UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CONTAINS ENFORCEMENT-SENSITIVE INFORMATION

MEMORANDUM

DATE: August 8, 2013

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

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

THRU: Steven R. Novick, Chief
Emergency Response and Removal Section II

Stanley Chin, Acting Chief SDC
Emergency Planning & Response Branch

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

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of 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 implementing the response actions selected in this Action Memorandum, 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

This Site is the location of a defunct manufactured gas plant (MGP) which is heavily impacted by an oily waste product (coal tar). The product appears to be the residual from the historic manufactured gas process. Coal tar is a brown or black liquid, which smells of naphthalene and aromatic hydrocarbons and is among the by-products when coal is carbonized to make coke or gasified to make coal gas. Coal gas is a flammable gaseous fuel made from coal and was supplied to the Monadnock Mill Complex located directly across the Sugar River, via a piped distribution system. In 1944, gas production ceased and the North American Utility and Construction Corporation acquired a controlling interest in the Site where it began distributing propane from the Site. Propane distribution was the primary function of the Site under a variety of owners until the property was abandoned sometime within the past few years.

On June 14 and 15, 2010, surface and sub-surface soil and sediment samples were collected from the Site as part of a preliminary assessment/site investigation (PA/SI). A second assessment was conducted in the adjacent Sugar River on May 1 and 2, 2012, and additional surface samples were collected on September 13, 2012. Visual observation, field instrumentation, and laboratory data indicate that approximately two-thirds of the Site is impacted by coal tar. The oily product is perched on bedrock, is leaching into the adjacent Sugar River, and has been detected in numerous surface soil samples above state standards. Minimal disturbances of surface sediments in the river caused visible sheening. Constituents of the product include semi-volatile organic compounds (carcinogenic and non-carcinogenic polynuclear aromatic hydrocarbons [PAHs]) and to a lesser degree, volatile organics and inorganics.

Based upon the presence of elevated levels of hazardous substances and current site conditions, a time critical removal action was recommended to address this release of hazardous substances in the Site Investigation Closure Memorandum dated September 8, 2010.

2. Physical location

The Former Synergy Site is adjacent to the north and eastern bank of the Sugar River near the center of the Town of Claremont on the western side of the intersection of North Street and State Route 11. The Site encompasses the following property parcels identified by the City of Claremont GIS Map System as: Lower Cul De Sac Place, Map 120, Lot 10 (Deed Book 841, Page 260); and portions of the City-owned parcels identified as 14 North Street, Map 108, Lot1 (Deed Book 421, Page 40) and North Street, Map 107-31 (Deed Book 952, Page 367). The current owner of the non-City owned parcel is identified on the 2010 Property Tax Bill and on the property field card is SG Propane of NH, Inc. The Lower Cul De Sac Place property has also been referred to in the past as 59 Broad Street. SG Propane of NH, Inc. was deeded this property from Claremont Gas Light Company on February 25, 1988. The approximate latitude and longitude is N 43°22'28" and W 72°20'15", respectively.

3. Site characteristics

The portions of the City owned parcels that comprise the Site do not have any structures. The privately-owned parcel is approximately 50,000 square feet and contains two structures. The first structure is a two story brick and wood office/warehouse in various stages of disrepair. The second is the dilapidated remains of a circular, brick structure that is currently filled with water and coal tar residue and at one time served as a gasometer for the manufactured gas plant. A portion of the ground surface throughout the property is asphalt or concrete and the remainder contains sandy gravel and light to heavy vegetation. The north, northeast and eastern edges of the Site border a steep rise up to North Street and the Sugar River borders the western edge. The southern portion is bordered by an asphalted Cul De Sac, which continues up to Broad Street. Residential and commercial buildings are on the far side of North and Broad Streets. A revitalized mill containing a hotel, restaurant, and various commercial enterprises are across the Sugar River to the west. The Site topography on the northern and western portions of the property slope towards the adjacent Sugar River and the groundwater, based on previous studies, flows from the south towards the north, northwest, again, towards the river.

According to the US EPA area planning mapping tool, there are approximately 1,200 people within ¼ mile of the site, and greater than 4000 people within ½ mile of the site as well as four day care centers and one nursing home.

According to US EPA's EJ Screen, the Site is not in, but close to (.2-.3 miles) a low income environmental justice area.

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

The hazardous constituents of the manufactured gas process and in particular coal tar, include a number of PAHs, which are a subset of semi-volatile organic compounds. PAHs are a group of chemicals that are formed during the incomplete burning of coal, oil, gas, wood, garbage, or other organic substances.

During the 2010 PA/SI, soil core samples were collected in 10 locations throughout the property at varying depths from 0-9' below grade and two sediment samples were collected at the river's edge at approximately 1' below grade. In all 12 locations, 1 or more PAHs were detected at levels higher than the New Hampshire Department of Environmental Services (NH DES) Method 1 S-2 Soil Standards. These standards apply to sites where exposure may occur to a receptor that comes in contact with the contaminated soils in a work environment or in a passive recreational setting. In many cases, the concentrations detected were an order of magnitude higher than the S-2 standards and in some cases, 2 orders of magnitude higher. Please refer to Table 1 for analytical data.

The Department of Health and Human Services (DHHS) has determined that benz[a]anthracene), benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, dibenz[a,h]anthracene, and indeno[1,2,3-c,d]pyrene are known animal carcinogens. The International Agency for Research on Cancer (IARC) has determined the following: benz[a]anthracene and benzo[a]pyrene are probably carcinogenic to humans; benzo[b]fluoranthene, benzo[k]fluoranthene, and indeno[1,2,3-c,d]pyrene are possibly carcinogenic to humans. EPA has determined that benz[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, dibenz[a,h]anthracene, and indeno[1,2,3-c,d]pyrene are probable human carcinogens.

Other hazardous constituents that have not been determined by DHHS, IARC, or EPA to be carcinogenic, but also exceeded the NH DES Method 1 S-2 Soil Standards were fluorene, 2-methylnapthalene, naphthalene (PAHs); 1,2,4-trimethylbenzene, ethylbenzene (volatile organics); and arsenic and lead (inorganics).

All constituents identified in Tables 1 and 2 are listed in 40 CFR §302.4, table 302.4, CERCLA List of Hazardous Substances.

As previously mentioned, the Site is adjacent to the Sugar River. When samples were collected at the rivers' edge during the original PA/SI, a slight disturbance of shallow sediment resulted in a sheen to the water. During the second EPA assessment in 2012, divers were used to collect sediment and water samples and to help determine if the site was discharging groundwater (and accompanying coal tar) to the river or if the river was recharging to the site. While performing these tasks, a number of oily rainbow sheens and some free product (and accompanying odors) were seen emanating from the work areas.

Slight disturbance of the sediment caused by either walking or probing appeared to have caused the release of coal tar that was perched on bedrock or settled into rock fissures. It was not clear if there was discharge or recharge occurring, but due to the wide variation in river flow, depending on precipitation and dam releases, it is assumed that both occur. According to city officials, at times of low river flow such as late summer, coal tar can routinely be seen emanating from the river bed at the edge of the Site property. The river is classified by the State of New Hampshire as a class B waterway, considered to be fishable and swimmable. There are at least two water intakes (non potable) within 1 downstream mile.

Surface soil sampling (0-3") conducted in 2012 showed that state standards for PAHs were exceeded in 11 of 12 samples for a minimum of at least one constituent. Please refer to Table 2 for analytical data.

A petrochemical odor of varying intensity is usually present throughout the site, depending on the time of day and year as well as temperature, wind conditions, and humidity.

5. NPL status

The Site is not currently on the National Priorities List, and has not received a Hazardous Ranking System rating. In 2010, the On-Scene Coordinator (OSC) met with a member of the Technical & Enforcement Support Section within the Office of Site Remediation and Restoration in Region 1 to determine if there was any possibility that the Site may be eligible for the NPL. A Pre-CERCLIS screening was conducted at that time, but it appeared doubtful that the Site was eligible to be an NPL candidate.

B. Other Actions to Date

1. Previous actions

NH DES first brought the Site to the attention of US EPA during the summer of 2008 as they had been negotiating unsuccessfully with a potentially responsible party for a number of years.

Table 1: Depth Sampling: 6/14&15/10

Sample Number / NH Surface Soil Standards	SS-01	SS-02 SS-03 (Dup)	DP-01	DP-02 DP-11 (Dup)	DP-03	DP-04	DP-04	DP-05	DP-06	DP-07	DP-08	DP-09	DP-10	NH S-2
Depth Below Grade	1-1.5'	1-1.5'		0-6'	0-3'	3-7'	7-9'	0-7'	0-4.5'	0-4'	0-1.5'	0-4.5'	0-7'	
Polynuclear Aromatic Hydrocarbons – Carcinogenic														
Benzo(a) anthracene	130	38 357		25 11			6.2	120	150	91			15	4
Benzo(a) pyrene	8.3	25 200	.9	15 7.1	1.2		4.5	89	96	59	1.2	4.1	13	.7
Benzo(b) Fluoranthene	7.4	13		9.4 5				440	55	25			9.1	4
Benzo(k) Fluoranthene								51	72					36
Dibenzo(a,h) Anthracene	1.6			1.5					16				2.6	.7
Indeno(1,2,3-cd)pyrene	5.5	8.7 12		6.5 3.6				27	47	19			7.7	4
Polynuclear Aromatic Hydrocarbons – Noncarcinogenic														
Fluorene								290	400	220				77
2-methylnapthalene										1900				100
Napthalene		15 21		54 35		32	67	820	690	2200			84	5
Inorganics														
Arsenic							110			22				11
Lead									470	580			5400	400

Concentrations in mg/kg (PPM)

2. Current actions

After numerous attempts to obtain access from the alleged property owner over a period of several years, access was granted on May 3, 2010.

On May 14, 2010, EPA On-Scene Coordinator Gary Lipson met with NH DES and Claremont officials at the site to begin planning for a PA/SI.

Table 2: Surface Soil Sampling: 9/13/12

Sample number / NH Surface Soil Standards	01	02	03	04	05	06	07	08	09	10	11	12	NH S-1	NH S-2	NH S-3
Polynuclear Aromatic Hydrocarbons – Carcinogenic															
Benzo(a) anthracene	**1.4**	**12***	**4.7***	ND	**26***	**34***	**91***	**7.6***	**17***	**3.7**	**2.4**	**4.3***	1	4	52
Benzo(a) pyrene	**1.8***	**3.8***	**2.5***	ND	**31****	**15****	**38****	**6.3****	**13****	**6****	**1.8***	**2.5***	.7	.7	5
Benzo(b)fluoranthene	**1.5***	**10***	**4.8***	ND	**26***	**54****	**55****	**8.6***	**25***	**5.5***	**1.6**	**5***	1	4	52
Benzo(k)fluoranthene	1.6	9.5	4.6	ND	**26**	**46**	**55**	7.4	**22**	5.2	1.8	4.1	12	36	520
Chrysene	1.8	17	7.2	ND	34	70	**130**	10	26	5.4	3.2	6.4	120	360	2200
Dibenzo(a,h)anthracene	.39	**1.4***	**.79***	ND	**5.1****	**8.6****	**8.9****	**1.3***	**3.6***	**1***	ND	**.9***	.7	.7	5
Indeno(1,2,3-cd)pyrene	**1.2**	**3.5**	**2.3**	ND	**21***	**25***	**26***	**4***	**10***	**4.3***	.8	**2.6**	1	4	52
Polynuclear Aromatic Hydrocarbons – Noncarcinogenic															
Acenaphthylene	1.9	5.6	2.4	ND	7.9	22	42	38	17	5.5	1.5	3.5	490.	490	490
Anthracene	.76	3.3	1.6	ND	5.9	8.8	27	2.7	8	1.4	.77	1.7	1000	2500	5000
Fluoranthene	1.3	16	7.3	ND	29	29	160	11	20	5.1	3.3	5.5	960	2500	5000
Fluorene	ND	.32	ND	ND	1.4	3.1	5.4	.66	2.2	.36	ND	ND	77	77	77
2-methylnapthalene	.42	5.6	.46	ND	2.3	2.2	3.3	1.8	3.9	.7	.33	1.8	96	100	100
Napthalene	.6	**6.6****	.67	ND	**38****	**29****	2.2	.98	**6.3****	.66	.4	2.2	5	5	5
Benzo(g,h,i)perylene	1.7	3.6	2.6	ND	27	26	28	4.4	11	6.6	.97	2.9	960	2500	5000
Phenanthrene	.67	7.6	5.1	ND	16	8.5	97	8.5	11	6.4	1.5	4.2	960	2500	5000
Pyrene	2.5	26	11	ND	47	50	240	15	26	9.6	6.3	11	720	2500	5000

Bold : exceeds NH S-1 Concentrations in mg/kg (PPM)
* : exceeds NH S-2
** : exceeds NH S-3

On June 3, 2010, EPA and EPA's Superfund Technical Assessment and Response Team (START) contractor met at the site for an initial walk-through, and then mobilized on June 14, 2010 to begin sampling activities.

Additional PA/SI activities were conducted in May 2012 when an EPA led dive-team collected surface water and river sediment samples. Additional soil surface samples were collected in September 2012.

Further request for access letters were sent by EPA in 2012 to both the City of Claremont, who is the owner of adjacent parcels that are potentially contaminated, and to a suspected new owner of the property in question. Access was granted by both parties.

C. State and Local Authorities' Roles

1. State and local actions to date

Due to an underground storage tank (UST) removal and the excavation of approximately 10 cubic yards of petroleum-impacted soil in 1995, NH DES requested that a site investigation (SI) be conducted by the current operator at that time, All Star Gas. In May, 1996 ERD of Brattleboro, VT conducted the SI that included: the installation and sampling of five soil borings to bedrock; the installation of five monitoring wells; and the collection of soil and groundwater samples. Also in May 1996, SCS Engineers was retained to conduct Phase I and II activities of an environmental assessment. Field activities included the installation and sampling of 26 Geoprobe borings and the collection and analysis of soil and groundwater samples.

Although the investigations in 1996 provided substantial site data, there were data gaps that needed to be addressed prior to site closure under the NH DES Risk Characterization and Management Policy (RCMP). In 2001, NH DES directed the current property owner of parcel 120-10 at that time , Syn, Inc., to conduct this investigation for the purpose of: creating a geologic and hydrologic model; defining soil and groundwater impacts from the former MGP operations; further define the extent and magnitude of UST soil and groundwater impacts; evaluate sediment and surface water quality of Sugar River; collect data for the evaluation of natural attenuation; and to evaluate any risks that the Site may pose to human health and the environment.

Based on all of these findings, NH DES requested an additional remedial investigation to further define the site characteristics for a risk based evaluation of the Site and its impacts to the surrounding areas pursuant to closure under the NH DES RCMP. After submittals of an Investigation Technical Memorandum and Work Plan in 2002 and NH DES approval in March, 2003, field work was conducted at the Site in May of 2004. The objectives of the investigation and scope of work were as follows: further delineate the horizontal and vertical extent of non-aqueous phase material by installing three direct push soil borings in the vicinity of the Sugar River; evaluate the potential for non-aqueous phase material to move into the bedrock by advancing two cores into the bedrock and evaluating the rock; further evaluate groundwater impacts by collecting a second round of groundwater samples from the existing wells; analyze the oil collected from one of the wells for specific gravity and viscosity to evaluate the potential mobility and character of the oil; and evaluate sediment quality and toxicity in the Sugar River up and downstream of the site.

2. Potential for continued State/local response

Based on the data generated during the investigations as detailed above and the inability of a potentially responsible party to fund additional work, NH DES requested US EPA assistance. 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."

Neither the city or state appear to have sufficient resources to conduct a removal action at this site. 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

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)];

According to data generated by US EPA and consultants under the auspices of NH DES, hazardous substances (see §II.A.4.) were detected at almost every sample location including on-shore core samples, river sediment and surface water. The oily residual from the manufactured gas process has saturated the ground from near-surface to bedrock and at times is visibly leaching into the Sugar River. Low impact disturbance of the near shore sediment, whether by human or animal, is enough to cause sheening on the water surface. A noticeable odor is prevalent at most times at various locations on the site and the property is currently accessible as evidenced by signs of trespassers such as graffiti, beer cans, an actual sighting of an individual leaving the property, and a recent fire in one of the buildings that required a response from the local fire department. The perimeter fencing was enhanced by the parcel 120-10 property owner in 2011 at EPA's request, but apparently not enough to keep people from gaining access. Surface soil sampling conducted in 2012 has indicated that state standards for PAHs were exceeded in almost every instance and therefore accessible to any trespassers and wildlife on the property.

As stated in §II.A.4, DHHS has determined that benz[a]anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, dibenz[a,h]anthracene, and indeno[1,2,3-c,d]pyrene are known animal carcinogens. IARC has determined the following: benz[a]anthracene and benzo[a]pyrene are probably carcinogenic to humans; benzo[b]fluoranthene, benzo[k]fluoranthene, and indeno[1,2,3-c,d]pyrene are possibly carcinogenic to humans. EPA has determined that benz[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, dibenz[a,h]anthracene, and indeno[1,2,3-c,d]pyrene are probable human carcinogens.[1]

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[1] Toxicological Profile for Polycyclic Aromatic Hydrocarbons, U.S. Department of health and Human Services, Public Health Service, Agency for Toxic Substance and Disease Registry, August 1995

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)];

In 2012, surface soil samples (0-3") were collected in 12 locations throughout the property. State of New Hampshire soil standards for carcinogenic PAHs were exceeded in 11 of 12 locations, varying from 1 to 7 of 7 constituents. These surface soils are subject to precipitation and runoff into the adjacent Sugar River.

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

The groundwater flow within the Site property has previously been mapped by the NH DES and generally runs in a northwest direction. The heavier portion of the coal tar may resist the groundwater flow as it is denser than water and sits upon the bedrock, but the lighter phases will move with the groundwater. During extended times of low precipitation and low river flow, there is less hydraulic head pushing against the bank, allowing the groundwater and accompanying coal tar to flow more readily into the river. Town officials have stated that at times of low flow when the river has receded from the shore line, a viscous oily product oozes up from the sediment and into the river. During normal flow conditions, it is also apparent that the product has been moving with the groundwater and saturating the shoreline and off-shore sediments. This is evidenced by a visible sheen emanating from the sediment when slightly disturbed.

In addition and as mentioned above, surface contamination is also subject to migration via precipitation, snow melt, and when dry, can be windblown into the surrounding air as well as into the river.

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

As noted in §II.C.2. above, the NH DES has requested EPA Removal program assistance in order to address the documented release of hazardous substances. Therefore, it is unlikely that any other state or federal entity would address this situation.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.[2]

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

Specific removal activities may include the following:

- A site walk with EPA'S Superfund Technical Assistance and Response Team (START) contractor and EPA's cleanup contractor to determine the necessary resources for the impending design work and removal action;

- Additional sampling, treatability studies, and site characterization to further delineate the extent of contamination and to assist in guiding response actions;

- Installation of, or repair of existing security fencing, and provision of a security guard service during the removal action;

- Clearance of vegetation, debris, and/or existing structures as needed to provide proper clearance and space for removal activities. This may necessitate coordination with the New Hampshire Division of Historic Resources (NH DHR) and documentation of the removal by a Historic Preservationist;

- Design of a physical separation and/or collection system (via a contract mechanism separate from the cleanup contractor);

- Physical separation of the manufactured gas plant residual waste product from the Sugar River (eg. sheet piling);

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[2] In accordance with OSWER Directive 9360.0-34, an endangerment determination is made based on "appropriate Superfund policy or guidance, or on collaboration with a trained risk assessor. Appropriate sources include, but are not limited to, relevant action levels or cleanup standards, Agency for Toxic Substances and Disease Registry documents or personnel, or staff toxicologists." EPA relied on the State of New Hampshire Administrative Rule Env-Or 600, Contaminated Site Management and State Surface Water Standards. In The NH DES request for assistance letter to US EPA dated September 23, 2010, it states that the contaminants are present in Site soil and groundwater at concentrations far exceeding the remediation standards presented in the above mentioned rule.

- Mechanical removal of some or all of the residual waste product including impacted soil and sediment as well as free product;

- Treatment of the contaminated soil (in-situ) using physical and chemical means to reduce the mobility of hazardous substances and contaminants;

- Consideration of vapor reduction which may include the installation of an air collection system;

- Installation of a collection system (eg. trench), capable of capturing the waste product to where it can be retrieved and collected;

If any of the options listed above require long term operation and maintenance (O&M), such as a collection system that must be periodically examined and cleaned, agreement to conduct the O&M would need to be reached between US EPA and a local and/or state entity. This is due to a statutory limitation that a removal action must be completed within one year of initiation.

In conjunction with the EPA off-site rule, all hazardous substances to be removed will be disposed of in appropriately licensed off-site disposal facilities; and,

Standard operating procedures during a US EPA removal action include the repair of response related damages as appropriate. As noted above, it is probable that the on-site historic, but dilapidated structures will have to be removed to facilitate cleanup options. These will not be repaired, but based on conversations with the NH DHR, these historic features may have to be documented with the placement of signs, placards, photos, etc. to inform the general population of their one-time existence and their importance to the City of Claremont and its history.

2. Community relations

US EPA has been discussing potential removal actions with state and local officials. In conjunction with local officials, neighboring businesses that may potentially be impacted will be informed when site operations are taking place. The EPA OSC will make himself available, either during working hours or extended hours on-site, to address the questions and/or concerns of the local population. The EPA OSC will also work with its Community Involvement Coordinator to disseminate information to the local community which may take place at a public meeting.

3. Contribution to remedial performance

The cleanup proposed in this Action Memorandum is designed to mitigate the threats to human health and the environment posed by the Site. The actions taken at the Site would be consistent with and will not impede any future responses.

4. Description of alternative technologies

Although no alternative technologies have been identified for this removal action, they will continue to be investigated, discussed and considered as the removal action progresses.

5. Applicable or relevant and appropriate requirements (ARARs)

Federal ARARs will be met to the extent practicable considering the exigencies of the situation. The following Federal ARARs will apply if hazardous waste is transported off-site for disposal:

40 CFR Part 262 Standards Applicable to Generators of Hazardous Waste:

Subpart B - The Manifest
262.20 : General requirements for manifesting
262.21 : Acquisition of manifests
262.22 : Number of copies of manifests
262.23 : Use of the manifest

Subpart C - Pre-Transport Requirements
262.30 : Packaging
262.31 : Labeling
262.32 : Marking

Subpart D - Recordkeeping and Reporting
262.40 : Recordkeeping

40 CFR Part 264 Standards for Owners and Operators of Hazardous waste Treatment, Storage, and Disposal Facilities:

Subpart I - Use and Management of Containers
264.171 : Condition of containers
264.172 : Compatibility of waste with containers
264.173 : Management of containers
264.174 : Inspections
264.175 : Containment
264.176 : Special requirements for ignitable or reactive waste
264.177 : Special requirements for incompatible wastes

40 CFR Part 264 Hazardous Waste Regulations - RCRA Subtitle C:
268-270 : Hazardous and Solid Waste Amendments Land Disposal Restrictions Rule

40 CFR Part 300.440 Procedures for Planning and Implementing Off-Site Response Actions (Off-Site Rule)

State ARARs:

The OSC will coordinate with state officials to identify state ARARs, if any. In accordance with the National Contingency Plan and EPA Guidance Documents, the OSC will determine the applicability and practicability of complying with each ARAR, which is identified in a timely manner.

6. Project schedule

This removal action is expected to last up to one year from the time of initial mobilization. It is anticipated that the initial site visit with EPA's contractors will begin in the fall, 2013.

B. Estimated Costs

COST CATEGORY		CEILING
REGIONAL REMOVAL ALLOWANCE COSTS:		
ERRS Contractor		$1,500,000.00
Interagency Agreement		$0,000.00
OTHER EXTRAMURAL COSTS NOT FUNDED FROM THE REGIONAL ALLOWANCE:		
START Contractor		$400,000.00
Extramural Subtotal		$1,900,000.00
Extramural Contingency	20%	$380,000.00
TOTAL, REMOVAL ACTION CEILING		**$2,280,000.00**

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

Delayed action will increase public health and environmental risks posed by the presence of PAHs as the coal tar waste is not only present at the surface but continues to slowly leach into the adjacent Sugar River.

VII. OUTSTANDING POLICY ISSUES

There are no precedent-setting policy issues associated with this site.

VIII. 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 1.4485 (regional indirect rate) = **$3,664,705** [3].

IX. 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)];

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[3]Direct 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 44.85% x $2,530,000, consistent with the full accounting methodology effective October 2, 2000. These estimates do not include pre-judgement 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.

I recommend that you approve the proposed removal action. The total extramural removal action project ceiling if approved will be $2,280,000.

APPROVAL: _____ DATE: 8/8/13

DISAPPROVAL: _____ DATE: _____