

in containers. However, because the waste at the Site is not contained, it poses a greater threat than contained waste.

d. high levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate -- this factor is present at the Site due to the existence of elevated levels of the hazardous substances in tailings and sediment which were deposited on the surface of the Site in numerous locations during mining and milling operations. These tailings and sediment may migrate as airborne particles carried by wind, or they may be transported in rainwater runoff. The tailings and sediment at the Site are likely to be incidentally ingested or inhaled by humans who use the Site for recreation. The hazardous substances contained in the area soils may cause varying degrees of health-related problems relative to exposure as indicated in Section II.A.4.

e. weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released - this factor is present at the Site due to the further dispersal of the tailings and sediment about the Site by various means, including but not limited to wind, surface water, and the erosional effects of rain, snow, and ice. Additionally, flooding of Little Walnut Creek may result in deposition of hazardous substances on surface soils along drainage pathways.

f. threat of fire or explosion - this factor is not present at the Site since there are no fire or explosion hazards associated with hazardous substances that are being addressed through this response action.

g. the availability of other appropriate federal or state response mechanisms to respond to the release - there are no other mechanisms available to respond to this release in a timely manner so as to effectively address the imminent and substantial endangerment to human health posed by the hazardous substances located on the Site. The State and local officials do not have the resources available to address the current situation. If other mechanisms become available during the conduct of this response action, the EPA will evaluate that mechanism, as appropriate.

h. other situations or factors that may pose threats to public health or welfare or the environment - heavy recreational use of the Site and surrounding area by adults and children cause nearby residents to be

exposed to tailings and sediment. Children play in tailings in some of the Site areas and teenagers congregate at the Site reservoir. Children may ingest, inhale, or come into dermal contact with hazardous substances during play at the Site. The tailings are located in the streambed on residential property and they are migrating downstream in the creek toward more densely populated areas.

## **B. Threats to the Environment**

The proposed action to be taken during this response is designed to address a public health threat resulting from historical mining and milling operations. Although not specifically designed to do so, this Removal Action will incidently reduce or mitigate potential ecological threats because it is a source control action. The long-term remedial action envisioned for this Site will address any potential ecological threats associated with the Site.

## **IV. ENDANGERMENT DETERMINATION**

Actual or threatened releases of hazardous substances, pollutants or contaminants from the Site, if not addressed by implementing the response action selected in this Action Memorandum, will continue to present an imminent and substantial endangerment to public health, or welfare, or the environment.

The endangerment determination in the preceding paragraph is based on circumstances at the Site as described in this Action Memorandum, and in the administrative record for this Removal Action. The administrative record for this Removal Action includes, without limitation, the September 22, 1993, ROD, and the administrative record for the ROD. The administrative record for the ROD includes, without limitation, the Remedial Investigation (RI) Report for the Cleveland Mill Superfund Site (March 23, 1993) and the baseline risk assessment which is a part of that report. The risks to human health and the environment posed by the contamination at the Site are specifically described and summarized in Section VI (Summary of Site Risks) of the September 22, 1993 ROD, and Section VI of the ROD is hereby incorporated into this Action Memorandum.

## **V. PROPOSED ACTIONS AND ESTIMATED COSTS**

### **A. Proposed Actions**

#### **1. Proposed action description**

The Removal Action is a source control action which will address the tailings and sediment on the Site by consolidation, disposal in an on-site cell, capping, and revegetation.

The tailings and sediment with contaminant concentrations above the remedial action goals will be excavated and disposed of in an on-site disposal area located away from significant natural drainage areas. The disposal area will be covered with a cap which will be designed and constructed in a manner which promotes drainage around the disposal cell, minimizes erosion, and which permanently minimizes migration of liquids through the underlying tailings, sediment, and soil. The cap will be a multi-layered cap which will include without limitation at least one impermeable (less than  $10^{-8}$  cm/sec permeability), synthetic layer. The bottom of the disposal area will be at least 25 feet above the seasonal high ground water table. All areas affected by the Removal Action will be revegetated (including the top layer of the cap) except for those areas that have been excavated to bedrock and those areas which will be used as a part of the Site drainage (e.g. areas covered with rip rap to aid in drainage).

It is expected that the bulk of the tailings and sediment will be excavated from the streambed during this Removal Action. Small amounts of tailings and sediment (probably less than 1000 cubic yards) may still remain after the Removal Action. During rainfall events, this small amount of remaining tailings and sediment will passively collect in the sediment retention structures which the PRPs have constructed in the tributary to Walnut Creek. The collection of this small amount of tailings and sediment and the excavation of the sediment retention structures will be a part of the long-term remedial action at the Site. Post-removal site control will be managed as part of the remedial action for the Site.

In order to ensure that the remedial action goals are met, a series of confirmation samples will be taken at the bottom of the pit or scrape created at each area where tailings and sediment have been excavated on the Site, unless excavation to bedrock has occurred. At least ten percent of the samples taken at each excavation site will be analyzed for metals which are hazardous substances other than arsenic, beryllium, cadmium, lead, and zinc, in addition to being analyzed for these metals.

The sampling and analytical activities to be conducted during this removal action will be defined in the Quality Assurance Project Plan and the Sampling and Analysis Plan designed for this project.

In order to ensure both general public and worker health and safety, a Health and Safety Plan will be developed which identifies the health and safety activities which will be implemented.

Institutional controls such as deed notices, public education, or zoning restrictions (subject to the cooperation of local officials) may be used or encouraged as part of the removal action because the disposal area will be located on-site. That is, in order for this removal action to remain protective, cap integrity must be maintained. The dissemination of information to the public via deed notices, zoning restrictions, and education should help prevent actions which could harm the cap. Institutional controls, as well as ground water and surface water monitoring, and O&M are a part of the remedial action which will follow this Removal Action.

No further information is needed before the response action can be completed. At this time, off-site disposal is not anticipated, because the contaminated tailings and sediment will be contained on-site.

## **2. Contribution to remedial performance**

Because the proposed Removal Action is a source control action, it is consistent with long-term remediation strategies. Surface and ground water monitoring and long-term O&M will continue to be addressed through the remedial action described in the ROD and the Consent Decree.

## **3. Description of alternative technologies**

At this time, there are no other proven alternative technologies that could feasibly be applied at the Site. The only action deemed appropriate is to immediately begin the mitigation of the threats posed by the Site in the fashion proposed herein. Alternatives to land disposal were considered in the FS prior to issuance of the ROD, and a reprocessing technology was the selected alternative in the ROD. However, no acceptable, cost-effective off-site alternative is feasible for the Site at this time as detailed in Section II.B.1 of this Action Memorandum.

## **4. Applicable or Relevant and Appropriate Requirements (ARARS)**

The proposed Removal Action will be conducted to eliminate the actual or potential exposure to hazardous substances, pollutants or contaminants pursuant to the CERCLA, 42 U.S.C. § 9601 et seq., in a manner consistent with the National Contingency Plan, 40 CFR Part 300, as required at 33 U.S.C. § 1321(c)(2) and 42 U.S.C. § 9605. The proposed Removal Action under CERCLA § 106 shall, to the extent practicable considering the exigencies of the situation, attain the Applicable or Relevant and Appropriate Requirements (ARARS) under Federal environmental law.

Due to the fact that the abatement of an actual or potential discharge of metal-contaminated leachate from the Site into Little Walnut Creek and downstream aquifers is one of the principal elements of this Removal Action, the following water quality standards are relevant and appropriate: provisions of the Clean Water Act, 33 U.S.C. §1251 et seq.; the Safe Drinking Water Act, 33 U.S.C. §300 f et seq.; the New Mexico Water Quality Act, NM Stat. Ann. §74-6-1 et seq.; NM WQCC Regulations, 20 NMAC 6.2, Sections 2101, 2201, 3101, 3103, 4101, and 4103.A (concerning the impacts of vadose zone contaminants to ground water); and NM WQCC Regulations 20 NMAC 6.1, Sections 1102, 2803, and 3101.

Other requirements that are relevant and appropriate to this Removal Action are: the Section 106 process of the National Historic Preservation Act of 1966, 16 U.S.C. §§ 470-470W-6 et seq., and further codified at 36 C.F.R. Part 800, regarding historical preservation, the Archaeological and Historic Properties Act; and the Endangered Species Act, 16 U.S.C. §1531 et seq., and the New Mexico Wildlife Conservation Act. The New Mexico Solid Waste Management regulations (EID/SWMMR-3, Section 302) protecting fault areas, shall also be considered in implementing the Removal Action. In addition, the Site reclamation and revegetation shall be performed consistent with the New Mexico Mining Act (NMMA) of June 18, 1993, (NMMA 69-36-11.B.3.).

State ARARs were received in a timely manner for inclusion in this Removal Action. The proposed response will attain State ARARs.

Air monitoring will be conducted during removal activities to protect the residents and the on-site workers from inhalation of airborne emissions. Appropriate dust suppression procedures and equipment will be in place and operational throughout the duration of the Removal Action. Air monitoring will be conducted as per 40 C.F.R. 300.415(j).

Although not ARARs, requirements of the Occupational Safety and Health Act (OSHA) of 1970, 29 U.S.C. § 651 et seq., and under the laws of the State, approved under Section 18 of the OSHA, as well as other applicable safety and health requirements, will be followed during the conduct of the action. Federal OSHA requirements included Hazardous Materials Operation, 20 CFR Part 1910, as amended by 54 Fed. Reg. 9317 (March 1989), all OSHA General Industry (29 CFR Part 1910) and Construction (29 CFR Part 1926) standards wherever they are relevant, as well as OSHA record-keeping and reporting regulations, and the EPA regulations set forth in 40 CFR Part 300, relating to the conduct of work at Superfund sites.

## 5. Project schedule

The proposed actions are expected to be initiated in a maximum of 60 days from approval of this Action Memorandum. It is anticipated the removal of the tailings and sediment from all areas except the lower streambed will take approximately 180 days. Because the removal of the material from the lower streambed will be a passive process, it will be conducted under the remedial action portion of the Site activities.

## B. Estimated Costs

EPA expects that the PRPs will conduct this Removal Action.

## VIII. EXPECTED CHANGE IN THE SITUATION SHOULD NO ACTION BE TAKEN OR ACTION BE DELAYED

Should the actions described in this Action Memorandum be delayed or not taken, the metal-contaminated (*i.e.*, hazardous substance-contaminated) tailings and sediment on the Site will continue to spread to other areas and will continue to pose a significant potential risk to the general public health and the environment.

## IX. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with this Removal Action.

## X. ENFORCEMENT

The enforcement strategy is discussed in the Enforcement Sensitive Enforcement Addendum which is Attachment 5 to this Action Memorandum. The responsible parties at the Site are already participating in the remedial action at the Site under a Consent Decree. They have expressed willingness to enter into an agreement to conduct the Removal Action and negotiations are underway.

## XI. RECOMMENDATION

This decision document represents the selected Removal Action for the Cleveland Mill Superfund Site in Grant County, New Mexico, developed in accordance with CERCLA, as amended, and is not inconsistent with the National Contingency Plan (NCP), 40 CFR Part 300. This decision is based on the Administrative Record for the Site.

Conditions at the Site meet the NCP Section 300.415(b)(2), 40 CFR § 300.415(b)(2), criteria for a removal and I recommend your approval of the proposed Removal Action. The responsible parties are expected to pay for this action so no funds will be required from the Regional Allowance.

007169

APPROVED: \_\_\_\_\_

DATE: 7/11/97

Attachments

ATTACHMENT 1



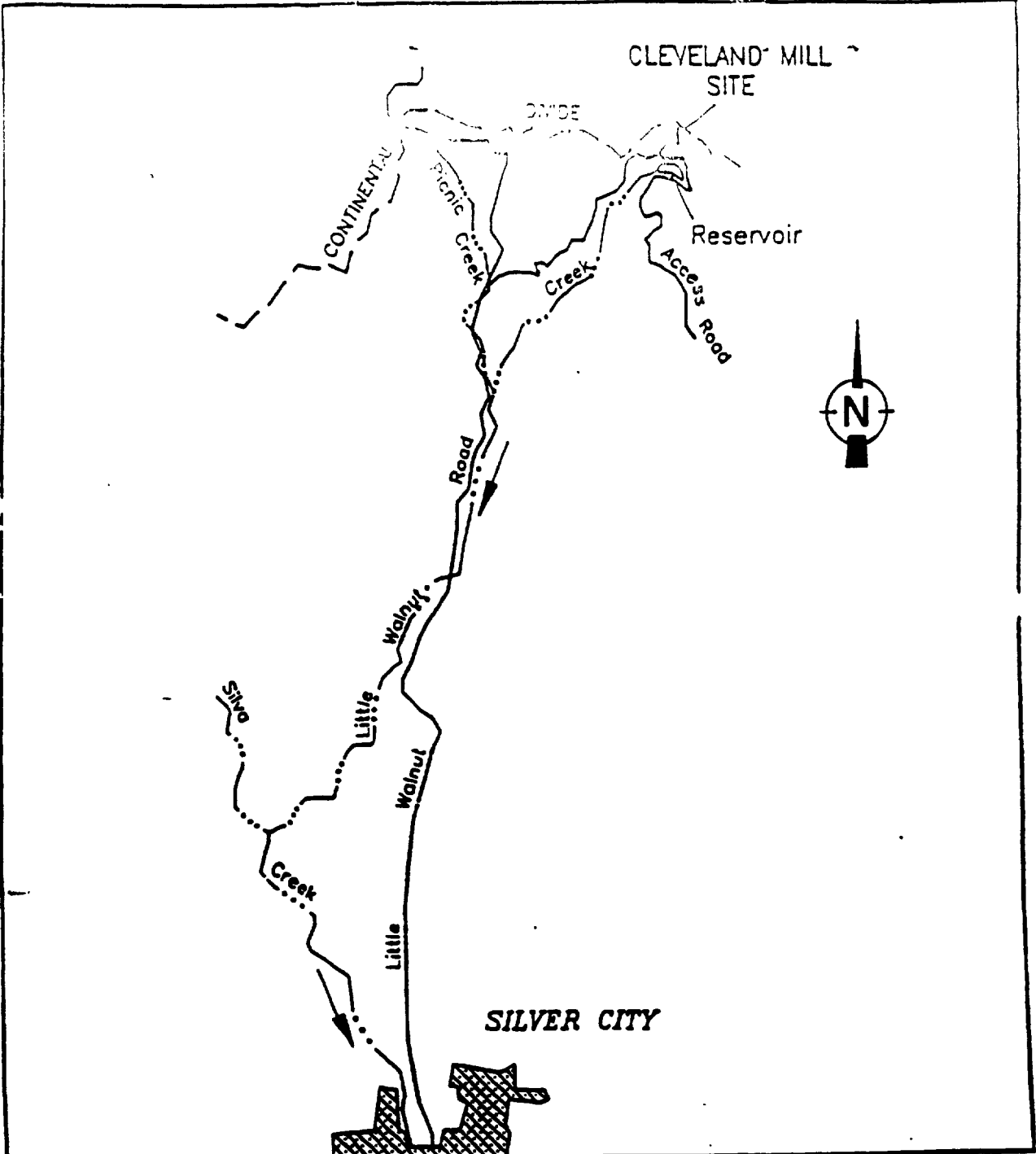
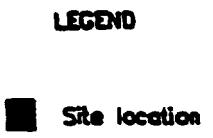
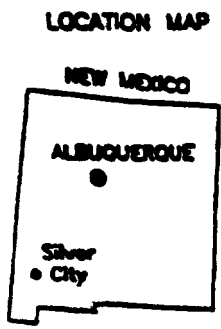


FIGURE 1



<b>CLEVELAND MILL SUPERFUND SITE</b> Grant County, New Mexico	
TITLE:  <b>SITE LOCATION MAP</b>	
Project No. EN3017	
ecology & environment, inc. ALBUQUERQUE, NEW MEXICO	
Date: 10/92	Drawn by: RSM

007172

ATTACHMENT 2

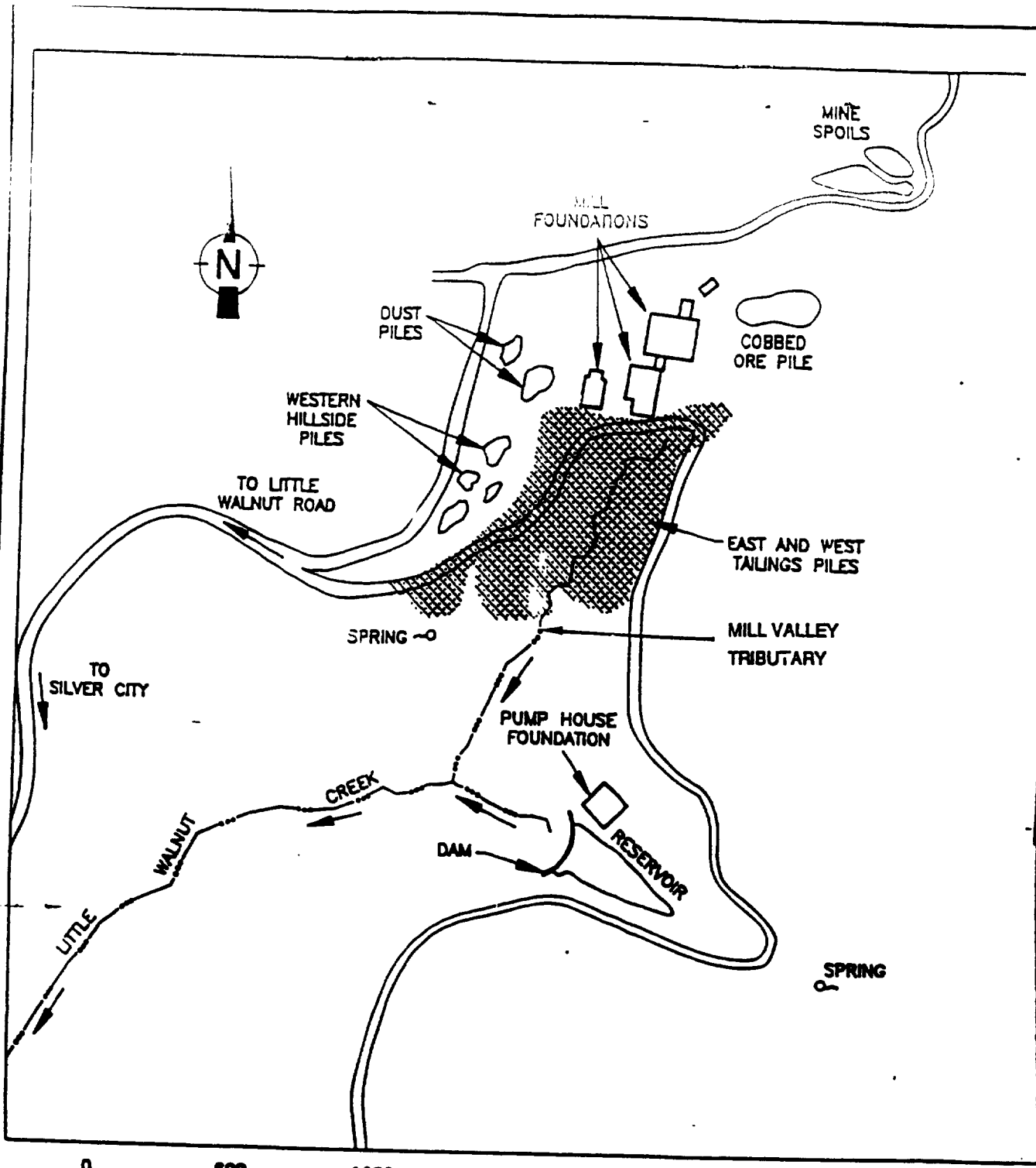


FIGURE 2

<b>CLEVELAND MILL SUPERFUND SITE</b> Grant County, New Mexico	
TITLE:	
<b>MILL AREA MAP</b>	
Project No. EN3017	
ecology & environment, inc. ALBUQUERQUE, NEW MEXICO	
Date: 10/92	Drawn by: RSM    Scale: 1" = 600'

Source: Modified from Site Screening Report (EPA 1990)

ATTACHMENT 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE SUITE 1200  
DALLAS, TX 75202-2700

007175

JUN 30 1997

**MEMORANDUM**

**SUBJECT:** Site Inspection Report on Recent Conditions at the  
Cleveland Mill Superfund Site, Grant County, New Mexico

**FROM:** Kathleen A. Aisling, <sup>KAA</sup> Remedial Project Manager  
Technical Support Team (6SF-LT)

**TO:** Cleveland Mill Superfund Site File  
NMD981155930

The purpose of this memorandum is to document site conditions during my recent visits to the Cleveland Mill Superfund Site. I visited the site on April 29-30, 1997, June 3, 1997, and June 10-11, 1997. During each of these visits, I walked from the base of the tailings, downstream along the tributary to Little Walnut Creek which originates at the mill foundations. During each visit, I observed six to ten pools of red acidic leachate from the tailings in locations up to 2000 feet from the site. The pH of these pools ranged from 1.5 units to 2.5 units.

Ordinarily, the tributary and creek do not have pooled water in them, except immediately after a heavy rain. I had not observed as much red acidic water in the tributary since the early part of 1993 when the area near the site had record rainfall. The pH of the leachate I observed in 1997 was also lower than the pH of the leachate recorded in early 1993 which averaged about 3 units.

The attached photographs were taken on April 12, 1997, by Robert Pelham, a resident who lives near the site. The first photograph shows spring activity near the mill foundations. This spring activity is the result of the heavy rainfall since March 1997. The second two photographs show acidic pools of water about 1000 feet downstream from the mill foundations where a small tributary from the clean site reservoir (the clear water on the left) meets the tributary to Little Walnut Creek originating at the mill foundations.

Attachment

007176



007177



**Attachment 4 - Responsiveness Summary**

007178

1) Comment: Communication has been excellent, but the action taken at the site has been slow. The work at the site should have been completed years ago instead of dragging it out and wasting the taxpayers money.

Response: The administrative record details the steps that were taken at the Site in order to clean it up. Because of the rapid residential development in the area, an off-site remedy was originally selected for the Site. When the selected off-site remedy became infeasible, other off-site disposal options were investigated. At the same time, conditions at the Site worsened. By May 1997, off-site disposal options were ruled out, and EPA initiated this Action Memorandum.

Taxpayer money was not spent on this site. Through the provisions of the Consent Decree, the potentially responsible parties (PRPs) reimbursed EPA for all past investigation costs (with interest) and agreed to pay for and perform all future work at the Site. In addition, the PRPs have set up a special account to cover EPA oversight costs during clean-up activities at the Site. NMED oversight costs will also be reimbursed by the PRPs.

2) Comment: The commenter feels that it is important to clean-up the Site and thanked EPA for doing something in the Silver City area.

Response: Comment noted. As stated above, the PRPs have been responsive in this situation and have been paying for the clean-up.

3) Comment: Little investigation has been done on the drainage of the mine spoils pile. The commenter has a water well downstream of this pile.

Response: The mine spoils pile and the drainage were investigated during the Remedial Investigation, but no wells were sampled. The well of this commenter, however, was sampled during the baseline ground water sampling performed by the PRPs the week of June 9, 1997. Ground water monitoring is included in the Consent Decree and will be a part of the future remedial action.



STATEMENT OF WORK  
CLEVELAND MILL SUPERFUND SITE  
REMOVAL ACTION FOR PHYSICAL REMOVAL

I. INTRODUCTION

1. This Statement of Work ("SOW") sets forth certain requirements of the Administrative Order on Consent for Removal Action for Physical Removal (the "Order") DOCKET NUMBER CERCLA 06-14-97, for implementation of the Work of the Removal Action for the Cleveland Mill Superfund Site (the "Site"). Respondents shall undertake the Removal Action according to the Order (including, but not limited to, this SOW) and according to EPA's Action Memorandum signed July 11, 1997 (the "Action Memorandum") in order to mitigate and clean up releases and threats of releases of hazardous substances at and from the Site including without limitation the tailings and sediment on the Site. Respondents shall implement the EPA-approved final plans and specifications pursuant to the EPA-approved Work Plan.

II. PERFORMANCE STANDARDS

2. EPA will use the Performance Standards to determine if the Work has been completed.

II. ROLE OF EPA

3. EPA's approval of deliverables, including, but not limited to, submissions, is administrative in nature and generally allows Respondents to proceed to the next steps in implementing the work of the Removal Action. EPA's approval does not imply any warranty of performance, nor does it imply that the Removal Action, when completed, will meet Performance Standards, will function properly, and will be ultimately accepted by EPA. Pursuant to paragraphs 65 through 70 (EPA Review of Submissions) of the Order, EPA retains the right to disapprove submissions during the Removal Action. EPA may disapprove deliverables including, but not limited to, submissions concerning such matters as the contractor selection, plans and specifications,

work plans, processes, and any other deliverables within the context of the Order.

### III. RESPONDENTS' KEY PERSONNEL

#### Respondents' Project Coordinator

4. When necessary as determined by EPA, EPA will meet with Respondents and discuss the performance and capabilities of the Respondents' Project Coordinator. When Project Coordinator performance is not satisfactory, as determined by EPA, Respondents shall take action, as requested by EPA, to correct the deficiency. If, at any time, EPA determines that the Project Coordinator is unacceptable for any reason, Respondents, at EPA's request, shall bar the Project Coordinator from any work under the Order, and, pursuant to the provisions of paragraphs 61, 62 and 63 of the Order, give notice of Respondents' selected new Project Coordinator to EPA.

#### The Removal Action Quality Assurance Official

5. Oversight, including, but not limited to confirmation sampling, by the Removal Action Quality Assurance Official ("Removal Action QAO") will be used to provide confirmation and assurance to Respondents and to EPA that Respondents are constructing the Removal Action to meet Performance Standards. The Removal Action QAO shall implement the Removal Action Quality Assurance Plan ("Removal Action QAP"). The Removal Action QAO shall selectively test and inspect work performed by Respondents.

### IV. WORK TO BE PERFORMED

#### Removal Action Planning Phase

6. During the Removal Action Planning Phase, Respondents shall prepare the Work Plan, and submit the Work Plan to EPA for approval. Respondents shall submit the Work Plan to EPA 10 days after the effective date of the Order. The Work Plan shall include, but shall not be limited to, plans and schedules for the work which Respondents shall undertake in order to complete the Removal Action described in the Action Memorandum.

7. In the Work Plan, Respondents shall describe in detail the work, including but not limited to deliverables, which

Respondents shall perform to implement the Removal Action described in the Action Memorandum. Respondents shall include, textual sections in the Work Plan which discuss in detail the deliverables outlined in SOW paragraphs 8 through 30 which follow:

8. Respondents shall produce and submit to EPA for approval, a Health and Safety Plan for field design activities which shall be prepared in conformance with applicable Occupational Safety and Health Administration ("OSHA") and EPA requirements, including, but not limited to OSHA regulations 29 CFR §1910 (54 Fed. Reg. 9294)<sup>1</sup>. Respondents shall also, in the Health and Safety Plan, document specific procedures, criteria, or protocols, including, but not limited to: material safety data sheets for selected chemicals; safety instructions for special equipment; use and maintenance of special equipment; status of training and medical examinations for field personnel and health and safety officers; and copies of reports and other health and safety documentation.

9. Respondents shall produce and submit to EPA for approval, a Removal Action Sampling and Analysis Plan (Removal Action SAP") which includes, but is not limited to, plans for field sampling, and analytical activities, including but not limited to confirmation sampling. Respondents shall design the Removal Action SAP to measure progress toward meeting Performance Standards. Respondents shall write the Removal Action SAP so that it defines in detail the sampling and data gathering methods which Respondents shall use during construction of the Removal Action. Respondents shall use the EPA-approved plan as the basis for ascertaining whether the Performance Standards have been achieved by the Removal Action (ultimately EPA will decide whether Performance Standards have been achieved). Respondents shall, in the Removal Action SAP, describe the statistical approach to be used during sampling.

10. Respondents shall produce and submit to EPA for approval, a Removal Action Quality Assurance Plan ("Removal Action QAP"). In the Removal Action QAP, Respondents shall include without limitation the deliverables described in paragraphs 11 through 16:

11. A listing of the names, addresses, telephone numbers, responsibilities and authorities of all of Respondents'

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<sup>1</sup>EPA does not approve or disapprove the Health and Safety Plan, but does review it to assure its existence and requires compliance with its terms as part of the Order.

Key personnel involved in Removal Action, including, but not limited to, planning and construction.

12. A listing of the names, addresses, telephone numbers, responsibilities, and qualifications of the quality assurance personnel, including the Removal Action QAO. The listing shall include enough information to demonstrate that the quality assurance personnel possess the training and experience necessary to fulfill their identified responsibilities.

13. A listing of the observations and tests which shall be used by Respondents to monitor construction, and the frequency of performance of these quality assurance activities.

14. A description of proposed sampling activities which shall be undertaken by Respondents including, but not limited to, sample size, sample locations, frequency of testing, acceptance and rejection criteria, plans for implementing corrective measures, data sheets, problem identification and corrective measures reports, evaluation reports, acceptance reports, and final documentation.

15. A description of the reporting requirements for quality assurance activities including, but not limited to, a description of daily summary reports, the schedule of data submissions, inspection data sheets, problem identification and corrective measures reports, evaluation reports, acceptance reports, and final documentation.

16. A description of the arrangements which Respondents shall make for final storage of all records, consistent with the requirements of the Order.

17. Respondents shall produce and submit to EPA for approval, a Removal Action Release Prevention/Contingency Plan. In the Removal Action Release Prevention/Contingency Plan, Respondents shall provide procedures to be implemented to protect the local affected population in the event of an accident or emergency at the Site. The Removal Action Release Prevention/Contingency Plan shall include, but shall not be limited to, an Air Monitoring Plan, Transportation Plan, and a Spill Prevention, Control and Countermeasures Plan. Respondents shall include in the Removal Action Release Prevention/Contingency Plan the deliverables described in SOW paragraphs 18 through 22:

18. The name, address, and telephone number of the person or entity which Respondents designates as responsible for responding in the event of an emergency incident.

19. A plan and a date for a meeting with the local community including representatives of local emergency squads, hospitals, local agencies, State agencies, and Federal agencies involved in the cleanup.

20. First aid and medical information.

21. Air Monitoring Plan detailing the minimum requirements for personal monitoring, air monitoring, on-Site monitoring, and off-Site monitoring, during excavation. The chemical constituents identified at the Site as part of the risk assessment, including particulates, and any chemical constituents newly identified during the Removal Action shall be the basis for pollutant sampling and measurement of pollutants in the atmosphere. Trigger concentrations to implement the Removal Action Release Prevention/Contingency Plan shall be specified. A dust suppression plan shall be included as part of the Air Monitoring Plan.

22. Transportation Plan including, but not limited to a description of the transportation routes, the engineering controls that shall be used to mitigate the risks from the increase in truck traffic (such as dust suppression and the scheduling of transportation during hours of reduced traffic), the methodology that shall be used to gain access to any private or public property used during transportation, and the procedures that shall be followed to make road repairs should they become necessary.

23. Respondents shall produce and submit to EPA for approval, a Removal Action Schedule for completion of the Removal Action with due dates specified for major deliverables, including, but not limited to, construction activities. The Removal Action Schedule shall also include a schedule for implementing the following plans: (1) the Removal Action Sampling and Analysis Plan; (2) the Health and Safety Plan; (3) the Removal Action QAP; and (4) the Removal Action Release Prevention/Contingency Plan.

24. Respondents shall produce, and submit to EPA for approval, a Permitting Requirements Plan. Respondents shall meet, for all on-Site activity, the substantive requirements of all Applicable or Relevant and Appropriate Requirements (ARARs) including, but not limited to, substantive State and Federal environmental permit requirements. Respondents shall obtain all environmental permits necessary for off-Site activity.

25. Respondents shall produce, and submit to EPA for approval, Work Plan provisions establishing procedures for selection of Respondents' Removal Action contractors.

26. Respondents shall produce, and submit to EPA for approval, plans for the completion of the Removal Action including, but not limited to, the execution of the contract (if any) for construction.

27. Respondents shall produce, and submit to EPA for approval, a clear and concise description of the roles, relationships, and assignment of responsibilities among Respondents' Project Coordinator, Removal Action QAO, and the Removal Action contractors.

28. If any contaminated material is to be take off-Site, Respondents shall produce, and submit to EPA for approval, a Transportation and Disposal Plan which establishes procedures, pursuant to paragraph 84 (Off-site Shipments) of the Order, for contaminated material that is to be removed, transported, and disposed off-Site.

29. Respondents shall produce, and submit to EPA for approval, a Final Report Plan which describes the manner in which Respondents shall produce the final report pursuant to paragraph 78 (Final Report) of the Order.

30. Respondents shall produce, and submit to EPA for approval, a plan for providing access to the Site for EPA employees, contractors, agents, consultants, designees, representatives, and State of New Mexico representatives, and other agencies with jurisdictional interest pursuant to paragraphs 79 and 80 (Access to Property and Information) of the Order.

#### Implementation of the Work Plan

31. Upon approval of the Work Plan by EPA, Respondents shall complete the work described in the EPA-approved Work Plan, including without limitation the construction of the Removal Action, according to the EPA-approved plans and schedules in the Work Plan. Unless authorized by EPA in writing, Respondents shall not perform any construction work at the Site prior to EPA's written approval of the Work Plan. Respondents shall notify EPA at least 48 hours prior to performing any on-Site work pursuant to the EPA-approved Work Plan.

#### Pre-Construction Conference

32. Prior to the start of on-Site construction of the Removal Action, Respondents shall schedule and initiate a pre-

construction conference. Conference participants shall include without limitation Respondents and their representatives. Conference participants also shall include Respondents' Project Coordinator, the EPA Remedial Project Manager (RPM), any EPA-authorized Oversight Officials, the Removal Action QAO, Removal Action contractors, and all selected subcontractors. NMED representatives shall be invited to participate in the conference.

33. The purpose of the pre-construction conference shall be to establish relationships among all parties involved in the Removal Action, including lines of communication, and to discuss Removal Action activities.

#### Construction Oversight

34. Respondents shall provide office space for the OSC, RPM, NMED officials, and EPA-authorized Oversight Officials. Respondents shall equip the office space with a heating, air-conditioning, a telephone, a personal computer with a printer, and a telecopier (fax). Respondents shall also provide personal protective equipment (hard hats and safety glasses) for the OSC, RPM, NMED Officials, and EPA-authorized Oversight Officials, who have received the necessary training under 29 CFR 1910.120, so that they might have access to all portions of the Site.