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STREET ADDRESS:
Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

Certified Mail
Return Receipt Requested

Re: The Scotts Company
EPA ID #: OHD990834483

September 19, 2003

Mr. Gary Daugherty
Director, Corporate Environmental Engineering
The Scotts Company
41 S. High Street Suite 3500
Columbus, Ohio 43215

Dear Mr. Daugherty:

Here is the final Decision Document for the Remediation (Decision Document) of The Scotts Company facility in Marysville, Ohio. This Decision Document also represents Ohio EPA's written approval of the Final RCRA Facility Investigation Report[1] submitted by The Scotts Company pursuant to the Consent Order and Final Judgement entered into between the State of Ohio and The Scotts Company (Case No. CV0277 and filed with the Union County Court of Common Pleas on January 25, 2002). The responsiveness summary the Ohio Environmental Protection Agency (Ohio EPA) prepared in response to the comments received concerning the Statement of Basis can be found beginning on page 26.

The Decision Document presents the selected remedial actions for The Scotts Company chosen pursuant to the Consent Order and Final Judgement and in accordance with the policies of Ohio EPA, statutes and regulations of the State of Ohio.

In accordance with section **IX.A.3** **Corrective Measures Implementation,** paragraph 23., The Scotts Company must submit to Ohio EPA a schedule for conducting Corrective Measures Implementation for each waste management unit requiring action or additional investigation within thirty (30) days after receiving this letter.

[1]Ohio EPA received the Final RCRA Facility Investigation (RFI) Report on October 4, 2002.

If you have any questions regarding the Decision Document, please call Chris Bulinski at 614-728-5036.

Sincerely,

Pamela S. Allen

Pamela S. Allen, Manager
Regulatory and Information Services
Division of Hazardous Waste Management

cc: Chris Bulinski, CDO
Jeremy Carroll, DHWM, CO
DHWM, CDO File

DECLARATION

SITE NAME AND LOCATION

The Scotts Company
Marysville, Union County, Ohio

STATEMENT OF BASIS AND PURPOSE

This Decision Document presents the selected remedial actions for The Scotts Company chosen pursuant to the Consent Order and Final Judgement entered into between the State of Ohio and The Scotts Company (Case No. CV0277 and filed with the Union County Court of Common Pleas on January 25, 2002) and in accordance with the policies of the Ohio Environmental Protection Agency, statutes and regulations of the State of Ohio. This Decision Document also represents Ohio EPA's written approval of the Final RCRA Facility Investigation Report submitted by The Scotts Company pursuant to the Consent Order and Final Judgement.

ASSESSMENT OF THE SITE

The Scotts Company completed an extensive soil, ground water and surface water investigation in and around areas of the site that were affected by previous waste management practices. Surface and sub-surface sampling in many of the waste management units and sediment sampling in Crosses Run revealed that the primary constituents of concern that posed a potential risk were pesticides, herbicides and semi-volatile organic compounds. Ohio EPA finds that the implementation of the selected remedies will further protect public health and the environment by permanently reducing risks to acceptable levels once the remedies are completed.

DESCRIPTION OF THE SELECTED REMEDIES

- A multi-layered protective cover or cap will be placed on Landfill #2, Landfill #4, Landfill #5 and Field Broadcast Area #2 and maintained thereafter.

- The South Branch of Crosses Run and an unnamed tributary to the South Branch will be re-routed and contaminated stream sediment will be placed in the capped waste management unit near the area where the contaminated sediments will be removed or they will be removed to a permitted off-site disposal facility.

- Contaminated soils will be excavated and removed from Field Broadcast Area #1. The contaminated soils will be placed in Landfill #4 and Landfill #5. Soils with contaminant levels exceeding the toxicity characteristic, as determined by the Toxicity Characteristic Leaching Procedure, from the southern hot spot in Field Broadcast Area #1 will be shipped off-site to a permitted treatment, storage or disposal facility.

- Continuation of the interim measures completed at Landfill #1 and Landfill #3. A multi-layered protective cover or cap was placed on these two landfills; the covers will continue to be maintained.

- A ground water monitoring and response system will be implemented for the applicable units pursuant to a plan that will be approved by Ohio EPA to assure that the selected remedies are performing adequately.

- Use of appropriate portions of the site will be restricted to industrial purposes only through the establishment of an enforceable written agreement between The Scotts Company and Ohio EPA that creates an equitable servitude.

- No further action, except for ground water monitoring and the land use restriction agreement described above, needs to be taken at Former Pond #2, Former Pond #3 and Former Pond #6. However, the grass covering Former Pond #2 and Former Pond #3 will continue to be mowed.

- Security measures will be implemented on the southern property boundary of the Scotts facility to prevent potential access by trespassers.

- A Corrective Measures Study will be conducted for the North Branch and Campus Areas portion of Crosses Run.

STATUTORY DETERMINATIONS

Today's approval of the Final RCRA Facility Investigation Report and the selected remedial actions is protective of human health and the environment, is in accordance with the Consent Order and Final Judgement and applicable State and federal laws and is responsive to public participation and input. The remedies utilize permanent solutions to the maximum extent practicable to reduce toxicity, mobility and volume of hazardous substances at The Scotts Company site. The effectiveness of the remedies will be reviewed regularly.

Christopher Jones, Director

9-15-03
Date

Decision Document for the Remediation of

The Scotts Company Facility
Union County, Ohio

prepared by

The Ohio Environmental Protection Agency

September 5, 2003

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1.0 INTRODUCTION

1.1 Executive Summary

The Ohio Environmental Protection Agency (Ohio EPA) has prepared this Decision Document for the remediation of The Scotts Company (Scotts) facility in Marysville, Ohio. This Decision Document identifies Ohio EPA's selected remedies (and explains the reasons for the selection of the remedies).

In accordance with a Consent Order and Final Judgement filed with the Union County Court of Common Pleas in 2002, Scotts has completed an extensive soil, ground water and surface water investigation in and around areas of the facility that were affected by previous management practices. Ohio EPA has reviewed Scotts' document submissions and is today selecting remedies in order to address affected soil, surface water and sediment at each of these areas. In brief, Ohio EPA is requiring that these areas be covered or capped with an engineered covering. The South Branch of Crosses Run will be re-routed and contaminated stream sediment removed. Ohio EPA is also requiring that a deed or use restriction be imposed on appropriate portions of the land at the facility through a written agreement between Ohio EPA and Scotts, that ground water monitoring be performed and that a corrective measures study be conducted for the North Branch and Campus Area portions of Crosses Run. Finally, implementation of security measures along the facility's southern property boundary will be required to prevent trespasser access until the selected remedies for the units closest to the southern property boundary are implemented successfully. Ohio EPA finds that these remedies will further protect public health and the environment by permanently reducing risks to acceptable levels once the remedies are completed.

2.0 SITE BACKGROUND

2.1 Site History

The Scotts Company Marysville facility is located on a 735-acre campus approximately 18 miles northwest of Columbus, Ohio. A site map is included as Figure 1. Scotts blends raw materials into fertilizers, some containing pesticides. Plant construction began in 1955 and production started in 1957. Previously the area was used for agricultural purposes. The campus consists of production areas, a warehouse and loading areas, research laboratories, office buildings, product test fields and farm land. Between 1956 and 1984, the facility disposed of off-specification process materials in five on-site landfills and two on-site broadcast areas. It also used several ponds to settle solids out of process waters before recycling the water back into the manufacturing processes.

The land surrounding Scotts is used primarily for agricultural purposes. The Good Year Tire and Rubber Company operates a plant which manufactures conveyor belts to the southeast of Scotts on Industrial Parkway. Dennison Hydraulics, which manufactures hydraulic motors and pumps and accessories for each, is located to the northwest of Scotts on Industrial Parkway.

In January of 2002, Scotts and the State of Ohio entered into a Consent Order and Final Judgement filed with the Union County Court of Common Pleas, wherein Scotts agreed to institute

measures necessary to control or prevent releases to the environment from specified areas of the facility including Crosses Run. In this regard, Scotts agreed to conduct corrective action at the facility. Based on the results of a thorough investigation of the facility, corrective action generally requires the clean-up of contaminated areas for the purpose of reducing risks to human health and the environment. The corrective action process involves several key elements, each of which help to gather information necessary to support good clean-up decisions, and consists of (among other things) a Resource Conservation and Recovery Act (RCRA) facility investigation, corrective measures study (if needed), interim measures implementation, and corrective measure or remedy implementation.

2.2 Summary of the Facility Investigation

Scotts conducted a RCRA Facility Investigation at its Marysville, Ohio location under the oversight of Ohio EPA. The investigation was conducted in accordance with requirements established in the Consent Order and the approved RCRA Facility Investigation Work Plan dated June, 1999. The investigation was a thorough evaluation of environmental conditions at the site[1], including a risk-based analysis of sampling results obtained for identified chemical constituents of concern. The RCRA Facility Investigation (RFI) Report summarizes the results of the site investigation.

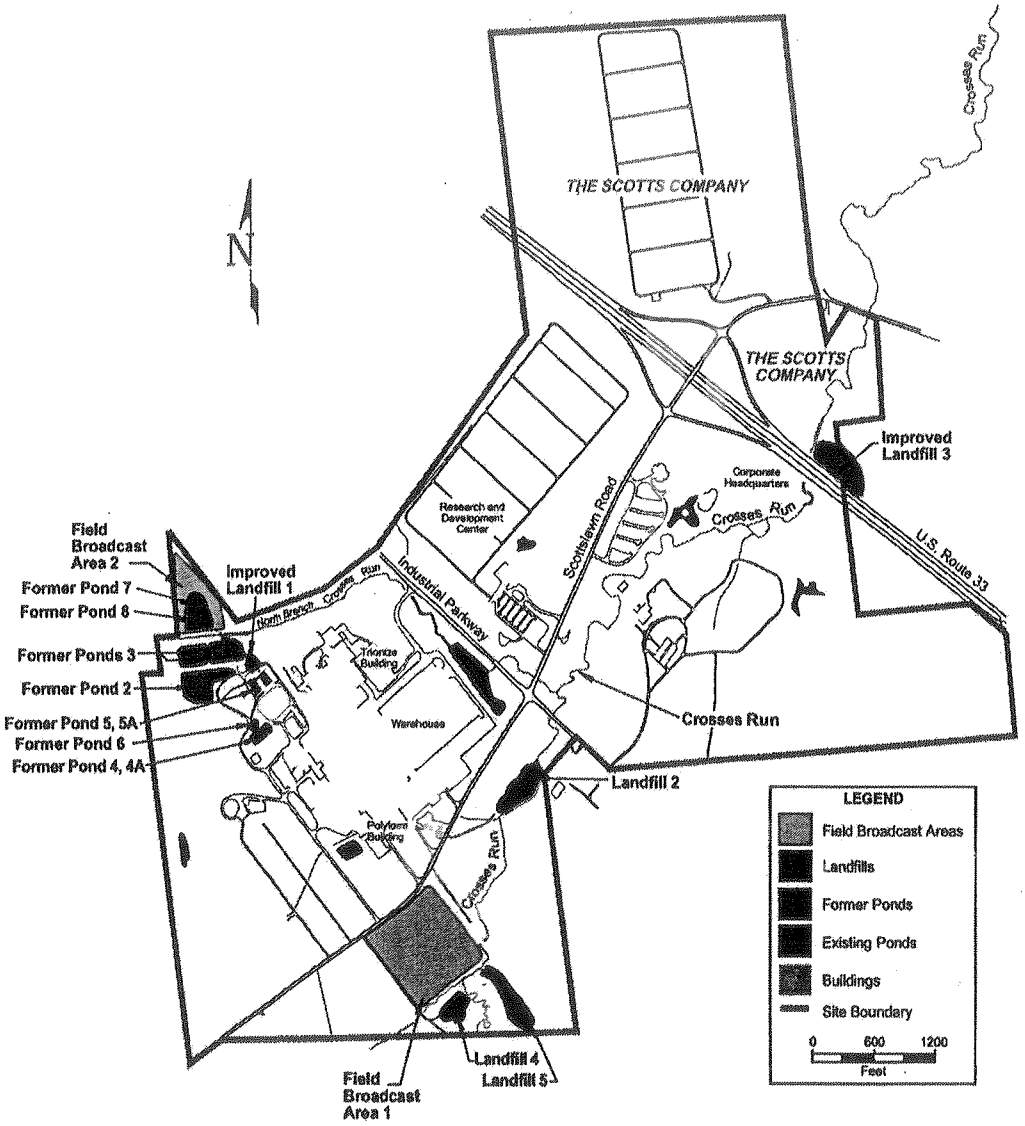
Scotts completed a majority of the RFI field activities at the Marysville facility from 1995 through 1999. During the RFI, Scotts also examined the chemical and physical nature of background soil, stream sediments, stream water and ground water. Background samples were also collected in areas of Scotts' property that are unlikely to have been influenced by facility operations.

The RFI focused on 13 waste management units whose locations are found in Figure 1. Crosses Run and ground water underlying the site were also investigated. The units are as follows:

- Landfill I
- Landfill 2
- Landfill 3
- Landfill 4
- Landfill 5
- Field Broadcast Area (FBA) 1
- Field Broadcast Area (FBA) 2
- Former Pond 2
- Former Pond 3
- Former Pond 6
- Former Pond 7 (within FBA 2)
- Former Pond 8 (within FBA 2)

[1] For purposes of this document, "site" is defined as "the land upon which the facility is located, the impacted portions of Crosses Run, and any area that is being investigated as part of the RFI Work Plan."

Figure 1: Site Map of The Scotts Company - Marysville, Ohio Facility
(Source: The Scotts Company, Environmental Management RCRA Facility Investigation Fact Booklet, Marysville, Ohio, December, 2002)



The site investigation indicates that Scotts is located in an area with topography that varies from shallow valleys caused by present day drainage to broad till plains. Geologic deposits consist of Pleistocene glacial till overlying Silurian bedrock. The glacial till in the area of Scotts is clay-rich for the first 20 feet. Below 20 feet the till is still clay-rich. However it has discontinuous layers of sand and gravel. These deposits are tube-like and are not laterally extensive.

Drainage from Scotts flows along the North and South branches of Crosses Run which join near the intersection of Scotts Lawn Road and Industrial Parkway. The main branch of Crosses Run flows North through Scotts Park and under U.S. Route 33 north of Landfill #3 and on to Mill Creek. Crosses Run joins with Mill Creek about three quarters of a mile north of the Scotts facility. Mill Creek joins with the Scioto River in the O'Shaughnessy Reservoir about 11.8 miles down stream. The O'Shaughnessy Reservoir is used by the City of Columbus as a drinking water source.

The principal aquifer in Union County is limestone/dolomite and can produce up to 1,000 gallons per minute. Scotts has an industrial water well located at 200 feet below ground surface which produces about 100,000 gallons per day. Goodyear Tire and Rubber to the southeast of Scotts has a well at 90 feet below the ground surface which produces 4,100 gallons per day for fire protection and turf maintenance. No wells in the area appear to be completed in the glacial till.

The uppermost saturated zone on Scotts' property is located approximately 20 feet below ground surface or in localized saturated zones about 10 feet below ground surface. There are no known downgradient receptors which use these zones for potable water. The nearest downgradient potable wells are at the Ohio Department of Transportation road side rest area located about 5,800 feet southeast of Landfill #3. These wells are both established in the bedrock aquifer.

The RCRA Facility Investigation determined the nature and extent of potential releases of chemical constituents at 13 units where materials were managed or disposed on-site. Potential releases to ground water underlying the site were also investigated. Scotts performed a risk assessment to characterize the current and potential threats to human health and the environment that may be posed by contaminants migrating to ground water or surface water, being released to air, leaching through soil, and remaining in the soil. The primary purpose of the risk assessment is to provide Ohio EPA risk managers with an understanding of the actual and potential risks to human health and the environment posed by the site and any uncertainties associated with the assessment. This information is useful in determining whether a current or potential threat to human health or the environment exists that warrants remedial action.

The investigation determined that the primary constituents of concern are the pesticides for insect control such as chlordane, and herbicides for weed control such as 2,4-dichlorophenoxyacetic acid (2,4-D) or Silvex (2,4,5-T), which were and in the case of 2,4-D, are still used in Scotts' products. Samples taken were also tested for semi-volatile organic compounds (SVOCs) which are substances composed primarily of carbon and hydrogen atoms that have boiling points greater than 200 degrees Celsius. Common SVOCs include Polynuclear Aromatic Hydrocarbons such as benzo(a)pyrene and fluoranthene. Samples were also analyzed for volatile organic compounds (VOCs) which are a group of carbon-containing compounds that evaporate readily at room temperature. Examples of VOCs include benzene, toluene, ethylbenzene and xylene. Finally,

samples were analyzed for inorganic constituents including the metals arsenic, cadmium and chromium.

All the waste management units at Scotts will be addressed in the near future. The selected remedy for reducing the risk to acceptable levels for both humans and the environment is presented for each unit or group of units. The exception to this is the North Branch and Campus Area portions of Crosses Run for which a Corrective Measures Study will be completed. Remedy selection for those portions of Crosses Run will be selected upon satisfactory completion of the Corrective Measures Study.

2.2.1 Ground Water

The ground water data for the RCRA Facility Investigation was collected from 35 monitoring wells designated as MW-21 through MW-55. Prior to August, 1999 there were 22 ground water monitoring wells on Scotts' property. Eleven wells were installed during August of 1999. Three of these wells were established to monitor ground water coming onto the site. These wells are referred to as background wells. Two of the wells (MW-32 and MW-33) were abandoned in the fall of 1999 because they fell within the footprint of Landfill #3. They were replaced with MW-54 and MW-55.

A total of 41 constituents were detected as a result of the ground water sampling. Seven of these were identified as constituents of potential concern. Five of the seven were identified as constituents of concern because they were detected at levels that exceeded the regulatory level, thereby posing a potential risk to human health and the environment. All of the compounds whose levels exceeded the acceptable risk levels for ground water were detected in the background monitoring wells. All of these compounds, with the exception of methylene chloride and bis (2-ethylhexyl) phthalate are naturally occurring compounds. Scotts states in the RCRA Facility Investigation Report that there is a history of turbidity in the ground water samples due to low yield in the monitoring wells and that turbid samples caused the metals results to be skewed higher. Scotts also represented that the source of the methylene chloride and bis (2-ethylhexyl) phthalate were unknown but that both were common laboratory contaminants. Ohio EPA agrees that the turbid samples were the cause of the metals results and that methylene chloride and bis (2-ethylhexyl) phthalate are common laboratory contaminants.

The waste management units which were identified in the RCRA Facility Investigation are described and listed in a series of tables that follow. The method of investigation, the environmental concerns revealed by the results of the investigation, the remedy proposed by Scotts to address the environmental concerns and Ohio EPA's selected remedy to address those concerns are provided for each unit.

2.2.2 Landfill #1:

Landfill #1 is located west of the railroad tracks and south of the north branch of Crosses Run in the northwest portion of Scotts' property. It was used for disposal of off-specification vermiculite waste from 1956 to 1959. In 1998 an interim measure was conducted at Landfill #1 because a rail spur was being built through the landfill. To accomplish this action, sheet piling was driven through the waste into the native clay where the rail spur was to be built. The waste between the sheet piles was removed and relocated to outside the sheet pile. A cap consisting of one foot of compacted clay, a 40 millimeter low density polyethylene membrane and one foot of topsoil cover were placed over the waste.

Investigation Activities and Results	Environmental Concerns Based on Investigation	Scotts' Proposed Remedy to Address Concerns	Ohio EPA's Selected Remedy to Address Concerns
1) Surface and sub-surface sampling in the landfill showed the presence of pesticides, principally chlordane and DDT. SVOCs were also present. 2) Sediment and surface water sampling in Crosses Run found chlordane. SVOCs were found further down the North Branch of Crosses Run. 3) Ground water sampling revealed that similar constituents were detected but below MCLs or background. A one time detection of Chlordane over the MCL took place here on 8-19-97.	1) Landfill #1 was capped in 1998 as an Interim Measure. While the direct pathways of exposure to humans and the environment have been eliminated, concern is the long term care of the landfill, monitoring the ground water for potential leaks, and maintaining current land use.	1) No further action. 2) Ground water monitoring will be added to the other Operation and Maintenance tasks already performed on Landfill # 1 when a ground water monitoring plan can be approved. 3) Perform a Corrective Measures Study of the North Branch and Campus Area portions of Crosses Run.	1) Continue the Interim Measure as the Final Remedy. 2) Continue Operation & Maintenance. 3) Institute a ground water monitoring and response system for a minimum of 30 years. 4) Perform a Corrective Measures Study for the North Branch and Campus Area portions of Crosses Run. 5) Institute a Land Use Restriction.

2.2.3 Landfill #2

Landfill #2 is located southwest of Industrial Parkway and southeast of Scotts Lawn Road in the east-southeast portion of Scotts' property. It was used for disposal of off-specification vermiculite waste from 1959 to 1961.

Investigation Activities and Results	Environmental Concerns based on Investigation	Scotts' Proposed Remedy to Address Concerns	Ohio EPA's Selected Remedy to Address Concerns
1) Surface and sub-surface sampling in the landfill indicate the presence of primarily chlordane, DDT, DDD and arsenic. 2) Sediment and surface water sampling in Crosses Run found chlordane and SVOCs. 3) Ground water sampling revealed that similar constituents were detected but below MCLs or background levels.	1) Levels in soil were acceptable for industrial use, but presented ecological risk concerns. These levels were within acceptable values for the maintenance worker and adolescent trespasser exposure scenario. The concern is to prevent or mitigate the potential for future human and ecological exposure to harmful material in landfill. 2) The landfill is impacting stream sediments and the water quality of adjacent streams. 3) The potential exists for contaminants in the landfill to migrate into ground water.	1) Multi-layered cover system to eliminate the exposure pathway to human and ecological receptors. The cover system will also minimize infiltration of rainwater and migration of contaminants into ground water. 2) Adjacent streams will be rerouted to minimize impact from the landfill and contaminated sediments will be placed in the landfill. 3) Ongoing maintenance of the cover system will be required. 4) Ground water monitoring will be required to detect any releases from the landfill to ground water.	1) Install landfill cap. 2) Adjacent streams will be re-routed to minimize impact from the landfill and contaminated sediments will be placed in the landfill. 3) Ongoing maintenance of the cover system will be required. 4) Institute a ground water monitoring and response system for a minimum of 30 years. 5) Institute a Land Use Restriction.

2.2.4 Landfill #3

Landfill #3 is located in the northeast corner of Scotts' property. Most of Landfill #3 lies on the northeast side of U.S. Route 33, southeast of Scotts Lawn Road. However, a small portion of Landfill #3 is under U.S. Route 33 and on the southwest side of the road. The landfill was disturbed in the late 1960s when the Ohio Department of Transportation (ODOT) constructed U.S. Route 33. This disturbance resulted in releases of landfill material to Crosses Run. Ohio EPA's Division of Solid and Infectious Waste Management oversaw ODOT's placement of a liner and erosion control in the ditch during the spring of 2000. Extra liner was left under plywood for Scotts to uncover and weld to their liner.

Investigation Activities and Results	Environmental Concerns based on Investigation	Scotts' Proposed Remedy to Address Concerns	Ohio EPA's Selected Remedy to Address Concerns
1) Surface and sub-surface sampling in the landfill indicate the presence of primarily chlordane, DDT, DDD and 2,4,5-T. 2) Sediment and surface water sampling in Crosses Run found chlordane and DDT in the sediment. Landfill #3 was disrupted during construction of U.S. 33. 3) Ground water sampling revealed that similar constituents were detected but below MCLs or background. A one time exceedance of the MCL for arsenic took place here in 05/2000.	1) A risk assessment was not conducted on Landfill #3 because it was closed as a landfill in 2000 under Ohio EPA's approval. The direct pathways of exposure to humans and the environment have been eliminated. 2) Impacts to water quality of the adjacent streams were mitigated by ODOT placing a liner in the U.S. 33 ditch and Scotts capping the rest of Landfill #3. 3) The potential exists for contaminants in the landfill to migrate into ground water.	1) A multi-layered cover system to eliminate the exposure pathway to human and ecological receptors was installed. The cover system will also minimize infiltration of rainwater and migration of contaminants into ground water. 2) Ongoing maintenance of the cover system will be required. 3) Ground water monitoring detailed in the approved O&M plan will be instituted to detect any releases from the landfill to ground water for 30 years.	1) Install a Multi-layered cap on Landfill #3 in 2000. 2) Crosses Run is dredged and contaminated sediment is placed in Landfill #3. The landfill is isolated from the stream by a sheet pile wall. 3) Ongoing maintenance of the cover system will be required. 4) Institute a ground water monitoring and response system for a minimum of 30 years. 5) Institute a Land Use Restriction.

2.2.5 Landfill #4

Landfill #4 is located in the south-southeast corner of Scotts' property. The south branch of Crosses Run flows along the north side of Landfill #4. An unnamed tributary flows along the east side of Landfill #4. Landfill #4 was used to dispose of off specification material from 1965 to 1976. Construction debris and brush are also present in the landfill material.

Investigation Activities and Results	Environmental Concerns based on Investigation	Scotts' Proposed Remedy to Address Concerns	Ohio EPA's Selected Remedy to Address Concerns
1) Surface and sub-surface sampling in the landfill indicate the presence of primarily chlordane, DDT, and SVOCs. 2) Sediment and surface water sampling in Crosses Run found chlordane and SVOCs. 3) Ground water sampling revealed that similar constituents were detected but below MCLs, background or other drinking water standard.	1) Levels in soil were unacceptable for unrestricted use and presented ecological risk concerns. These levels were not within acceptable values for the maintenance worker and adolescent trespasser exposure scenario. The concern is to prevent or mitigate the potential for future human and ecological exposure to harmful material in landfill. 2) The landfill is impacting stream sediments and the water quality of adjacent streams. 3) The potential exists for contaminants in the landfill to migrate into ground water.	1) Install a multi-layered cover system to eliminate the exposure pathway to human and ecological receptors. The cover system will also minimize infiltration of rainwater, and migration of contaminants into ground water. 2) Adjacent streams will be re-routed to minimize impact from the landfill and contaminated sediments will be placed in the landfill. 3) Ongoing maintenance of the cover system will be required. 4) Ground water monitoring will be required to detect any releases from the landfill to ground water.	1) Install a landfill cap. 2) Adjacent streams will be re-routed to minimize impact from the landfill and contaminated sediments will be placed in the landfill. 3) Ongoing maintenance of the cover system will be required. 4) Institute a ground water monitoring and response system for a minimum of 30 years. 5) Institute a Land Use Restriction.

2.2.6 Landfill #5

Landfill #5 is located on the south-southeast part of Scotts' property. The south branch of Crosses Run flows along the north side of Landfill #5. An unnamed tributary flows along the west side of Landfill #5 between Landfill #5 and Landfill #4. The railroad tracks border Landfill #5 to the west. Landfill #5 was used for disposal of off-specification material from 1976 to 1984.

Investigation Activities and Results	Environmental Concerns based on Investigation	Scotts' Proposed Remedy to Address Concerns	Ohio EPA's Selected Remedy to Address Concerns
1) Surface and sub-surface sampling in the landfill indicate the presence of primarily arsenic, chlordane and SVOCs. 2) Sediment and surface water sampling in Crosses Run found chlordane and SVOCs. 3) Ground water sampling revealed that similar constituents were detected but below MCLs and background.	1) Levels in soil presented ecological risk concerns. These levels were within acceptable values for the maintenance worker and adolescent trespasser exposure scenario. The concern is to prevent or mitigate the potential for future human and ecological exposure to harmful material in landfill. 2) The landfill is impacting stream sediments and the water quality of adjacent streams. 3) The potential exists for contaminants in the landfill to migrate into ground water.	1) Install a multi-layered cover system to eliminate the exposure pathway to human and ecological receptors. The cover system will also minimize infiltration of rainwater and migration of contaminants into groundwater. 2) Adjacent streams will be re-routed to minimize impact from the landfill and contaminated sediments will be placed in the landfill. 3) Ongoing maintenance of the cover system will be required. 4) Ground water monitoring will be required to detect any releases from the landfill to ground water.	1) Install a landfill cap. 2) Adjacent streams will be re-routed to minimize impact from the landfill and contaminated sediments will be placed in the landfill. 3) Ongoing maintenance of the cover system will be required. 4) Institute a ground water monitoring and response system for a minimum of 30 years. 5) Institute a Land Use Restriction.

2.2.7 Field Broadcast Area #1

Field Broadcast Area #1 is located in the southern area of Scotts' property. Scotts used Field Broadcast Area #1 from 1972 to 1973 to spread off-specification fertilizers and other lawn care products.

Investigation Activities and Results	Environmental Concerns based on Investigation	Scotts' Proposed Remedy to Address Concerns	Ohio EPA's Selected Remedy to Address Concerns
1) Surface and sub-surface sampling in the landfill indicate the presence of primarily barium and chlordane. 2) Sediment and surface water sampling in Crosses Run found chlordane and SVOCs. 3) Ground water sampling revealed that similar constituents were detected but below MCLs and background.	1) Levels in soil presented ecological risk concerns. These levels were within acceptable values for the maintenance worker and adolescent trespasser exposure scenario. The concern is to prevent or mitigate the potential for future human and ecological exposure to harmful material in the landfill. 2) The landfill is impacting stream sediments and the water quality of adjacent streams. 3) The potential exists for contaminants in the landfill to migrate into ground water.	1) Remove the top two feet of soil and use this as fill under the cap on Landfills #4 & #5. 2) Soils from the southern hot spot that exceed toxicity characteristic levels will be removed and disposed of at a TSD. 3) Crosses Run will be re-routed through Field Broadcast Area #1 so it will not run close to Landfills #4 & #5, and contaminated sediments will be removed and placed in Landfills #4 and #5.	1) Remove the top two feet of soil and use this as fill under the cap on Landfills #4 & #5. 2) Soils from the southern hot spot that exceed toxicity characteristic levels will be removed and disposed of at a TSD. 3) Crosses Run will be re-routed through Field Broadcast Area #1 so it will not run close to Landfills #4 & #5, and contaminated sediments will be removed and placed in Landfills #4 and #5. 4) A ground water monitoring and response system will be required only if remediation goals are not met. 5) Institute a Land Use Restriction.

2.2.8 Field Broadcast Area #2 and Former Ponds #7 and #8

Field Broadcast Area #2 and Former Ponds #7 and #8 are located in the northwest potion of the Scotts' facility. Former Ponds #7 and #8 are located under the southern portion of Field Broadcast Area #2. Field Broadcast Area #2 was used from 1970 to 1971 to spread off-specification fertilizers and other off-specification lawn care products. Much of the off-specification product deposited was in a vermiculite carrier matrix. Former Ponds #7 and #8 were a part of the eight pond process water recycle system.

Investigation Activities and Results	Environmental Concerns based on Investigation	Scotts' Proposed Remedy to Address Concerns	Ohio EPA's Selected Remedy to Address Concerns
1) Surface and sub-surface sampling in the field broadcast area indicate the presence of primarily chlordane, heptachlor, DDT, mercury and chromium. 2) Sediment and surface water sampling in Crosses Run found chlordane. SVOCs were found further down the North Branch of Crosses Run. 3) Ground water sampling revealed that similar constituents were detected but below MCLs and background.	1) Levels in soil were unacceptable for unrestricted use and presented ecological risk concerns. These levels were not within acceptable values for the maintenance worker and adolescent trespasser exposure scenario. The concern is to prevent or mitigate the potential for future human and ecological exposure to harmful material in the landfill. 2) The landfill is impacting stream sediments and the water quality of adjacent streams. 3) The potential exists for contaminants in the landfill to migrate into ground water.	1) Install a multi-layered cover system to eliminate the exposure pathway to human and ecological receptors. The cover system will also minimize infiltration of rainwater and migration of contaminants into ground water. 2) The adjacent stream may be remediated if the Corrective Measures Study shows that it must be remediated. The contaminated stream sediments would be placed under the FBA #2 cap. 3) Ongoing maintenance of the cover system will be required. 4) Ground water monitoring will be used to detect any releases from the landfill to ground water.	1) Install a landfill cap. 2) The adjacent stream may be remediated if the Corrective Measures Study shows that it must be remediated. The contaminated stream sediments would be placed under the FBA #2 cap. 3) Ongoing maintenance of the cover system will be required. 4) Institute a ground water monitoring and response system for a minimum of 30 years. 5) Institute a Land Use Restriction.

2.2.9 Former Pond #2

Former Pond #2 is located in the northwestern corner of Scotts' property. It lies northwest of Pond #1 and directly south of Pond #3. The unit consists of both Pond #2 and the ditch which connected Former Pond 2 with Pond #1 (which was closed as a landfill in June of 1990). Former Pond #2 was operated from 1955 to the 1980s.

Investigation Activities and Results	Environmental Concerns based on Investigation	Scotts' Proposed Remedy to Address Concerns	Ohio EPA's Selected Remedy to Address Concerns
1) Surface and sub-surface sampling in the pond indicate the presence of primarily chromium mercury and arsenic. 2) No sediment and surface water sampling took place. Crosses Run does not border Pond 2. 3) Ground water sampling revealed that similar constituents were detected but below MCLs .	1) Levels in soil presented ecological risk concerns. These levels were within acceptable values for the maintenance worker, future site worker and adolescent trespasser exposure scenarios. The concern is to prevent or mitigate the potential for ecological exposure to harmful material in the pond. 3) The potential exists for contaminants in the pond to migrate into ground water.	1) The sediment from Pond #2 was probably removed prior to backfilling with borrowed soils. 2) Pond #2 is located in an area which is regularly mowed and will continue to be mowed. 3) Scotts may use the area of Pond #2 to construct other industrial buildings. 4) Ground water monitoring will be required to detect any releases from the landfill to ground water.	1) Institute a ground water monitoring and response system for a minimum of 30 years. 2) Institute a Land Use Restriction; the restriction will include the requirement to regularly mow the area.

2.2.10 Former Pond #3

Former Pond #3 is located in the northwest corner of Scotts' property. It lies north of Former Pond #2 and south of Field Broadcast Area #2. The pond was part of the eight pond system utilized in process water recycle streams.

Investigation Activities and Results	Environmental Concerns based on Investigation	Scotts' Proposed Remedy to Address Concerns	Ohio EPA's Selected Remedy to Address Concerns
1) Surface and sub-surface sampling in the pond indicate presence of primarily chlordane, arsenic and other metals. 2) Sediment and surface water sampling in Crosses Run found chlordane. SVOCs were found further down the North Branch of Crosses Run. 3) Ground water sampling revealed that similar constituents were detected but below MCLs and background .	1) Levels in the soil presented ecological risk concerns. These levels were within acceptable values for the maintenance worker, future site worker and adolescent trespasser exposure scenarios. The concern is to prevent or mitigate the potential for ecological exposure to harmful material in the pond. 2) The potential exists for contaminants in the landfill to migrate into ground water.	1) The sediment from the east side of Pond #3 was closed in place in 2001. Ground water monitoring is already required for this portion of the pond. 2) Pond #3 is located in an area which is regularly mowed and will continue to be mowed. 3) Scotts may use the area of Pond #3 to construct other industrial buildings. 4) The adjacent stream may be remediated if the Corrective Measures Study shows that it must be remediated. The contaminated stream sediments would be placed under the FBA #2 cap. 5) Ground water monitoring will be required to detect any releases from the landfill to ground water.	1) The adjacent stream may be remediated if the Corrective Measures Study shows that it must be remediated. The contaminated stream sediments would be placed under the FBA #2 cap. 2) Institute a ground water monitoring and response system for a minimum of 30 years. 3) Institute a Land Use Restriction; the restriction will include the requirement to regularly mow the area.

2.2.11 Former Pond #6

Former Pond #6 is located in the northwestern corner of Scotts' property, southwest of Pond #1 and north of former Pond #4 and Pond #4A. The pond was part of the eight pond system utilized in process water recycle streams.

Investigation Activities and Results	Environmental Concerns based on Investigation	Scotts' Proposed Remedy to Address Concerns	Ohio EPA's Selected Remedy to Address Concerns
1) Surface and sub-surface sampling in the pond indicate presence of primarily chlordane, heptachlor, mercury and arsenic. 2) No sediment and surface water sampling took place, Crosses Run does not border Pond 6. 3) Ground water sampling revealed that similar constituents were detected but below MCLs and background.	1) Levels in the soil presented ecological risk concerns. These levels were within acceptable values for the maintenance worker, future site worker and adolescent trespasser exposure scenarios. The concern is to prevent or mitigate the potential for ecological exposure to harmful material in the pond. 2) The potential exists for contaminants in the landfill to migrate into ground water.	1) The area where Pond #6 is located is under a road bed and covered by aggregate. The total area is relatively small. 2) Scotts may use the area of Pond #6 to construct other industrial buildings. 3) Ground water monitoring will be required to detect any releases from the landfill to ground water.	1) Institute a ground water monitoring and response system for a minimum of 30 years. 2) Institute a Land Use Restriction.

2.2.12 Crosses Run

Drainage from the Scotts property flows into the North and South Branches of Crosses Run. These two branches join to form the main branch of Crosses Run. The main branch to Crosses Run flows north through the Scotts Park, under U.S. Route 33 and north of Landfill #3 toward Mill Creek. Crosses Run joins with Mill Creek about three quarters of a mile north of the Scotts facility. Mill Creek joins with the Scioto River in the O'Shaughnessy Reservoir about 11.8 miles down stream. The O'Shaughnessy Reservoir is used by the City of Columbus as a drinking water source.

The results of the investigation of Crosses Run are described in conjunction with each waste management unit found in the preceding tables.

3.0 CORRECTIVE MEASURES EVALUATION CRITERIA

3.1 Description of the Criteria

As required by the Consent Order, the remedy or corrective measure selected for each media or unit including Crosses Run must meet both the threshold and balancing criteria found in the Ohio Corrective Action Plan. These criteria were adopted from U.S. EPA's corrective action program under the Resource Conservation and Recovery Act (RCRA). The evaluation criteria are also found in U.S. EPA guidance documents. The criteria are used by Ohio EPA to evaluate the remedies proposed by a facility when the facility's investigation of environmental conditions on its property determines that some type of action is necessary to reduce the potential risk to human health and the environment, posed by the presence of environmental contaminants, to acceptable levels. The nine evaluation criteria are listed and described as follows:

a) **Protect human health and the environment.** Remedies shall be evaluated to determine if they can adequately protect human health and the environment, in both the short and long term, from unacceptable risks posed by environmental contaminants present at the facility.

b) **Attain media cleanup standards set by the implementing agency.** Remedies shall be evaluated to determine if the final numerical standards for the subject environmental media will be achieved. The evaluation will include the method of verification, and its supporting quality assurance and quality control procedures, used to make the determination.

c) **Control source of the release(s) to reduce or eliminate, to the extent practicable, further releases that may pose a threat to human health and the environment.** Remedies shall be evaluated to determine if it is practicable to physically remove the source of environmental contamination as part or all of remedy.

d) **Comply with applicable standards for management of waste.** Remedies shall be evaluated to determine if they meet all of the applicable requirements of state, federal and local environmental laws for waste management.

e) **Long term reliability and effectiveness.** Remedies shall be evaluated to determine their ability to maintain reliable protection of human health and the environment over time once

the measure is fully implemented. This includes assessment of the residual risks remaining from untreated wastes and the adequacy and reliability of controls such as containment systems and enforceable land use restrictions.

f) **Reduction in the toxicity, mobility or volume of wastes.** Remedies shall be evaluated to determine the degree to which recycling or treatment are utilized to reduce the toxicity, mobility or volume of wastes present at the facility.

g) **Short term effectiveness.** Remedies shall be evaluated to determine the following: 1) short term risks that might be posed to the community during implementation of the remedy, 2) potential impacts on workers during implementation of the remedy and the effectiveness and reliability of worker protection measures, 3) potential environmental impacts of the remedy and the effectiveness and reliability of mitigative measures employed during implementation, and 4) time until protection is achieved.

h) **Implementability.** Remedies shall be evaluated to determine the ease or difficulty of implementation and shall include, as appropriate, the following: 1) technical difficulties and unknowns associated with the construction and operation of a technology, the reliability of a technology, ease of undertaking additional remedies, and the ability to monitor the effectiveness of the remedy, 2) administrative feasibility, including activities needed to coordinate with other offices and agencies and the ability and time required to obtain and necessary approvals and permits, as necessary, and 3) the availability of any services and materials needed to support and complete the remedy.

I) **Cost.** Remedies shall evaluate capital costs, annual operation and maintenance costs and the net present value of those costs. The cost estimates include only the direct costs of implementing the corrective measure. Cost estimates are provided by the Facility Investigation Report.

The first four evaluation criteria are threshold criteria required for acceptance of a remedy. All four of these criteria, as they are applicable, must be met in order for the remedy to be acceptable. The other five evaluation criteria are the balancing criteria used to help select the best remedy. Ohio EPA's evaluation of the remedies proposed by Scotts in the final Facility Investigation Report and the remedies that were already implemented by Scotts as interim measures is as follows:

3.2 Ohio EPA's Evaluation of the Interim Measures Converted to Final Remedies

As described earlier in this document, an interim measure was implemented at one of the facility's waste management units and a remedy that could be construed as an interim measure was implemented at another unit. At Landfill #1, the proposal in 1998 to build a rail spur through the landfill prompted Scotts to design and implement the interim measure. A multi-layered cap was placed over the waste. The cap needs to be maintained to ensure its integrity. This interim measure will now act as the final remedy, resulting in a closed landfill unit.

Landfill #3 was disturbed in the late 1960s due to the construction of U.S. Route 33. The disturbance led to the release of landfill materials to Crosses Run. A liner was placed in the ditch and erosion control measures were implemented in early 2000. The facility investigation

determined the short term need to design and construct a composite landfill cap in order to contain the landfill waste, the contaminated stream sediment and contaminated soils surrounding the landfill. A multi-layered cap was placed on the compacted, re-graded landfill that needs to be maintained to ensure its integrity. This is the final remedy for what now constitutes a closed landfill unit.

At both Landfill Nos. 1 and 3, Ohio EPA believes the remedies are protective of human health and the environment as the direct pathways of contaminant exposure to humans and the environment were eliminated. Regular inspections, and maintenance of the landfill caps as necessary, will serve to control the source of potential future releases from the landfills. Continued monitoring of the ground water below both landfills will help determine the success of the controls. Oversight by Ohio EPA as construction work was performed ensured that applicable standards for managing the waste were met.

Ohio EPA believes the landfill caps were effective in the short term and are reliable and effective for the long term. The caps serve to reduce precipitation infiltration, which will reduce the mobility of the materials contained in the landfills and prevent migration of contaminants into the underlying ground water.

3.3 Ohio EPA's Evaluation of the Proposed Remedies

Multi-layered caps are proposed as the remedies for Landfill #2, Landfill #4, Landfill #5 and the area containing Field Broadcast Area #2 and Former Pond Nos. 7 and 8. Contaminated sediments from the streams adjacent to the three landfills will be placed in the landfills. The removal of stream sediments and placement of these sediments under a landfill cap will eliminate migration of these sediments further downstream. Any waste which may extend out beyond the footprint of the landfills will be consolidated in the landfills. A Corrective Measures study will be conducted for the stream adjacent to Field Broadcast Area #2 to determine if remediation is necessary.

Ohio EPA believes these proposed remedies will be protective of human health and the environment as the direct pathways of contaminant exposure to humans and the environment will be eliminated. The proposed remedies are supported by ground water data showing no impacts from the units. The proposed remedies are also supported by the presence of a layer of low permeability clay under each unit. The protection provided by the remedy will extend into the future with continuing inspections and maintenance of the landfill caps. Confirmation sampling will occur in the adjacent streams to ensure that media cleanup standards set by Ohio EPA will be attained. Continued monitoring of the ground water below the landfills will help determine the success of the remedies. Oversight by Ohio EPA as construction work is performed will ensure that applicable standards for managing the waste are met.

Ohio EPA believes the landfill caps will be effective in the short term and will be reliable and effective for the long term. The caps serve to reduce precipitation infiltration, which will reduce the mobility of the materials contained in the landfills and prevent migration of contaminants into the underlying ground water.

Scotts represents that its proposed remedies will cost as follows: Landfill #2- $1,474,000; Landfill #4- $1,263,000; Landfill #5- $2,442,000 and Field Broadcast Area #2- $1,623,000. The combined

total for the proposed is $6,802,000. The volume of material in each of the units is as follows: Landfill #2- 18,000 cubic yards; Landfill #4-15,000 cubic yards; Landfill #5 - 15,000 cubic yards; Field Broadcast Area #2-59,000 cubic yards. Scotts represents that the total cost of excavating, hauling and treating all the material would be $31,918,000. Ohio EPA believes the cost of constructing and maintaining the landfill caps compared to the cost of excavating, hauling and treating the materials contained in the landfills is cost effective.

The proposed remedy for Field Broadcast Area #1 is to remove contaminated soil from the area as necessary. The soils removed will assist in the construction of Landfill Nos. 4 and 5. Any soils that contain chlordane at levels that require handling them as a regulated hazardous waste will be removed and sent to a permitted treatment, storage and disposal facility.

Ohio EPA believes the proposed remedies will be protective of human health and the environment as removal of the soil will eliminate the source of contaminants causing potential exposure. The southern hot spot where soil will be removed will be sampled to demonstrate that the soils left in place will attain the cleanup standards set by Ohio EPA and will, therefore, no longer pose an excess risk to human health or the environment. Oversight by Ohio EPA as the removal work is performed will ensure that applicable standards for managing any materials considered to be a regulated hazardous waste are met.

Ohio EPA believes the soil removal will be effective in both the short and long term. The volume of waste will be reduced by the removal action. This remedy will be implementable.

3.4 Ohio EPA's Evaluation of No Further Action

Former Pond #2, Former Pond #3 and Former Pond #6 were evaluated during the facility investigation. Human health risk assessments were conducted for each unit. The human health risk assessments did not identify any contaminants of concern which caused an exceedance of the acceptable risk criteria for workers or adolescent trespassers. Therefore, no further action or remedy is proposed for any of the three units.

Except for the ground water monitoring and the land use restriction agreement summarized in the next section, along with the requirement to continue regular mowing of Former Pond #2 and Former Pond #3, Ohio EPA believes that no further action is necessary at these units to ensure continued protection of human health and the environment.

4.0 SUMMARY OF OHIO EPA'S SELECTED REMEDIES

Based on Ohio EPA's evaluation of the existing and proposed remedies described above and summarized below, Ohio EPA is selecting those remedies as the remedies for the Scotts facility.

A final RCRA Facility Investigation (RFI) report was submitted to Ohio EPA on October 4, 2002 for approval. The report summarized the results of all sampling and the results of a risk analysis and also proposed potential remedies and future courses of action for the units evaluated. Ohio EPA has reviewed the RFI report and concludes that the following remedies are appropriate as final remedies. These include:

- ***Capping Landfill #2, #4, #5 and Field Broadcast Area #2*** - A commonly used remedy involving placement of a specially designed protective cover over the materials contained in the landfill. This remedy is selected for Landfill #2, #4, #5, and Field Broadcast Area #2 (including Former Ponds #7 and #8).

- ***Removal and Placement of Contaminated Stream Sediments*** -The South Branch of Crosses Run and an unnamed tributary to the South Branch will be re-routed to minimize impacts from and to Landfills #2, #4, #5 and Field Broadcast Area #1. Contaminated stream sediments removed from the current course of the South Branch and unnamed tributary will be placed in the capped waste management unit near the area where the contaminated sediments will be removed or the contaminated sediments may be characterized and removed to a permitted off-site hazardous waste treatment, storage or disposal facility in accordance with applicable laws and regulations.

- ***A Corrective Measures Study (CMS) for Crosses Run*** - A Corrective Measures Study is a study conducted of an area where RFI data and information do not clearly indicate the remedial technology (or combination of technologies) that will accomplish site protection objectives. A CMS evaluates results of the RFI and identifies various remedial technologies which are actions taken at a property to treat, remove, or control chemical constituents in order to protect human health and the environment. The CMS is reviewed and approved by Ohio EPA and a remedy is implemented based on Ohio EPA's approval. This action is required for the North Branch and Campus Areas portions of Crosses Run.

- ***Excavation and Removal of Contaminated Soil*** - All soils in Field Broadcast Area #1 having contaminant levels higher than the remediation standard (background or an ecological screening level) will be removed to be used as fill under the caps to be placed on Landfills #4 and #5 or to a permitted off-site hazardous waste treatment, storage or disposal facility. Results of soil sampling from the southern hot spot will determine which soils can be placed in the landfills and which soils must be transported to an off-site facility. Soil sampling results will also determine the total amount of soil that must be excavated. The RFI Report proposes numeric contaminant levels which will be used by Scotts to determine the appropriate amount of soil to be excavated. Ohio EPA will evaluate the soil sampling results after the excavation is completed to ensure that these numeric levels are achieved.

- ***Continuation of the Interim Measures Completed for Landfill #1 and #3 and Ground Water Monitoring as the Final Remedies for these Units*** - If an interim measure was implemented prior to completing the RFI, the interim measure can be retained as a final remedy if it meets applicable clean-up objectives. Interim measures were proposed and completed for Landfill #1 and #3. These units were capped to ensure that the material in the landfills does not escape to the environment. It was also proposed that ground water monitoring continue at Landfill #3 for 30 years and be implemented at Landfill #1 for 30 years.

- ***No Further Action*** - Former Pond #2, Former Pond #3 and Former Pond #6 were evaluated using three potentially exposed populations. The industrial worker, the maintenance worker and the adolescent trespasser are the populations. Results of the human health risk assessment determined exposures to these populations were acceptable. Except for the

requirement to monitor the ground water underlying these units, the land use restriction and the requirement to continue regular mowing of Former Pond #2 and Former Pond #3, no further action needs to be taken at these units.

- ***Land Use Restriction*** - Use of the appropriate portions of the site will be restricted to industrial purposes only through an enforceable, written agreement with Ohio EPA that creates an equitable servitude. This use restriction will run with the land and will be binding upon a future property owner should the property be sold. Monitoring the property owner's adherence to the use restriction will help to ensure continued protection of human health and the environment.

- ***Ground Water Monitoring and Response System*** - Based on its analysis of ground water monitoring data, Ohio EPA does not believe that ground water quality underlying the Scotts facility has been impacted by Scotts' waste management practices. A monitoring and response system will be implemented for each unit pursuant to a plan approved by Ohio EPA to assure that the selected remedies are performing adequately.

- ***Security Measures to Restrict Potential Public Access*** - Security measures will be implemented on the southern boundary of the facility to prevent trespasser access to Landfill #4, Landfill #5, Field Broadcast Area #1 and the South Branch of Crosses Run in the vicinity of these units. The security measures will remain in place until the selected remedies for these units are implemented successfully. The purpose of requiring the security measures is to prevent direct contact exposure risk to potential trespassers.

Scotts is required to implement the remedies and conduct the CMS for the North Branch and Campus Areas portions of Crosses Run. A report summarizing the CMS will be submitted to Ohio EPA for approval, after which Scotts will implement any necessary additional remedies.

5.0 GLOSSARY OF TERMS

Aquifer	An underground geological formation capable of holding and yielding water
Carcinogen	Any substance that causes cancer
Constituents of Concern (COC)	Any contaminant discovered during a facility investigation at a level that has the potential to negatively impact human health or the environment
Corrective Measures Study (CMS)	A study undertaken by a facility whose purpose is to develop and evaluate remedial alternatives for the cleanup of environmental contaminants at a facility
Chlordane	An insecticide commonly used for termite control
DDD	Dichlorodiphenyldichloroethane is an insecticide formerly used on many fruits and vegetables

DDT	Dichlorodiphenyltrichloroethane is a compound used as an insecticide that is not biodegradable and is ecologically damaging; it was banned from agricultural use in the United States in 1973, although its manufacture for export is permitted
2,4-D	2,4-Dichlorophenoxyacetic Acid is a broadleaf herbicide
Decision Document	A document issued by the Ohio Environmental Protection Agency that identifies the Director's selected remedy or remedies for a contaminated site and the reasons for its selection
Ecological Receptor	Animals or plant life potentially exposed to contaminants released at a site
Exposure Pathway	Route by which a contaminant is transported from the site to a human or ecological receptor
Hot Spot	Areas where there is a high concentration of a contaminant in soil or sediment
Human Receptor	A person that has the potential to be exposed to contaminants released at a site
Maximum Contaminant Level (CML)	Criteria for specific elements or compounds in drinking water established under the Safe Drinking Water Act that help determine if water is safe to drink
Operation and Maintenance (O&M)	Long-term measures taken at a site, after the initial remedial actions, to assure that a remedy remains protective of human health and the environment
Resource Conservation and Recovery Act (RCRA)	A federal law that regulates the generation, transport, storage, treatment and disposal of hazardous wastes
RCRA Facility Investigation (RFI)	A study conducted to collect information necessary to adequately characterize a site for the purpose of developing and evaluating effective remedial alternatives
Risk Assessment	A study that evaluates the potential health risks to people and the environment from exposure to contaminated air, water, soil
Responsiveness Summary	A summary of all comments received from the public on the Statement of Basis and RCRA Facility Investigation Report and Ohio EPA's response to those comments
2,4,5-T Silvex	An herbicide whose use was discontinued in 1984
Semi-Volatile Organic Compound (SVOC)	Carbon based compounds that do not evaporate very fast at room temperature

Site	The land upon which the facility is located, the impacted portions of Crosses Run, and any area that is being investigated as part of the RFI Workplan
Treatment, Storage & Disposal Facility (TSD)	A facility where hazardous waste is sent to be disposed of, treated, or stored
Volatile Organic Compound (VOC)	Carbon based compounds which evaporate quickly at room temperature (e.g., solvents)
Waste Management Unit (WMU)	Any discernable unit at which wastes have been placed at any time irrespective of whether the unit was intended for the management of solid or hazardous waste; such units include any area at the facility where solid wastes have been routinely and systematically released

Responsiveness Summary For Comments Received On the Statement of Basis and RCRA Facility Investigation Report for The Scotts Company

On April 02, 2003, Ohio EPA issued a Statement of Basis for the Preferred Remediation of The Scotts Company (Scotts) site located at 14111 Scottslawn Road in Marysville, Ohio 43041. The public comment period began on April 3, 2003 and ended on May 17, 2003. A public meeting was conducted on May 7, 2003 at the Marysville Public Library, 231 South Plum Street, Marysville, Ohio 43040. No testimony was offered at the public meeting. Written comments were provided by The Scotts Company and one other person.

Note: Ohio EPA's further evaluation of the proposed remedies determined that the "No Further Action" remedy proposed for Former Pond #2 and Former Pond #3 needed to be changed to include the requirement to continue regular mowing of Former Pond #2 and Former Pond #3. This change is reflected in the final Decision Document.

Comment #1 Received from The Scotts Company:
"The term "site-wide" is used throughout the Statement and deserves to be better defined. There is some uncertainty in the use of this term in the Statement as compared to how it is used in the RFI Report.

The term "site" was defined in the Consent Order between Scotts and the Ohio EPA. This definition specifically refers to areas of the Scotts property that are to be considered as falling under the conditions of the Consent Order.

The term "site-wide" was used in the RFI Report when the "ground water" unit was described. This terminology was used simply to describe results of groundwater samples collected from 35 monitoring wells located throughout the site - but associated with specific waste management areas (except the background wells). The use of the term "site-wide groundwater" in the RFI Report was never meant to imply that all the groundwater beneath the Scotts property has been evaluated; only the groundwater associated with specific waste management units was evaluated.

This concept is further reinforced in Section 4 of the RFI Report because the proposed remedies for the specific units include groundwater monitoring. No remedy is proposed for a site-wide groundwater unit. Additionally, a reference is made in this section of the RFI Report to a "comprehensive monitoring plan" being developed to insure periodic monitoring is conducted so that the effectiveness of the proposed remedial actions *for the identified waste management units* can be determined.

The use of the term "site-wide groundwater" in the Statement should be clarified so that it is not interpreted as meaning that groundwater beneath the entire Scotts site will be routinely monitored. Of course, due to requirements contained in the Consent Order, if Scotts (or the Ohio EPA) determines at any time in the future that a release, or suspected release, of chemical constituents has migrated to groundwater, additional groundwater evaluation may be completed. Scotts respectfully requests that the sentence contained on page 6 of the Statement ("Crosses Run and

ground water underlying the entire site were also investigated") be removed or modified to clarify that groundwater underlying the entire site was *not* evaluated, only groundwater associated with the specific waste management units was evaluated. The sentence on page 8 of the Statement ("Potential releases to ground water underlying the entire facility were also investigated.") should be similarly re-worded.

Additionally, Scotts respectfully requests Ohio EPA to change references to "site-wide groundwater" to just "groundwater" in each of the 10 summary tables presented on pages 10 through 19. This will make it clear that only groundwater associated with the units defined in the RFI Report will be monitored. Further, Scotts requests that references to "site-wide groundwater" on pages 24 and 26 be similarly changed.

Scotts further requests that references to "site-wide" land use restrictions be changed to "land-use restrictions" to better indicate that land use restrictions will be put in place only for those areas identified in the RFI Report as being used for historical waste management, and not for all property owned or occupied by Scotts. Please see additional comments on this issue below in Comment 2."

Ohio EPA Response to Comment #1:
The commentary Scotts presents on this issue indicates that the terms "site" and "site-wide" were not used with appropriate precision during the investigation process.

Ohio EPA's use of the term "site-wide" in the draft Statement of Basis ("Statement") was intended to mean across the entire site. The term "site" is defined in the Consent Order and is reproduced below:

> "Site" means the land upon which the Facility is located, the Impacted portions of Crosses Run, and any area that is being investigated by Scotts as part of the RFI Workplan, Appendix C to this Order. Additionally, Site includes those areas indicated on the map attached as Appendix A and areas where material(s) have migrated or threaten to migrate from those areas indicated on the map.

The site, at a minimum, consists of areas identified as "immediate units of concern" (IUC) as well as areas from where material(s) threaten to migrate or have already migrated. The IUC include Landfills 1 through 5, Field Broadcast Areas 1 and 2, former Ponds 2, 3, 6, 7, and 8, including the ditch leading to former Pond 2, and Impacted portions of Crosses Run. As such, the ground water beneath the site was investigated.

Ohio EPA, in proposing that a site-wide deed or use restriction be imposed on the land, and that site-wide monitoring of the ground water be performed, used the term "site-wide" in a manner it felt was consistent with the requirements of the Consent Order. The land over and the ground water beneath the site were investigated and impacted areas were identified by Scotts. "Impacted," as defined in the Consent Order, means environmental media, which is determined by a human health and ecological risk assessment analysis using approved methodologies to represent unacceptable risks, as referred to in the approved RCRA Facility Investigation Work Plan.

The confusion centers upon whether the site-wide ground water monitoring refers to a single integrated ground water monitoring system that includes all IUCs or whether it consists of a series of monitoring systems based on each IUC and associated areas that were investigated. Ohio EPA feels that either approach is acceptable in protecting the body of ground water beneath the site.

As a result, on page 4 of the final Decision Document, Ohio EPA has added the following footnote to define the word "site" where it is first used in the document: Site, as used in this Decision Document, is defined as "the land upon which the facility is located, the impacted portions of Crosses Run, and any area that is being investigated as part of the RFI Workplan." This definition of site was also added to the glossary of terms in the final Decision Document. On page 4 of the Decision Document, Ohio EPA deleted the word "entire" from the sentence that reads "Crosses Run and ground water underlying the entire site were also investigated."

Additionally, Scotts requests that the sentence on page 8 of the Statement ("Potential releases to ground water underlying the entire facility were also investigated.") be re-worded. Ohio EPA agrees that re-wording is appropriate and has deleted the word "entire" from the sentence and replaced the word "facility" with the word "site" in that same sentence in the Decision Document.

Finally, Ohio EPA has deleted the term "site-wide," as it described the ground water monitoring system, from the tables on pages 8 to 17 of the Decision Document. The term "site-wide" was also deleted on pages 21 and 22 as it described the ground water monitoring system on those pages.

Comment #2 Received from The Scotts Company:
"Scotts also objects to the use of "site-wide" when referring to the land-use restrictions on page 26 (Section 5.0) of the Statement (Summary of Ohio EPA's Preferred Remedies) that reads the "entire facility" is restricted to an industrial use scenario. Currently, portions of the Scotts facility are utilized for such things as a family park, farm fields, and vacant land. The RFI Report proposes land-use restrictions only for Former Ponds 2, 3, and 6, and proposes deed restrictions for Landfills 2, 4, and 5. A deed restriction is already in place for Landfill 3 and can also be placed on the Landfill 1 property.

Likewise, Scotts also respectfully requests that the Ohio EPA amend the language in the summary tables included for each unit (as well as the section on page 26) to clarify that the land-use restrictions are applicable only to those areas identified as waste management units in the RFI Report, specifically Landfills 1 through 5, Field Broadcast Areas 1 and 2 and the former pond areas.

Ohio EPA Response to Comment #2:
Scotts objects to the use of "site-wide" when referring to the land-use restrictions for the "entire facility" given that portions of the facility are vacant, farm fields or used as a family park.

Several clarifications need to be made between a use restriction and a deed notice. First, some of the principal objectives both Scotts and Ohio EPA had in entering into the Consent Order was "to institute required controls of the sources of releases or potential releases to sediment and waters of the State from the Immediate Units of Concern ("IUC")", and " to implement for the Site and IUCs, including Impacted portions of Crosses Run, such corrective actions and remedial

measures as are necessary to protect human health, aquatic life, and the environment" (Consent Order, Section II, Objectives of Parties and Purposes of Consent Order, Item #6). In this context, use restrictions are a form of corrective measure or remedial action. Use restrictions are legal mechanisms designed to ensure that a site will be used in the future only for those purposes for which it was remedied. For example, a use restriction limiting a site to an industrial use is meant to ensure that residential exposures will not occur. By limiting the exposure scenarios to the contaminants present at the site, use restrictions are intended to afford the necessary degree of safety and protection for cleanups utilizing non-residential exposure scenarios. When implemented and overseen properly, a use restriction can serve as a viable means of mitigating or eliminating exposures to contaminants consistent with future use of the site. Inclusion of a use restriction in the approved corrective action can also help expedite finalization of the remediation of the site.

Second, the Consent Order requires Scotts to:

> "record a notice with the County Recorder's Office for Union County, Ohio on the deed(s) to all property which is part of the Site and owned by Defendant. The notice shall reference the existence of this Consent Order and shall describe any disposal areas, storage areas and monitoring or containment devices relating to the IUCs or the Recycle 1 system currently present on Defendant's property and any disposal areas, storage areas and monitoring or containment devices relating to the IUCs or the Recycle 1 system which Defendant plans to install in the future. Defendant shall update the notice as needed to maintain accuracy" (see Consent Order Section XVII, Land-Use Notice and Conveyance of Title, Item #77).

Ohio EPA is proposing that a use restriction be created for all areas of the site where limiting the exposure scenarios to the contaminants present at the site are necessary in order to maintain the required degree of safety and protection. The deed notice requirements (found in Section XVII of the Consent Order) are independent of the use restrictions required by Ohio EPA's Statement of Basis. As a result, Ohio EPA is making the following change to page 23 (Section 4.0) of the Decision Document:

> **Land Use Restriction** - Use of the **appropriate portions of the site** will be restricted to industrial purposes only through an enforceable, written agreement with Ohio EPA that creates an equitable servitude. This use restriction will run with the land and will be binding upon a future property owner should the property be sold. Monitoring the property owner's adherence to the use restriction will help to ensure continued protection of human health and the environment.

Ohio EPA's proposed remedy column in each of the tables where it is used in the Decision Document is modified to delete the term "site-wide" in reference to the land use restriction remedy.

Comment #3 Received from The Scotts Company:
"On page 15 of the Statement, the proposed remedy for Field Broadcast Area 1 references a Scotts proposal for groundwater monitoring. Scotts did not propose groundwater monitoring for this unit because the source of contamination is being removed. Please note that the removed material will be placed in Landfill 4, Landfill 5, and even possibly Landfill 2, under the engineered

caps proposed as remedies for those units. Groundwater monitoring is proposed for those units to ensure that there is no future migration of contaminants of concern to the underlying groundwater. Scotts respectfully requests that groundwater monitoring references be removed from the summary table for this unit in the Statement."

Ohio EPA Response to Comment #3:
Ohio EPA has implemented the changes to the Decision Document that Scotts requested. Ohio EPA will forego any ground water monitoring requirements for Field Broadcast Area #1 when it receives confirmation sampling results from the southern hot spot that are below the remediation standards set forth in the RFI report. If the upgradient wells monitoring the closure of Landfills #2, #4 or #5 detect any of the pesticides detected at Field Broadcast Area #1, Scotts should conduct an investigation of the ground water underlying Field Broadcast Area #1.

Comment #4 Received from The Scotts Company:
"Beginning on page 10 of the Statement, there are tables that summarize for each unit the remedy proposed by Scotts and the Ohio EPA's preferred remedy. Because these tables are provided for each unit, they should summarize the proposed remedy for the unit and not a general remedy for all the units.

Specifically, references are made to corrective actions for Crosses Run in the Tables summarizing the remedy for Landfill 1, Landfill 2, Landfill 4, Landfill 5, Field Broadcast Area 1, Field Broadcast Area 2, and Former Pond 3. Although for convenience, Scotts has proposed completing Corrective Measures for segments of Crosses Run concurrently with completing corrective actions for the landfills, the landfills and Crosses Run are still considered separate units, both in the RFI Report and the Statement. Scotts respectfully requests that for clarity, the proposed remedies for Crosses Run be detailed separately from the other waste management units and that references to Crosses Run be removed from the tables that summarize the above waste management units. This will prevent the potential misinterpretation that groundwater monitoring and land-use restrictions are applicable to Crosses Run."

Ohio EPA Response to Comment #4:
Ohio EPA respectfully declines Scotts' request to separate the references to Crosses Run from the tables describing the units. Ohio EPA believes it is important to communicate to the public the impact the units may have had on Crosses Run and how the contaminated sediment from Crosses Run will be placed in the Landfills. The final Decision Document clearly states a Corrective Measures Study (CMS) will be conducted on those portions of the stream not subject to relocation. These issues will be addressed when Ohio EPA receives the CMS for Crosses Run.

Comment #5 Received from The Scotts Company:
"Regarding the Ohio EPA's evaluation of the proposed remedies detailed in Section 4.3 of the Statement, specifically the evaluation of soil removal activities, Scotts is concerned with the statements made on page 24. According to the Statement, "The areas where soil will be removed will be sampled to demonstrate that the soils left in place will attain the cleanup standards set by Ohio EPA..." implies that confirmation type sampling will be required in all areas where soil is

removed, instead of the limited confirmation sampling proposed in the RFI Report that is associated with a hot-spot in Field Broadcast Area 1.

Scotts has a similar concern with statements in Section 5.0 on page 25, concerning the excavation and removal of contaminated soil. The Statement states:

> "Soil sampling results will also determine the total amount of soil that must be excavated. Ohio EPA will approve the numeric contaminant levels which will be used by Scotts to determine the appropriate amount of soil to be excavated. Ohio EPA will evaluate the soil sampling results after the excavation is completed to ensure that the numeric levels approved by the Ohio EPA are achieved."

These statements are misleading. The depth of excavation of soils at Field Broadcast Area 1 (with the exception of the hot-spot referenced above), as well as the numeric contaminant levels have already been discussed with Ohio EPA and described in the RFI Report. These amounts and levels were determined by conducting extensive sampling during the RFI so that confirmation sampling would not be needed during implementation. Based on conversations with Ohio EPA personnel, Scotts understood that Ohio EPA agreed to this approach. Scotts respectfully requests that the language be removed or modified to indicate that confirmation type sampling will only be required at the hot-spot location within Field Broadcast Area 1.

Ohio EPA Response to Comment #5:
Ohio EPA has implemented the changes in the final Decision Document that Scotts requested. The sampling Scotts conducted in Field Broadcast Area #1 is sufficient to guide removal of contaminated soils except in the case of the southern hot spot. Scotts should demonstrate that the southern hot spot meets the remediation goals established in the RFI report for two sampling intervals of two feet in both the vertical and horizontal directions. Each wall and floor of the excavation should be sampled to confirm that the contaminant levels are below the remediation standard. Another two feet of excavation and another sample should then be taken to confirm that the contaminant levels are below the remediation standard.

Comment #6 Received from The Scotts Company:
On page 25 of the Statement, Scotts respectfully requests that the Ohio EPA amend the language contained in the "Removal and Placement of Contaminated Stream Sediments" section to allow for the possibility that the removed sediments can also be disposed of off-site in accordance with all applicable laws and regulations. Further, Scotts requests that the language in the "Excavation and Removal of Contaminated Soil" be revised to also allow contaminated soils to be removed to Landfill 2 and Field Broadcast Area 2, as is noted in the RFI Report.

Ohio EPA Response to Comment #6:
Ohio EPA has implemented the changes to the Decision Document that Scotts requested. The sediments which are removed from the stream are being removed and placed under the "area of contamination" policy as suggested in the RFI report. Ohio EPA is willing to allow for the possibility that the removed sediments can also be disposed of off-site in accordance with all applicable laws and regulations. The sediments must also be adequately characterized and managed on site in accordance with all applicable laws and regulations.

Written Comment from Thomas H. Rausch of Rausch Farms LLC:

Location of Rausch Farms: Rausch Farms, LLC is located at 14963 Scottslawn Road. The Rausch farm borders on the south side of the O.M. Scotts Company property and the former Percy Crunkleton property, currently owned by Scotts. The property extends to landfill 4, landfill 5, broadcast field 1, and the CSX railroad. *(A figure which was a site map of The Scotts Company Marysville, Ohio facility and an aerial map were also provided as part of the written comment but they could not be reproduced for inclusion here.)*

History of Rausch Farms: At Rausch Farms, we are a family farm operation which has been in the family since the 1850's. Currently, we are a progressive livestock and grain operation using several environmentally-friendly agricultural practices. Rausch Farms is owned and operated by Thomas and Jeanine Rausch and their son and daughter-in-law, Jay and Lori Rausch. Thomas and Jeanine raised four children at the Rausch homestead and currently reside at the main house. Jay and Lori live adjacent to the property and are raising two small children. Jay will continue farming as long as possible and has aspirations of passing the business and lifestyle to his children. As the generations before him, Jay has invested his whole life in the farm operation from learning the basics to receiving a degree from OSU in Dairy Production and Management. Many other members of the Rausch family also contribute to the operation of Rausch farms, including children and grandchildren and various in-laws.

Current Farm Practices: Rausch Farms recently entered into the E.Q.I.P. program to grid sample the farm to prevent the over application of crop nutrients. Also within the E.Q.I.P. program, the farm is in the process of installing high tensile fence to prevent unrestricted cattle access to the South Branch of Crosses Run. Rausch Farms has voluntarily stopped using these pastures to prevent any unwanted manure run off. Currently and for the past 25 years, Rausch Farms also employed a crop consulting company to scout all the fields and determine proper usage of herbicides, insecticides and fertilizers. Jay currently holds a position on the board of Union County Soil and Water Conservation District. Jay not only applies conservation practices to his own farm but helps other land owners in Union County do the same.

Objections/Concerns Regarding O.M. Scotts: All members of the Rausch Farms family have read the "Ohio EPA Issue Statement of Basis for Preferred Waste Remediation for the Scotts Company". We as an entire group share many strong concerns regarding the clean up plans vs. a containment remedy for the field broadcast area 1, landfill #4, and landfill #5. Due to our past and current experiences with the management of Scotts waste, we feel our concerns are extremely accurate and should not only be considered but acted upon when making a final decision. Our objections stem from concerns about our family's safety of living and working near these problem areas. The Rausch family has been exposed to these chemical landfills for many years through the topical application and burning at the landfills. We want the problem to be totally cleaned up with absolutely no future exposure to our children.

From the human perspective, we feel that Scotts has not only had a total disregard for public safety in the past but also continues to cast aside public safety at this very time. First, we understand that we are very fortunate to have the clay soil in our location. For without this clay soil, we would be facing a much larger ecological catastrophe. But, we are also aware of sand veins that are present in our subsoil. We know this for a fact due to the assessment and digging of test pits in our area/property for the building of ponds, lagoons and other storage facilities. We are concerned that situated underneath landfill #4 and landfill #5 are sand veins that could eventually conduct toxins to the public water supply. Rausch Farms has been in operation for over 150 years

and will be in operation long after the minimum 30 year period of ground water monitoring recommended by the EPA. A total clean up operation of landfill #4 and landfill #5 would guarantee our family of the absence of toxins in our water, air and soil.

Second, after reading the investigation activities and results of these landfills 4 and 5, we know that only the known/disclosed chemicals were tested. We are afraid of the unknowns that may have left the research and development facility and were not put into production and immediately discarded in the landfill. Since unmonitored dumping was practiced during the use of these landfills, we are concerned that all the materials were not recorded. These unknown materials could cause more significant problems as they decay and enter the water supply.

Third, we are concerned about the method of disposal. Some chemicals were haphazardly spread over the ground not only to run off into the water supply but to mix and form new molecular bonds with any previously discarded materials. According to the EPA report, other "hot spots" around the Scotts property would be removed and added together in and fill #4 and landfill #5 before the containment process. Obviously, this would be cost efficient but ecologically risky to bring in yet more unknowns to the problem areas.

Our final point about human safety is the absence to "no trespassing" signs near and in these chemical dump areas. As of today, a person can travel anywhere near or through any of the dumps without any warning of the toxins beneath them. Hunters following wounded animals or teens looking for a place to relax can travel this area freely at any time. The EPA report says the area is unsafe for the occasional teenage trespasser and that fish are unsafe to eat in Crosses Run. We feel that the fact that nothing is posted is a strong indicator about the uncaring attitude that Scotts has towards its neighbors as well as their own employees. Scotts continues to celebrate "family day" in the park which is situated immediately downstream from several problem sites. The North and South Branch of Crosses Run merge in this park. Scotts also allowed college and high school age seasonal workers to freely work in and near the problem areas, particularly landfill #4.

As far as the wildlife concerns, the EPA report said that it is not safe for wildlife to pass through these areas due to the toxins. Toxins can be passed through the food chain and become more concentrated with each link in the chain. The toxins are most concentrated in the top carnivore and have the most effect of these animals. Union County has a diverse community of wildlife which allows the ecosystem to be balanced. This balance will not be maintained if toxins are all ready in chain and hopefully these toxins are never consumed by humans through hunting geese, deer or through grazing cattle.

In conclusion, Rausch Farms wants the EPA to insist on the excavation and removal of **ALL** hazardous sites listed including landfills, hot spots, broadcast fields and ponds. The only safe place for these materials is in a treatment, storage and disposal facility (TSD). While landfill caps are projected to be cost effective in the short term, the long term ecological risk is questionable. For a company the size of O.M. Scotts, a large clean up bill can easily be absorbed. According to Scotts own web site, the company's environmental commitment "to establish and maintain environmental and safety standards at our manufacturing, transportation and storage operations that are more stringent than government requirements". Our family has lived at 14963 Scottslawn Road for six generations and we simply want our children to be safe to play, to roam and to breathe. At this time, we have reason to be frightened and worried about the contents of these dumps due to the recent and questionable death of Suzanne Rausch Kidwell, long time resident at the Rausch Homestead. The youngest daughter of Tom and Jeanine Rausch passed away after a long fight with very aggressive leukemia. The cause of this type of leukemia corresponds to

chemical exposure similar and identical to the chemicals in these problem areas. The Rausch family has lost a daughter, sister and mother of two small children. We strongly feel that containment of the landfill still allows for future rusk to the health of our family. Due to our painful and untimely loss, we are committed to our goal of total clean up and are seeking additional assistance to resolve this issue.

Ohio EPA Response to Comment:
The first point raised in the comment expressed concern that "..... situated underneath landfill #4 and landfill #5 are sand veins that could eventually conduct toxins to the public water supply." The RCRA Facility Investigation (RFI) conducted by Scotts and approved by Ohio EPA determined that the overall direction of ground water flow in the area is to the east and that the glacial deposits on and below the ground surface are divided into two units. One unit is from the ground surface to approximately twenty feet below the ground surface. There is mostly clay till in this area and permeability tests on this clay demonstrate that it has very low permeability, which will provide a physical barrier to any potential contaminant movement. The other unit begins at twenty feet below the surface and continues downward. It is still mostly clay till but there are sporadic discontinuous layers of sand and gravel which are not laterally extensive. As such, Ohio EPA believes that these physical characteristics preclude potential contaminant movement from the surface to the bedrock aquifer. Also, many of the compounds found to be present at the site have very low solubility in water and remain adsorbed to the soil particles on which they were sprayed, further reducing the potential for contaminants to impact the bedrock aquifer.

The second point raised in the comment expresses concern that unknown chemicals were discarded and placed in Landfill nos. 4 and 5 that were not recorded and therefore tests could not be run for these materials. Surface and subsurface samples taken in landfill nos. 4 and 5, along with samples from the ground water beneath these units and sediment and surface water samples from Crosses Run, were analyzed for herbicides, pesticides, metals, semi-volatile compounds and some volatile compounds. Ohio EPA believes this scope of analysis was very comprehensive and sufficient to detect any potentially unknown compounds.

The third point raised in the comment raises ecological concerns about the proposal to use contaminated soils from other areas of the Scotts site as fill under caps the proposed for landfill nos. 4 and 5. Ohio EPA believes the combination of the landfill caps, the physical characteristics of the subsurface geology, continued ground water monitoring and the property use restrictions for the landfills is sufficient to address ecological concerns and is protective overall of both human health and the environment.

The fourth point in the comment raises concerns about human safety and the waste management units at the site in the context of potential trespassers, hunters following wounded animals, teens looking for a place to relax, seasonal employees working in and near some of the waste management units and Scotts employees participating in the "family day" sponsored by Scotts in the area downstream from some of the waste management units. While it is Scotts' responsibility to provide the appropriate protections for both its regular and seasonal employees pursuant to any applicable state and national worker health and safety laws, Ohio EPA agrees that site security could be increased, particularly along the southern property boundary, to prevent trespasser access. As such, Ohio EPA is requiring, in the final Decision Document, that Scotts secure the

access to (e.g., via fencing and warning signs) Field Broadcast Area #1, Landfill #4, and Landfill #5 as an interim action. This security should remain in place until Field Broadcast Area #1, Landfill #4, Landfill #5 and the South Branch of Crosses Run have been remediated or capped and no longer pose a direct contact exposure risk.

The overall concluding comment asks Ohio EPA to insist on the excavation and complete removal of all the waste management units at the Scotts site to a treatment, storage or disposal facility. While Ohio EPA understands the commenter's desire for this to be the required remedy for the Scotts site, the Agency believes that its application of the threshold and balancing criteria to the proposed remedies, as described on pages 18 and 19 of the Decision Document, was done appropriately, resulting in the remedy selected for each waste management unit. The selected remedies are protective of human health and the environment. Ohio EPA's oversight of Scotts ' implementation and maintenance of the selected remedies will help to ensure they remain protective.