the Site.

The differences described above are summarized in the tables below.

May 2000 ROD Capital Cost Estimate	Capital Cost Estimate based on Lower River Remedial Design
\$ 12.1 million	\$ 12.6 million
% Cost Difference = 4.1 %	

	May 200 ROD Contaminated Sediment Volume to be Removed	Lower River Remedial Design Contaminated Sediment Volume to be Removed
Lower River	None	16,158 cubic yards
Inner Harbor	53,000 cubic yards	34,390 cubic yards
Total Volume of Contaminated Sediment to be Removed from the Lower River and Inner Harbor		50,548 cubic yards
% Volume Difference of Contaminated Sediment to be Removed		- 4.6 %

This ESD therefore adjusts the estimate of the volume of contaminated sediment to be removed from the river, the areas from which those sediments will be removed and the cost of the modified remedy, as a result of the pre-design characterization effort and remedial design for the Lower River and Inner Harbor portion of the remedy.

This modification to the selected remedy set forth in the ROD does not fundamentally alter the basic features of the selected remedy with respect to scope, performance, or cost. The modification provides for the implementation of the remedy for the Lower River and Inner Harbor at the Site in a way that will address the most contaminated PCB soft sediment vulnerable to recreational and natural disturbances in order to achieve the 0.5 ppm SWAC in both reaches over time. Consistent with the RI, a soft sediment deposit shall be defined as an area containing a soft sediment depth of 1 foot or greater as determined by probing. PCB mass and SWAC shall then be calculated for each soft sediment deposit, using the same methodology presented in the Feasibility Study (FS) for the Site. The long-term effectiveness (i.e. performance) of the remedy will be enhanced by providing greater assurance that removing volume estimates of sediment identified in

the Lower River Remedial Design within the two lower reaches of the Site will allow the Lower River reaches to achieve the 0.5 ppm SWAC more quickly. Based on the pre-design data and the Remedial Design for the Site it has been estimated that the 0.5 ppm SWAC in the Lower River and Inner Harbor would be achieved in approximately 19 years and therefore this will improve the remedy's effectiveness in achieving the fish tissue RAO. The Applicable or Relevant and Appropriate Requirements (ARARs) established at the time of the ROD remain in place in accordance with 40 C.F.R. § 300.430(f)(1)(ii)(B). EPA has made the determination that a modification to the ROD requiring the modifications discussed above is warranted to ensure continued protection of human health and the environment.

Long-term protectiveness of the remedy will require compliance with effective ICs. Compliance with effective ICs will be ensured through implementing effective ICs and conducting long-term stewardship by maintaining, monitoring, and enforcing effective ICs as well as maintaining the site remedy components.

A review of ICs will be needed to assure that the remedy is functioning as intended with regard to the ICs and to ensure effective procedures are in place for long-term stewardship at the site. IC evaluation activities will be requested from the PRP. Once completed, an IC Work Plan will be developed by the PRP to incorporate the results of the evaluation activities and plan for corrective measures, including additional IC activities, as needed, for long-term stewardship to ensure long-term protectiveness of the remedy.

V. Support Agency Comments

WDNR has indicated that it supports this significant change at the Sheboygan River and Harbor Superfund Site. WDNR's concurrence letter to EPA will become part of the Site's Administrative Record once EPA receives the letter.


VI. Statutory Determinations

EPA has determined that the modified remedy as described in this ESD complies with the statutory requirements of Section 121 of CERCLA, 42 U.S.C. § 9621. EPA believes that the remedy set forth in the ROD, as revised by this ESD, will remain protective of human health and the environment and will meet the Federal and State requirements that are applicable or relevant and appropriate to the selected remedial action described in the ROD. The ARARs established at the time of the ROD remain in place in accordance with 40 C.F.R. §300.430(f)(1)(ii)(B). Because this remedy will result in hazardous substances remaining on site at levels that will not allow unlimited use and unrestricted exposure after the remedial action has taken place, the five-year review requirement applies to this action.

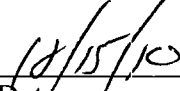
VII. Public Participation Compliance

EPA, working in coordination with WDNR, has issued this ESD for the Sheboygan River and Harbor Superfund Site Record of Decision dated May 12, 2000, and is making this explanation and supporting information available to the public at the site information repository located at the Mead Public Library, 710 8th Street, Sheboygan, Wisconsin, and the EPA Records Center located at 77 W. Jackson Blvd., Chicago, Illinois. In coordination with WDNR, EPA will ensure that a notice that briefly summarizes this ESD and provides a basic reason for such differences is published in a newspaper of local circulation. By so doing, EPA will meet the public participation requirements of Section 300.435(c)(2)(i) of the NCP. EPA has allocated funds for placing such a notice. In coordination with WDNR, EPA will observe community reaction to the notice placed in the newspaper. If numerous questions or significant reaction from the public is forthcoming, EPA will meet with the public to discuss these changes.

Approved by:



Richard C. Karl, Director
Superfund Division



Date