

**VIA FACSIMILE AND OVERNIGHT MAIL**

Gary P. Gengel, Esq.  
Morgan, Lewis & Bockius LLP  
502 Carnegie Center  
Princeton, NJ 08540

Re: Wauconda Sand & Gravel Site

Dear Mr. Gengel:

This letter responds to your correspondence to Mark Koller dated September 24, 2004. At the outset the U.S. EPA would like to correct the misstatement in your letter that U.S. EPA is unwilling to discuss with your group the construction of a public water system now. Please allow this letter to confirm U.S. EPA's willingness to meet as soon as, and as often as, necessary to assure that the health and welfare of the Wauconda area residents are, and will continue to be, protected.

However, as you have conceded in your telephone conversations with Mr. Koller, the installation of a public water system, even if construction could begin immediately, will take some time. Meanwhile, U.S. EPA needs to be assured that the residents surrounding the Wauconda Landfill are provided a safe water supply. As you know, in late January 2004, when your group (the "WTG") sampled 121 residential wells in the Hillcrest subdivision, 81 of those wells sampled had detectable levels of vinyl chloride. In addition, in June of 2004, when the WTG sampled 16 wells in the Village of Wauconda that had not been previously sampled, 3 of the 16 wells sampled had levels of vinyl chloride at or above 1.0 ppb but under 2 ppb. While in your letter you conclude that the levels of vinyl chloride are stable or declining, U.S. EPA needs actual data to assure itself that the citizens of Wauconda continue to be provided with safe water. Your offer to sample 24 wells in the Wauconda area (the 14 wells that at some point in time had levels of vinyl chloride at or above 1.0 ppb and 10 additional wells jointly selected by U.S. EPA and your group) is inadequate in assuring that these Wauconda residents are provided a safe drinking water source. Since it has been approximately eight (8) months since a majority of the affected residents in Wauconda have had their wells tested, U.S. EPA believes that all previously sampled wells near the site should be resampled.

In addition to resampling all previously sampled residential wells, U.S. EPA believes that it is necessary to sample any Wauconda area residential wells not already sampled. Again, U.S. EPA needs to be assured that these residents are also being provided with a safe water supply. With no recent sampling being undertaken, U.S. EPA has no way of knowing if these residents are at risk. As U.S. EPA informed you at our September 20, 2004 meeting, the wells U.S. EPA believes need to be tested are those wells immediately northwest of the landfill, the wells

between Garland Road and the Hillcrest subdivision northeast of the landfill, and the wells south of the landfill and south of the Hillcrest subdivision including the Wellsmere Heights, North Shore, Spencer's Highland, Elmcrest, and the Lakeview subdivisions.

Additionally, sampling of these residential wells will provide the information necessary to have meaningful and fruitful discussions regarding the expansion or construction of a public water system. Before meaningful discussions can begin on expansion or construction of a public water system, basic information such as the capacity needs (e.g. who needs to be hooked up to the system) of the public water system need to be known. Finally, even sampling of all area residential wells needs to be supplemented with information regarding the extent and migration of the contaminated groundwater plume so that a system can be designed and built that can be provided to all Wauconda area residents currently affected by the groundwater contaminant plume, or who may be affected in the future. This is why at our September 20<sup>th</sup> meeting U.S. EPA requested that your group undertake a hydrogeologic and water quality characterization in order to fully define the magnitude and extent of groundwater contamination.

A feasibility study was requested so that the necessary information would be gathered to make informed decisions regarding where such a public water system would be built, whether a new water supply well will be installed in the area or whether a connection to Lake Michigan would be an option.

While U.S. EPA believes that the above information needs to be gathered to make the informed decisions necessary regarding providing a safe drinking water source to the citizens of Wauconda, this is not to say that a streamlined feasibility study would not be considered by U.S. EPA at this site. In addition, as stated earlier, U.S. EPA would gladly meet with your group to discuss remedial options at the Wauconda Site while the necessary information is being gathered.

U.S. EPA disagrees with the statement made in your letter that "based on the data the septic systems clearly are a source area" and finds this overstates what was said at the September 20<sup>th</sup> meeting by your consultant. Upon review of the notes taken by U.S. EPA representatives at the September 20<sup>th</sup> meeting, the exact words that your consultant used regarding the testing of the 7 septic systems was "I can't say the septic systems are a cause of groundwater contamination. A significant **potential** source of vinyl chloride is the septic systems. I don't know whether the septic contamination makes it to the water table." (Emphasis added).

U.S. EPA also disagrees that it will take over 26 months to complete the necessary work identified by U.S. EPA. U.S. EPA believes that such data and information could be collected in a 12 to 18 month time frame. Again, U.S. EPA is willing to discuss with the WTG how the sampling efforts and feasibility study may be conducted concurrently and in a streamlined manner to move this matter along in an expeditious manner. Finally, U.S. EPA finds it troubling to state that no further study is necessary to determine whether the landfill is the source of the vinyl chloride contamination, and then later to justify using public funds to pay for a portion of the public water system based on this lack of information. One might conclude that your group does not want to clearly determine whether or not the landfill is the source of the vinyl chloride contamination, and wants to use that lack of knowledge to justify the use of tax dollars to pay for

the public water system.

Your letter cites to the communities of Rockford and Downers Grove as examples of recent success stories of industry/government cooperation for public water. You should recognize however, that according to the U.S. EPA attorney assigned to the Downers Grove site, the potentially responsible parties paid for the water hook ups for the residents, and no federal funds were used to pay for the hook ups. At the S.E. Rockford site, while the City of Rockford did issue bonds to fund the water main extension, the water rates of commercial and industrial users in Rockford were raised to pay for this extension. No residential customer water rates were raised to fund this water main extension.

Due to your group's refusal to undertake the sampling and investigations which U.S. EPA believes are necessary at this Site, enclosed please find a Unilateral Administrative Order issued by the U.S. EPA under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S. C. Section 9601, et seq.

Please note that the Order allows an opportunity for a conference if requested within 3 business days after issuance of the Order, or if no conference is requested, an opportunity to submit comments within 7 business days of issuance of the Order.

If you have any questions regarding the Order, feel free to contact Mark Koller, Assistant Regional Counsel at (312) 353-2591.

Despite the fact that U.S. EPA has issued the enclosed Unilateral Administrative Order, U.S. EPA hopes that it can continue to work with the WTG in a cooperative manner.

Sincerely,

Richard C. Karl, Director  
Superfund Division

Enclosure

cc: Gary King, IEPA