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Site: Somersworth
Break: 11.7.1
Other: _____

April 6, 1988

Mr. Daniel Coughlin
U.S. Environmental Protection Agency - Region I
John F. Kennedy Federal Building
Room 2203
Boston, MA 02203

Re: Somersworth Municipal Landfill Site
Somersworth, New Hampshire
Request for Expedited Remedy is Solution to Municipal Owned and Operated Landfill

Dear Mr. Coughlin:

On behalf of the voluntarily-formed PRP Group in the Somersworth, New Hampshire Municipal Landfill Site I am writing to outline for you the PRP Group's proposal for a "fast-track" FS coupled with expedited remedial action at the Somersworth Landfill. Following your review of this proposal, we would ask that you agree to meet as soon as possible with the Technical Committee of the PRP Group and the representatives of the State of New Hampshire Department of Environmental Services to discuss this proposal in greater detail. The PRP Group is available to meet with Region I personnel anytime on Friday, April 8, 1988.

As you know, the Somersworth Landfill is roughly a 20 acre, municipally owned and operated site, which operated from mid 1930's to March of 1981. During that period Somersworth's population has grown from 5,000 to 8,500. Businesses have come and gone. The City's present tax base is 70.6 % residential, 21.6% small business and 7.8% industrial. The Somersworth Landfill is currently the focus of an RIFS being undertaken pursuant to a Cooperative Agreement between EPA and the State of New Hampshire. We understand that the RI is near completion, and we have been furnished with copies of the appendix to the RI containing the data developed at the site to date. In reviewing this data with our environmental consultants, our legal counsel, and in discussions with members of the PRP Group, some of whom have experience in Superfund Sites around the country, the PRP Group determined that implementation of a fast-track FS coupled with expedited remediation at the site would be an appropriate approach to resolve the environmental concerns at the site.

Accordingly, the Technical Committee has worked with Canonie Environmental Services Corp. to develop such a proposal. A copy of the letters from Canonie Environmental outlining this proposal are enclosed. The first letter outlines the tasks to be performed in the fast-track FS, which is estimated to be completed within 4 to 6 weeks from commencement. Completion of the fast-track FS would allow for implementation of remediation in the forthcoming construction season.

The second letter by Canonie outlines the proposed work scope to prepare a work plan and provide fast-track engineering services necessary to develop remedial measures at the site for rapid design/construction implementation. It is anticipated at this time that such measures would include capping the landfill and installing a "pump and treat" groundwater system.

We have selected Canonie Environmental to work with us on this project because of its extensive experience, both nationally and within this Region, in working on Superfund Sites, and its fine reputation for producing quality work. We believe Canonie is well suited to assist us in developing this fast-track approach.

We believe the proposal for a fast-track FS and expedited remediation at the Site is appropriate for a number of reasons:

1) Most importantly, our experts tell us it is unlikely that the remedy at the Site would not include the components of capping and pump and treat. Therefore, the sooner such remediation is put in place, the quicker the environmental threats are lessened or eliminated, the sooner the plume is captured and/or retained, and the costs are less than they would otherwise be.

2) If the Agency were to pursue its normal timetable it is likely that remediation would not be implemented at the site until the Spring of 1990 at the earliest. Our fast-track proposal would have the remediation measures in place by the Fall/Winter of 1988, at least 18 months ahead of schedule.

3) Our remediation approach is designed to utilize barter, work-in-kind and the existing resources of the City of Somersworth. The City's new waste treatment plant has excess capacity and a sewer line adjoins the landfill. Use of barter, work-in-kind and existing resources will appreciably reduce the 50% obligation of the State of New

Hampshire which does not have the resources to handle "typical" site remediation costs. (GAO figures are $14,095,000 in 1986 dollars, Fed. Reg. of July 22, 1987.)

4) Prompt action may appreciably reduce the cost of remediation since the City has access to free clayey material if it takes possession of the material within the next few weeks.

We believe our goal of expedited remediation is also consistent with the latest proposed revisions to the NCP, although we understand that these revisions are still in draft form. Nevertheless, we know that both Congress and EPA, not to mention PRP's, are impatient with the slow process in getting remediation effected. In the January/February 1988 publication of Hazardous Materials Control, Gene A. Lucero discusses in an article entitled "A Shift Toward Enforcement" (copy enclosed), EPA's willingness to consider expedited remediation when the situation warrants it, and asks PRP's to consider such concepts as well. (See his highlighted discussion on Page 14.) Additionally, at last Thursday's Municipal Settlement Conference in Washington, D.C., Merrill Holman spoke in favor of the use of non-cash mechanisms to allow participation by municipalities in the settlement process. We have accepted Mr. Lucero's and Mr. Holman's challenge, and urge you to explore this proposal with us in greater depth.

As you know, we have already met with John Minichiello, Michael Sills and Richard Pease of the State of New Hampshire Department of Environmental Services and their attorney, Dana Bisbee, of the Attorney General's Office, and we briefly discussed this proposal with them. I think it fair to say, without speaking for them, that they found our proposal to have considerable merit and worthy of further serious discussion. It is also fair to say, again without speaking for any particular member of the PRP Group, that the PRP Group generally is most favorably disposed to implement this proposal, if the appropriate regulatory approvals are promptly obtained in order that the PRPs can achieve cost reduction through the use of barter, work-in-kind and existing City resources.

As mentioned earlier in this letter, we would like an opportunity to meet with you, Roger Duwart, and others you feel are appropriate from EPA, and the Department of Environmental Services representatives, as soon as possible to discuss our proposal in greater detail. I would appreciate a response from you with respect to this at the earliest possible time. Our goal

would be to actually complete our proposed remediation at the Site before the end of this year. To do this, we must all work together in an expeditious fashion.

I look forward to hearing from you soon. Thanking you for your attention to this matter, I am

Very truly yours,

Sherry Young

Sherilyn Burnett Young

SBY/kat

cc: G. Dana Bisbee, Esq., Office of the Attorney General
John Minichiello, Department of Environmental Services
Michael Sills, Department of Environmental Services
Richard Pease, Department of Environmental Services
Norman Leclerc, City of Somersworth
Merrill S. Holman, U.S. EPA - Boston, MA
Coleen Fuerst, General Electric

A Shift Toward Enforcement

Gene A. Lucero

SUPERFUND '87

It was almost a year ago that the Superfund Amendments and Reauthorization Act (SARA) was signed by the President. EPA has been trying to gear the Superfund Program back up to its pre-SARA levels, when we ran out of money and were going from one continuing resolution to another, awaiting the final passage of SARA and additional funding.

Program universe

I'd like to share with you my perspective of what's important for the coming year. One way to look at where we are now is from the time perspective. We have one year down, with four to go in this reauthorization. As my experience has been, [J. Winston] Porter usually says it first, and I'm going to repeat him: 1988 is a key year. It's a particularly pivotal year in the enforcement program, and the reason is the *focus* of the program. There's a subtle but inexorable shift in activity that's occurring, and I'll give you a statement of what that is in a moment.

But first you need to understand what we're dealing with. We, of course, continue to have the National Priority List (NPL) sites, and [Mr. Longest] cited the program as continuing to assess all sites that are contained in the CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Act List) database, and to determine which of those, if any, should be listed as NPL sites. In addition, we have a large number of federal facilities—a number of them will be listed on the NPL. But, of course, whether or not the sites are listed on the NPL, the Department of Defense (DoD), the Department of Energy (DoE), and certain other agencies have a large number of cleanup problems that will either be driven by the CERCLA program or, in some cases, the Resource Conservation and Recovery Act (RCRA) program. And, whether it's listed on the NPL or not, much activity is being led by state activity, either through enforcement or state fund approaches.

A different way to cut this universe is that we have a huge number of RCRA facilities that will be subject to corrective action. We're all beginning to examine the relationship between the CERCLA cleanup program and the RCRA corrective action program. We need to work to integrate them, to make them as consistent as possible, especially since we realize that at many of these major facilities, we may end up using both CERCLA and RCRA authorities.

A large number of other sites out there are just beginning to come to everyone's attention—municipal landfills, sanitary landfills. There are at least 2,000 closed facilities of this type that are outside the scope of the potential Subtitle D program and outside the scope of the potential Subtitle D corrective action program. This obviously needs to be examined. There also are many PCB sites, in fact, probably more than we recognize. We know the potential cleanup universe is big, and we have a long way to go.

Program funding

At the same time, it's very clear that we're talking about a relatively limited fund. The $8.5 billion that has been allocated or authorized in SARA, even if fully appropriated by the Congress (which we fully expect) can only deal with a limited portion of that universe. If you add in the $500 million plus that DoD has to apply to its federal facilities and you add in the several hundreds of millions of dollars that various states have, there still is not sufficient money to deal with all of the problems that I've sketched out for you.

What that means, and what is beginning to be recognized more and more within EPA, is that more focus has to start shifting toward the enforcement side to those mechanisms by which we get private-party response, whether it be voluntary or coercive (through use of the enforcement authorities). We could see it coming a year ago, and at that time, we identified four major areas that we had to focus on to be prepared for this subtle but inexorable shift in the program.

Program initiatives

First of all, we needed to find those steps or points where we could encourage the process, where we could promote potentially responsible party (PRP) takeovers. Second, we needed to look for a way to "fast-track" decisions. We first began to streamline the settlement process. The Settlement Decision Committee was created for this purpose. I'll talk about this in a moment. We're also now considering how we might "fast-track" certain selection-of-remedy decisions. Third, we identified that we needed to smooth out, or make more routine, certain activities that support the overall program, but particularly the enforcement program. The crea-

tion of the administrative record is an example.

Finally, not quite as apparent to us a year ago but very apparent today is the need for a major upgrading in the amount of support, particularly contract support, that's available in the enforcement area. At the end of my talk, I'll discuss the new technical enforcement support (TES) contracts and at least alert you to what is coming down the road, so that those of you who are interested can begin to prepare. Now let's discuss the four topics I mentioned earlier, and let me note some highlights.

Program support mechanisms

We will continue to emphasize improvement of the quality of PRP searches. If there's any one area that PRPs say impairs their ability to get to an agreement among themselves, it's not having the maximum amount of information that might be available to try to get themselves together, to allocate responsibility among themselves, and go forward to talk to the government. Each of the 10 Regions is in the process of hiring a civil investigator to oversee PRP activities.

We've just hired the civil investigator manager in my office. Seven of the 10 Regions already have hired their civil investigators. This should contribute to improvement in the PRP search area. In addition, a number of Regions have begun to use specialized contracts, notably 8A contracts, for PRP searches. For 1988 and beyond, we will continue to encourage the Regions to look at specialized contracts for PRP searches as a valuable way of obtaining quality support in that area.

Information collection and exchange are other sensitive areas that PRPs have identified. They have said, in essence, "If you can't provide us with information about the other parties, we can't organize, we can't come forward to talk to you." As a result, EPA now makes its information request known ahead of time and tries to collect the information. When it sends out its general notice to the potentially responsible parties, it tries to send as much summary information as it has collected. We will be working to use our enforcement authorities to force submission of information from those parties that are not complying.

And in this area, as we talk about information exchange, it's not just information collected from PRPs. EPA continues to work on ways to make its own technical information available to the public, especially the PRPs. In that regard, we have been encouraging each region to consider the creation of technical committees to discuss potential site problems and potential remedies as well as to facilitate the exchange of that information. Our experience is that the more we exchange information, the more support we get at the record of decision stage, both for the remedy and for a potential settlement.

NBARS

Guidance has also been issued on the statutory innovation called the Nonbinding Preliminary Allocation of Responsibility (NBARS), where, if requested, the government will allocate a rough percentage of responsibility at the sites, based on a number of factors. I have this comment: Anybody's who's working one of those sites can make the request to the government. There is no stampede of parties doing so. It must be because the people are a little nervous about the idea of having the government tell you what your responsibility shares are, especially since those things are negotiated. But I state, as always, anyone who wishes to make that request may do so. As I said earlier, the guidance is available.

RI/FS

In 1987, we increased the number of remedial investigation feasibility studies. We exceeded our targets for PRP takeovers of these engineering studies, and we expect to do better in 1988. EPA has been engaged in a number of meetings over the past half year with a number of PRP representatives (counsel particularly, but also technical people), who stated that EPA is not paying attention to procedural burdens that may affect the settlement process for the RI/FS. If it becomes too burdensome, in many cases the PRPs are either unable or unwilling to find a means or a basis for settlement. We've heard that message, and as a result, we're looking to make some adjustments in the areas that seem to be most important.

Ameliorating disincentives

I'd like to share a couple of observations. First, we're sensitive to what the disincentives are. We're trying to sensitize our Regions to be attentive to what I called "making the math work" on these RI/FSs. It's important, for example, that people who come forward do not feel that they're getting a worse deal than if they were to "lie in the weeds." For that reason, we are looking at only assessing direct costs for oversight, as required by the statute, leaving the indirect cost for the nonsettlers. We're giving serious attention to the possibility of ascribing the past costs either to a later time or to the

nonsettlers. We're looking at the concept of giving some kind of credit for those people who come forward. We're also focusing attention on going after the recalcitrants.

In related area, we've heard the complaints about stipulated penalties and the government's insistence on stipulated penalties. EPA is not going to give up the concept that stipulated penalties make sense in these agreements, but it is sensitive to the fact that we may have too many deliverables with attached penalties. The penalty amounts may be inconsistent among Regions and too high in some cases. In some places, we have what's called the "cascading" effect—namely, you miss one date, you miss every date, and you get a penalty for every one of them.

Finally, the major issue for some parties is why stipulated penalties should accrue during dispute resolution, especially if the private party turns out to be right. We're trying to make some adjustments. We will have some revised national guidance. It's going to take some time, but we've heard the complaints in that area and we're trying to work on them.

Another concept we will continue to push is the increased use of alternate dispute resolution in facilitating settlements. I will tell you that there's not a lot of support yet inside the EPA, but there appear to be some types of nonbinding alternate dispute mechanisms that might get a faster, more mutually agreeable solution. We're going to continue to push that idea.

RD/RA mixed funding

On remedial design and remedial action (RD/RA) negotiations, there is new guidance on mixed funding. We've obtained about four major mixed funding settlements. Several are finalized and a few are in the works. We expect that number to increase substantially. Certain Regions are uncomfortable with that concept, and for that reason, we are spending a substantial amount of time talking through with them the appropriate approaches and ways to link them to disincentives for parties who think they might want to stay out of the process.

There are several people who say you should also use mixed funding for RI/FS work. EPA's general position is that we prefer not to. The reason is that for most of these the administrative burden of processing mixed funding decisions for RI/FS is substantial. The only mechanism to obtain a mixed funding settlement at the RI/FS stage is for the parties to do the work and then file a claim with EPA for the share to which the government might agree. The submission and processing of a request for preauthorization of a claim are burdensome for EPA. We still believe the benefits of doing the RI/FS are such that we don't need to use the mechanism of mixed funding at this stage. However, there are important exceptions. One is area-wide studies. Generally, we would probably make an exception if a group comes forward and says "We want to talk about it, but it's a large site; it goes beyond our particular responsibility." Second, particularly large RI/FSs, in the multimillion-dollar range, may be appropriate for the government to consider.

De minimus settlements

In answer to one gentlemen's question, of course we are interested in doing more *de minimus* settlements. But it's not easy to do. The major problem is, quite frankly, that most parties have stated to us that the PRPs would like to work out the *de minimus* discussion among themselves. That's fine, but very few people have come forward and said "Here's a *de minimus* proposal, what do you think?" Most *de minimus* proposals in the works have been generated by the government. We're willing to do it, but if the PRPs want to promote it, they're going to have to get together and see what they can work out. If they can't structure the deal among themselves, there are organizations around that might be available to help. I'd encourage you to look at it.

Obviously, the problem with the *de minimus* is what the PRP, the *de minimus* party, wants to do—get up, pay a sum of money, and walk. The problem is the time at which they want to do it. It's hard to tell what the total sum of money is going to be—what the total remedy is going to be—since it's usually before the RI/FS, and before the selection of remedy. Therefore, you begin to start thinking about hedge mechanisms.

The best model that's been proposed is a type of insurance model, which PRP groups have come forward to suggest. The government agrees that some payment of a premium may make it more palatable, with the recognition that you may need to come back if you've totally miscalculated it. Within this framework, you can structure *de minimus* deals. I'm going to throw the challenge back on the PRPs and those who are working with them. If you want *de minimus* settlements, organize them and step forward. The government wants them, too. We're not resisting them.

Streamlining settlements

The second point is streamlining the decision process for settlements. We created the Settlement Decision Committee in Washington, D.C. I chair it. Henry Longest is on the committee for relevant program issues. The Department of Justice, the Office of Enforcement and Compliance Monitoring, and two regional representatives also are on the committee.

The committee deals with major policy issues that may be raised during settle-

ment discussion or that may be impeding a settlement. Any PRP group can raise a settlement issue or a policy issue that is standing in the way of a settlement. We may or may not take it up. But we've had a large number of issues come in, particularly from Region 3 in a number of major settlements. This committee has expedited the process and allowed us to reach quick decisions.

Be aware of that, but also make use of the proper chain of command. We have not created the Settlement Decision Committee so that people can *leap-frog* the Region. You need to work through the Region. If you want the issue raised, raise it with the negotiation team. If the issue is application of policies in the Region, I want to especially encourage people here to appeal first to the division directors and, in some cases, the regional administrators (RAs), if that's where they feel they must. As a number of regional division directors will tell you, if it's a question of reasonable or consistent application of policy, if they agree that it's not being applied in a consistent or reasonable way, they'll make the decision. That's the proper chain. I believe that all division directors know how important it is that they be prepared, if necessary, to intervene in those negotiations to find ways to make them succeed.

Second, there are two situations that PRPs and in some cases federal facilities are very interested in moving on quickly. The first is this: There's a small group of PRPs, particularly owners and operators, who realize they have a contamination issue that's going to warrant cleanup. They're worried about their toxic tort liability, they know that certain actions taken right now may make a big difference in: first, whether they get control of the problem quickly, particularly if it's groundwater, and second, their liability in the future. Many have come forward and said, can't I get started now? Do I have to wait until the end of the RI/FS?

The second situation is the case in which the company comes forward and says "Look, I've got five sites on the NPL. This one looks just like the other four sites we've already dealt with. Can't we skip a major RI/FS and go directly into remediation similar to what I did at the other four sites? Or, alternatively, can I start and we finish the study to see whether or not that proposal works for the site?" In both cases, there's a pretty good argument that you ought to get started now.

The process we're engaged in here in Washington is to think about how we can build that concept into the National Contingency Plan (NCP), into the selection of remedy process. It's a streamlined decision process for a category of cases. There are a lot of things to think through and we're still working on them. There isn't full agreement yet inside EPA. We're going to have to hear from many outside the agency before we can proceed. Nonetheless, these are concepts you ought to think about. Obviously, the idea of an engineered solution makes it appealing. It is more encouraging because it probably has treatment or some type of permanent solution associated with it. Some type of monitoring and some type of review, whether it's the five-year review or some other, will be required. There will be a need for a commitment from the PRPs if EPA, after further study, changes its mind about what the appropriate remedy is, that they will make those adjustments.

We are obviously going to have to do something to make sure that during the period in which that remedy is being carried out, human environmental exposures have been reduced, if not prevented from getting any worse. Structure is what we're discussing right now, but as I've told other groups, we're trying to restructure the NCP because we don't think that the current structure encourages people to think in those terms. As many people acknowledge when

(continued on page 44)

(continued from page 14)

pressed, you can do that kind of remedy right now under the NCP—you just have to force the issue. And I encourage you, if you have sites like that, to think in these terms.

Third, how do we smooth out the interactive process between EPA and the public, particularly PRPs? There is new guidance on special notice, its timing, and the moratorium periods as established by SARA. It's important not just for the timing (and if you work with PRPs, that will be of interest to you), but because there's need to have a regular, routine process by which people communicate with one another.

Administrative record

As I hope most of you know, SARA provided statutorily what the government had been arguing and winning in a number of judicial cases—namely, that once the selection of remedy had been made, any review of that remedy was on the record before the decision maker. This means that if there was a reasonable basis within that record, the court should defer to it, not look behind it, not apply its own judgment as to whether that was right or wrong. That's important to EPA, because it allows us to move forward relatively quickly to make decisions. Coupled with that, of course, were limits on pre-enforcement review of that selection of remedy. That's very good news for us. Hopefully, it will eliminate the litigation over whether that's the standard. The bad news for us, of course, is that we weren't keeping the records as well as we wish we were. While some interim guidance has been sent to the Regions, what will be in the NCP is a major rule of compliance which establishes rules for the administrative record process.

EPA wants to set up a regular process that begins the moment we start activity at a site, usually when we start the RI/FS, and start putting in the documents, on a regular basis, that the agency will likely rely on for making that final decision. That docket will be available to the public, including PRPs. It will also hopefully be near the site, to be convenient to the public. We're going to put the good, the bad, and the ugly in that file—meaning not just what the government wants in there. If PRPs or the community submit comments, they'll go in. We'll consider them during the comment review period right before the selection of remedy, and there'll be a responsiveness summary.

Off-site policy

There's a new, major interim revised procedure that has come out with the off-site policy. Those of you who work for contractors who were either bidding on cleanups where off-site will be considered (or others who may be affected) ought to take a look at that.

I want to highlight some important distinctions. The policy is long and encompasses many issues. It deals with the pre- and post-SARA requirements. You should be aware of certain differences: It creates the distinction between the units that receive the CERCLA waste and other units at a facility. Different requirements apply to each. Most important, once EPA has determined either noncompliance at the receiving unit or existence of releases that make the policy apply and make the facility unacceptable, there will be a 60-day period before the agency takes final action—that is, action to make the facility unacceptable by changing its contracts. It's expected that, in many cases, a company can return to compliance or get under corrective action programs in that 60-day period. There's a process set up not only for notice, but a meeting with the government and a limited appeal on those determinations. It is very important for those of you who work in this area to examine it.

There is also interim guidance on indemnification pending the proposal of the final guidance that EPA will provide in early 1988.

Finally, I'll touch on several areas be-

fore I conclude with a discussion of the TES contracts. First I'd like to highlight the fact that we will be doing major work this year on what we call the state-enforcement-led sites. Almost 25% of the sites on the NPL are being done under state enforcement authority, not under cooperative agreements. Besides those, the states are working on a whole range of sites either under the RCRA program or Superfund.

A major problem area for the agency and the states is to determine how EPA and the states can work out their relationship: to either sit and work on sites together, or—the better way—to defer to the states when they want to go forward. EPA has made this commitment, from the administrator on down: We want to find a way to allow the states to move out more on their own, without EPA having to be there and second-guess their actions or to participate to assure that what's being done is consistent with the way we would do it. EPA doesn't have the resources to do this, and the universe is too large for us to keep doubling up on these sites.

There are a lot of ideas on how to achieve this consistency. They range from the concept of reciprocal concurrence to the idea of using the RCRA authorization process for corrective action. This latter means that once a state gets authorized for corrective aciton, if it maintains a corrective aciton program or is capable of one, we defer—if it is taking action at those sites under those authorities. We want to encourage the states to move out. We have to resolve this problem in 1988.

The other important area is federal facilities. We stated that generally we don't have the time or the people to worry about non-NPL sites. Our problem, unfortunately, is we still have to figure out whether they belong on the NPL. Second, even when they're non-NPL sites, RCRA corrective action authorities often are pushing action, and the question of how to reconcile RCRA and CERCLA programs at these federal agencies forces EPA back into the picture. We have a lot of work to do in this area. There's a huge amount that DoD and the Department of Energy (DoE) have to do, as well—they've almost as many sites as EPA to work on—and from where I sit, it appears that they're just getting started.

The fourth area I want to comment on is that this kind of subtle shifting, this increased focus on getting PRP takeover in this area, has forced us to reassess the kind of support systems that are out there for PRP work. The measure of this problem is that about three months after SARA was authorized, I went to my contracts people and said: "Now, are you really sure that we're going to be able to support all the activity under SARA with the contracts we have?" And they said, "Not to worry, not to worry, boss, it's all taken care of. We've got resources to burn." Well, about three months ago, they came back and said, "It's a little more serious than you thought." I said, "I didn't think it was so good in the first place. What is it now?" They said, "Well, we're running out of capacity. In fact, we're running out of capacity faster than we expected, and we need to go on with another set of major contracts."

As a result, a new request for proposals will be going out in about [mid-December]. A summary of the proposal is available from EPA. These are much larger contracts than we've ever had before in the enforcement area. We're looking at the possibility of more than one contract award in each of four zones (which will be divided up on a regional basis, and they're very big). For each zone, we're looking at a potential 1.2 million work hours. We're estimating that the total value of these five-year contracts, for all the zones, is in the neighborhood of $700 million. This is a lot larger than the contracts you've seen before in the enforcement area.

In addition, we're going to continue to push the idea of special contracts, probably 8A contracts, for PRP searches. We're looking at specialized support (again maybe 8A contracts) for support of the administrative record and file management. We will combine some responsibilities that were under the Technical Enforcement Support (TES) contract and the Alternative Remedial Contracting System (ARCS) contract, so that we have more of that function together in one place. Those who want to work with the government will have increased opportunity to do so.

How do we pick up that extra responsibility, that extra PRP cleanup? We're continuing to work on what things we can do to encourage PRP takeovers. Here I've mentioned some highlights. I invite your comments—to me, members of my staff, or anyone at EPA—because we're always trying to improve that process. What's good today may not be good enough in the future. Also, we've obviously got to continue to work to "fast-track" our decision process for cleanups and settlements. We've got to work out how to make the enforcement process more routine and have the interaction with the public go forward on a systematic basis. And, obviously, we need to increase the support vehicles for the enforcement program.

There's a lot of opportunity, a lot of activity. In the end everyone probably will agree that EPA's got a huge amount on its plate. Somehow we've managed to keep up with it. I invite you to let us know what you think.

Gene A. Lucero is director of the Office of Waste Programs Enforcement at EPA.

CanonieEnvironmental

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Phone: 303-790-1747

88-045

March 30, 1988

Mr. Norman Leclerc
Chairman
Somersworth PRP Technical Committee
Municipal Building - 157 Main Street
Somersworth, New Hampshire 03878

Work Scope
Work Plan and Engineering
Somersworth Landfill
Somersworth, New Hampshire

Dear Mr. Leclerc:

This letter outlines Canonie Environmental Services Corp.'s (Canonie) recommended work scope to prepare a regulatory agency Work Plan and provide "fast-track" engineering services necessary to develop remedial measures for the Somersworth Landfill for implementation of those measures on a "fast-track" design/construct basis. The remedial measures are, at this time, anticipated to generally consist of capping the landfill to minimize infiltration and installing a downgradient ground water extraction system to capture ground water affected by the landfill.

As discussed with you and other representatives of the Potentially Responsible Parties (PRPs) during our site meeting of March 24, 1988, at least the following tasks will require completion prior to implementing a design/construct approach to remediation.

SCOPE OF WORK

- Task 1 - Work Plan Preparation - A Work Plan will be prepared which describes the technical aspects of implementing the remedial measures for presentation to the state and federal regulatory agencies. The Work Plan will provide additional detail to the general tasks described herein related to the landfill cap and ground water extraction system. Brief sections regarding quality control and health and safety aspects of field and laboratory work will be included in the Work Plan. A concise document will be prepared for submittal by the PRPs to the agencies as notification of the work and design/construct approach which the PRPs are undertaking to expedite remediation.

o Task 2 - Landfill Cap Evaluation - New Hampshire Solid Waste Guidelines suggest use of a one-foot thick compacted clay barrier material having a permeability of 1 x 10^{-7} centimeters per second (cm/sec) as part of the landfill cap. As part of this task, the guideline criteria will be first converted into corresponding performance criteria for the Somersworth Landfill. That is, the amount of infiltration which results from the guideline cap design will be determined so that an equivalent cap, having different but potentially less costly characteristics, may be justifiably employed if the alternative design results in the same or less infiltration to the wastes. This is particularly important since the quality and quantity of the proposed clay borrow source for cap construction is not currently known. Such evaluation may also indicate that a less permeable cap could minimize ground water extraction requirements.

  Concurrently, the PRP's proposed cap material borrow source will be investigated to confirm the quality and quantity of available material. A total of approximately eight test pits will be excavated in the proposed borrow area to estimate the quantity of clayey soil which is available for use as the cap material. Representative samples of the clayey soils will be immediately subjected to a suite of geotechnical laboratory tests to document the materials handling, compaction, and permeability characteristics of the soil.

  Based on the cap performance evaluation and the field and laboratory assessments which were performed, a cost-effective cap can be installed to yield the desired performance criteria.

o Task 3 - Ground Water Extraction System - A significant amount of test drilling and subsurface investigation has been performed downgradient of the landfill as part of current Remedial Investigation (RI) activities being performed by others. The first part of this task will be to review this information as it relates to hydrogeologic design, to identify useful information for extraction well design purposes, and to identify where the existing data needs to be supplemented.

  Based on a preliminary review of the existing information, additional data will likely be required to identify and design the specific ground water extraction system. This data relates to the hydrogeologic characteristics of the geologic formations in the proposed location of the extraction system to determine pumping well depths, pumping rates, sizes and numbers of wells, and well installation materials.

  Accordingly, it has been assumed that one 72-hour field pumping test will be required in the expected location of the ground water extraction system. Although existing wells will be employed to the extent possible in conducting the field investigation, it has been assumed that up to one large-diameter pumping well and three additional observation wells may require installation for performance

of the necessary testing. It has also been assumed that all extracted ground water generated during the test can be discharged at no cost directly to the local Publicly Owned Treatment Works (POTW) line located proximate (within 1,000 feet) to the test location. The wells will be installed in a manner which will allow their use as later ground water pumping wells to the extent possible. Details of the pumping test will be included in the Work Plan.

On the basis of the existing and newly obtained field data, a ground water extraction system will be conceived for discharge of the water directly to the POTW. Since it is currently unknown whether or not extracted ground water pretreatment will be necessary prior to discharge to the POTW connection, it has currently been assumed that direct discharge to the POTW line will be allowed.

- o Task 4 - Project Meetings - Project meetings will be required to discuss progress of the work with the PRPs and to discuss implementation of the remedial measures with the state and federal regulatory agencies. A total of three project meetings are anticipated and included in this recommended work scope and cost estimate. The actual number of meetings may be greater or less. Each meeting will be attended by two senior project personnel.

Upon completion of these tasks, Canonie will provide the PRPs with a price to implement the remedial measures on a design/construct basis. Additional tasks may be required on the basis of findings of the work scope presented herein. These tasks can be incorporated into the quotation for implementing the remedial measures.

PROPOSED SCHEDULE

The Work Plan will be prepared within two weeks of authorization to proceed. Other tasks can be initiated concurrently. The entire work scope as identified herein will be completed in approximately eight weeks at which time Canonie will provide remedial design/construct pricing to the PRPs for implementation this construction season.

CLOSING REMARKS

Canonie looks forward to assisting the PRP group in implementing the remedial measures on a "fast-track" basis to ultimately reduce the cost of remediation for the site and has successfully conducted similar large scale "fast-track" projects for numerous major industrial and municipal clientele. The project staff will begin work immediately upon your

authorization to proceed since relevant engineering evaluations need to be expedited to allow implementation of the remedial measures during this construction season.

Please call if you have any questions.

Very truly yours,

Oliver P. Wesley
Project Manager

OPW/kt