UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEEDE WASTE OIL SITE, PLAISTOW NH

April 2001

EPA has identified parties who may share some financial responsibility to pay for the cleanup of the Beede Waste Oil Site and will be issuing "General Notice" letters soon under the federal Superfund law. This newsletter may have important information for you.

Read On To Learn More About:

- **Where to Go For More Information**
- **Party Groups**
- **EPA's Next Steps**
- **Superfund Companies**

Introduction

Potentially Responsible Parties (PRPs) at the Beede Site are those parties to whom EPA sends a General Notice letter. They will include the former owners and operators of the Site; government agencies, businesses or individuals who generated waste that was disposed of at the Site; and parties who accepted hazardous substances for transport to the Site.

Under the Superfund law, a generator of hazardous waste is responsible for that waste from 'cradle to grave.' As a result, if any waste generated by a party ends up at a location that becomes a Superfund site, that party may be required to share the cost of financing or performing the cleanup of the site.

For More Information

EPA will fulfill your request or answer your questions within five business days

Beede Enforcement Hotline:

Toll Free: (888) 294-6980 or Locally: (617) 737-1512
Fax: (888) 294-6981

The Hotline will be staffed Monday-Friday from 9a.m.-5p.m. to respond to all requests for technical or enforcement information. A voice mail box is available to leave a message outside of operating hours or if the Hotline is busy.

Dedicated E-mail address:
Send questions or requests for information to:

Beede@bah.com

World Wide Web Site:

http://www.epa.gov/region01/osrr/beede

The Web site provides access to all previous Beede Waste Oil Site newsletters, published Administrative Records for the Site, and, at the time of the General Notice, a list of all recipients of the General Notice as well as a Volumetric Ranking list of all parties who sent hazardous waste to the Site.

Since 1997, EPA has been conducting an extensive search to identify parties who generated or transported waste to the Beede Site. EPA has identified over 5,000 parties (about 2,700 have been located) who may have some responsibility to contribute to the cleanup at the Site. These parties are described in the following pages.

Generator Parties

Generators represent the largest number of parties at the Site. They are broken down into the following three groups:

Major Generators: This group consists of parties who generated the largest volume(s) of waste that was sent to Beede. Each major PRP contributed 40,000 gallons or more of hazardous substances to Beede, the equivalent of the liquid contained in 10 tanker trucks. This group consists of about 50 parties responsible for about half of the known waste at Beede. Generally, EPA expects a major PRP, sometimes referred to as a 'performing party', to assume a substantial share of Site-related costs and/or cleanup activities. In resolving liability with EPA through settlement, a major PRP will retain some responsibility for future contamination and for previously unknown site conditions.

Large *De Minimis* Generators: This group consists of parties who individually contributed comparatively minor amounts of waste (*de minimis*) to the overall volume of waste at Beede. The waste contributed by each large *de minimis* generator ranges from 1,001 gallons to 39,999 gallons of waste. This group includes about 2,500 parties (about 1,000 located) responsible for about half of the known waste at the site. PRPs in this group will have an opportunity to fully resolve their liability and be protected from third party lawsuits through a settlement requiring payment of their fair share of the Site-related costs.

Small *De Minimis* Generators: This group includes many of the smallest generator parties. Each party in this group brought between 276 and 1,000 gallons of waste to Beede. Even when added together, the total volume of waste these generators brought to the Site was minor in comparison to the overall volume of waste at the Site. The small *de minimis* generator group includes about 2,000 parties (about 1,000 located). EPA will give the PRPs in this group an opportunity to fully resolve their liability at the time of general notice and will protect them from third party lawsuits in return for a settlement. The settlement will include payment of a "cash out" amount.

Generator Party Groupings

The Volumetric Ranking List ranks the generator parties according to the volume of waste each brought to the Site for disposal. It forms the basis for assigning responsibility at the Site and is used to separate generator parties into groups or tiers.

Major Generators: This group contributed the largest volumes of waste to the Site and includes about 50 parties responsible for about half of the overall known waste at the Site.

Large *De Minimis* Generators: This group represents the highest volume *de minimis* (non-major) contributors and includes about 2,500 parties (about 1,000 located) responsible for about half of the overall known waste at the Site.

Small *De Minimis* Generators: This group consists of the lowest volume *de minimis* (non-major) contributors and represents about 2,000 parties (about 1,000 located) responsible for a minor portion of the overall known waste at the Site.

Treatment of "Orphan Share" Parties

Orphan Share parties, like the ones associated with the Beede Site are insolvent, out of business, or cannot be located. As a result, these owner / operator, transporter and generator parties are unable to contribute toward the cleanup costs or to perform the cleanup. Under Superfund, the remaining PRPs are required to cover the costs attributable to orphan share parties. In an effort to mitigate this financial burden and to encourage PRPs to perform the cleanup, EPA policy seeks to reduce the costs that viable PRPs must absorb on behalf of orphan share parties. At Beede, EPA expects to reduce the burden on viable PRPs by making a significant monetary contribution towards the orphan share.

Owner / Operators and Transporters

Owner/Operator Parties are the businesses or individuals who owned and/or operated the Site during the time that hazardous waste was disposed. At Beede, most of the previous Site owners and operators are either bankrupt or no longer operating, and are therefore unavailable to participate in or pay for the Site cleanup.

Transporter Parties are parties who transported hazardous waste to, and selected, the Beede Site for disposal. Most of the transporter parties associated with this Site are either bankrupt or no longer operating. Some are very small businesses with little potential to participate in or pay for the cleanup.

Treatment of *De Micromis* Generators

De micromis generators are those parties who contributed 275 gallons or less of waste to Beede for disposal, a relatively minuscule amount. The total volume of waste generated by this group of about 1,500 parties (about 650 located) is very minor in comparison to the total known waste at the Site. EPA will neither seek reimbursement for any cleanup costs from this group, nor ask the parties in this group to assist in the cleanup.

EPA will seek to protect these parties from lawsuits that may be threatened or filed by PRPs in an attempt to recover costs. If faced with such a lawsuit, the generators in the de micromis group can settle with EPA and obtain a full release from liability, plus be further protected from paying additional costs requested from third parties.

Next Steps

- EPA will issue General Notice letters informing each party of their potential liability for the contamination at the site.
- A PRP list and Volumetric Ranking list will be made available at the same time that the General Notice letters are issued. The PRP list is an alphabetic listing of all parties who are issued General Notice. The Volumetric Ranking list shows the documented volume of waste each party contributed to the site and how that ranks in relation to other parties.
- EPA will issue cash-out offers as an early settlement opportunity to the small *de minimis* generators at the time of General Notice. Cash-out offers are available to this group of parties exclusively because of their combined, relatively minor volume of waste brought to the site.
- EPA will begin negotiations with the remaining parties. Parties are encouraged to group together or form a steering committee to facilitate negotiations with EPA. The Volumetric Ranking and the PRP list will help each party locate similarly situated parties.

Superfund Company

A "Superfund Company" is a private company which assumes the legal obligations to finance and/or perform the clean up of a site

Parties receiving the General Notice letter may be contacted by a Superfund Company. One such Company, TRC, Inc., has approached EPA and expressed an interest in being involved in settlement activities at the Beede Site. While TRC, Inc. is the only company which has contacted EPA, there may be other Superfund Companies interested in the site.

EPA remains neutral and does not endorse or guarantee the involvement of any particular Superfund Company at Beede. However, the Agency does support innovative settlement ideas at Superfund sites and will not oppose the use of a Superfund Company at Beede, provided their approach is reasonable and in the public interest. The selection of a Superfund Company will depend upon the input of many parties connected with Beede. PRPs are welcome to investigate any of these companies and any offer they may make.

For any settlement proposal at Beede that involves a Superfund Company, certain broad principles apply, for example:

1. EPA is neutral with respect to the involvement of any particular Superfund Company that may approach the Agency or the PRPs with a settlement proposal.

2. It is EPA's goal that the PRPs be treated fairly in settlements at the site.

3. The settlement and cleanup activities at the site should not be delayed or significantly changed by a Superfund Company's involvement.

For a more detailed explanation of Superfund Company involvement at Beede, look for the May 4, 2000 EPA New England Memorandum available on the Beede Waste Oil Web Site located at http://www.epa.gov/region01/osrr/beede or contact the Beede Enforcement Hotline at (888)294-6980, or e-mail your request to: Beede@bah.com

Additional Site Information Can be Found at the Beede Information Repositories:

Plaistow Public Library
85 Main Street
Plaistow NH 03865
Please Call (603) 382-6011 for hours

EPA Records Center
1 Congress St.
Boston MA 02114
Please call (617) 918-1440 to schedule an appointment
Hours: 10 am - 1 pm. & 2 pm - 5 pm