Beede Waste Oil Site
NEWSLETTER

An update on USEPA and NHDES cleanup efforts at the Beede Waste Oil Superfund Site in Plaistow, NH. Vol. II No. 1 — June 1998

The U.S. Environmental Protection Agency (EPA) and the N.H. Department of Environmental Services (DES) are working together to clean up the Beede Waste Oil Superfund Site located at 7 Kelley Road, Plaistow, N.H.

Time Critical Removal Activities

Time critical removal actions stop or substantially reduce a release or threatened release of hazardous substances.

The Time Critical Removal actions have been completed. All tanks and drums have been removed from the site and 810 tons of steel have been recycled.

Two underground storage tanks were excavated and removed, as well as the underground piping which connected many of the aboveground tanks. •

Remedial Investigations

The purpose of the Remedial Investigation is to gather the data necessary to determine the sources, nature and extent of all contamination; identify how the contamination is migrating; and evaluate potential public health and environmental risks.

Work on the Remedial Investigation has been going on for almost a year. Almost all of the field sampling has been completed and the results are being analyzed by Sanborn, Head & Associates, the Remedial Investigation contractor.

There are now about 100 monitoring wells on and around the site, all of which have been tested. Several hundred soil borings and test pits have been done.

Surface water and sediment samples have been collected from 20 critical locations of Kelley Brook.

The old, vandalized building on the site has been removed to make way for sampling of buried solid waste and to prepare for spring soil sampling.

The Work Plan which describes the details of the remedial investigation activities is available at the Plaistow town library.

The Remedial Investigation report should be released this winter. •

Drilling a monitoring well for the Remedial Investigation. There are now about 100 monitoring wells on and around the site, all of which have been tested.

Environmental Services

EPA
Region 1, New England

Non-Time Critical Removal Activities

Non-time critical removal actions (NTCRA) stop or substantially reduce a release or threatened release of hazardous substances. Although serious, these releases do not pose an immediate threat to public health or the environment.

EPA's contractor, Brown & Root Environmental, began a Treatability Study at the site during the fall of 1997. This involved installing and operating a 100 foot recovery trench along Kelley Brook, and installing and operating several recovery wells in areas where waste oil is floating on the groundwater. The recovery trench is effectively collecting oil and has significantly reduced the seepage of oil to Kelley Brook.

The Treatability Study has been completed. EPA and Brown & Root will use this information to design a full-scale oil recovery system.

Brown & Root is sending a separate informational mailing on the proposed system. The proposed recovery and treatment system will be presented to the public at a meeting on June 16, 1998 at 7:00 p.m. at the Vic Geery Senior Center, 18 Greenough Road, Plaistow. Public comments will be accepted at a public hearing on June 25, 1998 at 7:00 p.m. at the Vic Geery Senior Center.

We expect that the full-scale system will be built in the spring of 1999 and that all the mobile floating oil product will be removed within two years after that.

The existing recovery trench will continue to collect oil product until a full-scale system is installed. •

Going, going . . . gone

The old, vandalized building on the site has been removed to make way for sampling of buried solid waste and to prepare for soil sampling.

Wayne Ives New DES Project Manager

Wayne Ives is the new DES Project Manager for the Beede site. Former project manager Paul Currier has received a promotion at DES. He is now administrator of DES's Surface Water Quality Bureau.

Wayne is an experienced Superfund project manager, and he is familiar with the Beede site from his work preparing the Superfund Site Inspection Report. He can be reached at (603) 271-2890. •

The Remedial Investigation Workplan is in the Plaistow Library.

For More Information

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Overview of EPA's PRP Search Process

The following is a general overview of EPA's potentially responsible party (PRP) search process. This information is intended to provide the reader with a general understanding of the steps involved in the search process and does not address specific issues of liability.

A very important and necessary part of the cleanup at the Beede Waste Oil Superfund Site (Site) is to locate the group of PRPs. Using the long-standing principle that "the polluter pays," the PRP group will be held liable for all costs associated with the investigation and cleanup of the Site. The federal Superfund law provides for joint and severable liability. In its strictest form, this basically means that an individual can be held responsible for the entire cost of the investigation and cleanup of the Site. Because the liability is joint and severable, it is in EPA's and the PRP's best interest to locate as many of the PRPs as possible so that the overall costs can be divided fairly.

Before starting work at the Site, and in accordance with Superfund law, EPA sent an order to the current Site owners requesting they perform the necessary cleanup activities. Their response was that they were not financially capable of performing the work. Based on the seriousness of conditions at the Site, EPA then began cleanup activities using federal Superfund monies. Until recently, Superfund monies were generated through a tax placed on the oil and chemical industries. That taxing authority expired in 1995.

EPA began its PRP search process shortly after including the Site on the National Priorities List in late 1996. PRPs will fall into three general categories: (1) owner/operators; (2) generators; and (3) transporters. Owner/operators include the property and business owners, both current and those at the time of disposal. Generators are those parties who produced wastes that were sent to the Site and transporters are those parties who hauled wastes to the Site. The law states that generators are ultimately responsible for disposition of their waste, regardless of whether they were aware the waste would be sent to the Site. Transporters are only held liable if they chose to transport wastes to the Site.

It is extremely important to note that most PRPs, particularly generators and transporters, disposed of their waste legally. However, under Superfund law, even if a party followed all the appropriate regulations regarding waste disposal and handling, they may still be held liable. The basic rationale being applied is that if those who participated in the production, transportation and disposal of the waste "polluters" do not pay, then we all pay indirectly through higher taxes.

Armed with this strong and very broad liability, EPA attempts to locate PRPs through an extensive records search. This involves recovering any existing records from the Site, performing a review of State records, and sending information request letters to those parties who may have information about the Site. Parties who receive information request letters are *not* PRPs. EPA is seeking cooperation in determining their full extent of involvement at the Site. The determination of who is a PRP will be made at a later date based on information gathered from all available sources. Those parties who are determined to be PRPs will receive an EPA Notice Letter.

Because of the nature of its business and the prolonged period over which the Beede facility operated, there are potentially thousands of PRPs associated with this Site. The PRP group will likely include numerous large and small businesses and federal, state and local government agencies. To date, EPA has mailed over 1,000 information request letters to parties who, based on existing information, may have generated or transported wastes to the Site. Information request letters have also been sent to the known owners and operators. EPA may also interview parties to retrieve information.

EPA's next task will be to rank the parties, primarily based on the volume of waste they transported or generated to the Site. This volumetric ranking will form the basis of relative responsibility and will be used to divide the pie. Once the volumetric ranking is complete, EPA will try to determine the PRP's ability to pay. There are a number of EPA policies and initiatives which will be applied to help divide the costs in a fair and equitable manner.

The hopeful endpoint is negotiations between EPA, DES and the PRPs which results in a cooperative agreement. Watch for more information on how EPA assesses PRPs and the settlement options which will be used in future newsletters. •

Sampling surface soils.

Newsletter Feedback

If you have suggestions for topics to be covered and questions to be answered in future newsletters, please contact:

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-or-

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Mailing List Additions, Deletions, & Changes

Check here if you would like to ...

- ❑ Be added to the mailing list
- ❑ Note a change of address
- ❑ Be deleted from the mailing list

Name _____

Address _____

_____

_____

Please send above information to Angela Bonarrigo; USEPA - Region 1; JFK Federal Building (RAA); Boston, MA 02203.

Site History

The Beede Waste Oil Site is comprised of two parcels of land totaling 39 acres. Parcel 1 totals 22 acres and is the site of former commercial waste oil recycling and fuel oil storage and distribution operations. Parcel 2, a former gravel pit, is 17 acres of primarily undeveloped land.

1926-1994

- Commercial operations, including recycling of used oil, storage and distribution of virgin fuel oil, and cold patch manufacturing.

1991

- DES verifies that on-site soil and floating oil (LNAPL) is a source of contamination to abutting residential wells.
- Site owner conducts some investigations and removes a leaking underground storage tank believed to have been the primary source of LNAPL from the site to Kelley Brook.

1992

- DES files suit and obtains preliminary injunction order for site owner to control the LNAPL, investigate site, and control hazardous waste.
- DES places sorbent pads in Kelley Brook to contain the floating oil.

1995

- DES conducts investigation of site conditions and nature of waste.

1996

- Current owner sentenced in federal court.
- N.H. Fish and Game, DES, and EPA conduct fish tissue survey to measure potential impacts of contaminants in Kelley Brook.
- EPA and DES initiate time critical removal actions to address contaminated material left in the tanks and drums.
- EPA adds site to the Superfund list, making additional federal funds available for investigation and cleanup. EPA and DES initiate remedial investigation.

1997

- EPA and DES complete time critical removal actions.
- EPA installs oil recovery trench as part of non-time critical removal.