Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA) and, therefore, associated costs be considered reimbursable. In addition, the Lidgerwood plant did not work properly after the first six months of operation in the late summer of 1986. Wyndmere also requested that expansion of its water treatment plant's capacity to cover periods of high demand, during which it must bypass its plant with untreated water high in arsenic, be considered as part of the overall RA for the Site.

In April 1987, a Cooperative Agreement (CA) was awarded to the State to study the Lidgerwood and Wyndmere plants, with the objective of determining the extent of repairs necessary to correct problems at the Lidgerwood plant and of verifying the Wyndmere plant's capacity problem. Subsequently, a supplemental RA to the 1986 ROD was approved on February 5, 1988, for:

- (1) Reimbursement from the Superfund to Lidgerwood for allowable costs associated with construction of its water treatment plant;
- (2) Modification of the Lidgerwood water treatment plant; and
- (3) Expansion of the Wyndmere Water Treatment Plant to increase storage capacity. Expansion consisted of a 50,000-gallon, potable water storage reservoir and related minor adjustments and modifications to the existing plant.

EPA designated the Richland Rural Water Treatment System as Operable Unit I (OUI), and Lidgerwood and Wyndmere as OUII.

Between September 1986 and February 1990, additional water-quality monitoring identified arsenic-contaminated ground water in proximity to Milnor. Milnor is located within the areal boundaries of the Site and a portion of the city residents obtained their daily drinking water needs from a shallow ground water source containing elevated concentrations of arsenic.

The Bureau of Reclamation, through an Interagency Agreement (IAG) with EPA and the State, recommended that the Richland Rural Water Treatment Plan distribution be expanded to incorporate Milnor. This action would limit the potential exposure to arseniccontaminated drinking water supplies of residents within the Milnor city limits. EPA approved Milnor's addition to the remedy for OUI. This is designated as phase 2 of OUI. An Explanation of Significant Differences (ESD) dated September 25, 1992, explains the decision to add Milnor as a second phase of RA for OUI.

The major components of the resultant sitewide remedy included:

(1) Expansion of the existing Richland Rural Water Treatment Plan located in Mantador, North Dakota and its associated distribution capacity to provide safe drinking water to households within the City of Milnor and rural areas within the Site;

(2) Expansion and modification of the existing Lidgerwood Water Treatment Plant to increase treatment capability and storage capacity and, thereby, provide safe drinking water to households within the City of Lidgerwood; and

(3) Expansion and modification of the existing Wyndmere Water Treatment Plant to increase treatment capability and storage capacity and, thereby, provide safe drinking water to households within the City of Wyndmere.

Ĭn March 1987, a CA was awarded to the State to develop RD for the expansion of the Richland Rural Water Treatment Plant and distribution system. A subsequent CA to conduct RA was awarded to the State in August 1989. In July 1990, construction at the Richland Rural Water Treatment Plant commenced upon award by the State of RA contracts to three contractors. This construction included some 300 miles of water distribution pipeline, the construction of seven additional water storage reservoirs, the drilling and completion of three additional water supply wells, and the approximate doubling of the existing water treatment

A pre-final conference and inspection was conducted by EPA and the State on September 25, 1991; the Operational and Functional (O & F) period would have been formally completed in September 1992, but was delayed due to incorporation of Milnor in OUI.

The CA for RA was amended in September 1991, to incorporate Milnor within the Richland Rural Water Treatment Plant expansion. Activities to add Milnor to the Richland Rural Water Treatment System began in September 1991. During the summer of 1992, a 135,000 gallon potable-water reservoir, a water distribution system with approximately 300 service connections and associated pipelines, and connection to the Richland Rural Water Treatment Plant and distribution system was constructed. EPA and the State, in conjunction with Milnor, conducted a pre-final conference and inspection on August 28, 1992. A pre-final inspection report (Report) was prepared which summarized the completed RA activities for OUI, including Milnor, and presented a description and schedule

for completion of the remaining tasks necessary to complete RA. The Report certified that the RA activities were performed according to design and specification requirements set forth in the approved RD as required by the ROD. A Preliminary Close Out Report documenting completion of construction for the entire Site, based upon completion of OU I as the final construction phase, was issued by EPA on September 30, 1992.

The primary punchlist items to be completed included final testing of the Milnor distribution system and restoration of streets affected during construction. These tasks, including the drilling of a fourth water well, were completed by June 18, 1993. A walk-through inspection of both phases of OUI, which confirmed these findings, was conducted by EPA, the State, and Milnor immediately following the final inspection conference on June 28, 1993.

At the State's request, EPA assumed the lead for RA undertaken for Lidgerwood. EPA signed an IAG with the Bureau of Reclamation for construction of Lidgerwood modifications in March 1989. Actual construction for the Lidgerwood plant began August 16, 1989, and was essentially completed by January 30, 1990. A one-year facility shakedown and evaluation of the modifications was completed on January 31, 1991.

In June 1988, EPA awarded a CA to the State to develop RD for the Wyndmere plant. Subsequently, the State awarded the initial contract for construction of the Wyndmere modifications to a local contractor in March 1989. Actual construction for the Wyndmere plant began August 3, 1989, and construction activities were essentially completed by mid-January of 1990. However, minor operating problems developed and additional modifications to the plant were necessary. Among other modifications, a separate post-chlorination system was installed. An additional testing period from May through September 1990, was conducted, and the one-year O & F period was completed in January 1991.

Final inspections of both the Wyndmere and Lidgerwood plants were conducted on January 16, 1991, by EPA, the State, and the cities of Wyndmere and Lidgerwood, respectively. It was determined that modification of the plants was 100 percent complete and the plants were operating as required. Remedial Action Reports for the Wyndmere plant and for the Lidgerwood plant, as approved by EPA in March 1991, certify that the plants have achieved the ROD objective of reducing human exposure to arsenic-