

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

MODIFICATION TO THE
STATEMENT OF WORK FOR REMEDIAL DESIGN/REMEDIAL ACTION
MAXEY FLATS DISPOSAL SUPERFUND SITE
FLEMING COUNTY, KENTUCKY

1. On April 18, 1996, the United States, on behalf of the United States Environmental Protection Agency (EPA), entered into a Consent Decree with the Commonwealth of Kentucky ("the Commonwealth") for the Remedial Design/Remedial Action at the Maxey Flats Disposal Superfund Site (Site), *United States v. U.S. Ecology, Inc., et al.*, Civil Action No. 95-58 (E.D. Ky), under which the Commonwealth agreed to perform and finance certain aspects of the Work including the "Balance of Remedial Phase" (BoRP) in accordance with the Consent Decree and Statement of Work (SOW).

2. Section IV of the Consent Decree defines the BoRP as that portion of the remedy for the Site described in Tasks IV and V of Section IV of the SOW, attached as Appendix B to the Consent Decree, and which is equivalent to the tasks comprising the "Interim Maintenance Period" (IMP) and "Final Closure Period" (FCP) as described in the Record of Decision (ROD). The Consent Decree further defines the FCP as that portion of the remedy described in Section IV, Task IV.B. of the SOW and identified as the Final Closure Period in the ROD.

3. Pursuant to Section XXXIV Paragraph 146 of the Consent Decree, modifications to the SOW that do not materially alter the document may be made by written agreement between EPA and the Settling Parties that are performing or paying for the affected obligation after providing the Commonwealth with a reasonable opportunity to review and comment on the proposed modification.

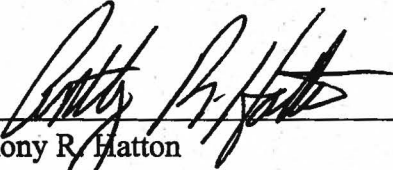
4. Pursuant to Paragraph 146 of the Consent Decree, EPA and the Commonwealth hereby modify the SOW as follows:
 - a. Figure 1 as attached to this Modification is hereby appended to the SOW as page 61.

 - b. The second page of the "Table of Contents" to the SOW is modified after the last line reading "Summary of Major Deliverables" to add the following line:
"Figures 61"

- c. Section III (REMEDY COMPONENTS), Paragraph C.1.b. on page 16 in the SOW is modified to add the following underlined text: “Acquisition and establishment of a buffer zone adjacent to the Site, as described more fully in Section 10.0 of the ROD, **and acquisition of the three land parcels identified on Figure 1 as the ‘Proposed Properties’ numbered parcels 1, 2, and 3;”**”
- d. The first full paragraph on page 35 in the SOW following the heading “Task IV - Interim Maintenance Period, Final Closure Period, and Associated Remedial Activities” is modified to add the following underlined text: “The remainder of the selected remedy includes the Interim Maintenance Period and Final Closure Period, collectively referred to as the Balance of Remedial Phase (BoRP). The BoRP contains two separate and distinct periods of action: 1) an Interim Maintenance Period (IMP), which commences upon issuance of the Certificate of Completion for the IRP and ends when EPA concludes, in consultation with the Commonwealth, that the trench stabilization criteria have been achieved. The IMP includes initial cap maintenance, trench leachate management, installation of a horizontal flow barrier, if necessary, and site maintenance and monitoring; and, 2) a Final Closure Period (FCP), which commences upon EPA determination that the trench stabilization criteria, as defined in the IMP Work Plan, have been achieved and concludes when EPA issues the Certificate of Completion for the BoRP. The FCP includes installation of the final cap, burial of remaining Site waste and debris, **and the Commonwealth’s acquisition of the three additional land parcels identified on Figure 1 as the ‘Proposed Properties’ numbered parcels 1, 2, and 3 for purposes of access control, Site security, and for soil borrow source for construction of the final cap.”**”
5. All terms and conditions of the Consent Decree and SOW, except as modified herein, shall continue in full force and effect.
6. By executing this Modification, the Commonwealth acknowledges that it has had reasonable opportunity to review and comment on the modifications to the SOW as described in Paragraph 4 above.
7. The Effective Date of this Modification shall be the date upon which EPA has fully executed this Modification.

THE UNDERSIGNED PARTY enters into this Modification to the Statement of Work, Appendix B to the Consent Decree for Remedial Design/Remedial Action at the Maxey Flats Disposal Superfund Site, Fleming County, Kentucky, Civil Action No. 95-58 (E.D. Ky, April 18, 1996).

**IT IS SO AGREED:
FOR THE COMMONWEALTH OF KENTUCKY**

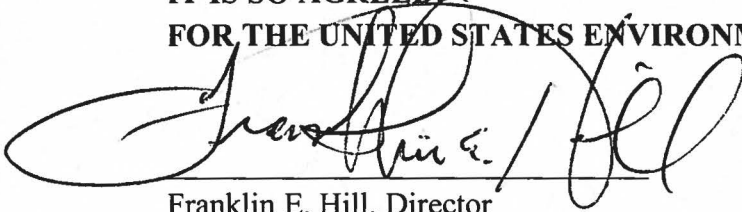


Anthony R. Hatton
Director of Division of Waste Management
Kentucky Energy and Environment Cabinet

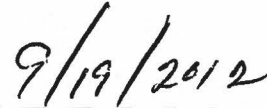
8/28/12
Date

THE UNDERSIGNED PARTY enters into this Modification to the Statement of Work, Appendix B to the Consent Decree for Remedial Design/Remedial Action at the Maxey Flats Disposal Superfund Site, Fleming County, Kentucky, Civil Action No. 95-58 (E.D. Ky, April 18, 1996).

IT IS SO AGREED:
FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

A large, stylized handwritten signature in black ink, appearing to read "Franklin E. Hill". The signature is written over a horizontal line.

Franklin E. Hill, Director
Superfund Division
U.S. EPA Region 4

A handwritten date "9/19/2012" in black ink, written above a horizontal line.

Date

ATTACHMENTS

Figure 1: Map of “Proposed Properties” Parcels 1, 2 and 3

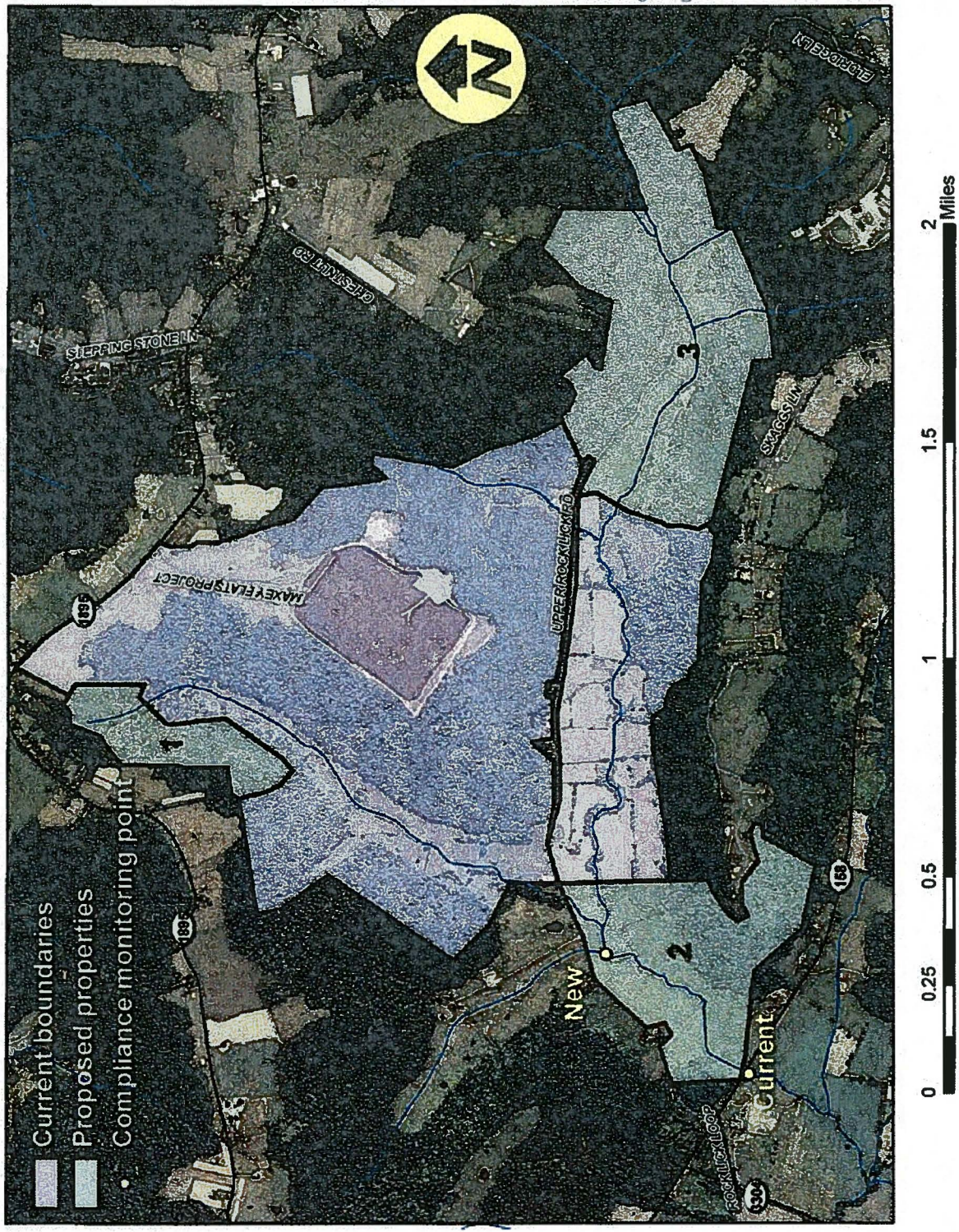


FIGURE 1