



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1


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CONTAINS ENFORCEMENT-SENSITIVE INFORMATION


MEMORANDUM

DATE: November 6, 2014

SUBJ: Request for a 12-Month Exemption for a Removal Action at the Former Synergy Site, Claremont, Sullivan County, New Hampshire - **Action Memorandum Addendum**

FROM: Gary Lipson, On-Scene Coordinator 
Emergency Response and Removal Section II

THRU: Cosmo Caterino, Acting Chief 
Emergency Response and Removal Section II

Carol Tucker, Chief 
Emergency Planning & Response Branch

TO: James T. Owens III, Director
Office of Site Remediation and Restoration

I. PURPOSE

The purpose of this Action Memorandum Addendum is to request and document approval of a 12-month exemption for the proposed removal action at the Former Synergy Site (the Site), which is located at Lower Cul De Sac Place in Claremont, Sullivan County, New Hampshire. Hazardous substances present in soil (surface and depth) and river sediment at the Site, as well as a continuing source of contamination in groundwater which flows towards and into the adjacent Sugar River, if not addressed by continuing to implement the response actions selected in this Action Memorandum Addendum, will continue to pose a threat to human health and the environment.

There are no nationally significant or precedent-setting issues associated with this Site, and there has been no use of the OSC's \$200,000 warrant authority.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID# : NHN000105965
SITE ID# : 01HA
CATEGORY : Time-Critical

A. Site Description

1. Removal site evaluation

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

2. Physical location

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

3. Site characteristics

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

5. NPL status

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

B. Other Actions to Date

1. Previous actions

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

2. Current actions

Since the original Action Memorandum was signed in August, 2013, the EPA case team consisting of the OSC, an enforcement coordinator, an attorney, and the Department of Justice have been working with the owner of the parcel in an effort to come to a voluntary agreement to address the Site contamination. The case team has also actively engaged the

City to gauge its interest in possible future ownership of the property once the removal action is complete.

In November, 2013, EPA and its prime contractor hosted a bid walk for the purpose of contractors submitting bids on the two on-site buildings scheduled for demolition. The demolition of the buildings has been delayed as that work will be included in a potential agreement with the responsible party.

C. State and Local Authorities' Roles

1. State and local actions to date

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

2. Potential for continued State/local response

In a letter dated September 23, 2010, "The NHDES requests assistance from EPA in order to address the documented release of hazardous substances that may present an imminent and substantial danger to public health and the environment that currently exists at the former Synergy Gas Site (Site) property located on Cul-De-Sac Road in Claremont, NH." The letter goes on to say: "Based on the public health and environmental threats posed by the Site and the lack of a responsible party to stabilize the Site and develop a remedial action plan (RAP), the Department requests EPA initiate activities to stabilize the Site."

Since the signing of the original Action Memorandum, nothing has changed with regard to the City or State appearing to have insufficient resources to conduct a removal action at this Site. Both the City and State have been working closely with US EPA and are attempting to provide whatever in-kind services that they can.

Portions of the city are considered environmental justice areas due to low income.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Please refer to the original Action Memorandum for this site, dated August 8, 2013 as nothing with regard to the threats to public health or welfare or the environment has changed since it was signed.

IV. ENDANGERMENT DETERMINATION

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

V. EXEMPTION FROM STATUTORY LIMITS

This Action Memorandum Addendum is a request for a **consistency exemption** from the 12 month statutory requirement for the completion of a removal action. The proposed removal meets both the criteria for consistency as well as appropriateness. It is consistent in that this removal action in no way will impede any future response activities, whether it is a future removal or while not likely, any remedial activities. It is appropriate in that the threat continues to be present and the proposed removal action (in-situ stabilization, excavation, or a combination of the two) will greatly reduce or remove the continuing source of contamination.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

2. Community relations

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

3. Contribution to remedial performance

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

4. Description of alternative technologies

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

5. Applicable or relevant and appropriate requirements (ARARs)

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

6. Project schedule

This removal action was expected to last up to one year from the time of initial

mobilization. EPA's ERRS contractor conducted their initial Site walk on 11/15/13. Since that time however, EPA requested that ERRS discontinue any planning activities for the impending removal because EPA has been working with a responsible party and the City of Claremont to address a number of legal and logistical issues. Due to on-site activities commencing on 11/15/13, the 12-month statutory limit will be reached on 11/15/14, although little to no removal activities have been initiated. It is now anticipated that Site activities will begin in the spring.

B. Estimated Costs

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

VIII. OUTSTANDING POLICY ISSUES

Please refer to the original Action Memorandum for this Site, dated August 8, 2013.

IX. ENFORCEMENT ... For Internal Distribution Only

See attached Enforcement Strategy.

The total EPA costs for this removal action based on full-time accounting practices that will be eligible for cost recovery are estimated to be \$2,280,000 (extramural costs) + \$250,000 (EPA intramural costs) = \$2,530,000 X 1.5942 (regional indirect rate) = **\$4,033,326**¹.

¹Direct Costs include direct extramural costs \$2,280,000 and direct intramural costs \$250,000. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific costs 59.42% x \$2,530,000, consistent with the full accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

X. RECOMMENDATION

This decision document represents the selected removal action for the Former Synergy Site in Claremont, New Hampshire, developed in accordance with CERCLA, as amended, and is not inconsistent with the National Contingency Plan. The basis for this decision will be documented in the administrative record to be established for the Site.

Conditions at the Site meet the NCP Section 300.415 (b) (2) criteria for a removal action due to the following:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [§300.415(b)(2)(i)];

High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate [§300.415(b)(2)(iv)];

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released [§300.415(b)(2)(v)];

The availability of other appropriate Federal or State response mechanisms to respond to the release [§300.415(b)(2)(vii)];

Conditions at the site meet criteria for the CERCLA section 104(c) consistency exemption, and I recommend that you approve an exemption from the 12-month limit to allow a continued removal response. The total extramural removal action project ceiling if approved will be \$2,280,000.

APPROVAL: _____

Nancy Barnacki
for James Owens

DATE: 11/14/14

DISAPPROVAL: _____

DATE: _____