



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

January 15, 2014

CERTIFIED MAIL – 7009 3410 0001 8933 5928
RETURN RECEIPT REQUESTED

Mr. Steve Luthy
Safety and Regulatory Compliance Manager
North America
Nestle Purina PetCare Company
Checkerboard Square
St. Louis, MO 63164

RE: Approved Final Remedy and Release from Corrective Action Obligations
Nestle Purina PetCare Company, St. Louis, Missouri
EPA ID# MOD000302281

Dear Mr. Luthy:

The Missouri Department of Natural Resources hereby approves the final remedy of no further corrective action with institutional and engineering controls at Nestle Purina PetCare Company. The Department is also releasing Nestle Purina from regulation as a former interim status hazardous waste treatment, storage, and disposal facility subject to the corrective action requirements of the Missouri Hazardous Waste Management Law and regulations.

The Department's approved final remedy and regulatory release decisions are effective immediately. Our decisions are based on all available information; Code of Federal Regulations 40 CFR Part 265 Subpart F and Subpart G, and 40 CFR Part 270 Subpart G, as incorporated by reference in Code of State Regulations 10 CSR 25-7.265 and 270; and the following items:

1. *Final Report for Environmental Priorities Initiative Preliminary Assessment Activity at Ralston Purina Company, St Louis, Missouri*, dated March 10, 1992, prepared by CDM Federal Programs Corporation on behalf of the U.S. Environmental Protection Agency (EPA). This report identified Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) at the facility.



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2. *RCRA Facility Assessment for Ralston Purina Company, St. Louis, Missouri*, dated April 13, 1993, prepared by PRC Environmental Management, Incorporated, on behalf of EPA. This report presented findings of the Preliminary Assessment.
3. A letter signed by EPA, dated May 4, 1993, recommending four AOCs for further action.
4. A letter signed by the Department, dated October 2, 1996, accepting the closure certification for the container storage room.
5. A letter signed by the Department, dated October 2, 1996, releasing Nestle Purina from financial assurance obligations, according to 40 CFR 265.143(h), incorporated by reference in 10 CR 25-7.265(1).
6. A letter signed by the Department, dated December 23, 2004, notifying Nestle Purina of their corrective action obligations under the *Resource Conservation and Recovery Act* (RCRA) and Missouri's hazardous waste law and regulations, including addressing the remaining SWMUs and AOCs at the facility.
7. A letter from Nestle Purina, dated May 3, 2005, notifying the Department of their intent to prepare an updated RCRA Facility Assessment (RFA).
8. *Updated RFA Report*, dated July 28, 2006, prepared by Burns & McDonnell on behalf of Nestle Purina. This report highlighted nine AOCs that required additional information or investigation. The updated RFA concluded that six of the nine AOCs did not require further action at that time. However, the former Grain Elevator/Storage Bins, former Magic Chef AOC, and the Truck Service Center required additional investigation.
9. A letter signed by the Department, dated November 13, 2007, regarding the findings in the Updated RFA Report. The Department agreed with Nestle Purina's conclusions that six of the nine AOCs did not require further action and requested that Nestle Purina present a scope of work for conducting additional investigation for the three remaining AOCs.
10. A letter from Nestle Purina, dated March 17, 2008, submitting additional information on the three remaining AOCs. Based on the additional information, Nestle Purina requested no further investigation at the Truck Service Center.
11. A letter signed by the Department, dated April 2, 2008, determining that additional information regarding the Former Truck Center was acceptable, and no further investigation was necessary for this AOC.

12. *Quality Assurance Sampling and Analysis Plan*, dated May 19, 2008, prepared by Burns & McDonnell, on behalf of Nestle Purina, for the Magic Chef and Grain Elevator/Storage Bins AOCs.
13. A letter signed by the Department, dated July 3, 2008, approving the *Quality Assurance Sampling and Analysis Plan*.
14. Nestle Purina conducted direct-push investigation activities on July 21, 2008, at the former Magic Chef and former Grain Elevator/Storage Bins AOCs, the results of which were included in the report referenced in #16 below.
15. RCRA Corrective Action Environmental Indicator Evaluations dated June 18, 2009, (RCRA Info Codes CA750-Migration of Contaminated Groundwater Under Control and CA725-Current Human Exposures Under Control) affirming that migration of contaminated groundwater and current human exposures were under control.
16. *RFA Soil Investigation Report*, dated February, 19, 2009, prepared by Burns & McDonnell, on behalf of Nestle Purina. This report also included recommendations for implementing activity and use limitations at the former Grain Elevator/Storage Bins AOC.
17. A letter signed by the Department, dated June 24, 2009, approving the *RFA Soil Investigation Report*.
18. Nestle Purina's July 25, 2013 notification regarding a heating oil underground storage tank (UST) removed on July 11 and 12, 2013, during renovations of its C Research Building. The UST and all residual materials/sludge, and associated piping were removed and properly disposed of and the soils surrounding the UST were over-excavated to the extent practical without compromising the C-Research building foundation. Concrete placed over the former UST area acts as a cap over the minor residual soil contamination.
19. The Department prepared and issued a Statement of Basis in support of the proposed final remedy of no further corrective action with institutional and engineering controls at Nestle Purina. The Department also proposed to release the facility from regulation as a former interim status hazardous waste treatment, storage, and disposal facility subject to the corrective action requirements of the Missouri Hazardous Waste Management Law and regulations. The Department invited the public to review and offer written comments on the proposed final remedy and regulatory release during a 30-day public comment period, which began August 23, 2013, and ended September 23, 2013. No written comments or requests for a public hearing about the proposed final remedy and regulatory release were received during the public comment period.

20. An Environmental Covenant was executed by the Department and Nestle Purina and filed with the St. Louis City Recorder of Deeds on September 26, 2013. The Environmental Covenant prohibits residential use of the facility property, prohibits disturbance of the soil in the former Grain Elevator/Storage Bins AOC without written approval from the Department, requires maintenance of the existing asphalt cap in the former Grain Elevator/Storage Bins AOC and continued compliance with the City of St. Louis Ordinance #66777. The City of St. Louis Ordinance #66777 prohibits the use of groundwater and drilling of wells for a potable water supply. These restrictions will ensure that unacceptable exposures to residual contamination do not occur in the future.

The Department is conducting additional public notification activities for the approved final remedy and regulatory release decisions. We mailed a notification letter to everyone on the facility mailing list advising of the Department's final decisions. We sent a copy of this letter and the letter to the facility mailing list to the St. Louis Public Library's Central Branch for public viewing. A copy of these letters is included with this letter.

Please be aware that any parties adversely affected or aggrieved by the approved final remedy or regulatory release decisions may be entitled to pursue an appeal before the Administrative Hearing Commission by filing a petition by February 14, 2014, according to the procedures outlined in Code of State Regulations 10 CSR 25-2.020 and Missouri Revised Statutes, Sections 260.395.11 and 621.250, RSMo. If the petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any other method, it will be deemed filed on the date it is received by the Administrative Hearing Commission. Appeals must be sent to the Administrative Hearing Commission, Truman State Office Building, Room 640, 301 West High Street, P.O. Box 1557, Jefferson City, MO 65102, or by fax to (573) 751-5018. The Department also asks that a copy of the petition be provided to Mr. David Lamb, Director, Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, or by fax to (573) 751-7869.

As noted above, the Department approved the proposed final remedy of no further corrective action with previously executed institutional and engineering controls and is releasing the facility from regulation as a former interim status hazardous waste treatment, storage, and disposal facility subject to the corrective action requirements of the Missouri Hazardous Waste Management Law and regulations. Nestle must recognize that these final decisions do not extinguish all environmental obligations at the facility as noted below.

- The activity and use limitations for the facility property are contained in an Environmental Covenant that was signed by the Department and Nestle Purina and filed with the St. Louis City Recorder of Deeds on September 26, 2013.
- While the facility has been released from its corrective action obligations, this does not constitute a release of the Owner's/Transferee's obligations to maintain compliance with

the property activity and use limitations pursuant to the Missouri Environmental Covenants Act, Section 260.1000 through 260.1039, RSMo as contained in the above referenced Environmental Covenant.

- The Owner/Transferee must continue to submit documentation to the Holder, Department, and EPA, by January 31st of each year, verifying that the activity and use limitations imposed in the Environmental Covenant were in place and complied with during the preceding calendar year, as required by Condition 7 of the Environmental Covenant.
- The Owner/Transferee shall remain responsible for providing any financial resources that are necessary to maintain the property activity and use limitations contained in the Environmental Covenant.
- The facility property will be subject to periodic inspection by the Department to ensure compliance with the terms of the Environmental Covenant, including adherence to and maintenance of the property activity and use limitations.
- Nestle Purina must continue to comply with other environmental requirements, as applicable, including but not limited to those administered by the Department's Air Pollution Control and Water Protection Programs.
- The Department's approved final remedy and regulatory release decisions are based strictly on currently known information for the Nestle Purina site. The Department reserves the right to take response actions or require additional corrective action, as necessary, if previously unknown conditions or information are discovered that indicate the Department's decisions are not protective of human health and the environment.

If you have questions regarding this letter or the enclosed documents, please contact Christine Kump-Mitchell, P.E., of my staff at the Missouri Department of Natural Resources, 7545 South Lindbergh Boulevard, Suite 210, St. Louis, MO 63125-4839, by telephone at (314) 416-2464 or 1-800-361-4827, or by e-mail at christine.kump@dnr.mo.gov. Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM

[Original signed by David J. Lamb]

David J. Lamb
Director

Mr. Steve Luthy
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DJL:ckd

Enclosures

c: Ms. Christine Jump, L.G., Missouri State Coordinator, U.S. EPA Region 7
Ms. Brenda McDonald, St. Louis Public Library, Central Library
Ms. Sara Parker Pauley, Director, Missouri Department of Natural Resources
St. Louis Regional Office, Missouri Department of Natural Resources