

JUL 24 1995

HRE-8J

Certified Mail  
RETURN RECEIPT REQUESTED

John M. Kyle, III, Esq.  
Barnes & Thornburg  
1313 Merchants Bank Building  
11 South Meridian Street  
Indianapolis, Indiana 46204

Re: Request for CAMU Designation  
GK/IS&W Inc. Muncie, Indiana  
IND 041 855 776

Dear Mr. Kyle:

This letter is in further response to your July 26, 1995, letter responding to the United States Environmental Protection Agency's (U.S. EPA's) comments to the GK/IS&W request for the "Corrective Action Management Unit" (CAMU) designation of Mocks Pond. By letter dated June 26, 1995, U.S. EPA denied this request. Prior to the July 26 letter, U.S. EPA also received and completed its detailed review of GK/IS&W's Corrective Action Report and Workplan (CARWP) response.

U.S. EPA has agreed to hold in abeyance the requirement to make a final decision on your request to designate the Mocks Pond as a CAMU. Based on our review of the CAMU and CARWP responses, we believe that the proposal to close Mocks Pond as a CAMU may be feasible and approvable. However, the record in this matter currently fails to fully support the CAMU request. The enclosure contains a listing of necessary modifications to existing documents and other issues to be addressed. Also discussed in the enclosure, is an environmentally preferable closure mechanism alternative to the Mocks Pond CAMU. In addition, GK/IS&W is urged to reconsider Jackson Street Landfill (JSL) as an alternative to the Mocks Pond CAMU. For the purpose of complying with the provisions of the June 1993 Consent Decree, the closure of Mocks Pond as a CAMU would be considered a corrective measure. Finally, the June 1993 Consent Decree (Paragraphs 53-55) requires that U.S. EPA make available to the public for review and comment any approved corrective measure prior to implementation. Therefore, as a pre-requisite for the approval of either the Mocks Pond or the JSL CAMU as a corrective measure, an accurate administrative record must be documented.

*Step 1  
Does the  
state have  
100% control  
of the closure?*

Therefore, within 45 days of receipt of this letter, GK/IS&W shall address all modifications and outstanding issues outlined in the Attachment.

If you have any questions regarding this matter, please contact Jonathan Adenuga of my staff at (312) 886-7954 or Stuart Hersh of the Office of Regional Counsel at (312) 886-6235.

Sincerely yours,

**ORIGINAL SIGNED BY**

JOSEPH M. BOYLE  
Joseph M. Boyle, Chief  
Enforcement & Compliance Assurance Branch

cc: Thomas Linson, IDEM  
John Grady, DOJ

Enclosure

bcc: Stuart Hersh, ORC  
Section Copy  
Branch Copy

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CONCURRENCE REQUESTED FROM REB			
SEC/BR SECRETARY	12/5		12/7/95
OTHER STAFF	ECAS STAFF	ECAS SECTION CHIEF	ECAB BRANCH CHIEF
	J.A. 12/5/95	L.M.J. 12/7/95	G.M.B. 12/8/95

### ATTACHMENT 1

1) U.S. EPA's original comments in item #1 of the CAMU response concerns GK/IS&W's suggestion that certain concentrations of hazardous constituents in the groundwater above MCLs are "reasonable", and the implied suggestion that Mocks Pond water meets drinking water quality criteria and exhibits no detectable cyanide or high levels of contaminants. You indicate in your response that based on the statistical evaluation of data-base it is demonstrable that "reasonable maximum" concentrations of hazardous constituents do not exceed MCLs, and that it is highly unlikely that groundwater to which an individual would be exposed to, either before or after closure, would exceed MCLs for hazardous constituents. Consequently GK/IS&W asserts that Mocks Pond does not contain high leachable heavy metals and poses little or no real threat.

It has always been U.S. EPA's position that wherever MCLs are established, these are groundwater protection standards. Both historical and recent data show that MCLs for lead and cyanide have been exceeded in groundwater samples retrieved from some monitoring wells that surround the Mocks Pond. Therefore, it is highly likely that groundwater to which individuals have been exposed, before closure, would have exceeded MCLs for lead and cyanide. These concentrations of hazardous constituents in the groundwater above MCLs are indicative of the need for corrective measures. Closure of Mocks Pond may not necessarily address the current groundwater contamination. However, post closure groundwater monitoring could provide for corrective measure assessment of the Mocks Pond and the associated SWMUs if GK/IS&W demonstrates that additional corrective measures are not necessary to address the current groundwater contamination and potential groundwater impact from the Jackson Street Landfill (JSL). The average MCLs theory postulated by GK/IS&W is not the established groundwater protection standard. Furthermore, the accuracy of GK/IS&W's statistical evaluation of the groundwater data base must be corroborated. In order to do this, a full statistical compilation of the Mean, 95% C.I. of the Mean, Minimum and Maximum for each chemical from 1981 through the present should be submitted to U.S. EPA for evaluation.

Finally, we disagree that Mocks Pond does not contain high leachable metals. One of the eight samples analyzed in the 1993 TCLP analysis show an exceedence of more than twice the TCLP level for lead. Furthermore, eight samples would not be fully representative of sludge within the 2.4 acre Mocks Pond. GK/IS&W must address these important issues in the appropriate documents (CARWP, closure plan and the June 15, 1995, letter).

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2. U.S. EPA's original comment concerns use of the most recent version of the Hydraulic Engineering Computation HEC-2 model to conduct surface water modeling of the White River and the proposed CAMU. GK/IS&W responded by stating that "use of the most recent versions of HEC-2 would not affect the conclusion that flood flows would not compromise the integrity of the closed unit." This text should be added to the CARWP and the closure plan to avoid future comments.

In addition, U.S. EPA agrees that permits and approvals would be required from the United States Army Corps of Engineers (UCOE) and the Indiana Department of Natural Resources (IDNR) for any corrective measure implementation for SWMUs, including Mocks Pond. However, U.S. EPA cannot approve a corrective measure that would be implemented in areas under the jurisdictional control of these two agencies, without GK/IS&W first obtaining all of the necessary permits and approvals. We also believe that GK/IS&W has compiled all necessary information for a permit application. UCOE has indicated to U.S. EPA, that their preferred approach will be for GK/IS&W and UCOE to engage in a preconsultation to discuss the proposed corrective measure in a permit application. After GK/IS&W initiates a preconsultation meeting and submits the appropriate permit applications, U.S. EPA will be willing to participate with GK/IS&W, UCOE, and IDNR to discuss the technical features of the CAMU and any possible regulatory obstacles regarding permit issuance.

3) We agree with GK/IS&W's argument on the jurisdictional issue regarding the closure of Mocks Pond. GK/IS&W has also resolved most of U.S. EPA's technical concerns. However, the adequate characterization of Mocks Pond Landfill, Sediment Drying Beds and the Waste Pile areas remain an issue. We believe that the CAMU may be feasible and approvable. There are also a few remaining obstacles that could prevent the successful implementation of the CAMU. It is also reasonable to assume that GK/IS&W may or may not be able to overcome these obstacles. Examples of these obstacles are the unresolved permitting issues regarding work to be performed in waters of the United States and in wetlands, since the UCOE and IDNR have jurisdictional control of these bodies of water. The difficulty with complete solidification of all wastes within an irregularly shaped quarry with numerous ledges that contain sludges. The difficulty with bedrock fractures that do not lend themselves to effective groundwater monitoring for use in the determination of the effectiveness and the reliability of the CAMU.

In consideration of the above and with the understanding that the decision to request the designation of the JSL as a CAMU is GK/IS&W's, U.S. EPA had suggested, as an alternative to Mocks Pond, the use of the Jackson Street Landfill as a CAMU. The JSL appears to be technically less restrictive and environmentally preferable. Although you have rejected U.S. EPA's suggested alternative, we respectfully disagree with your reasons as follows:



- GK/IS&W is uncertain that all the waste in the pond can be removed. It is conceivable that GK/IS&W may not be able to remove every particle of waste in Mocks Pond; however, removing almost all of the waste from the pond appears to be feasible. U.S. EPA, IDEM, and GK/IS&W could explore the possibility of defining a mutually acceptable plan of waste removal that will allow clean closure of Mocks Pond before GK/IS&W rejects the idea of using JSL as a CAMU.
- According to GK/IS&W, the JSL does not appear to be large enough to accommodate 26,500 cubic yards of waste without increasing the landfill's height by 21 feet. The JSL footprint is about 490 feet long and 235 feet wide, so disposing of 26,500 cubic yards of waste in the landfill is expected to raise its height by about 13 feet in the middle of the landfill. The side slope is expected to be only 11 percent. Both the height increase and the side slopes are workable. GK/IS&W's concern is that the landfill is not large enough, but disposing waste in it to raise its height to 21 feet is not valid.
- GK/IS&W expects substantial local opposition to use of JSL as a CAMU because the landfill is adjacent to a major public road. A number of landfills much larger than JSL are located next to major roads. For example, the CID landfill in Calumet City, Illinois, which is much larger than JSL, is located next to Interstate 94. Therefore, GK/IS&W's anticipation of public opposition is not necessarily well founded. In addition, public acceptance of JSL as a CAMU can probably be improved by proper design and landscaping of the cap on the landfill.
- According to GK/IS&W, significant transportation and logistical issues are associated with transporting 26,500 cubic yards of waste over the Conrail tracks and public highways. However, GK/IS&W does not identify any specific transportation and logistical issues. Moreover, significant quantities of waste are transported over rail tracks and public roads. Therefore, GK/IS&W's anticipation of not being able to resolve such issues is not a justifiable reason for rejecting the use of JSL as a CAMU.
- According to GK/IS&W, alkaline leachate from Mocks Pond area waste may react with waste in JSL. Leachate generation from Mocks Pond area waste can be significantly reduced by solidifying wet wastes before their disposal in JSL and by placing a well designed cap over the JSL.

Therefore, U.S. EPA requests that GK/IS&W reconsider JSL as an alternative to Mocks Pond. If GK/IS&W fully reconsiders U.S. EPA's alternative proposal and ultimately chooses to close Mocks Pond as a CAMU, the following issues must be addressed in the appropriate CARWP document and the revised closure plan: (a) the term "long-term monitoring" must be defined, since performance

monitoring is a key factor in determining the effectiveness and the reliability of the CAMU and (b) the requirements identified in 40 CFR 264.552 specifically 264.552 (4)(ii) A and (iv) and (c) provide a full-breakdown cost for each option. Without providing the full itemized cost estimate, U.S. EPA is not in the position to agree that the overall maintenance requirements for the proposed CAMU, as indicated on page C-27, involves minimal cost.

Also, as part of the response, the variable costs for three options are compared (see page 18 of the response letter). The variable cost for option 3 (use of Mocks Pond as a CAMU) is the lowest. Therefore, option 3 would be more cost effective as a corrective action. However, a \$300,000 credit for Mocks Pond closure was given for option 3 even though the text states that the variable cost relates only to the SWMU corrective action. Without the \$300,000 credit, the variable cost for option 3 is \$1.3 million, which is more than the variable cost for option 2. Option 2 would therefore appear to be more cost effective as a corrective action based on variable cost. GK/IS&W should explain why a \$300,000 credit in variable cost is given for option 3, thereby making it appear more cost-effective as a corrective action.

In item #8, the original U.S. EPA comment concerns technical issues associated with the consolidation and stabilization of waste in Mocks Pond. Although addressed in the response letter, GK/IS&W must revise the Construction Quality Assurance Plan in Appendix E to the closure plan to reflect all proposed changes.

U.S. EPA agrees with your response in item #9 that it may be possible to remediate contaminated groundwater in different portions of the facility separately. However, the conclusion in the CARWP, which states "that full-scale recovery and treatment in areas A and B and ZACS plume will not be defined prior to completion of the RFI", does not support GK/IS&W's contention that groundwater remediation is not needed in the Mocks Pond area.