If it were to occur, the sale or transfer of BNL property would meet the requirements of Section 120 (h) of CERCLA to ensure that future users are not exposed to unacceptable levels of contamination.

STATUTORY DETERMINATION

The selected remedy is protective of human health and the environment, complies with Federal and State requirements that are legally applicable or relevant and appropriate to the remedial action, and is cost effective. This remedy uses permanent solutions to the maximum extent practicable for the BGRR complex. Treatment of contaminated soil was not found to be practicable; therefore, this remedy does not satisfy the statutory preference for treatment as a principal element. However, techniques that minimize waste volumes or further stabilize wastes to meet disposal facility waste acceptance criteria will be factored into the detailed design work plan.

Because this remedy will result in some hazardous substances remaining above levels allowed for unlimited use and unrestricted exposure, five-year reviews will be conducted pursuant to CERCLA§121(c) to ensure that the remedy continues to provide adequate protection of human health and the environment.

AUTHORIZING SIGNATURES

February 7, 2005

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Date

William McCabe
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U.S. Environmental Protection Agency – Region 2

March 17, 2005

Date