The electronic version of this file/report should have the file name:

Type of document . Site Number . Year-Month . File *Year-Year* or Report name . pdf

_____.pdf

example: *letter . Year-Month . File Year-Year . pdf*

Consent Order. HW. 905004. 1999.08.05. 1989-1999. pdf

example: *report . Site Number . Year-Month . Report Name . pdf*

Project Site numbers will be proceeded by the following:

Municipal Brownfields - B
Superfund - HW
Spills - SP
ERP - E
VCP - V
BCP - C

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Alleged Violation of the New York State Environmental Conservation Law (ECL) by

BROWN SHOE COMPANY, INC. d/b/a
MOENCH TANNING COMPANY
265 Palmer Street
Gowanda, New York 14070

(Cattaraugus County)

Respondent

ORDER
ON
CONSENT

File No. 93-30
R9-4022-93-09

WHEREAS:

1. Article 19 of the New York State Environmental Conservation Law (hereinafter "ECL") sets forth certain restrictions and requirements governing air pollution control within the State of New York, and provides for the adoption and implementation of rules and regulations for the enforcement thereof.

2. Brown Shoe Company, Inc. d/b/a Moench Tanning Company, 265 Palmer Street, Gowanda, New York 14070, owns premises which Respondent formerly used for processing and production in its tanning business.

3. The Department of Environmental Conservation (the "Department") alleges that, on or about March 4, 1994, Respondent allowed the open burning of debris on its premises without a permit to do so issued by the Commissioner in violation of 6 NYCRR Part 215.3.

4. It is the understanding of the parties to this Order that Respondent will perform a groundwater monitoring program at the Moench Tanning Company premises in Gowanda, New York, which program, hereby approved by the Department, is attached hereto as Appendix A and incorporated herein, and it is their further understanding that, if the Department and Respondent regard remedial action as necessary, they will attempt to negotiate a further course of action for a remedial program thereat.

5. Respondent, without admitting the allegation contained in paragraph 3 of this Order, and while denying that it has in any way violated the ECL, the rules and regulations promulgated thereunder, or any permit or Order of the Department, waives its rights to Notice and Hearing in this matter as provided by law and consents to the issuing and entry of the following Order:

NOW, having considered this matter and being duly advised, it is ORDERED:

I. THAT Respondent is hereby assessed a penalty in the amount of One Thousand Five Hundred Dollars ($1,500.00). Payment of Seven Hundred Fifty Dollars ($750.00) of said amount is suspended upon condition that, and for as long as, Respondent remains in compliance with, and is not adjudged to have violated, the ECL or the rules and regulations promulgated thereunder. Accordingly, Respondent shall, upon execution of this Order, pay to the Commissioner of the Department of Environmental Conservation, a payable penalty of Seven Hundred Fifty Dollars ($750.00) by certified check or money order made payable to the Commissioner of the New York State Department of Environmental Conservation, 270 Michigan Avenue, Buffalo, New York 14203-2999.

II. THAT issuance of this Order in no way constitutes a finding of liability, fault, wrongdoing or a violation of any legal requirement; provided, however, that Respondent shall be obligated to include this Consent Order in any Record of Compliance permit application supplement which Respondent may be required to submit. In the context of any such future Record of Compliance permit application supplement review, the Department reserves its right to attempt to prove that Respondent has committed the violation alleged in this Consent Order.

III. THAT neither the allegation herein, the imposition of the penalty recited herein nor the fact of Respondent's execution of this Order shall be used in any other

context as an indication of Respondent's culpability or non-compliance with environmental obligations.

IV. THAT this Order resolves, and releases Respondent from, the specific allegation in paragraph 3 of this Order, and the Department shall not institute any further enforcement actions in connection with such allegation.

V. THAT, as of the date of the issuing and entry of this Order, the Department is not aware of and has no intention of alleging, with respect to Brown Shoe Company, Inc., Moench Tanning Company, and/or any of their parents, subsidiaries, affiliates, directors, officers, employees, agents, successors, assigns and/or representatives of any kind, any violation of the ECL, the rules and regulations promulgated thereunder, or any permit or Order of the Department.

VI. THAT Respondent will perform the groundwater monitoring program at the Moench Tanning Company premises in Gowanda, New York, that is set forth in Appendix A, attached hereto and incorporated herein, which program is hereby approved by the Department.

DATED: April 14, 2000
Buffalo, New York

JOHN P. CAHILL, COMMISSIONER
New York State Department of
Environmental Conservation

By: _____
Gerald F. Mikol
Regional Director

Consent by Respondent

Respondent hereby consents to the issuing and entering of the foregoing Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained therein.

Respondent Robert D. Pickle

By ROBERT D. PICKLE

Title VICE PRESIDENT, GENERAL COUNSEL AND CORPORATE SECRETARY

Date AUGUST 5, 1999

(Seal)

Corporate

State of MISSOURI)
County of ST. LOUIS)

On this 5TH day of AUGUST, 1999, before me personally came ROBERT D. PICKLE to me known, who being by me duly sworn did depose and say that he resides at 214 TOPTON WAY, ST. LOUIS COUNTY, MISSOURI that he is the VICE PRESIDENT, GENERAL COUNSEL AND CORPORATE SECRETARY of BROWN SHOE COMPANY, INC the corporation described in and which executed the foregoing instrument; and that he signed his name as authorized by said corporation.

Ronald O. Heier
NOTARY PUBLIC

RONALD O. HEIER
St. Louis County
My Commission Expires
July 18, 2001

Individual

State of)
County of)

On this day of , 19 , before me came , to me known and known to me to be the individual described in and who executed the foregoing consent and he duly acknowledged to me that he executed the same.

NOTARY PUBLIC

MALCOLM PIRNIE

ATTACHMENT A

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TANNERY SITE GROUNDWATER MONITORING WORK PLAN

BROWN GROUP, INC.
GOWANDA, NEW YORK

JULY 1996
MAY 1999-EDITED BY MOENCH CO./BROWN GROUP

MALCOLM PIRNIE, INC.

S-3515 Abbott Road
P. O. Box 1938
Buffalo, New York 14219

0605-243-100

MALCOLM PIRNIE

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1.0 INTRODUCTION

1.1 Site Background

The Moench Tanning Company operated a tannery in Gowanda, New York (see Figure 1-1) from the late 1800's until 1992. The tannery complex comprised of over 30 buildings and a wastewater treatment plant, was demolished between November 1993 and February 1994. The purpose of the demolition was to substantially reduce the potential future nuisances and physical hazards associated with the site. Demolition included:

- Disconnection and decommissioning of all utilities including electric, natural gas, water service, and sanitary and storm sewers.
- Asbestos removal.
- Demolition of all buildings (except the office building and a small, new waste water treatment plant).
- Demolition of the fire protection reservoir.
- Demolition of ten houses along Moench Street owned by the Brown Group.
- Cracking and backfilling all pits, vaults and other depressions, including all below grade tanks of the wastewater treatment plant (equalization, aeration and clarification).
- Construction of a new storm sewer section.
- Placement of a minimum of 12 inches of soil cover over all areas of the site.
- Establishing a vegetative cover across the site.
- Fencing the property.

A variety of chemicals were used in the tanning process, most notably, trivalent chromium. Prior to site demolition, an environmental mitigation plan was implemented which included removal of chromium contamination from concrete walls, floors and other

surfaces; removal of chromium contaminated sediment and residue; and removal of a small volume of soil contaminated with PAHs (benzo(a)anthracene, benzo(b)fluoranthene, and benzo(k)fluoranthene). Verification sampling was conducted following completion of mitigation actions.

1.2 Purpose

Presently there are no groundwater wells at the tannery site to investigate groundwater quality. Thus, the purpose of the tannery site groundwater monitoring program is to install and sample wells in the uppermost water bearing zone to determine if there i
n impact to the groundwater & potentially Cattaraugus crk. The Tannery Site Groundwater Monitoring Work Plan presents the well location, installation, construction and development details; sampling and analytical plan; and data evaluation procedures.

2.0 WELL INSTALLATION

At the request of the NYSDEC, a total of three wells (T-1, T-2 and T-3) will be installed in the uppermost water bearing zone on the tannery site at the proposed locations illustrated on Figure 2-1. This section describes the drilling methods, equipment decontamination procedures, well installation and construction details, well development and slug testing procedures, and survey requirements. Detailed well installation procedures are presented in "Post Closure Groundwater Detection Monitoring Program for the Palmer Street Landfill", (Malcolm Pirnie, 1989).

Three temporary well points will also be installed west of the proposed monitoring wells (see Figure 2-1) to provide additional groundwater level data for determining the hydraulic gradient across the site. Also, Moench Tanning may elect to install a monitoring well upgradient of the former tannery site to determine upgradient groundwater quality. The decision to install an upgradient well will be based on the results of groundwater quality sampling from T-1, T-2, and T-3; and on the groundwater flow directions.

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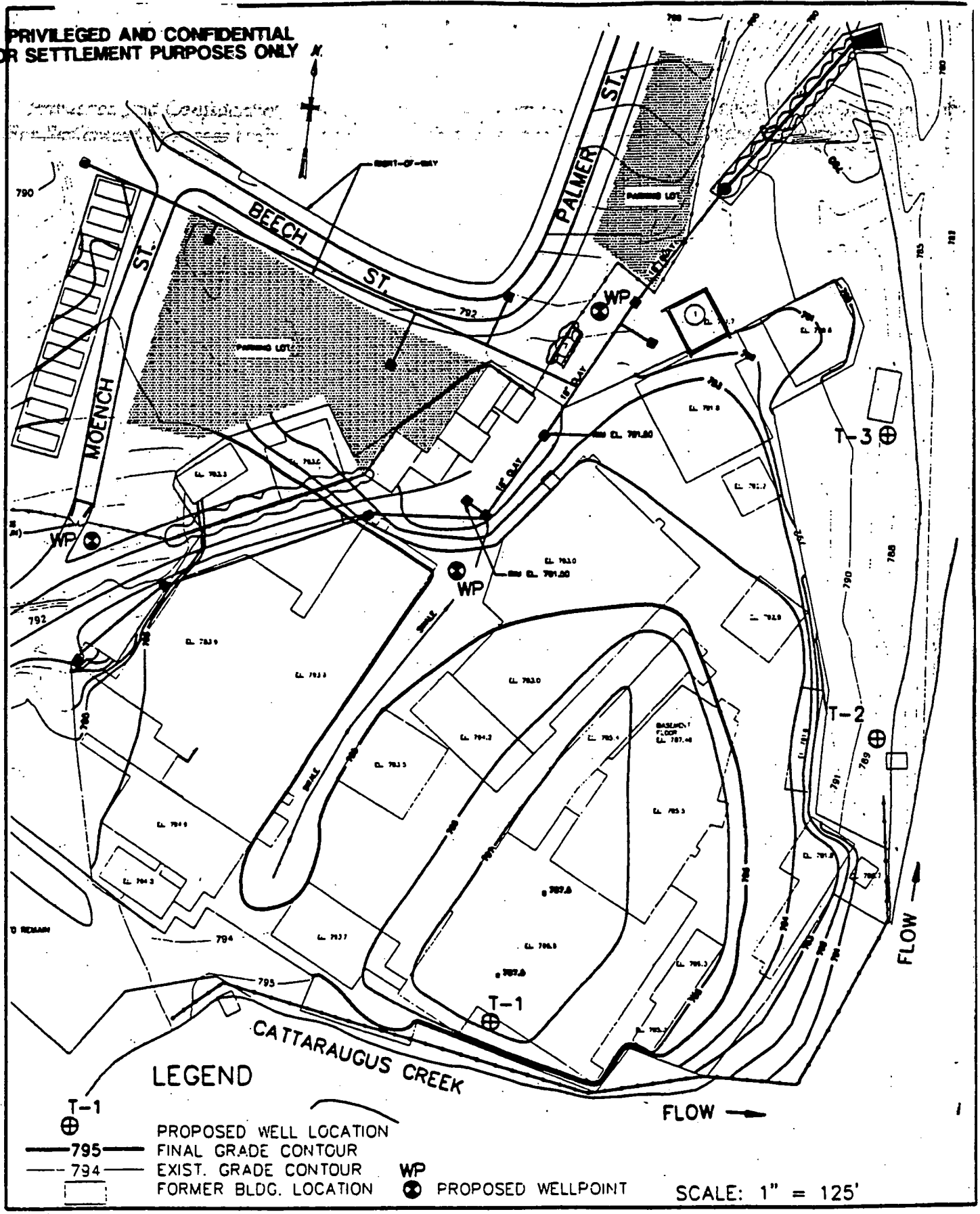

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MTC-24-MWL

TANNERY SITE
GROUNDWATER MONITORING WORK PLAN
PROPOSED MONITORING WELL LOCATIONS

MOENCH TANNING COMPANY

MALCOLM PIRNIE

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2.1 Drilling Methods

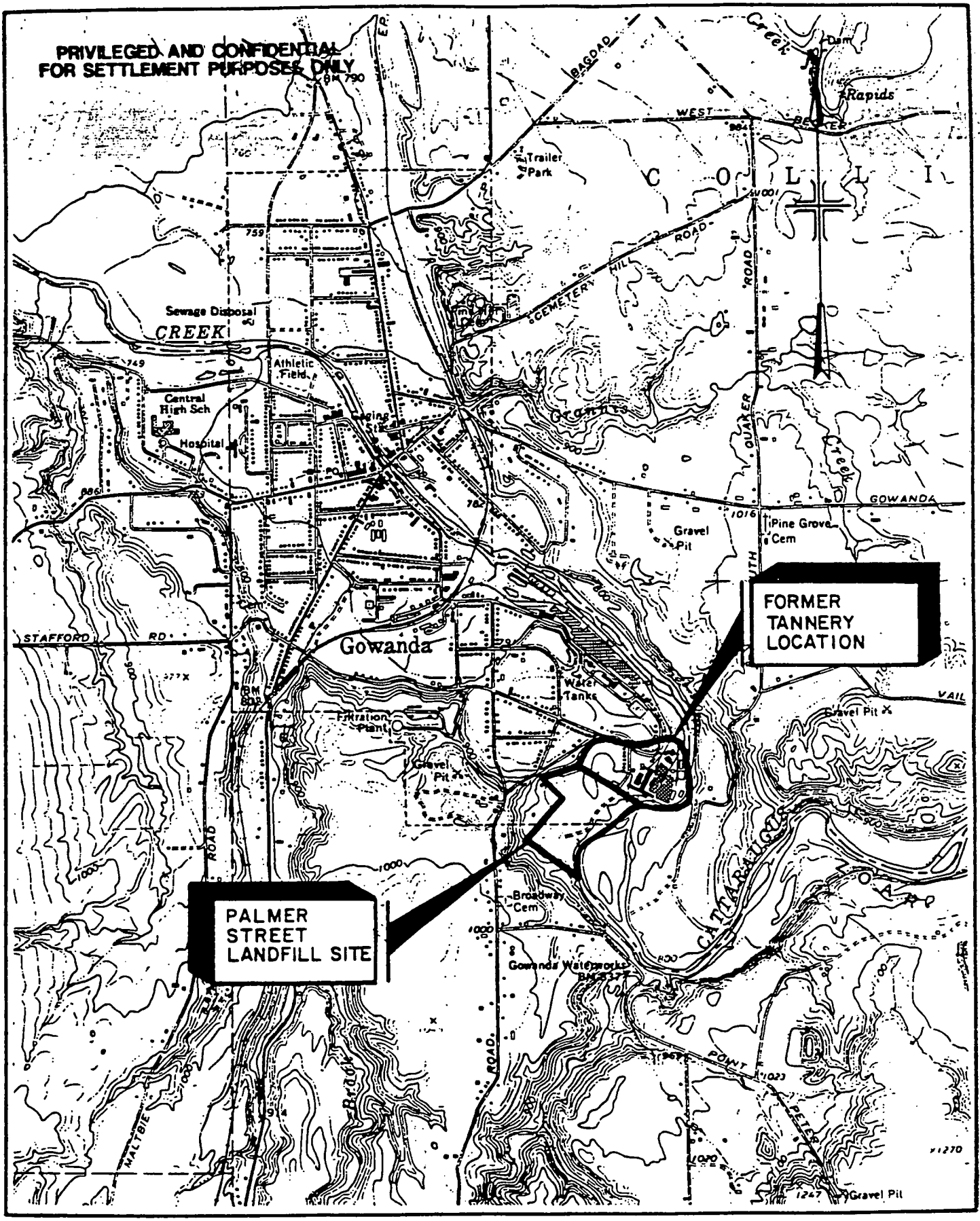
The borings for T-1 through T-3 will be advanced with 6¼-inch hollow stem augers. Continuous split spoon sampling will be performed to determine the depth of the first water bearing zone encountered in the overburden. Split spoon samples will be screened for organic vapors using an HNu analyzer, visually classified, and retained in clean one-quart jars for future reference. If a water bearing zone is not encountered in the lower overburden, the 6¼-inch hollow stem auger will be advanced to the top of bedrock and a temporary casing installed through the augers. The boring will be further advanced with an HX core barrel to obtain rock core every 5 feet until a water bearing zone is encountered. Rock core will be described by a ~~Malcolm Pirnie~~ geologist and retained in wooden core boxes. RSP.

2.2 Drilling Equipment Decontamination

To prevent cross-contamination between boring locations, the drilling rig and all drilling accessories will be thoroughly decontaminated using low-pressure steam before arriving on-site and between wells. Split spoon samplers will be brushed clean of soil and steam cleaned between wells. Decon water will be discharged to the ground surface.

2.3 Well Installation

Overburden monitoring wells will be installed according to the design shown on Figure 2-2. Overburden well materials will consist of 2-inch flush threaded Schedule 40 PVC with 5 feet of 6 slot screen and #1 sand. If a water bearing zone is not encountered in the overburden, the well will be screened in the uppermost bedrock water bearing zone. All bedrock wells will be installed with well screens as illustrated on Figure 2-2, but with the bentonite pellet seal across or just below the overburden-bedrock contact. Bedrock well materials will include 2-inch flush threaded Schedule 40 PVC with 5 feet of 10 slot screen and #2 sand. The screened interval will be selected by the ~~Malcolm Pirnie~~ field geologist based on soil/rock core observations. RSP. RSP.



TANNERY SITE
GROUNDWATER MONITORING WORK PLAN
SITE LOCATION

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MOE-24

MOENCH TANNING COMPANY

APRIL 1995

5/99

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TANNERY SITE GROUNDWATER MONITORING WORK PLAN

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

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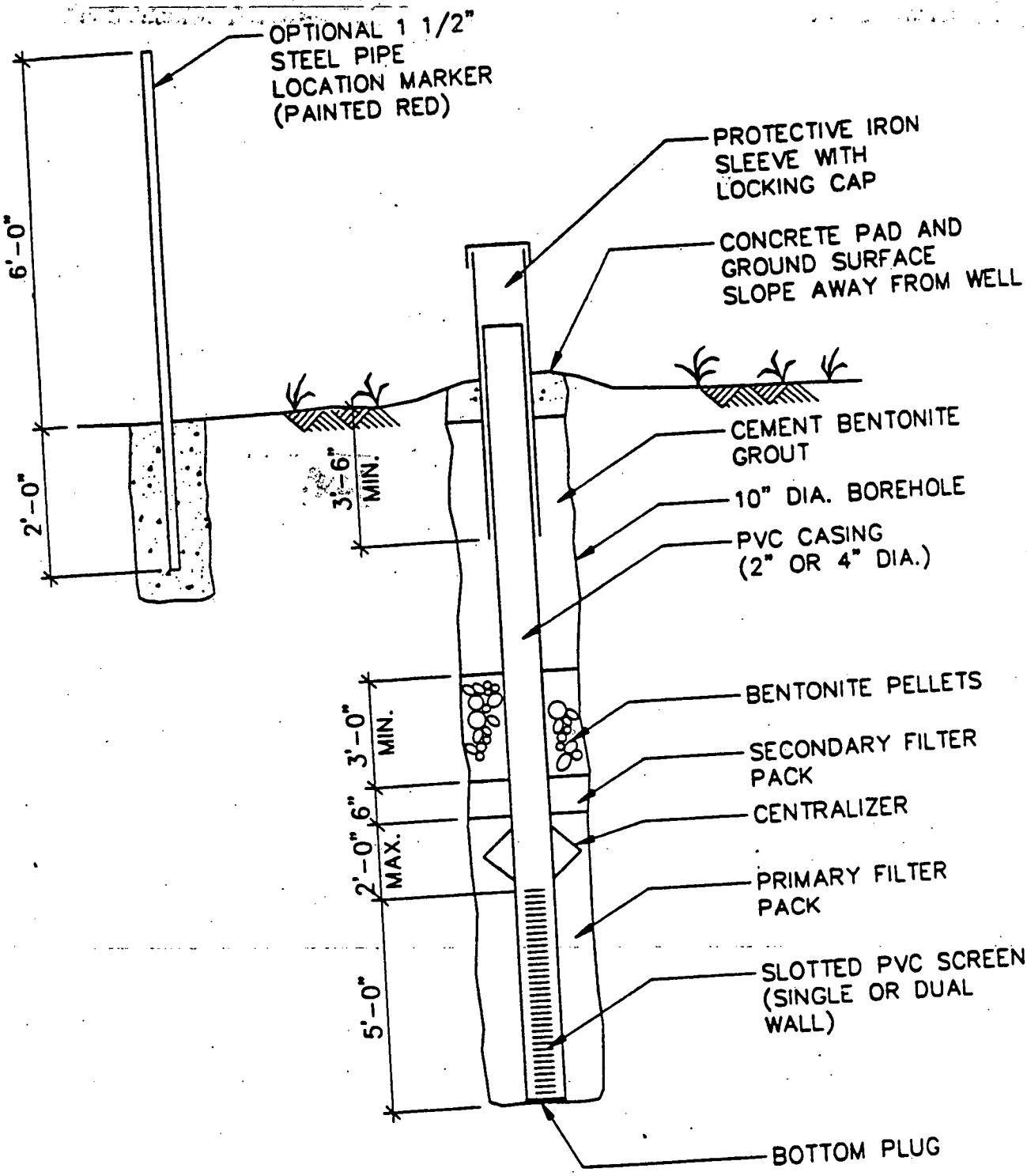

TANNERY SITE
GROUNDWATER MONITORING WORK PLAN
WELL CONSTRUCTION DETAILS

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MOENCH TANNING COMPANY

JULY 1996

MTC-24-DWC

MALCOLM PIRNIE

The well points will be driven to refusal using the drilling rig, and a bentonite seal will be placed around the riser from the ground surface to approximately one foot below ground.

2.4 Well Development, Testing, and Survey

All newly-installed monitoring wells will be developed to remove introduced sediment and to improve the hydraulic properties of the sand pack. Wells will be pumped or bailed until a turbidity reading of <50 NTU is obtained or until the turbidity level stabilizes, indicating that additional development will be ineffective. Field measurements of pH, conductivity and temperature will be recorded for each volume of water recovered during development.

In-situ hydraulic conductivity testing (slug testing) will be conducted on each new well following development. The slug testing will not be initiated until the wells have returned to static water level conditions after development. The tests will be conducted by displacing water in the well and monitoring the rate at which the water level recovers to static conditions. During slug testing, water level data will be collected using a down hole pressure transducer linked to a data logger, or water level will be collected manually. Water level recovery data will be analyzed by the method of Bouwer and Rice (1976, 1989).

Monitoring well and wellpoint locations will be surveyed following installation. Both the ground elevation and the top of riser will be surveyed. A point at the top of the former wastewater treatment plant headwall will be surveyed to provide a gauge point for monitoring the water surface elevation in Cattaraugus Creek. The exact location of the gauge point will be determined in the field, and should be directly above a point at which the water surface contacts the headwall during all seasons. Measurements will be made from the top of the wall to the water surface using an electric groundwater level meter. Surface water and groundwater levels will be measured during each groundwater sampling event.

2.5 Well Installation Report

Prior to the first round of sampling, a well installation report will be prepared and submitted to the NYSDEC. The report will include boring logs, well construction diagrams, well development, slug testing, and survey data, and a groundwater isopotential map for the former tanner site.

3.0 SAMPLING AND ANALYSIS PLAN

3.1 Frequency

As agreed to with NYSDEC, the tannery site groundwater monitoring program will have a limited duration provided that contaminant concentrations, if any, do not exceed trigger limits. The tannery site monitoring wells will be sampled and analyzed four times over a two year period. Monitoring will be conducted on a seasonal basis, with sampling being conducted during a high groundwater period (spring) and a low groundwater period (late fall). One round of sampling will be conducted during each of the four monitoring events, in conjunction with the Palmer st. landfill groundwater monitoring.

3.2 Parameters

The recommended monitoring parameters are listed in Table 3-1. These parameters are the same as those analyzed in the Palmer Street Landfill detection monitoring program. Laboratory analyses will include soluble arsenic, soluble chromium, soluble lead, and volatile organic compounds. Samples that will be analyzed for metals will be filtered to eliminate interference from metal-bearing sediment which may be present in the sample. To mitigate potential effects of the filtering process, filtration will be performed under pressure (as opposed to vacuum) with an in-line filter.

3.3 Sampling and Analysis Methods

The three newly installed monitoring wells on the tannery site will be purged, sampled and analyzed according to the procedures presented in Sections 3.0 and 4.0 of

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TABLE 3-1

MOENCH TANNING COMPANY
TANNERY SITE GROUNDWATER
MONITORING WORK PLAN

GROUNDWATER QUALITY MONITORING PARAMETERS

Soluble Arsenic
Soluble Chromium
Soluble Lead

Volatile Organics[2]

pH[1]

Conductivity[1]
Turbidity[1]
Groundwater Elevation[1]
Temperature[1]

All samples collected for analysis of soluble metals will be pressure-filtered in the field immediately upon sample collection.

NOTES:

1. All field parameters (i.e., pH, specific conductance, temperature and turbidity) will be measured in the field. No analysis of these parameters will be required by the laboratory.

2. Volatile organic compounds will be those compounds determined by SW-846, Method 8260.

the Sampling Plan and Quality Assurance Plan for Monitoring Activities at the Palmer Street Landfill (Appendix 2 of the Palmer Street Landfill Post Closure Plan, Malcolm Pirnie, revised March, 1994). Static water levels will be monitored in each well prior to purging.

4.0 DATA EVALUATION

Data will be evaluated after all four rounds of groundwater samples have been collected and analyzed. Only laboratory analyzed parameters will be considered. An exceedance of Class GA groundwater standards presented in 6NYCRR Part 703.5 (see Table 4-1) will indicate the need for further evaluation, including a determination of the impact to Cattaraugus Creek and a determination if the tannery site is the source of contamination. If no concentrations above Class GA groundwater standards are detected, the results will be reported to the NYSDEC, the tannery site monitoring wells will be decommissioned, and the tannery site groundwater monitoring program will be considered complete.

If groundwater concentrations exceed the Class GA standards, a calculation of mass loading to Cattaraugus Creek will be performed in concert with the Palmer Street Landfill Cover System Performance Evaluation scheduled for spring 2003. The loading calculation will use the average groundwater concentrations from four rounds of sampling and an estimate of average groundwater flow to the Creek (average flow of the four sampling events). The mass load will be converted into surface water concentrations using the average flow and the low flow of Cattaraugus Creek reported for the USGS flow monitoring station in the Village of Gowanda. The potential impacts to the Creek will be evaluated based upon a comparison of calculated surface water concentrations (attributable to site groundwater discharge), to Class C surface water quality standards.

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TABLE 4-1

MOENCH TANNING COMPANY
TANNERY SITE GROUNDWATER MONITORING WORK PLAN

UPPER BEDROCK GROUNDWATER TRIGGER LIMITS

Parameter	6NYCRR Part 703.5 Class GA Standards (mg/l)
Inorganics:	
Arsenic (Soluble)	0.025
Chromium (Soluble)	0.050
Lead (Soluble)	0.025
Organics:	
Benzene	0.0007
Bromobenzene	0.005
Bromochloromethane	0.005
Bromodichloromethane	0.050
Bromoform	0.050
Bromomethane	0.005
n-Butylbenzene	0.005
sec-Butylbenzene	0.005
tert-Butylbenzene	0.005
Carbon tetrachloride	0.005
Clorobenzene	0.005
Chloroethane	0.005
Chloroform	0.007
Chloromethane	0.005
2-Chlorotoluene	0.005
4-Chlorotoluene	0.005
Dibromochloromethane	0.050
1,2-Dibromo-3-chloropropane	0.005
1,2-Dibromoethane	0.005[1]
Dibromoethane	0.005
1,2-Dichlorobenzene	(2)
1,3-Dichlorobenzene	0.005
1,4-Dichlorobenzene	(2)
Dichlorodifluoromethane	0.005
1,1-Dichloroethane	0.005
1,2-Dichloroethane	0.005
1,1-Dichloroethene	0.005

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TABLE 4-1

MOENCH TANNING COMPANY
TANNERY SITE GROUNDWATER MONITORING
WORK PLAN

UPPER BEDROCK GROUNDWATER TRIGGER LIMITS

Parameter	6NYCRR Part 703.5 Class GA Standards (mg/l)
Cis-1,2-Dichloroethene	0.005
Trans-1,2-Dichloropropane	0.005[1]
1,2-Dichloropropane	0.005
1,3-Dichloropropane	0.005
2,2-Dichloropropane	0.005
1,1-Dichlropropene	0.005
Ethylbenzene	0.005
Hexachlorobutadiene	0.005
Isopropylbenzene	0.005
p-Isopropyltoluene	0.005
Methylene chloride	0.005
Naphthalene	0.010
n-Propylbenzene	0.005
Styrene	0.005
1,1,1,2-Tetrachloroethane	0.005
1,1,2,2-Tetrachloroethane	0.005
Tetrachloroethene	0.005
Toluene	0.005
1,2,3-Trichlorobenzene	0.005
1,2,4-Trichlorobenzene	0.005
1,1,1-Trichloroethane	0.005
1,1,2-Trichloroethane	0.005
Trichloroethene	0.005
Trichlorofluoromethane	0.005
1,2,3-Trichloropropane	0.005
1,2,4-Trimethylbenzene	0.005
1,3,5-Trimethylbenzene	0.005
Vinyl Chloride	0.002
O-xylene	0.005
M-xylene	0.005
P-xylene	0.005

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TABLE 4-1

MOENCH TANNING COMPANY
TANNERY SITE GROUNDWATER MONITORING
WORK PLAN

UPPER BEDROCK GROUNDWATER TRIGGER LIMITS

Parameter	6NYCRR Part 703.5 Class GA Standards (mg/l)

Notes:

1. Meets the definition of a Class 1 (Halogenated Alkane) Principle Organic Compoind (POC). POC groundwater standard of 0.005 mg/l applies.
2. Sum of 1,2-dichlorobenzene and 1,4-dichlorobenzene shall not exceed 0.0047 mg/l.

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5.0 REFERENCES

Malcolm Pirnie, Inc., Revised March 1994. "Palmer Street Landfill Post Closure Plan, Appendix 2, Sampling Plan and Quality Assurance Plan for Monitoring Activities at the Palmer Street Landfill".

Malcolm Pirnie, Inc., 1989. "Post Closure Groundwater Detection Monitoring Program for
the Palmer Street Landfill: Work Plan for Supplemental Site Assessments".

Bouwer, H., 1989. "The Bouwer and Rice Slug Test-An Update." Ground Water, 27, pp. 304-309.

Bouwer, H., and R. C. Rice, 1976. "A Slug Test for Determining Hydraulic Conductivity of Unconfined Aquifers with Completely or Partially Penetrating Wells." Water Resources, Volume 12, No. 3, pp. 423-428.

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Closure of a Landfill Operated Pursuant to Part 360 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York and Environmental Conservation Law Article 27 by:

MOENCH TANNING
265 Palmer Street
Gowanda, New York 14070

(Cattaraugus County)

ORDER
ON
CONSENT

File No. 88-137
R9-2622-88-09

Respondent

WHEREAS:

1. Article 27 of the New York State Environmental Conservation Law (hereinafter cited as Article 27) establishes the powers of the Department of Environmental Conservation over the use of land for the purpose of refuse disposal and for the operation and maintenance of refuse disposal areas; and Article 27 permits the establishment of Part 360 of Title 6 of the Official Compilations of Codes, Rules and Regulations of the State of New York (hereinafter cited as Part 360).

2. The Respondent maintains a refuse disposal area on land owned and controlled by the Respondent; to wit premises situated on Point Peter Road in the Town of Persia, New York.

3. Such refuse disposal area is subject to Article 27 and Part 360.

4. Such refuse and disposal area was operated pursuant to Permit Number 2726 which expired January 1, 1986.

5. The Respondent has exhausted the capacity of such refuse and disposal area, and currently generated refuse is being transported and disposed off site. Accordingly, the Respondent must implement closure of such disposal and refuse area pursuant to Section 360-1.14 (w).

6. Respondent affirmatively waives its rights to a hearing on this matter as provided by law and consents to the issuing and entering of this Order and agrees to be bound by the provisions, terms and conditions contained herein.

NOW, having considered this matter and being duly advised, it is ORDERED:

I. THAT immediately upon service of a conformed copy of this Order upon Respondent, Respondent shall be bound as hereinafter provided by this Order and Schedule A attached hereto and made a part hereof.

II. THAT all submissions required herein shall be made to the Regional Engineer -- Division of Solid Waste, Department of Environmental Conservation, 600 Delaware Avenue, Buffalo, New York 14202.

III. THAT duly authorized representatives of the State of New York shall be permitted access to any premises wherein a refuse disposal area is wholly or partially controlled,

operated, maintained, permitted, allowed or condoned by the Respondent for the purpose of inspecting such refuse disposal areas, performing any tests, taking samples or otherwise determining compliance with this Order, the ECL, and any rules promulgated thereunder.

IV. THAT in those instances in which the Respondent desires that any of the provisions, terms or conditions of this Order be changed, it shall make written application, setting forth the ground for the relief sought, to the Regional Director.

THAT any change in this Order shall not be made or become effective except as specifically set forth by written Order of the Regional Director, such written Order being made either upon written application of the Respondent or upon the Regional Director's own findings after an opportunity to be heard has been given to Respondent or pursuant to the summary abatement provisions of the Environmental Conservation Law.

V. THAT the provisions, terms and conditions of this Order shall be deemed to bind the Respondent, and its agents, servants, employees, successors and assigns.

DATED: Buffalo, New York
August 8, 1989

THOMAS C. JORLING, Commissioner
New York State Department of
Environmental Conservation

John J. Spagnoli
Regional Director

S C H E D U L E A

Respondent shall, on or before the dates indicated:

Item	Date Due
A.	
1. Verify cap over existing trench disposal area; such cap must have a minimum 24" compacted barrier layer at less than 1 x 10^{-5} cm/sec and a minimum of 6" of topsoil and vegetative cover, verification should be in accord with work plan in 12/23/88 letter, Malcomn Pirnie to Robert Mitrey of this Department.	August 1, 1989
2. Subject to Department approval, submit closure plan pursuant to Part 360 for areas that do not meet criteria in Item #1 of this Schedule.	August 15, 1989
3. Submit post closure maintenance and monitoring program pursuant to Part 360, including cost estimates for same, for 30 year period after closure.	August 15, 1989
4. Complete physical implementation of closure plan for areas requiring such closure pursuant to Item #2.	October 15, 1989

5.	Submit certification, by a licensed New York State Professional Engineer of closure in accordance with plan approval pursuant to Item #2.	
6.	Topsoil and vegetate the site; complete remaining work pursuant to closure plan.	June 1, 1990
7.	Perform post closure maintenance and monitoring of site	30 year period from date of closure
B.	Submit surety pursuant to Section 360-1.12, in a form acceptable to the Department, in an amount sufficient to meet the post maintenance and monitoring expenses identified in Item #3.	September 15, 1989

Consent by Respondent

Respondent hereby consents to the issuing and entering of the foregoing Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained therein.

Respondent Moench Tanning, Division of Brown Group, Inc.

By Robert D. Pickle

Title Vice President, General Counsel and Corporate Secretary

Date July 25, 1989

(Seal)

Corporate

State of Missouri)
County of St. Louis)

On this 25th day of July, 1989, before me personally came Robert D. Pickle to me known, who being by me duly sworn did depose and say that he resides at 214 Topton Way, Clayton, Missouri 63105 that he is the Vice President, General Counsel & Corp. Secretary of Moench Tanning, Division of Brown Group, Inc. the corporation described in and which executed the foregoing instrument; and that he signed his name as authorized by said corporation.

Ronald O. Heier

NOTARY PUBLIC

RONALD O. HEIER
NOTARY PUBLIC, STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXPIRES JULY 18, 1993

Individual

State of)
County of)

On this day of , 19 , before me came , to me known and known to me to be the individual described in and who executed the foregoing consent and he duly acknowledged to me that he executed the same.

NOTARY PUBLIC