



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
EPA NEW ENGLAND  
1 Congress Street, Suite 1100  
Boston, MA 02114-2023

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Beede  
11.09  
218239

VIA FEDERAL EXPRESS

December 9, 2004

Jennifer J. Patterson  
Senior Assistant Attorney General  
New Hampshire Attorney General's Office  
33 Capitol Street  
Concord, NH 03301-6397

Re: Beede Waste Oil Superfund Site Fourth *De Minimis* Settlement; Distribution of Funds from the Beede Fourth *De Minimis* Trust.

Dear Jennifer:

This letter concerns final distribution of funds collected in the Beede Waste Oil Fourth *De Minimis* Trust ("Trust") pursuant to the terms of the Trust and Fourth *De Minimis* Administrative Order on Consent (AOC). As specified in the Trust and AOC, and as discussed verbally, concurrent with this letter, EPA has instructed the Trustee for the Trust, US Bank, to disburse a sum certain of the fourth *de minimis* settlement funds from the Trust directly to the State of New Hampshire (the "State"). As described below and in the attachments to this letter, the payment to the State from the Trust will include the State share of settlement proceeds (at \$.14 per gallon), a proportional share of the interest earned on the money held in the Trust and minus a proportional share of fees associated with administering the Trust.

As you know, the Beede fourth *de minimis* settlement closed on August 9, 2004. Since then, the final list of settling parties was announced in the Federal Register in a notice published on October 5, 2004. A final Appendix A to the AOC (also enclosed) lists the identities and settling amounts for all 276 parties participating in the settlement. Publication in the Federal Register commenced a 30-day notice and comment period for the settlement, as legally required for settlements under CERCLA with the federal government, which closed on November 4, 2004.

EPA received one set of comments during the 30-day public comment period for this settlement. The comments were submitted by a group of twenty-three Major Beede parties, requesting that the settlement be withdrawn or modified. Both the comment letter and a detailed EPA response to the relevant and significant aspects of this letter are included herein. EPA's detailed response is contained in the Responsiveness Summary itself. After considering the comments, EPA determined that the facts and considerations raised by the PRP commenters did not support a finding that the settlement is inappropriate, improper, or inadequate. As a result, the Responsiveness Summary was signed by Susan Studlien, Director of the EPA Region 1 Office of Site Remediation and Restoration, making the settlement effective as of the date of her signature.

Shortly thereafter, on **December 7, 2004**, EPA issued a letter to all settling parties informing them of the date upon which the settlement agreement is considered to be effective. With the effective date for the AOC established, concurrent with this letter to you, EPA has instructed the Trustee to disburse settlement monies to both the State and the EPA Beede Superfund Special Account, as agreed under the terms of the AOC and Beede Fourth *De Minimis* Settlement Trust, and as further described herein. As per the Trust Agreement, the

Jennifer J. Patterson  
Senior Assistant Attorney General  
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Trustee has 30 days from receipt of EPA's disbursement request letter to issue payment to both the State and EPA. We therefore expect payment to be made by January, 2004.

As you will note in reviewing the final Appendix A, the Beede fourth *de minimis* settlement includes many parties. In total, 276 parties chose to accept this settlement offer by EPA and NH DES. In sum, the settlement offer was mailed to approximately 775 parties, of which we have preliminarily confirmed that approximately 692 actually received the offer. Participation in this settlement is at about 40%. This settlement raised a total of \$10,736,723.91. The State share of that total amount is \$219,682.96 (based on \$0.14 per gallon as per the AOC), prior to the addition of \$124.65 in interest and deduction of \$329.70 of the Trust administrative costs. Considering these sums, the total amount that the State will receive from the Trustee under the terms of the Trust and AOC is \$219,477.91, which will be issued in the form of a bank check made payable the Treasurer, State of New Hampshire, and sent to you. Itemization of the costs, interest and fees is attached.

Please call me if you have any questions at 617-918-1889. Thank you for working with the Beede Case Team on this settlement agreement. I look forward to continuing to work with you in future global settlement negotiations at Beede.

Very truly yours,



Cynthia A. Lewis  
Senior Enforcement Counsel  
Office of Environmental Stewardship

enclosures: Attachment A - Trust Fees and Interest - State and EPA shares; Attachment B - list of settling parties and their State and EPA shares (Appendix A(1) and A(2) of the AOC); Attachment C - Responsiveness Summary; Attachment D - Effective Date Letter

cc: Richard Pease  
James Chow  
Kristin Courcier

*Attachment A*  
*Trust Fees and Interest - State and EPA shares*

	<u>State share<sup>1</sup></u>	<u>EPA share</u>
Interest on monies held in the Second <i>De Minimis</i> Settlement Trust since initiation ( <i>total estimated on 11/1/04 to be \$6,080.50</i> ).....	\$124.65	\$5955.85
 <b><i>MINUS</i></b>		
Administration Fee: \$3,500.00 ( <i>This is a flat fee for the Trust.</i> ).....	\$71.75	\$3428.25
Plus: \$35.00 per Respondent ( <i>With 272 parties settling, the total is \$9,520.</i> ) .....	\$195.16	\$9324.84
Counsel Fees: \$1863.00 as of 11/1/04.....	\$38.19	\$1824.81
Out of Pocket Expenses: \$0 as of 11/1/04 .....	\$0	\$0
Wire Fees: \$0 as of 11/2/04 ( <i>for wires out of Trust</i> ).....	\$0	\$0
CPA Fees: \$1200.00 as of 11/1/04.....	\$24.60	\$1175.40
<b><i>TOTAL</i></b> .....	<b>\$329.70</b>	<b>\$15,753.30</b>

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Total for State of New Hampshire: State share of the interest on money held in the Fourth *De minimis* Settlement Trust *minus* the State share of Trust administrative fees = **\$ -205.05.**

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<sup>1</sup>A relative proportion based on \$0.13 per gallon State share of settlement funds.

## Beede Waste Oil Fourth De Minimis Settlement Trust

### Appendix A(1) - Respondents to Administrative Order on Consent

	Name	PRP #	Amount
1	67 Smith Place Corporation	3455	\$69,666.00
2	A & C Tire Company, Inc.	0008	\$8,537.00
3	A & O Service Center, Inc.	0020	\$13,979.00
4	A. Neal Perley d/b/a Perley's Marina	3942	\$7,665.00
5	Acton Tire Inc.	0091	\$6,925.00
6	Advisory Realty Corporation	0113	\$47,810.00
7	Agri-Mark, Inc.	0120	\$111,417.00
8	Alcatel (Alcatel Vacuum Products)	0144	\$53,786.00
9	Alvin Hollis & Company, Inc.	2615	\$72,022.00
10	American Eagle Tours, Inc.	3359	\$48,151.00
11	American Medical Response of Massachusetts, Inc.	3101	\$5,805.00
12	Amesbury Coach Inc.	0215	\$42,482.00
13	Amesbury Group Inc.	0218	\$30,222.00
14	AMI Leasing (Trucklease Corporation d/b/a AMI Leasing)	5090	\$129,291.00
15	Antoine's Auto Repair, Inc.	2765	\$2,555.00
16	Aquacultural Research Corporation	0121	\$2,920.00
17	Ashland Motors, Inc.	0330	\$4,015.00
18	Atamian Volkswagen Inc. d/b/a Atamian Honda	0339	\$97,388.00
19	Atlantic Waste Systems North (Wood Recycling, Inc.)	3937	\$26,295.00
20	Auto Service & Tire, Inc.	0403	\$35,174.00
21	Auto West	GRP439	\$8,503.00
22	Automotive Consultants, Inc.	0422	\$18,782.00
23	Ayotte Plumbing Heating & Air Conditioning	0451	\$3,285.00
24	B & B Auto Clinic, Inc.	0467	\$45,761.00
25	Bailey Distributing Corporation (Yeliab Corporation, Successor)	0486	\$37,906.00
26	Ballard Motor Sales Inc. (Ballard Mack Sales & Service Inc.)	0505	\$36,882.00
27	Bancroft Tire Center (H. Glick & Sons, Inc.)	0508	\$7,171.00
28	Bennett Service Station, Inc.	0595	\$88,790.00
29	Bert Libon Inc.	3095	\$25,612.00
30	BMW Gallery	GRP372	\$92,409.00
31	Bob Innis and Son, Inc.	2690	\$3,415.00
32	Bob's Auto Repair Inc. (Bob's Auto Repair LLC)	0691	\$6,488.00
33	Bob's Auto Service	0695	\$26,807.00
34	Boott Mills Hydro (Boott Hydropower, Inc.)	7685	\$2,561.00
35	Boston Harbor Cruises, Inc. (Harbor Cruises, LLC d/b/a Boston Harbor Cruises)	0757	\$2,732.00
36	Boston Public Health Commission	GRP284	\$9,903.00
37	Boston Sand & Gravel Company	0761	\$38,248.00
38	Bourne Bridge Auto Sales Inc. d/b/a Hyannis Saab	2674	\$5,475.00
39	Bridge Marina, Inc.	0815	\$21,207.00
40	Bridgestone/Firestone North American Tire, LLC	1583	\$63,614.00
41	Brownie's Swan Street Garage	0864	\$34,833.00
42	Browning-Ferris Industries (BFI Waste Services of Massachusetts, LLC)	0634	\$78,988.00
43	Burlington Dodge, Inc.	0906	\$44,395.00
44	Bursaw Oil Corporation	0919	\$40,672.00
45	C W Equipment Company Inc.	0974	\$74,447.00
46	C. N. Wood Company, Inc.	5436	\$91,522.00
47	CDST Corporation d/b/a Quality Lube & Wash	4156	\$20,490.00

## Beede Waste Oil Fourth De Minimis Settlement Trust

48	Champy's Service Tire & Supply Inc.	1357	\$102,450.00
49	Chets Auto Repair	1914	\$10,402.00
50	Chrysler Plymouth of Medford, Inc. (n/k/a Grava of Medford, Inc.)	2373	\$9,220.00
51	Chuckran Auto Parts Inc.	1928	\$6,010.00
52	Cinderella Carriage Company, Inc.	1936	\$9,855.00
53	City of Lawrence, Massachusetts	GRP357	\$120,650.91
54	City of Lynn, Massachusetts	GRP361	\$5,122.00
55	City of Methuen, Massachusetts	GRP373	\$72,910.00
56	City of Newburyport, Massachusetts	GRP384	\$29,642.00
57	City of Newton, Massachusetts	GRP385	\$126,389.00
58	CJ 3A Service & Repair Inc. (d/b/a CJ Auto Repair)	0971	\$5,634.00
59	Clark & Reid Company, Inc.	1951	\$38,248.00
60	Coast Pontiac-Cadillac, Inc.	1971	\$10,245.00
61	Computron Metal Products, Inc.	2020	\$15,709.00
62	Connolly Buick Company, Inc. (500 Enterprises, Inc. d/b/a Herb Connolly Acura of Framingham)	3037	\$24,588.00
63	Consumer Auto Parts, Inc.	2043	\$10,040.00
64	Copeland's Automotive	2072	\$8,202.00
65	Coppola Inc.	2073	\$33,296.00
66	Cote & Sons Automotive Center, Inc.	2080	\$52,932.00
67	Cox Fuel Company, Inc.	2101	\$8,196.00
68	Coyne International Enterprises Corporation (d/b/a Coyne Textile Services)	2102	\$72,739.00
69	Cyndan Inc. d/b/a Speedway Lube & Tube	4728	\$102,791.00
70	D.N. Kelley & Son, Inc.	2832	\$55,698.00
71	Daley & Wanzer, Inc.	1002	\$4,098.00
72	Daniels LeSaffre Motors, Inc.	3026	\$9,903.00
73	Dave's Enterprises, Inc.	1052	\$20,805.00
74	Davidson Chevrolet Company, Inc. (d/b/a Davidson Chevrolet-Oldsmobile)	1062	\$87,765.00
75	DeLucca Fence Company, Inc.	1107	\$3,073.00
76	Denison Pharmaceuticals, Inc.	1124	\$115,242.00
77	Derry Cooperative School District	GRP247	\$36,199.00
78	Dick Industrial Inc.	1162	\$3,540.00
79	Dobles Chevrolet (Dobles Chevrolet Buick, Inc.)	1202	\$85,033.00
80	Donald J. Michaud d/b/a Auto Care	0383	\$52,249.00
81	Donna Lou Enterprises, Inc. (d/b/a Dobbins Auto Repair)	1199	\$36,028.00
82	Downeast Dispatch, Inc.	1263	\$15,026.00
83	Dreher-Holloway, Inc.	1282	\$43,029.00
84	Drum Hill Ford Inc.	1295	\$57,611.00
85	Dunk's Automotive Service	1309	\$14,001.00
86	Eagle-Tribune Publishing Company	1342	\$40,297.00
87	Eastern Lumber Company, Inc.	1371	\$17,279.00
88	Eastern Transmission Service	1373	\$5,110.00
89	Edward T. Neal (d/b/a Neal's Automotive Repair)	3639	\$38,248.00
90	Edwards Buick (Edward Buick-GMC Truck, Inc.)	1398	\$34,491.00
91	Erickson Fuel Company, Inc.	1454	\$17,416.00
92	Ernest Service Center	1456	\$22,914.00
93	Excel Auto Unlimited Inc.	1481	\$6,966.00
94	Federal Express Corporation (Flying Tiger Line, Inc.)	1548	\$48,663.00
95	Fitchburg Gas & Electric Light Company	1590	\$36,199.00
96	Foreign Auto Doctor	1628	\$9,562.00

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97	Foreign Cars of Belmont Inc. d/b/a Belmont Volkswagen	0588	\$13,660.00
98	Framingham Auto Sales Inc. (Framingham Ford d/b/a Framingham Auto Sales, Inc.)	1658	\$27,320.00
99	Fred's Auto Service	1687	\$14,103.00
100	Friction Materials, Inc.	1700	\$68,300.00
101	Gallo Construction Company, Inc.	2202	\$3,650.00
102	Gary W. Blake, Inc.	0664	\$100,127.00
103	Gaston Andre Associates, Inc. (d/b/a Charles River Saab)	1872	\$40,536.00
104	General Cable Industries, Inc. (Carol Cable Company, Inc.)	1796	\$119,183.00
105	Genuity (GLT Liquidating Trust, successor to Genuity Inc., Genuity Solutions, Inc., & Genuity Telecom Inc. et al)	0728	\$3,852.00
106	George Luddy Chevrolet, Inc.	3170	\$21,514.00
107	George R. Cairns & Sons, Inc.	0876	\$74,276.00
108	Georgetown Service Station, Inc. d/b/a Georgetown Citgo	2270	\$39,272.00
109	Global Petroleum Corporation	2311	\$49,654.00
110	Greater Lawrence Regional Vocational Technical High School District	GRP259	\$48,049.00
111	Greater Lowell Regional Vocational Technical School District	GRP63	\$17,928.00
112	Grove Products, Inc.	2414	\$19,345.00
113	Gullwing Service Company, Inc. d/b/a Paul Russell & Company	2433	\$22,368.00
114	Gurney's Service Station, Inc.	2437	\$37,565.00
115	H. Wright's Service, Inc.	5461	\$19,124.00
116	Hamilton-Wenham Regional School District	GRP195	\$46,444.00
117	Harry's Auto Repair	2511	\$3,650.00
118	Henry's Sunoco Inc.	2562	\$24,929.00
119	Holden Oil Inc.	2611	\$22,539.00
120	Honda Village, Inc.	2635	\$28,515.00
121	Hydramatic Sales & Service Corporation	2678	\$18,441.00
122	Hyster New England Inc. (f/k/a Lewis & Boyle Company)	3089	\$77,042.00
123	Ideal Transportation Company, Inc.	1704	\$7,482.00
124	Interstate Electrical Services Corporation	1530	\$12,045.00
125	Ipswich Ford Inc.	2700	\$118,159.00
126	Ipswich Shellfish Company, Inc.	2704	\$71,202.00
127	Irwin Motors Inc.	2707	\$36,882.00
128	J.G. MacLellan Concrete Company Inc.	3205	\$37,906.00
129	James W. Flett Company, Inc.	1605	\$42,346.00
130	Jannell Motors Inc.	2767	\$84,009.00
131	Jerry's Auto Service Inc.	2788	\$2,664.00
132	JF White Contractor	5381	\$7,513.00
133	Jim's American	2795	\$18,577.00
134	JLJ Enterprises, Inc.	GRP440	\$23,426.00
135	John C. Bell, Inc. d/b/a New Meadows Auto Repair	3685	\$7,854.00
136	Joseph A. Noujaim d/b/a Byblos Mercedes Clinic	0934	\$12,294.00
137	Kelley's Service Station	2894	\$51,737.00
138	Kelly's Tire Mart Inc.	2895	\$12,444.00
139	Ken's Auto Repair Inc.	2913	\$16,904.00
140	Ken's Haus, Inc.	2919	\$92,819.00
141	Kriswood, Inc.	2972	\$5,475.00
142	L & R Services Inc.	2979	\$45,419.00
143	Lawrence Boys & Girls Club	3036	\$6,830.00
144	Lawrence HydroElectric (Lawrence Hydroelectric Associates)	5685	\$14,001.00
145	Lily Transportation Corporation (f/k/a Lily Truck Leasing Corporation and LTL Inc.)	3102	\$80,594.00

## Beede Waste Oil Fourth De Minimis Settlement Trust

146	Lindberg Heat Treating Company (n/k/a Bodycote Thermal Processing, Inc.)	3111	\$25,783.00
147	Longhorn Inc. of Lawrence	3136	\$46,129.00
148	Louis Pasqualucci & Son, Inc.	3904	\$2,920.00
149	Lynn Screw Corporation	3184	\$3,650.00
150	M H R Auto Body Inc. (d/b/a River Street Auto Body & Collision)	4323	\$3,650.00
151	Mabardy's Gulf Service	3191	\$6,351.00
152	Maestranzi Bros Inc.	3213	\$120,276.00
153	Manchester Mack Sales Inc. (McDevitt Trucks, Inc.)	3251	\$58,738.00
154	Marshall E. Merrill Jr.	3398	\$2,409.00
155	Martel Automotive Service	3310	\$33,580.00
156	Massachusetts Bay Transportation Authority	GRP124	\$20,841.00
157	Massachusetts Department of Correction	GRP69	\$4,781.00
158	Massachusetts Institute of Technology	GRP451	\$44,155.00
159	McDevitt Machinery, Inc. (McDevitt Trucks, Inc.)	3283	\$34,150.00
160	McLaughlin Chevrolet Inc.	3348	\$22,539.00
161	Medway Auto Sales Inc.	3368	\$31,930.00
162	Menard & Holmberg, Inc.	2620	\$73,934.00
163	Merrimack Valley Tire Inc.	3406	\$70,349.00
164	Metcalf & Eddy Services Inc.	4578	\$6,488.00
165	Michael's Motor Sales Inc.	3421	\$71,373.00
166	Michaud's Garage	3427	\$52,420.00
167	Midas International Corporation/Cape Auto Systems (Cosmic Enterprises, Inc.; Cape Auto Systems, Inc.)	3453	\$3,005.00
168	Midway Garage Inc. d/b/a Midway Auto Imports Inc.	2679	\$58,738.00
169	Mihold, Inc. d/b/a Raynham Midas Muffler and Brake Shop	1929	\$13,721.00
170	Mirra Company Inc.	3511	\$77,862.00
171	MKK Enterprises Inc. d/b/a Mike's Quicklube & Quality Car Care	3189	\$61,128.00
172	Montachusett Regional Transit Authority	GRP254	\$36,540.00
173	Moody St. Mobil, Inc.	3550	\$7,513.00
174	Mutual Oil Company, Inc.	3611	\$38,487.00
175	Nashua Industrial Machine (Ultima Nashua Industrial Machine Corporation)	3621	\$3,415.00
176	New England Frozen Foods, Inc. (f/k/a Hendrie's Frozen Foods, Inc.)	2550	\$59,079.00
177	New England Tank Company	3675	\$11,096.00
178	New Hampshire Department of Environmental Services	GRP265	\$9,562.00
179	North Andover Texaco Inc.	3739	\$44,053.00
180	Norwood Automobile Company d/b/a Cadillac of Norwood	5503	\$5,464.00
181	Nuri Asmar d/b/a Chandler Value	1197	\$2,190.00
182	O.F. Welker, Inc. d/b/a Welker's 16 Acres Mobil	1984	\$21,856.00
183	Oakland Avenue Garage	3790	\$6,488.00
184	Old Colony Motors Inc.	1997	\$6,147.00
185	Olson's Greenhouses Inc.	3815	\$118,159.00
186	Owens-Illinois Inc.	3841	\$86,536.00
187	Palmer Automotive (Palmer's Automotive Service)	3859	\$2,527.00
188	Park Avenue Citgo	3881	\$10,950.00
189	Parkway Texaco (Parkway Automotive)	3899	\$4,439.00
190	Pearl Street Motors, Inc.	3941	\$36,028.00
191	Perkins School for the Blind	3979	\$55,323.00
192	Peters Auto Sales Inc.	3991	\$17,075.00
193	Petroleum Heat & Power Company, Inc.	2305	\$83,756.00
194	Pica's Automotive Services, Inc.	4016	\$58,738.00

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195	Plymouth County Sheriffs Department	GRP220	\$7,752.00
196	Porter Chevrolet Inc.	4075	\$33,979.00
197	Portside Marine Service Inc.	4078	\$2,920.00
198	Praxair, Inc.	3118	\$10,245.00
199	Precision Auto Repair, Inc.	4096	\$76,823.00
200	Precision Wire Shapes	4100	\$54,640.00
201	Public Service of New Hampshire	5814	\$49,961.00
202	Quality Controls Inc.	4153	\$20,490.00
203	R Zambino & Sons Inc. (Rocco Zambino & Sons, Inc.)	5489	\$8,537.00
204	R. L. Buzzell, Inc.	0933	\$11,242.00
205	Raymers Express, Inc.	4217	\$5,122.00
206	Reimel's Automotive Specialist	4259	\$6,898.00
207	Rockingham Toyota Dodge Nissan, Inc.	4353	\$39,614.00
208	Rods Auto Care	4360	\$23,177.00
209	Rolling Green Service Center, Inc.	4368	\$44,736.00
210	Romie's Auto Repair Inc.	1593	\$37,052.00
211	Route 114 Mobil Inc. (Rte 114 Mobil)	1097	\$2,920.00
212	S J McNeilly Oldsmobile Inc.	3352	\$27,661.00
213	Saint-Gobain Corporation (Bird, Inc. predecessor of Saint-Gobain Corporation)	0655	\$21,856.00
214	Salter Transportation, Inc.	4488	\$37,940.00
215	Sam's Service Inc.	4499	\$34,833.00
216	Sanders & Lockheed Martin Company (BAE SYSTEMS Information & Electronic Systems Integration Inc.)	4506	\$37,394.00
217	Scooby's Truck Sales	4533	\$9,562.00
218	Seabrook Tire and Auto Inc.	4546	\$4,015.00
219	SEMASS Partnership LP	4562	\$34,737.00
220	Sentry Lincoln Mercury Sales, Inc.	4567	\$35,516.00
221	Sloban Auto Body Inc.	4638	\$26,022.00
222	Southworth-Milton, Inc.	4707	\$47,878.00
223	Stoneham Motor Company, Inc.	4830	\$54,298.00
224	Streeter Plumbing & Heating Inc.	4847	\$2,920.00
225	Stutz Motor Car Company Inc.	4855	\$110,304.00
226	Subaru of Milford, Inc.	4856	\$12,294.00
227	Subaru of Wakefield, Inc.	5239	\$15,709.00
228	Sunnyside Motor Company Inc.	4879	\$42,004.00
229	Sunoco, Inc. (R & M)	4876	\$50,951.00
230	Suns Total Systems, Inc.	1294	\$11,201.00
231	Supervalu Holdings, Inc. (Supervalu Inc. and its wholly owned subsidiary Supervalu Holdings, Inc.)	5362	\$120,173.00
232	Talarico Chevrolet-Geo-Pontiac, Inc.	4918	\$66,763.00
233	Terzakis Brothers, Inc.	4955	\$56,245.00
234	The Bracken Company, Inc.	0777	\$125,330.00
235	The Federal Corporation	5159	\$131,470.00
236	The Goodyear Tire & Rubber Company	2337	\$99,718.00
237	The Lane Construction Corporation	3012	\$55,664.00
238	The Middlesex Corporation & Middlesex Paving Corporation	3460	\$67,835.00
239	Thompson Oil Company Inc.	4972	\$4,098.00
240	Three-C Electrical Company Inc.	4977	\$20,080.00
241	Tichon Lincoln Mercury Corporation	3650	\$8,025.00
242	Tom's Auto Service, Inc.	5007	\$36,199.00

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243	Toupin Rigging Company, Inc.	5031	\$36,711.00
244	Town of Amesbury, Massachusetts	GRP301	\$96,986.00
245	Town of Barnstable, Massachusetts	GPR305	\$91,638.00
246	Town of Carlisle, Massachusetts	GRP319	\$112,934.00
247	Town of Chelmsford, Massachusetts	GRP322	\$66,080.00
248	Town of Danvers, Massachusetts	GRP315	\$60,104.00
249	Town of Dennis, Massachusetts	GRP326	\$69,187.00
250	Town of East Bridgewater, Massachusetts	GRP330	\$2,555.00
251	Town of Harvard, Massachusetts	GRP346	\$83,339.00
252	Town of Hingham, Massachusetts	GRP349	\$53,513.00
253	Town of Lynnfield, Massachusetts	GRP362	\$39,873.00
254	Town of Needham, Massachusetts	GRP381	\$48,288.00
255	Town of Norfolk, Massachusetts	GRP386	\$13,660.00
256	Town of North Andover, Massachusetts	GRP387	\$132,502.00
257	Town of Pepperell, Massachusetts	GRP396	\$40,980.00
258	Town of Wellesley, Massachusetts	GPR427	\$50,883.00
259	Transgas Inc.	5065	\$108,194.00
260	Tremont Nail Company	5071	\$48,014.00
261	Trombly Brothers Inc.	5082	\$110,646.00
262	Trustees of Boston College	0754	\$68,983.00
263	Unisorb, Inc.	1553	\$62,050.00
264	Valley Design Corporation	5183	\$3,285.00
265	Vendetti Motors Inc.	5194	\$85,415.00
266	Weber Auto and Truck Parts, Inc.	5294	\$15,709.00
267	Wentworth Motor Company, Inc.	5327	\$98,693.00
268	Wesson's Mobil	5333	\$10,928.00
269	West Lynn Creamery, Inc. (Dean Northeast, LLC, Successor by merger to West Lynn Creamery, Inc.)	5339	\$66,660.00
270	Weymouth Motor Sales Inc.	5364	\$7,171.00
271	White Equipment Leasing Corporation	5377	\$24,820.00
272	Whittier Regional Vocational Technical High School	GRP153	\$41,321.00
273	William Phillips Automotive (Phillips Automotive)	4003	\$18,782.00
			\$10,599,714.91

**ADMINISTRATIVE ORDER ON CONSENT  
SECTION 122(g)(4) DE MINIMIS CONTRIBUTORS**

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APPENDIX A(2)

RESPONDENT FEDERAL AGENCIES  
TO ADMINISTRATIVE  
ORDER ON CONSENT  
(Beede Fourth De Minimis Settlement)

(TO BE PREPARED AFTER RECEIPT  
OF SIGNATURE PAGES)

**Beede Waste Oil Fourth De Minimis Settlement Trust**

**Appendix A(2) - Respondent Federal Agencies to Administrative Order on Consent**

	<b>Name</b>	<b>PRP #</b>	<b>Amount</b>
<b>1</b>	<b>United States Army Corps of Engineers</b>	<b>GRP277</b>	<b>\$6,147.00</b>
<b>2</b>	<b>United States Coast Guard</b>	<b>GRP206</b>	<b>\$123,691.00</b>
<b>3</b>	<b>United States General Services Administration - New England Region</b>	<b>5871</b>	<b>\$7,171.00</b>
			<b>\$137,009.00</b>

**ADMINISTRATIVE ORDER ON CONSENT  
SECTION 122(g)(4) DE MINIMIS CONTRIBUTORS**

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"Appendix C" is the list of Respondents and Respondent Federal Agencies receiving this settlement offer, and includes the following specific information for each Respondent and Respondent Federal Agency: a total volumetric contribution; the EPA share of the total settlement dollar amount; the State share of the total settlement dollar amount; and the total settlement amount to be paid by each settling Respondent and Respondent Federal Agency.

"Appendix D" is the Declaration of Trust for the Beede Waste Oil Fourth De Minimis Settlement Trust.

"Appendix E" is the Payment Invoice.

**XVI. PUBLIC COMMENT**

33. This Consent Order shall be subject to a public comment period of not less than 30 days pursuant to Section 122(i) of CERCLA, 42 U.S.C. § 9622(i). In accordance with Section 122(i)(3) of CERCLA, 42 U.S.C. § 9622(i)(3), EPA may withdraw or withhold its consent to this Consent Order if comments received disclose facts or considerations which indicate that this Consent Order is inappropriate, improper, or inadequate.

**XVII. ATTORNEY GENERAL APPROVAL**

34. The Attorney General or his designee has approved the settlement embodied in this Consent Order in accordance with Section 122(g)(4) of CERCLA, 42 U.S.C. § 9622(g)(4).

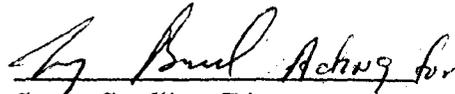
**XVIII. EFFECTIVE DATE**

35. The effective date of this Consent Order shall be the date upon which EPA issues written notice to Respondents and Respondent Federal Agencies that the public comment period pursuant to Paragraph 33 has closed and that comments received, if any, do not require modification of or EPA withdrawal from this Consent Order.

IT IS SO AGREED AND ORDERED:

U.S. Environmental Protection Agency

8/27/04  
Date

By:   
Susan Studlien, Director  
Office of Site Remediation  
and Restoration

**ADMINISTRATIVE ORDER ON CONSENT  
SECTION 122(g)(4) DE MINIMIS CONTRIBUTORS**

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**AGREED TO BY  
The State of New Hampshire:**

8/24/04  
Date

By: Jennifer J. Patterson  
Jennifer J. Patterson  
Senior Assistant Attorney General  
New Hampshire Attorney General's Office

8/24/04  
Date

By: Michael P. Nolin, Esq.  
Michael P. Nolin  
Commissioner  
New Hampshire Department of Environmental  
Services

**RESPONSIVENESS SUMMARY**  
**FOR THE CERCLA SECTION 122(g) ADMINISTRATIVE ORDER ON CONSENT FOR THE**  
**BEEDE WASTE OIL SUPERFUND SITE**  
**U.S. EPA DOCKET NO. CERCLA 1-2004-0012**

Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (“CERCLA”), 42 U.S.C. § 9622(i), requires EPA to publish in the Federal Register notice of proposed administrative settlements entered under Section 122(g) of CERCLA, 42 U.S.C. § 9622(g), and for a 30-day period beginning on the date of publication, to provide an opportunity to comment for persons who are not parties to the proposed settlement. Section 122(i) further requires EPA to consider any comments filed during the 30-day period and permits EPA to withdraw or withhold consent to the proposed settlement if such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

In accordance with Section 122(i) of CERCLA, EPA published notice of a proposed administrative settlement, EPA Docket No. 1-2004-0012, concerning the Beede Waste Oil Superfund Site (“Beede”) located in Plaistow, New Hampshire, in the Federal Register on October 5, 2004 (Volume 69, Number 192).

EPA received one set of comments, dated November 4, 2004, during the comment period described above. The comments, submitted by a group of 23 potentially responsible parties (“PRPs”) at the Beede site (the “Commenters”), requested that the Beede Fourth *De Minimis* Settlement be withdrawn or substantially modified by EPA because the settlement is inappropriate, improper and inadequate. More specifically, the relevant comments contend that the Agency has not followed its policies governing *de minimis* settlements by failing to adequately justify the premium applied to the *de minimis* settlement offer. The comments claim that, in arriving at the appropriate premium for application to the settlement offers, EPA overstated the certainty of future response costs, did not adequately consider the size of the PRP orphan share at the site, and declined to include adequate protection against uncertainties associated with the PRP waste allocation. The full text of the comments is included in the Administrative Record for this Fourth *De Minimis* Settlement. EPA’s response to these comments is summarized below.

**(1) EPA Authority and Policy for Pursuing Early Settlement with *De Minimis* Parties**

In enacting Section 122(g)(1)(A) of CERCLA, Congress signaled its intention to mitigate the impact of Superfund liability on small volume contributors to a site. While these parties still share in the responsibility for the site, this provision permits EPA to reach settlements with them early in the Superfund process, thereby resolving their liability. In addition, *de minimis* settlements reduce the potentially substantial transaction costs these parties might otherwise expend and serve to reimburse EPA’s past costs and provide funds for future site cleanup. Under Section 122(g) of CERCLA, EPA may enter into *de minimis* settlements whenever practicable and in the public interest.

Consistent with EPA’s discretionary authority under CERCLA Section 122(g), it has been EPA’s longstanding policy to enter into settlements with *de minimis* parties as early as possible in the Superfund response process. EPA has issued several policies and guidance documents that discuss the considerations, requirements and framework for settlements with *de minimis* parties. See “Communications Strategy for Settlements with Small Volume Waste Contributors” (Sept. 30, 1993);

**RESPONSIVENESS SUMMARY FOR THE CERCLA SECTION 122(g) AOC  
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"Streamlined Approach for Settlements with De Minimis Waste Contributors under CERCLA Section 122(g)(1)(A)" (July 30, 1993) ("EPA 1993 *de minimis* guidance"); and "Methodology for Early De Minimis Waste Contributor Settlements under CERCLA Section 122(g)(1)(A)" (June 2, 1992) ("EPA 1992 *de minimis* guidance").<sup>1</sup> The Commenters cite to an older, historical guidance, "Methodologies for Implementation of CERCLA Section 122(g)(1)(A) De Minimis Waste Contributor Settlements," dated December 20, 1989 (EPA 1989 *de minimis* guidance), which also provides general suggestions for EPA staff consideration in crafting a *de minimis* settlement.

The main objectives of the early *de minimis* settlement methodology described in EPA guidances are to provide finality, reduce transaction costs, conserve government resources, and settle with eligible parties as expeditiously as possible. By pursuing and entering into consent orders with *de minimis* parties, EPA is able to simplify future settlement and enforcement activities concerning a site by eliminating a substantial number of PRPs from further involvement in the site. Early *de minimis* settlements promote efficient case management at multi-generator sites and reduce the number of parties with which to negotiate the performance of future response actions. Collecting funds early benefits the Agency and all waste contributors.

At Beede, after conducting an exhaustive search for PRPs and locating approximately 2,000 PRPs, EPA determined early-on that pursuit of one or more *de minimis* settlements would be of significant benefit to all PRPs, the public and the government. Through the first three *de minimis* settlements, nine hundred twenty-three *de minimis* parties chose to settle, raising over \$6 million for costs associated with the site. While nearly half of the parties settled, in total their waste volume was less than approximately 8% of the overall waste volume attributed to the site. The Beede Fourth *De Minimis* Settlement includes an additional 276 parties, raises over \$10 million dollars for the site, and only represents approximately 11% of the overall waste volume.

These early *de minimis* settlements protect over one thousand parties from incurring disproportionately high transaction costs in future negotiations and simplify anticipated future negotiations (which might otherwise be unwieldy), while raising significant monies to offset site costs. Despite the large number of PRPs who have chosen to participate in these four settlements, in total they only represent less than 20% of the overall waste volume associated with the site. Significantly, there remain many viable and higher-volume parties, both *de minimis* and non-*de minimis*, for participation in future negotiation for performance of the remedy and future opportunities for *de minimis* cash-outs.

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<sup>1</sup>Note that these EPA guidances and any internal procedures adopted for their implementation are intended solely as guidance for employees of EPA. They do not constitute a rule making by the Agency and may not be relied upon to create a specific right or benefit, substantive or procedural, enforceable at law, or in equity, by any person. The Agency may take action at variance with the guidances or their internal implementing procedures.

**RESPONSIVENESS SUMMARY FOR THE CERCLA SECTION 122(g) AOC  
BEEDE WASTE OIL SUPERFUND SITE; U.S. EPA DOCKET NO. CERCLA 1-2004-0012  
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**(2) The Premium Applied to EPA's Fourth *De Minimis* Settlement Offer is Consistent with EPA Policy**

As described in more detail in the *de minimis* settlement guidances referenced above, and in the EPA Memorandum titled "Standardizing the De Minimis Premium," dated July 7, 1995 (the "1995 premium memorandum"), EPA *de minimis* settlement offers typically include a premium component. The premium acts as a risk transfer mechanism, similar to an insurance premium. By paying a premium as a part of settlement, the *de minimis* party compensates for the finality it receives and for the risks others assume. In the 1995 premium memorandum, EPA set forth premium guidelines that establish presumptive premiums for settlements of different sorts, and discusses the most common reasons for deviating from the premiums. EPA clearly states in this premium memorandum that the presumptive premium percentages may be increased or decreased according to site-specific factors, where appropriate. The EPA *de minimis* guidance documents clearly indicate that selection of the appropriate premium is within EPA's discretion, and will be a site-specific settlement decision.

The premium applied to the Beede fourth *de minimis* cashout offer is described in EPA's Premium Explanation Document for the Beede Fourth *De Minimis* Settlement, dated May 2004 and included in the Administrative Record for the settlement. Application of the selected premium to the different cashout rates for the fourth settlement is explained in the EPA memorandum titled "Summary of EPA Costs for the Fourth *De Minimis* Settlement Offer," dated May 11, 2004, and also included in the settlement Administrative Record. These documents set forth both why and how a 50% premium was applied to the estimated future remedy costs for the Beede site to arrive at specific cashout amounts offered in the fourth *de minimis* settlement.

A number of factors can be considered in establishing an appropriate premium for a *de minimis* settlement offer. Such factors are necessarily site-specific in nature and include consideration of whether or not the future site response action has been chosen, possible cost overruns for a remedy not yet selected, and the potential inability to recover costs from other sources. Adjustment factors such as these may support a change in the presumptive premium.

For the Beede Fourth *De Minimis* Settlement, EPA determined that a 50% premium was the most appropriate premium rate for application to the cashout offer, rather than the presumptive premium of 100% introduced in the 1995 premium memorandum. In summary, a 50% premium was selected because: the future response action has been chosen (January 2004 Record of Decision ("ROD")); the costs for the selected ROD were conservative in their estimate; and many parties remain for funding performance of the remedy. In addition, parties who have chosen to settle in this fourth Beede settlement (276 PRPs) represent a small percentage of the overall documented hazardous waste (approximately 11%); EPA expects to offer orphan share funding in future remedy negotiations; and EPA's volumetric ranking list was carefully developed with reliable evidentiary information. Premiums EPA typically applies to *de minimis* settlement offers range from 50% to 100% (see the EPA 1993 *de minimis* guidance at page 4); the 50% premium applied to the Beede fourth settlement offer clearly falls within this range.

**RESPONSIVENESS SUMMARY FOR THE CERCLA SECTION 122(g) AOC  
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**(3) The Beede Premium is Appropriate for the Future Response Costs**

In general, EPA guidance explains that the cost estimate used to arrive at a *de minimis* settlement offer does not need to be a precise figure -- it can be a reasonable calculation of the potential future response costs for purposes of settlement only (see EPA 1992 *de minimis* guidance at page 5). In addition, EPA guidance does not establish set procedures for estimating future response costs for settlement. In calculating likely future response costs, EPA utilizes all information at its disposal, including information about other sites with similar characteristics. The premium can be used as a mechanism to account for risks associated with uncertainties in future remedy costs.

While there always remains a degree of uncertainty when estimating future response costs at a Superfund site, at Beede the risk of uncertainty is lower because the remedy has been selected in the ROD, and the characteristics of the site are not novel to EPA. As explained below, EPA was conservative both in its estimate of the extent of cleanup possible and in the anticipated remedy related costs, including the contingency factors assumed to develop the total ROD costs.

EPA issued a final cleanup plan for the Beede site, referred to as the ROD, on January 9, 2004. The cleanup plan outlined in the ROD includes three major remedial components: the excavation of contaminated soil, soil piles, landfill materials, and Kelley Brook sediment for off-site disposal; the design, construction and operation of a soil vapor extraction (SVE) system to remove contaminants from deep soils which are acting as a continuing source of groundwater contamination; and the design, construction and operation of a groundwater extraction, treatment, and discharge system to treat contaminated groundwater.

EPA has made every effort to base the selected remedy and its estimated cost on the best technical and engineering data available at the time the cost estimate was developed.<sup>2</sup> As part of the Feasibility Study for the Site EPA evaluated 28 source control and 34 management of migration treatment technology options, and retained 37 for initial screening. From this initial screening, remedial options were combined and six source control and four management of migration alternatives were selected for detailed analysis including analyses of comprehensive cost estimate calculations. In developing the ROD, EPA carefully considered and evaluated each of these ten options and its associated cost estimate. The final remedy selected by EPA was based on the best available technical data, and the cleanup cost estimated for the selected remedy is as certain as possible given the inherent uncertainties associated with any projection.

The soundness of the EPA cleanup cost estimate outlined in the ROD is further bolstered by the fact that it is based on the use of conservative scenarios. For example, the EPA cleanup cost estimate assumes that thermal enhancement will be a required component of the soil vapor extraction (SVE) system

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<sup>2</sup> The estimated cost to complete the cleanup plan outlined in the ROD is \$48 million. Detailed information on the specifics of the cost estimate are available in a report titled "Feasibility Study Report for the Beede Waste Oil/Cash Energy Superfund Site" by Sanborn, Head & Associates, Inc., January 4, 2002. This report is available in the Administrative Record for the Record of Decision.

**RESPONSIVENESS SUMMARY FOR THE CERCLA SECTION 122(g) AOC  
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("Beede Fourth *De Minimis* Settlement")**

and that the groundwater remediation system will extract, treat, and discharge approximately 200 gallons per minute. Both of these assumptions are considered to be conservative, and the actual costs for these components may be significantly less.

In addition to utilizing conservative scenarios, EPA applied a 30% contingency to the cleanup cost estimate consistent with EPA guidance "A Guide to Developing and Documenting Cost Estimates During the Feasibility Study" (July 2000). The 30% contingency consists of a 15% contingency for scope of work uncertainties and a 15% contingency for cost estimate uncertainties. In other words, the EPA estimated cleanup cost of \$48 million includes a 15% contingency to cover cost overruns if the scope of the required cleanup work has been underestimated and an additional 15% contingency to cover cost overruns if the actual cleanup costs exceed the projected costs.

This 30% contingency, which amounts to over \$7 million of the \$48 million estimated cleanup cost, is built into the EPA cleanup cost estimate to cover a number of unexpected costs that could not be foreseen at the time the ROD was finalized. Such unexpected costs might include site access issues such as the need to construct a bridge over Kelley Brook, which was noted by the Commenters as a cost not factored into EPA's estimate of future response costs.<sup>4</sup> The Commenters also state that EPA did not consider the cost of conducting five-year reviews. This is incorrect as the EPA cleanup cost estimate assumes at least three five-year reviews will be conducted.<sup>5</sup>

In summary, the estimated cleanup cost of \$48 million is a very reasonable estimate and is based on the best engineering and technical information available, evaluates conservative scenarios, and includes a significant cost contingency. As a result, EPA determined that a 50% percent premium on the cleanup cost estimate provides adequate protection with respect to final remedy implementation, and this premium was applied to all future costs.

**(4) The Premium is Appropriate Considering EPA's Expected Orphan Share Contribution**

EPA guidance notes that relative uncertainty about the likelihood of an orphan share component at a Superfund site can be reflected in the premium applied to a *de minimis* settlement. At Beede, EPA expects to offer orphan share funding under its policies during negotiations for performance of the

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<sup>4</sup>The cost to construct a bridge over Kelley Brook was estimated by an engineering firm under contract to the town of Plaistow at \$250,000 to \$300,000. This cost estimate is detailed in a report titled "Report on Reuse and Redevelopment Planning Alternatives for Beede Waste Oil/Cash Energy Superfund Site, Plaistow, New Hampshire" by CMA Engineers, Inc., dated March 2003. This report is available in the Administrative Record for the Record of Decision.

<sup>5</sup>Feasibility Study Report for the Beede Waste Oil/Cash Energy Superfund Site, Sanborn, Head & Associates, Inc., January 4, 2002. This report is available in the Administrative Record for the Record of Decision.

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remedy.<sup>6</sup> Parties participating in the Beede Fourth *De Minimis* Settlement are not eligible to receive direct benefit of EPA's expected orphan share contribution. The fourth *de minimis* settlement offer was based on each party's actual volumetric contribution to the site. EPA believes that there is relative certainty concerning the likely EPA orphan share contribution possible at Beede, justifying a downward departure from the presumptive premium set forth in the EPA 1995 premium memorandum.

**(5) The Premium Provides Adequate Protection for Possible Uncertainties Associated with the PRP Waste-In List**

EPA's *de minimis* guidance states that it is not necessary to prepare a waste-in list or volumetric ranking before considering a party's eligibility for a *de minimis* settlement, though establishment of a relative ranking of PRPs is preferred; EPA need only assess the individual PRP's waste contribution relative to the volume of waste at the site. EPA can pursue *de minimis* settlement with a party whose waste is minimal both in terms of volume and toxicity.

At Beede, EPA conducted an extensive PRP search and collected voluminous information concerning individual party contributions of hazardous waste to the site. The overwhelming majority of this information consists of hazardous waste manifests, transporter or disposal truck driver logs, and pick up notices. Because these types of documents generally are created at the time of disposal and include specific, detailed volumetric data, they are considered to be an extremely reliable and compelling source of information. Based on this information, EPA was able to create a relative ranking of the over 2,000 PRPs identified at Beede.<sup>7</sup>

In determining which parties should be categorized as *de minimis* PRPs at the Beede site, EPA considered not only the waste volume contributed by each PRP and the volume of the proposed settlement group as a whole, but also the possible relative toxicity of the settling party's volumetric contribution. Information collected by EPA did not show that the *de minimis* parties contributed hazardous substances to the site that were significantly more toxic than the other PRPs.' As noted in EPA's *de minimis* settlement guidances, the toxicity finding is satisfied when EPA determines that the hazardous substances are not significantly more toxic and are not of significantly greater hazardous effect than other hazardous substances at the site. EPA guidance states that if similar toxicity is observed, then the Region does not need to engage in further assessment to make the toxicity evaluation. This was the case at Beede.

Even after establishing an initial waste-in list, the Region encouraged parties to submit additional

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<sup>6</sup>EPA has determined that the size of the actual orphan share would likely equal 25% of the estimated ROD costs (based on the \$48 million figure).

<sup>7</sup>Note that EPA's volumetric ranking or waste-in list does not constitute a non-binding preliminary allocation of responsibility under CERCLA Section 122(e)(3), and should not be construed as an allocation of responsibility or liability by EPA; however, it is appropriate to use EPA's waste-in list for settlement purposes.

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information relative to their own volume and the volumes of other PRPs, as well as the identification of new responsible parties. EPA conducted several hundred 'waste quantity reviews,' and made adjustments to the volumetric ranking list as new information became available. EPA has conducted a thorough PRP search, and is not aware of any unrecovered evidentiary information of waste activity prior to the late 1970s. Although it is always possible that some additional PRPs will be discovered, EPA does not believe that such discovery would have a significant impact on the universe of responsible parties at Beede, or their relative volumes; and the record does not support an argument that there is 'substantial uncertainty' (as noted by the Commenters) in EPA's waste-in list.

After identifying over 2,000 PRPs at Beede, as well as an additional 650 parties with de micromis waste contributions,<sup>8</sup> the Region believes that, for the purposes of this *de minimis* settlement, it has identified a significant universe of PRPs and that it has established a reliable waste-in list. A 50% premium on future costs adequately covers any uncertainties that may arise regarding EPA's waste-in list.<sup>9</sup>

**(6) Conclusion: The Fourth *De Minimis* Settlement is Adequate, Proper and Appropriate**

In conclusion, the comments received on this proposed settlement did not disclose to EPA facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate. The proposed settlement is, therefore, final and effective upon the date of signature of this Responsiveness Summary.

Susan Studlien  
Susan Studlien, Director  
Office of Site Remediation & Restoration

12/06/04  
Date

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<sup>8</sup>Parties identified as de micromis are those who contributed less than 276 gallons of waste to the site. These parties were not identified as PRPs at Beede and, consistent with both the law and EPA policy, they will be actively protected from liability.

<sup>9</sup>Note that prospective ability-to-pay information was not factored into selection of the 50% premium applied to the Beede Fourth *De Minimis* Settlement; parties were encouraged to consider submission of a claim of severe financial hardship only after receiving a settlement offer from EPA.

**ADMINISTRATIVE ORDER ON CONSENT  
SECTION 122(g)(4) DE MINIMIS CONTRIBUTORS**

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**APPENDIX A(1)**

**RESPONDENTS  
TO ADMINISTRATIVE  
ORDER ON CONSENT  
(Beede Fourth De Minimis Settlement)**

**(TO BE PREPARED AFTER RECEIPT  
OF SIGNATURE PAGES)**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
ONE CONGRESS STREET, SUITE 1100  
BOSTON, MA 02114-2023

December 7, 2004

To All Parties Participating in the Beede Waste Oil Superfund Site  
*Fourth De Minimis* Settlement Agreement

Re: **Effective date for the Beede Waste Oil Superfund Site CERCLA Section 122(g)  
Administrative Order on Consent - Beede Fourth *De Minimis* Settlement, Docket  
Number CERCLA-01-2004-0012.**

Dear Settling Party:

This letter serves to notify you that the Beede Waste Oil Superfund Site 2004 fourth *de minimis* settlement agreement ("Beede Fourth *De Minimis* Settlement"), embodied in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Section 122(g) Administrative Order on Consent ("AOC"), is considered *effective* on **December 6, 2004**, the date the enclosed United States Environmental Protection Agency's ("EPA") Responsiveness Summary for the Beede Waste Oil CERCLA Section 122(g) Administrative Order on Consent ("Responsiveness Summary") was signed by the Director of the Office of Site Remediation and Restoration for EPA Region 1.

Background

All participants in the Beede Fourth *De Minimis* Settlement submitted executed AOC signature pages and settlement payments to EPA in July and August, 2004. EPA and the State of New Hampshire also signed the AOC in August. Shortly thereafter, as required by CERCLA Section 122(i) for any proposed Superfund settlement, EPA published notice of the proposed Beede settlement in the Federal Register on October 5, 2004 (Volume 69, Number 192) and provided the public with a 30-day comment period, which closed on November 4, 2004.

During the comment period, EPA received one set of comments concerning the Beede AOC, which EPA carefully reviewed and responded to in the enclosed Responsiveness Summary. As recorded in this Responsiveness Summary, EPA determined that the comments received did not disclose facts or considerations which indicate that the settlement is inappropriate, improper or inadequate, and so EPA

proceeded to make the Beede Fourth *De Minimis* Settlement final and effective. The Responsiveness Summary officially memorializes this finding, explains the requirement for public notice and comment, and sets forth the effective date of the AOC.

The AOC and its Effective Date

In May, 2004, the AOC and accompanying offer of settlement was sent to approximately 775 potential participants, of which 276 parties chose to participate and settle their liabilities associated with the Beede site. All 276 parties, along with EPA and NH DES, are signatories to the AOC.

Paragraphs XVI and XVIII of the AOC describe the process for notice and comment and designation of its effective date. None of the terms, conditions or text of the AOC have been withdrawn, altered or changed as a result of the notice and comment period, and this document is in the same form as when it was originally issued. All terms and conditions of the Beede AOC are effective as of the date the enclosed Responsiveness Summary was signed by EPA.

Pages for Insertion in the AOC Included With This Letter

Recipients of this letter are the designated contacts for all participants in the Beede Fourth *De Minimis* Settlement of 2004. Included with this letter is a complete listing of all 276 parties who are participants in this settlement, referred to as "Appendix A," for insertion in the AOC. Also included are copies of the EPA and State of New Hampshire signature pages to the AOC. Along with the copy of the AOC already mailed to the parties in May, 2004 these documents complete your record of this settlement.

Future Contact with EPA About Beede

Since, under the terms of the AOC, all settling parties have concluded their involvement with EPA for the Beede site, the Region will proceed to delete the names of all settling parties from its general mailing list, so that these parties will not continue to receive Newsletters or other mailings from EPA concerning the Beede Site. If you wish to remain on our Beede mailing list, or if you have any other questions, please contact the **Beede Hotline at 1-888-294-6980**.

Thank you for your participation in this settlement and for helping to further the important clean up goals for the Beede Superfund Site.

Sincerely,

The Beede Case Team

Enclosures: Responsiveness Summary  
Appendix A to the AOC  
EPA and NH signature pages to the AOC