

Bennington Landfill  
NPL Site Administrative Record  
De Minimis Settlement

**Index**

Compiled: June 27, 1997  
Updated: August 1998  
Released on CD-ROM: June 2009

Prepared by EPA New England  
Office of Site Remediation & Restoration

## Introduction to the Collection

This is the Administrative Record for the Bennington Municipal Sanitary Landfill Superfund Site, Bennington, VT, De Minimis Settlement. This Administrative Record was compiled on June 27, 1997, updated on August 1998 and subsequently released on CD-ROM in June 2009.

This Administrative Record contains site-specific documents and a list of guidance documents used by EPA staff in determining that a De Minimis Settlement, pursuant to section 122(g) of CERCLA, 42 U.S.C. § 9622(g), is practicable and in the public interest. These documents were also employed by EPA-New England (Region 1) in making party-specific findings with regard to the relative amount and toxic or other hazardous effects of the substances contributed by each party. In making these determinations EPA also relied on that information referenced in or appended to the documents listed in this index. Such information so referenced or appended is incorporated by reference into this Administrative Record.

The Administrative Record incorporates, by reference, all the documents in the August 1994 Non-Time Critical Removal Action (NTCRA) Administrative Record for this Site.

The Administrative Record is available for review at:

EPA New England OSRR Records  
and Information Center

1 Congress Street, Suite 1100 (HSC)  
Boston, MA 02114  
(by appointment)  
(617) 918-1440 (phone)  
(617) 918-0440 (fax)  
[www.epa.gov/region01/superfund/resource/records.htm](http://www.epa.gov/region01/superfund/resource/records.htm)

Bennington Free Library

101 Silver Street  
Bennington, VT 05201  
(802) 442 – 9051 (phone)  
<http://benningtonfreelibrary.org/>

An Administrative Record is required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act (SARA)

Please note that the compact disc(s) (CD-ROM) containing this Administrative Record may include index data and other metadata (hereinafter collectively referred to as metadata) to allow the user to conduct index searches and key word searches across all the files contained on the CD-ROM. All the information that appears in the metadata, including any dates associated with creation of the indexing data, is not part of the Administrative Record for the Site under CERCLA and shall not be construed as relevant to the documents that comprise the Administrative Record. These metadata are provided as a convenience for the user and are not part of the Administrative Record.

Questions about this Administrative Record should be directed to the EPA New England Site Manager.

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\*\*\*For External Use\*\*\*

10: ENFORCEMENT/NEGOTIATION

File Break: 10.01

451826 MEMO REGARDING PRP HAZARDOUS WASTE VOLUMES SENT TO SITE AND DETERMINATION OF ELIGIBILITY FOR DE MINIMIS SETTLEMENT (SUPPORTING DOCUMENTATION ATTACHED)

Author: EDWARD M HATHAWAY US EPA REGION 1

Doc Date: 06/05/1997 # of Pages: 40

Addressee:

Weston Number:

Doc Type: MEMO

451827 REVISED ATTACHMENT A: DE MINIMIS ELIGIBILITY AND FAIR SHARE ANALYSIS

Author:

Doc Date: 06/29/1998 # of Pages: 6

Addressee:

Weston Number:

Doc Type: LIST

451828 REVISED ATTACHMENT B: EXPLANATION OF PRP WASTE CONTRIBUTION ESTIMATES

Author:

Doc Date: 01/01/1111 # of Pages: 32

Addressee:

Weston Number:

Doc Type: REPORT

File Break: 10.04

451829 AFFIDAVIT OF LARRY LAUZON (TRANSMITTAL FROM THOMAS H. JACOBS IS ATTACHED)

Author: LARRY LAUZON LAUZON MACHINE & ENGINEERING INC

Doc Date: 07/09/1998 # of Pages: 3

Addressee: HUGH W MARTINEZ US EPA REGION 1

Weston Number:

Doc Type: LETTER

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File Break: 10.04

451830 SUPPLEMENTAL AFFIDAVIT OF LARRY LAUZON (TRANSMITTAL FROM THOMAS H. JACOBS IS ATTACHED)

Author: LARRY LAUZON LAUZON MACHINE & ENGINEERING INC

Doc Date: 07/22/1998 # of Pages: 2

Addressee: HUGH W MARTINEZ US EPA REGION 1

Weston Number:

Doc Type: LETTER

451846 AFFIDAVIT OF WALTER NOYES (4/11/1997 TRANSMITTAL ATTACHED)

Author: WALTER NOYES HMT CO INC

Doc Date: 04/09/1997 # of Pages: 3

Addressee: HUGH MARTINEZ US EPA REGION 1

Weston Number:

Doc Type: LETTER

File Break: 10.05

451831 LETTER TRANSMITTING EVIDENCE SUMMARY AND SUPPORTING DOCUMENTATION (LIST OF NAMES AND ADDRESSES OF PRPS TO WHOM THE GENERAL NOTICE LETTER WAS SENT IS ATTACHED)

Author: INDIRA G BALKISSOON US EPA REGION 1

Doc Date: 02/16/1995 # of Pages: 11

Addressee: DAVID P ROSENBLATT BURNS & LEVINSON

Weston Number:

Doc Type: LETTER

451832 LETTER REGARDING EPA'S PARTICIPATION IN OR FINANCIAL CONTRIBUTION TOWARD ALTERNATIVE DISPUTE RESOLUTION PROCESS AT SITE

Author: DAVID P ROSENBLATT BURNS & LEVINSON

Doc Date: 06/06/1995 # of Pages: 5

Addressee: HUGH W MARTINEZ US EPA REGION 1

Weston Number:

Doc Type: LETTER

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**File Break: 10.05**

**451833 POTENTIALLY RESPONSIBLE PARTY (PRP) AGREEMENT (6/21/1995 TRANSMITTAL FROM DAVID P. ROSENBLATT ATTACHED)**

**Author:** HUGH W MARTINEZ US EPA REGION 1

**Doc Date:** 02/15/1995 **# of Pages:** 20

**Addressee:**

**Weston Number:**

**Doc Type:** CONTRACT DOCUMENTATION

**451834 LETTER TRANSMITTING GOOD FAITH PROPOSAL FOR SITE (SUPPORTING DOCUMENTATION ATTACHED)**

**Author:** DAVID P ROSENBLATT BURNS & LEVINSON

**Doc Date:** 09/28/1995 **# of Pages:** 19

**Addressee:** INDIRA G BALKISSOON US EPA REGION 1

**Weston Number:**

**Doc Type:** LETTER

**451847 LETTER REGARDING SITE ALLOCATION ANALYSIS**

**Author:** HUGH MARTINEZ US EPA REGION 1

**Doc Date:** 03/02/1995 **# of Pages:** 2

**Addressee:** DAVID P ROSENBLATT BURNS & LEVINSON

**Weston Number:**

**Doc Type:** LETTER

**451848 LETTER REGARDING EPA'S FINANCIAL CONTRIBUTION TO THE ALTERNATIVE DISPUTE RESOLUTION PROCESS**

**Author:** DAVID P ROSENBLATT BURNS & LEVINSON

**Doc Date:** 03/28/1995 **# of Pages:** 22

**Addressee:** HUGH W MARTINEZ US EPA REGION 1

**Weston Number:**

**Doc Type:** LETTER

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File Break: 10.05

451849 LETTER REGARDING SITE ALLOCATION ANALYSIS

Author: HUGH MARTINEZ US EPA REGION 1

Doc Date: 05/16/1995 # of Pages: 2

Addressee: DAVID P ROSENBLATT BURNS & LEVINSON

Weston Number:

Doc Type: LETTER

451850 SPECIAL NOTICE PACKAGE FOR CLEANUP NEGOTIATIONS AT SITE

Author: LINDA M MURPHY US EPA REGION 1

Doc Date: 07/24/1995 # of Pages: 6

Addressee: ELIZABETH COLEMAN BENNINGTON COLLEGE

Weston Number:

Doc Type: LETTER  
SPECIAL NOTICE LETTER

451851 LETTER REQUESTING THAT NEGOTIATION DISCUSSIONS CONTINUE

Author: DAVID P ROSENBLATT BURNS & LEVINSON

Doc Date: 12/21/1995 # of Pages: 1

Addressee: HUGH MARTINEZ US EPA REGION 1

Weston Number:

Doc Type: LETTER

451852 LETTER IDENTIFYING PARTIES PARTICIPATING IN DE MINIMIS SETTLEMENT AND BASIC TERMS OF THE PROPOSED SETTLEMENT

Author: DAVID P ROSENBLATT BURNS & LEVINSON

Doc Date: 02/12/1996 # of Pages: 2

Addressee: HUGH MARTINEZ US EPA REGION 1

Weston Number:

Doc Type: LETTER

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451853 LETTER PROVIDING FURTHER INFORMATION REGARDING THE PROPOSED DE MINIMIS SETTLEMENT PRESENTED TO EPA IN A FEBRUARY 12, 1996 LETTER

Author: DAVID P ROSENBLATT BURNS & LEVINSON

Doc Date: 02/22/1996 # of Pages: 5

Addressee: HUGH MARTINEZ US EPA REGION 1

Weston Number:

Doc Type: LETTER

451854 LETTER PROVIDING COMMENTS ON PROPOSED ADMINISTRATIVE ORDER BY CONSENT

Author: DAVID P ROSENBLATT BURNS & LEVINSON

Doc Date: 05/10/1996 # of Pages: 4

Addressee: HUGH MARTINEZ US EPA REGION 1

Weston Number:

Doc Type: LETTER

451855 LETTER REGARDING PROPOSED ADMINISTRATIVE ORDER BY CONSENT

Author: HUGH W MARTINEZ US EPA REGION 1

Doc Date: 05/29/1996 # of Pages: 3

Addressee: DAVID P ROSENBLATT BURNS & LEVINSON

Weston Number:

Doc Type: LETTER

451856 LETTER PROVIDING AN OVERVIEW OF THE DEMINIMIS COMPONENT OF THE GLOBAL SETTLEMENT (SUPPORTING DOCUMENTATION ATTACHED)

Author: DAVID P ROSENBLATT BURNS & LEVINSON

Doc Date: 06/12/1996 # of Pages: 22

Addressee: HUGH MARTINEZ US EPA REGION 1

Weston Number:

Doc Type: LETTER

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File Break: 10.05

451857 LETTER LISTING DE MINIMIS SETTLEMENT SHARES

Author: DAVID P ROSENBLATT BURNS & LEVINSON

Doc Date: 09/17/1996 # of Pages: 2

Addressee: HUGH MARTINEZ US EPA REGION 1

Weston Number:

Doc Type: LETTER

451861 LETTER REGARDING DEMINIMIS SETTLEMENT FOR SITE (SUPPLEMENTAL SUBMITTALS FROM THE PRP GROUP ATTACHED)

Author: DAVID P ROSENBLATT BURNS & LEVINSON

Doc Date: 01/21/1997 # of Pages: 17

Addressee: HUGH MARTINEZ US EPA REGION 1

Weston Number:

Doc Type: LETTER

File Break: 10.06

451843 LETTER REGARDING THE INVOLVEMENT OF LAUZON MACHINE & ENGINEERING, INC AT SITE

Author: THOMAS H JACOBS JACOBS MCCLINTOCK & SCANLON

Doc Date: 04/08/1998 # of Pages: 2

Addressee: LAUZON MACHINE & ENGINEERING INC

Weston Number:

HUGH W MARTINEZ US EPA REGION 1

Doc Type: LETTER

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10: ENFORCEMENT/NEGOTIATION

File Break: 10.06

451844 LETTER REGARDING THE INVOLVEMENT OF LAUZON MACHINE & ENGINEERING, INC AT SITE (MATERIAL SAFETY DATA SHEET ATTACHED)

Author: THOMAS H JACOBS JACOBS MCCLINTOCK & SCANLON

Doc Date: 05/28/1998 # of Pages: 8

Addressee: LAUZON MACHINE & ENGINEERING INC

Weston Number:

HUGH W MARTINEZ US EPA REGION 1

Doc Type: LETTER

451858 LETTER REGARDING COURTAULDS STRUCTURAL COMPOSITES INC'S PARTICIPATION IN SITE DE MINIMIS SETTLEMENT (MATERIAL SAFETY DATA ATTACHED)

Author: LYNN L BERGESON WEINBERG BERGESON & NEUMAN

Doc Date: 02/27/1997 # of Pages: 15

Addressee: COURTAULDS STRUCTURAL COMPOSITES INC

Weston Number:

HUGH MARTINEZ US EPA REGION 1

Doc Type: LETTER

451859 LETTER AGREEING TO SETTLEMENT TERMS FOR H.M. TUTTLE CO., INC

Author: SAMUEL HOAR JR DINSE ERDMANN KNAPP & MCANDREW

Doc Date: 04/01/1997 # of Pages: 1

Addressee: HENRY M TUTTLE COMPANY INC

Weston Number:

DAVID P ROSENBLATT BURNS & LEVINSON

Doc Type: LETTER

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10: ENFORCEMENT/NEGOTIATION

File Break: 10.08

451845 CONSENT DECREE, US DISCTRICT COURT DISTRICT OF VERMONT

Author: US DEPT OF JUSTICE

Doc Date: 06/06/1997

# of Pages: 165

Addressee: US DISTRICT COURT DISTRICT OF VERMONT

Weston Number:

US EPA REGION 1

Doc Type: CONSENT DECREE  
ENFORCEMENT SETTLEMENT

11: POTENTIALLY RESPONSIBLE PARTY

File Break: 11.09

451837 LETTER CONCERNING HAZARDOUS WASTE GENERATION BY GRAPHI-TEK OF VERMONT (SUPPORTING DOCUMENTATION ATTACHED)

Author: KENNETH ROTA VT HAZARDOUS MATERIALS MANAGEMENT PROGRAM

Doc Date: 04/03/1986

# of Pages: 8

Addressee: MARA YULES US EPA REGION 1

Weston Number:

Doc Type: LETTER

451838 104 INFORMATION REQUEST RESPONSE - EHH REALTY CORPORATION, F/N/A FAIRDALE FARMS, INC (SUPPORTING DOCUMENTATION ATTACHED)

Author: EDWARD H HOLDEN EHH REALTY CORP

Doc Date: 09/26/1990

# of Pages: 27

Addressee: CHRISTIAN RASHER US EPA REGION 1

Weston Number:

Doc Type: 104E INFO REQ RESPONSE  
LETTER

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12: COST RECOVERY

File Break: 12.03

451860 ITEMIZED COST SUMMARY REPORT THROUGH MARCH 31, 1997 (6/17/1997 TRANSMITTAL ATTACHED)

Author: ARTHUR MARI US EPA REGION 1

Doc Date: 05/01/1997 # of Pages: 4

Addressee: EDWARD HATHAWAY US EPA REGION 1

Weston Number:

Doc Type: COST DOCUMENTATION

16: NATURAL RESOURCE TRUSTEE

File Break: 16.01

451839 LETTER CONCERNING POTENTIALLY RESPONSIBLE PARTYS' (PRP) REQUEST FOR COVENANT NOT TO SUE RELEASE FOR DAMAGES TO NATURAL RESOURCES AT SITE

Author: LINDA M MURPHY US EPA REGION 1

Doc Date: 11/09/1995 # of Pages: 2

Addressee: ANDREW RADDANT US DEPT OF INTERIOR

Weston Number:

Doc Type: LETTER

451840 LETTER CONCERNING POTENTIALLY RESPONSIBLE PARTYS' (PRP) REQUEST FOR COVENANT NOT TO SUE RELEASE FOR DAMAGES TO NATURAL RESOURCES AT SITE

Author: LINDA M MURPHY US EPA REGION 1

Doc Date: 11/09/1995 # of Pages: 2

Addressee: KENNETH FINKELSTEIN US NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Weston Number:

Doc Type: LETTER

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16: NATURAL RESOURCE TRUSTEE

File Break: 16.01

451841 LETTER CONCERNING POTENTIALLY RESPONSIBLE PARTYS' (PRP) REQUEST FOR COVENANT NOT TO SUE RELEASE FOR DAMAGES TO NATURAL RESOURCES AT SITE

Author: LINDA M MURPHY US EPA REGION 1

Doc Date: 11/09/1995 # of Pages: 2

Addressee: BARBARA RIPLEY VT AGENCY OF NATURAL RESOURCES

Weston Number:

Doc Type: LETTER

File Break: 16.03

451842 LETTER GRANTING CONDITIONAL COVENANT NOT TO SUE FOR NATURAL RESOURCE DAMAGES

Author: ANTHONY R CONTE US DEPT OF INTERIOR

Doc Date: 06/11/1997 # of Pages: 2

Addressee: JOEL M GROSS US DEPT OF JUSTICE

Weston Number:

Doc Type: LETTER

20: RECORDS MANAGEMENT

File Break: 20.01

451835 BENNINGTON MUNICIPAL SANITARY LANDFILL, DE MINIMIS SETTLEMENT ADMINISTRATIVE RECORD INDEX

Author: US EPA REGION 1

Doc Date: 06/27/1996 # of Pages: 7

Addressee:

Weston Number:

Doc Type: INDEX

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**20: RECORDS MANAGEMENT**

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**File Break: 20.01**

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**451836 BENNINGTON MUNICIPAL SANITARY LANDFILL, DE MINIMIS SETTLEMENT ADMINISTRATIVE RECORD INDEX**

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**Author:** US EPA REGION 1

**Doc Date:** 08/01/1998

**# of Pages:** 8

**Addressee:**

**Weston Number:**

**Doc Type:** INDEX

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**Number of Documents in Administrative Record: 36**

## Selected Key Guidance Documents

EPA Guidance Documents may be reviewed at the OSRR Records and Information Center in Boston, MA

DOCNUMBER	DOCDATE	TITLE	OSWEREPaid
C639	30-Jun-87	SUPERFUND PROGRAM; DE MINIMIS CONTRIBUTOR SETTLEMENTS - FEDERAL REGISTER VOL. 52 NO.125	
C156	17-Nov-88	FINAL GUIDANCE ON PREMIUM PAYMENTS IN CERCLA SETTLEMENTS.	OSWER 9835.6
C155	20-Dec-89	FINAL METHODOLOGIES FOR IMPLEMENTATION OF CERCLA SECTION 122(g)(1)(A) DE MINIMIS WASTE CONTRIBUTOR SETTLEMENT PROPOSALS AND AGREEMENTS.	OSWER 9834.7-1B
C159	22-Feb-91	FINAL GUIDANCE ON PREPARING AND RELEASING WASTE-IN LISTS AND VOLUMETRIC RANKINGS TO PRPS UNDER CERCLA.	OSWER 9835.16
C154	02-Jun-92	FINAL METHODOLOGY FOR EARLY DE MINIMIS WASTE CONTRIBUTOR SETTLEMENTS UNDER CERCLA SECTION 122(g)(1)(A).	OSWER 9834.7-1C
C231	30-Jul-93	STREAMLINED APPROACH FOR SETTLEMENTS WITH DE MINIMIS WASTE CONTRIBUTORS UNDER CERCLA SECTION 122 (g)(1)(A).	OSWER 9834.7-1D
C640	07-Jul-95	STANDARDIZING THE DE MIMINIS PREMIUM	