

After recording return to:  
Pierce Atwood LLP  
Attn: Mark E. Beliveau, Esq.  
One New Hampshire Avenue  
Suite 350  
Portsmouth, NH 03801

**NOTICE OF ACTIVITY AND USE RESTRICTIONS**

Site: Somersworth Sanitary Landfill Superfund Site  
Blackwater Road  
Somersworth, New Hampshire 03878

NHDES Site No.: 980520225

This Notice of Activity and Use Restriction is made on this 23 day of July, 2015, by the City of Somersworth, Somersworth, New Hampshire 03878, together with its successors and assigns (collectively "Owner").

**WITNESSETH**

**WHEREAS**, the Owner, along with a number of other parties, entered into a Consent Decree with the United States on behalf of the U.S. Environmental Protection Agency ("EPA") and the State of New Hampshire ("State") regarding the cleanup of the Somersworth Sanitary Landfill Superfund Site (the "Site") in Somersworth, New Hampshire, and the Consent Decree was entered by the United States District Court for the District of New Hampshire (No. c-96-46-SD) on March 19, 1996;

**WHEREAS**, on or about June 25, 2013, the EPA, with the concurrence of the State, issued an Explanation of Significant Differences ("ESD") for the Site, the purpose of which was to clarify certain terms of EPA's Record of Decision ("ROD") for the Site dated June 21, 1994;

**WHEREAS**, the ESD established the requirement that land use restrictions for soil, in the form of an Activity and Use Restriction (“AUR”) and a Soil Management Plan (“SMP”), be implemented at the Site as an additional Institutional Control;

**WHEREAS**, the City of Somersworth is the owner in fee simple of the Site, identified by the City of Somersworth as Tax Map 22, Lot 50AA, with deeds being recorded at the Strafford County Registry of Deeds at Book 439, Page 379, Book 500, Page 301, book 610, Page 436 and Book 2156 Page 746 (the “Property”);

**WHEREAS**, the restrictions established by this document shall apply to that portion of the Property that contains landfill waste as depicted on the plan entitled “Site Layout” Somersworth Landfill Superfund Site, Somersworth NH, prepared by Geosyntec consultants, May 2014, attached hereto and made a part hereof as Exhibit A (the “Restricted Area”);

**WHEREAS**, Owner agrees, and intends by this document, to restrict activity and use of the Restricted Area as set forth herein, and to have all such restrictions run with the land and be binding upon Owner’s heirs, successors and assigns;

**WHEREAS**, Owner also agrees, and intends by this document, to grant to the State of New Hampshire, and to the EPA as a third-party beneficiary, the right to enforce the terms of this AUR; and

**WHEREAS**, the State, acting by and through the Department of Environmental Services (“NHDES”), and after consultation with EPA, has reviewed and approved this AUR.

**NOW, THEREFORE**, Owner declares, and notice is hereby given, that the activity and use restrictions set forth below apply to the Restricted Area:

1. **Permitted Activities and Uses.**

(a) All activities required by NHDES, after consultation with the EPA, to meet the requirements of the ROD, Consent Decree, ESD and any associated Statement of Work are specifically permitted.

(b) Passive recreation consistent with the level of activity that has historically occurred within the Pre-CERCLA Cover area (as described in the ESD) is permitted, unless new information demonstrates that the current use presents an unacceptable risk to human health or the environment.

(c) Appropriate non-recreation reuse (*e.g.* solar powered co-generation) the location, construction and operation of which to be subject to the prior written approval of NHDES, after consultation with EPA, is permitted.

(d) Such other activities and uses, as requested by Owner in writing, which EPA and NHDES may, in the exercise of their discretion, determine after appropriate investigation to present no greater risk of harm to human health,

safety, or welfare, or to the environment, than the permitted activities and uses set forth herein.

2. **Restricted Activities and Uses.**

All activities and uses that, if implemented at the Restricted Area, may result in a significant risk of harm to human health, safety, or welfare, or to the environment, or present a substantial hazard, are prohibited, including, without limitation, as follows:

(a) Digging, excavation or construction within the Restricted Area unless approved by NHDES, after consultation with EPA; and

(b) Use of the Restricted Area for residences, schools, or child care centers.

(c) In order to protect the integrity of the Selected Remedy (as defined in the Soil Management Plan attached hereto as Appendix I), no action that impacts the integrity of the soil cover within the Site shall be taken unless written approval is obtained from NHDES, after consultation with EPA. Prohibited activities include, but are not limited to, use of all-terrain vehicles or other similar vehicles, excavation or other activities that lead to erosion or damage of the soil cover. Any action which may impact the integrity of the soil cover within the Restricted Area must be performed in accordance with the Soil Management Plan in Appendix I of this document.

(d) The Owner shall not disturb, move, damage, mar, tamper with, interfere with, obstruct, or impede any monitoring wells, treatment facilities, piping, and other facilities associated with the ROD, Consent Decree, ESD or any associated Statement of Work.

3. **Proposed Changes in Activities and Uses.**

The restricted activities and uses set forth above may be amended or modified upon mutual agreement by the Owner and NHDES, after consultation with EPA, in a writing signed by all parties. Any proposed changes in activities and uses at the Property that may result in a greater risk of exposure to contaminated media than currently exists at the Property shall be evaluated by a qualified environmental consulting firm which shall render a reasonably unqualified written opinion satisfactory to NHDES and EPA that the proposed changes will not present an unacceptable level of risk to human health and the environment. Said opinion shall accompany the application. Any and all requirements set forth in any determination by NHDES and EPA, as part of the approval process to ensure a condition of no unacceptable risk in the implementation of the proposed activity and use, shall be fully satisfied by the Owner before such activity or use is commenced. Approval by the NHDES, after consultation with EPA, shall be required before such proposed activity or use is commenced.

4. **Activity and Use Restrictions Run With the Land.**

The activity and use restrictions set forth herein shall run with the land and be binding upon the Owner and successive owners of the Property or portions of the Property.

5. **Termination of Activity and Use Restrictions.**

The activity and use restrictions set forth herein may be terminated upon mutual agreement by the Owner and NHDES, after consultation with EPA, in a writing signed by all parties, and upon a showing that these restrictions are no longer necessary to maintain the protection of human health and the environment. Upon such agreement, NHDES shall execute an appropriate document that when recorded by the Owner at the Strafford County Registry of Deeds will have the effect of terminating this Notice of Activity and Use Restrictions.

6. **Recordation.**

This Notice of Activity and Use Restriction, any modifications or amendments, and any terminations, are effective upon recordation of notice in the chain of title for the Property at the Strafford County Registry of Deeds. The Owner shall provide copies of all AUR recorded instruments to NHDES and EPA within 60 days of recordation.

7. **Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer.**

This Notice of Activity and Use Restriction shall be incorporated either in full, or by reference into the chain of title in all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed. The notice in such instrument shall be substantially in the following form:

**NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ACTIVITY AND USE RESTRICTION, DATED \_\_\_\_\_, 2015, AND RECORDED IN BOOK\_\_\_\_, PAGE\_\_\_\_ OF THE STRAFFORD COUNTY REGISTRY OF DEEDS.**

8. **Notices.**

Any notice, demand, request, consent or approval that any party desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

**To Property Owner:**

City Of Somersworth  
Attn: City Manager  
One Government Way  
Somersworth, NH 03878

**To New Hampshire Department of Environmental Services:**

Somersworth Landfill Site State Project Coordinator  
New Hampshire Department of Environmental Services  
P. O. Box 95, 29 Hazen Drive  
Concord, NH 03302-0095

**To United States Environmental Protection Agency:**

Somersworth Landfill Superfund Site Project Manager  
United States Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100 (OSRR07)  
Boston, MA 02109-3912

[Remainder of page intentionally left blank—signature page follows]

Owner hereby authorizes and consents to the filing and recordation of this Notice, which shall become effective upon execution by NHDES and recordation of this instrument by the Owner at the Strafford County Registry of Deeds in the chain of Title for the Property.

WITNESSETH the execution hereof this 23 day of July, 2015.

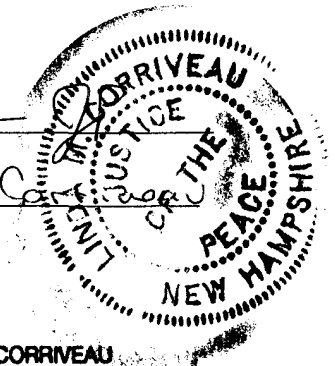
City of Somersworth  
By: Robert M. Belmore  
Robert M. Belmore, City Manager

STATE OF NEW HAMPSHIRE

COUNTY OF STRAFFORD

This instrument was acknowledged before me on July 23, 2015 by Robert M. Belmore as City Manager of the City of Somersworth, New Hampshire.

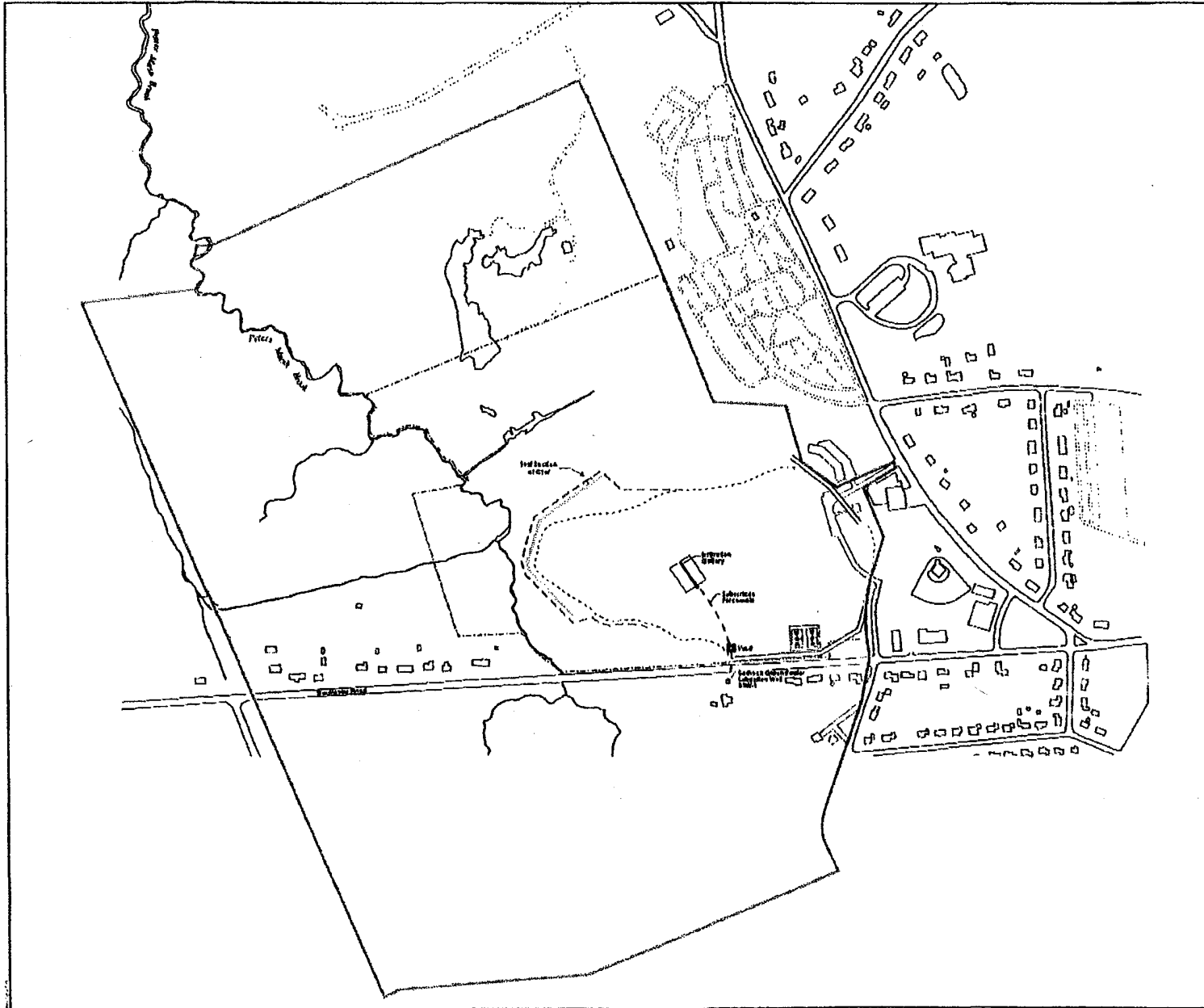
Linda Corriveau  
Notary Public  
Printed Name: Linda Corriveau  
My Commission Expires:



LINDA M. CORRIVEAU  
Justice of the Peace - New Hampshire  
My Commission Expires July 24, 2018

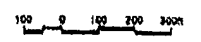
**EXHIBIT A**

“Site Layout” Somersworth Landfill Superfund Site, Somersworth NH (Geosyntec, May 2014)



**DRAFT**

- Legend**
- Boundary of Groundwater Management Zone
  - Chemical Treatment Wall (CTW)
  - Landfill Gas Venting Trench
  - City of Somersworth Property Boundary
  - Approximate Extent of Waste Area
  - Point of Compliance



**Site Layout**  
Somersworth Landfill Superfund Site, Somersworth, NH

**Geosyntec<sup>®</sup>**  
consultants

**Figure**  
**1.2**

Guelph

May 2014

**APPENDIX – I**

[Soil Management Plan]

**APPENDIX I - SOIL MANAGEMENT PLAN**

SECTION I. GENERAL

1  
2  
3  
4  
5  
6 1. Title. This appendix, which shall be referred to as the "Soil  
7 Management Plan," is an attachment to an instrument entitled  
8 "Notice of Activity and Use Restrictions " (also referred to as  
9 the "AUR"), dated July 23, 2015, and recorded in the Strafford  
10 County Registry of Deeds, which establishes activity and use  
11 restrictions AUR in accordance with the New Hampshire Code of  
12 Administrative Rules ("NH Admin. Code") Env-Or 608.  
13

14 2. Applicability. Whenever a permitted use or activity as  
15 described in the AUR is conducted within the "Restricted Area"  
16 (as defined in the AUR), Owner shall comply with the terms and  
17 provisions of this appendix, set forth below.  
18

19 3. Definitions. The terms used in the Soil Management Plan  
20 shall have the meanings set forth below, or if not defined  
21 below, then as defined in the AUR or Selected Remedy (defined in  
22 subsection 3.D, below), or if not defined in the AUR or Selected  
23 Remedy, then as ascribed to them in Section 101 of the  
24 Comprehensive Environmental Response, Compensation, and  
25 Liability Act of 1980, 42 U.S.C. §9601, as amended ("CERCLA");  
26 in the National Contingency Plan (the "NCP"), 40 C.F.R. Part  
27 300; and/or in NH Admin. Code Env-Or 602.  
28

29 A. "Contaminated Groundwater" shall mean any groundwater  
30 within the Property contaminated with hazardous materials  
31 and/or substances exceeding applicable risk levels or  
32 federal drinking water standards identified in the Selected  
33 Remedy; New Hampshire Drinking Water Quality Standards, NH  
34 Admin. Code Env-Dw 700; New Hampshire Ambient Groundwater  
35 Quality Standards, NH Admin. Code Env-Or 603.03, Table 600-  
36 1; whichever are more stringent.  
37

38 B. "Contaminated Soil" shall mean any soil, sediment, fill  
39 or other earthen material (i) contaminated with hazardous  
40 materials and/or substances exceeding applicable risk  
41 levels identified in the Selected Remedy and/or New  
42 Hampshire Soil Remediation Criteria, NH Admin. Code Env-Or  
43 606.19 or (ii) contaminated with Solid Waste as defined  
44 under NH Admin. Code Env-Sw 104.36, provided, however,  
45 "Contaminated Soil" shall not mean any soil, sediment, fill  
46 or other earthen material with contaminate levels that do

Somersworth Sanitary Landfill Site  
Appendix I  
Page 2 of 11

1 not exceed local background levels, as identified by the  
2 Selected Remedy.

3  
4 C. "Hazardous Substances" shall mean any substance defined  
5 as a "hazardous substance," "pollutant" or "contaminant"  
6 under CERCLA and NH Admin. Code Env-Hw 102; a "hazardous  
7 waste" under Section 1004(5) of the Solid Waste Disposal  
8 Act, as amended, 42 U.S.C. §6903; or a "hazardous waste"  
9 under New Hampshire Revised Statutes Annotated ("R.S.A.")  
10 147-A:2.

11  
12 D. "Selected Remedy" shall mean the CERCLA remedy as  
13 described in one or all of the following: 1) the Record of  
14 Decision ("ROD") issued by the United States Environmental  
15 Protection Agency, Region 1 ("EPA") for the Somersworth  
16 Sanitary Landfill Superfund Site (the "Site"), dated June  
17 21, 1994; 2) an Explanation of Significant Differences  
18 ("ESD"), dated May 30, 2013; and 3) any subsequent CERCLA  
19 decision documents for the Site issued by EPA.

20  
21 4. Submissions. All submissions (including without limitation  
22 written notices) made pursuant to the Soil Management Plan shall  
23 be made to the New Hampshire Department of Environmental  
24 Services ("NHDES") at:

25  
26 NHDES Waste Management Division  
27 Site Remediation Programs  
28 PO Box 95, 29 Hazen Drive  
29 Concord, NH 03302-0095

30  
31 and to EPA at:

32  
33 Remedial Project Manager  
34 Somersworth Sanitary Landfill Superfund Site  
35 5 Post Office Square  
36 Suite 100 (OSRR07)  
37 Boston, MA 02104

38  
39  
40 5. Purpose. In general, this protocol requires the Owner, as  
41 identified in the AUR, to prepare, submit and follow a work plan  
42 meeting technical criteria specified in this Soil Management  
43 Plan when conducting any permitted use or activity within the  
44 Restricted Area pursuant to the AUR. If certain contingencies  
45 arise, Owner is required to prepare and submit a revised work  
46 plan. Upon completion of the permitted use or activity, Owner

1 is required to prepare and submit a completion report. If the  
2 permitted use or activity results in a permanent change to the  
3 Selected Remedy, Owner is also required to prepare, submit and  
4 record, as necessary, amended documents reflecting the permanent  
5 change.

6  
7  
8 SECTION II. WORK PLAN REQUIREMENTS  
9

10 6. Work Plan Requirements.  
11

12 A. Owner shall prepare and submit in writing to NHDES, with  
13 a copy to EPA, a work plan prior to conducting any  
14 permitted use or activity pursuant to the AUR;  
15

16 B. A professional engineer or a professional geologist  
17 licensed under RSA 310-A shall prepare or review the work  
18 plan;  
19

20 C. The work plan shall be submitted no less than thirty  
21 (30) days prior to initiation of the use or activity;  
22

23 D. The work plan shall include the following items:  
24

25 i. a description of the proposed activity as it  
26 pertains to the Selected Remedy, including without  
27 limitation any disturbance of any components of the  
28 Selected Remedy, and any change in use of the  
29 Restricted Area;  
30

31 ii. a schedule for the performance of the use or  
32 activity, including without limitation a schedule of  
33 times and duration for any open excavation;  
34

35 iii. a map illustrating the use or activity location,  
36 including a survey plan, if necessary, as determined  
37 by NHDES;  
38

39 iv. the names, addresses and telephone numbers of the  
40 primary contacts involved in the activity;  
41

42 v. a Health and Safety Plan, prepared in accordance  
43 with the requirements of Section V ("Health and Safety  
44 Plan"), below;  
45

Somersworth Sanitary Landfill Site  
Appendix I  
Page 4 of 11

1 vi. for work within the Restricted Area, design  
2 drawings stamped by a Professional Engineer (P.E.,  
3 Civil) licensed under RSA 310-A, of any proposed  
4 changes to the affected portion of the Restricted  
5 Area, whether temporary or permanent; addressing  
6 containment and isolation of Contaminated Soil and  
7 Contaminated Groundwater to prevent contact by human  
8 receptors; and documenting how the Restricted Area  
9 will either (a) be restored to its condition as it  
10 existed before the work occurred, substantially in  
11 accordance with the As Built Plans included in the  
12 Final Interim Remedial Action Report for Preferred  
13 Remedial Action at the Somersworth Sanitary Landfill  
14 Superfund Site, prepared by GeoSyntec Consultants,  
15 dated September 1, 2005, or (b) modified for Owner's  
16 proposed use in compliance with the AUR; and  
17

18 vii. estimates of the volume of soil, landfill debris,  
19 and groundwater that will be excavated, stored,  
20 contained and/or disposed of;  
21

22 E. The work plan shall include sufficient detail to  
23 demonstrate that the following requirements are satisfied:  
24

25 i. within the Property, including the Restricted Area,  
26 the applicable requirements of Paragraph 8 ("Sampling,  
27 Materials Management, and Disposal Protocol"), below;  
28 and  
29

30 ii. within the Restricted Area, only, in addition to  
31 the requirements set forth above, for excavation,  
32 digging, drilling, or other intrusive activity into or  
33 disturbance of the surface of the ground and/or the  
34 underlying soil, the applicable requirements of  
35 Paragraph 9 ("Excavation within the Restricted Area"),  
36 below;  
37

38 F. The professional engineer or professional geologist  
39 licensed under RSA 310-A shall provide a written opinion  
40 that the work plan complies with the applicable  
41 requirements of this appendix and any other applicable  
42 requirements of the AUR;  
43

44 G. Owner shall follow NHDES's instructions and address any  
45 comments on the proposed work plan to NHDES's satisfaction,  
46 before proceeding; and

1  
2 H. Owner shall perform all work in accordance with the  
3 work plan as submitted; as modified in accordance with  
4 NHDES's instructions and comments, if any; and/or as  
5 revised as a result of certain field contingencies arising  
6 in accordance with Section III ("Technical Requirements"),  
7 below; as the case may be.  
8  
9

10 SECTION III. TECHNICAL REQUIREMENTS  
11

12 7. Reference Information. Technical documents at the Document  
13 Repository (that is, the Somersworth Public Library, 27 Main  
14 Street, Somersworth, NH and the EPA Records Center, Boston, MA,  
15 established for the Site pursuant to the ROD, and other  
16 documents or information pertaining to the Site may be reviewed  
17 as reference material for satisfying the requirements of this  
18 Section III ("Technical Requirements").  
19

20 8. Sampling, Materials Management, and Disposal Protocol.  
21 Unsaturated soils within the Restricted Area, landfill debris,  
22 and saturated soils, sediments, groundwater (including water  
23 from dewatering activities and/or stored excavate), associated  
24 materials, and personal protective equipment anywhere on the  
25 Property, including within the Restricted Area, shall be sampled  
26 and managed in accordance with all of the following  
27 requirements:  
28

29 A. All relevant media shall be sampled and analyzed  
30 sufficiently to assure adequate characterization for the  
31 end use of the materials (including any discharge or  
32 disposal) in accordance with State and federal law and this  
33 Section III ("Technical Requirements"), and as required by  
34 a professional engineer or a professional geologist  
35 licensed under RSA 310-A.  
36

37 B. Excavated soils (both saturated and unsaturated)  
38 landfill debris, and sediments, to be stored on the  
39 Property, shall be covered with and stored on an  
40 impermeable material to contain the material and prevent  
41 precipitation infiltration. The excavation and the  
42 excavated material must be bermed around the perimeter to  
43 collect precipitation run-off and prevent run-on, and be  
44 designed and marked appropriately to prevent access.  
45 Soils, landfill debris, and sediments excavated, collected,  
46 used, and subsequently placed and/or stored on the Property

Somersworth Sanitary Landfill Site  
Appendix I  
Page 6 of 11

1 shall be properly handled within ninety (90) days of the  
2 date excavation first commences in accordance with  
3 subparagraph 8.C., below.  
4

5 C. All soils, landfill debris, sediments, associated  
6 materials and personal protective equipment shall be  
7 handled in accordance with the following options, as  
8 applicable, in accordance with the opinion of a  
9 professional engineer or a professional geologist licensed  
10 under RSA 310-A and in compliance with all applicable laws,  
11 rules and regulations.  
12

13 i. If Contaminated Soil is found during the  
14 performance of the work in the Restricted Area, Owner  
15 shall either:  
16

17 a. excavate the soil and take confirmatory  
18 samples to document that no Contaminated Soil or  
19 landfill debris remains in the excavated area,  
20 taking care to avoid mixing Contaminated Soil or  
21 landfill debris with clean fill, and dispose of  
22 soils and sediments determined to be Contaminated  
23 Soils and landfill debris at a permitted off-site  
24 facility following fifteen (15) days' advance,  
25 written notice to NHDES, with a copy to EPA; or  
26

27 b. place excavated soils, landfill debris, and  
28 sediments back into the excavation from which  
29 they were removed, provided that the soils,  
30 landfill debris, and sediments meet a condition  
31 of risk to human health or the environment not in  
32 excess of the EPA risk range set forth in Section  
33 300.430(e)(2)(I) of the NCP or exceeding  
34 standards established in the ROD or subsequent  
35 CERCLA decision documents for the Site.  
36

37 ii. If Contaminated Soil and/or landfill debris is  
38 found during the performance of the work on the  
39 Property but outside of the Restricted Area, Owner  
40 shall:  
41

42 a. immediately,  
43

44 (i) cease work in the area where the  
45 Contaminated Soil and/or landfill debris was  
46 discovered;

Somersworth Sanitary Landfill Site  
Appendix I  
Page 7 of 11

1  
2 (ii) secure the area in order to prevent the  
3 release of, or exposure to, such material,  
4 or any run-on or run-off, and otherwise  
5 comply with the requirements of  
6 subparagraphs 8.A. and 8.B., above; and  
7

8 (iii) orally notify NHDES of such discovery;  
9

10 b. within seven (7) days of such discovery,  
11 notify NHDES in writing, with a copy to EPA, of  
12 the same;  
13

14 c. within thirty (30) days of such discovery,  
15 submit to NHDES, with a copy to EPA, a revised  
16 work plan containing a proposal, supported by the  
17 written opinion of a professional engineer or a  
18 professional geologist licensed under RSA 310-A  
19 that the revised work plan complies with the  
20 selected option below, either  
21

22 (i) to excavate the soil and/or landfill  
23 debris and take confirmatory samples to  
24 document that no Contaminated Soil or  
25 landfill debris remains in the excavated  
26 area, taking care to avoid mixing  
27 Contaminated Soil and/or landfill debris  
28 with clean soil and/or sediment, and dispose  
29 of soil/sand sediments determined to be  
30 Contaminated Soils and/or landfill debris at  
31 a permitted off-site facility following  
32 fifteen (15) days' advance, written notice  
33 to NHDES, with a copy to EPA, in which case  
34 the revised work plan shall contain  
35 sufficient detail to demonstrate that the  
36 applicable requirements of Subparagraph 8.A.  
37 and 8.B., above are satisfied; or  
38

39 (ii) to place excavated soils and sediments  
40 back into the excavation from which they  
41 were removed, provided that the soils and  
42 sediments meet a condition of risk to human  
43 health or the environment not in excess of  
44 the EPA risk range set forth in Section  
45 300.430(e)(2)(I) of the NCP, based on  
46 unrestricted use and no ecological risk, as

1 established in the ROD; and Owner shall  
2 follow NHDES's instructions and address any  
3 comments on the revised work plan to NHDES's  
4 satisfaction, before proceeding promptly to  
5 perform the revised work plan, as it may be  
6 further modified.  
7

8 iii. Soils and sediments determined not to be  
9 Contaminated Soil may be placed within the excavation.  
10

11 iv. Personal protective equipment shall be managed in  
12 accordance with the opinion of a professional engineer  
13 or a professional geologist licensed under RSA 310-A  
14 and in compliance with all applicable laws, rules, and  
15 regulations.  
16

17 D. Contaminated Groundwater and water from dewatering  
18 activities including from stored excavate, that is  
19 extracted, pumped, collected, and subsequently stored on  
20 the Property, shall be properly disposed of within ninety  
21 (90) days of the date such storage first commences.  
22

23 E. Groundwater and water from dewatering activities shall  
24 be managed in accordance with the Selected Remedy, Consent  
25 Decree and any associated Statement of Work. For  
26 groundwater and water from dewatering activities, this  
27 shall mean treatment as required by the Selected Remedy,  
28 Consent Decree and any associated Statement of Work before  
29 any discharge to the ground or a surface water body or  
30 disposal at an acceptable off-site treatment facility.  
31

32 9. Excavation Within the Restricted Area. Within the Restricted  
33 Area, the following protocol shall apply:  
34

35 A. Digging within twelve (12) inches of the material of the  
36 landfill cover or other components of the Selected Remedy,  
37 shall be done with care by hand to locate and avoid damage  
38 to the components;  
39

40 B. Owner shall fully cooperate with NHDES and/or its  
41 representatives and with EPA in seeking to inspect the  
42 construction;  
43

44 C. Owner shall retain a professional engineer or a  
45 professional geologist licensed under RSA 310-A to  
46 supervise the excavation; and

1  
2 D. Owner shall retain a professional engineer or a  
3 professional geologist licensed under RSA 310-A to inspect  
4 the construction and ensure compliance with the engineering  
5 plans and specifications.  
6  
7  
8

9 SECTION IV. COMPLETION REPORT REQUIREMENTS

10  
11 10. Completion Report Requirements for Work. After completion  
12 of all work pursuant to a work plan required for any permitted  
13 use or activity, a completion report shall be prepared as  
14 follows:  
15

16 A. The completion report shall be submitted in writing to  
17 NHDES, with a copy to EPA, no more than sixty (60) days  
18 following completion of all activity pursuant to the work  
19 plan;  
20

21 B. The completion report shall demonstrate compliance with  
22 the work plan, including any revised work plan, and Section  
23 III ("Technical Requirements") of this appendix, and shall  
24 include the sampling results, disposal information for  
25 soil, landfill debris, sediment, surface water, and /or  
26 groundwater, as applicable. The completion report shall be  
27 prepared or reviewed by a professional engineer or a  
28 professional geologist licensed under RSA 310-A, and shall  
29 include his or her opinion that the work has been performed  
30 in compliance with the work plan, including any revised  
31 work plan, and said Section III, including sufficient  
32 supporting information to demonstrate the same. If a risk  
33 determination has been made in accordance with said Section  
34 III, the determination, including calculations, shall be  
35 included in the completion report.  
36

37 C. The completion report shall also address any additional  
38 requirements specified by NHDES in any approval of a  
39 proposed use, including without limitation preparation and  
40 submittal of amended As Built Plans for work conducted in  
41 the Restricted Area, stamped by a Professional Engineer  
42 (P.E., Civil), with a written opinion by the professional  
43 engineer or a professional geologist licensed under RSA  
44 310-A that the amended As Built Plans continue to support  
45 his or her original assessment on the effectiveness of the  
46 Selected Remedy and on the protection of human health and

1 the environment. The amended As Built Plans shall be of  
2 the same or equivalent quality and detail as the original  
3 As Built Plans for the Selected Remedy.  
4

5 D. The completion report shall also include any amendment  
6 to the AUR or any related document that NHDES, in its sole  
7 discretion, may require as a result of the permitted  
8 activity or use and related work performed by Owner. Upon  
9 request, Owner shall prepare, submit and record any such  
10 amendment(s) at its sole cost and expense and in accordance  
11 with the AUR.  
12

#### 13 SECTION V. HEALTH & SAFETY PLAN

14  
15  
16 11. Health and Safety Plan. The Health and Safety Plan (the  
17 "HSP") shall be prepared in accordance with the requirements in  
18 29 CFR § 1910.120, as amended, and/or any and all similar and  
19 relevant laws, rules, or regulations then existing. The HSP  
20 shall be approved by a Certified Industrial Hygienist ("CIH")  
21 and a professional engineer or a professional geologist licensed  
22 under RSA 310-A shall provide a written opinion that the HSP is  
23 acceptable. The plan shall include, but not be limited to, all  
24 of the following items:  
25

26 A. Information on the nature, extent and concentrations of  
27 Contaminated Soil, Landfill Debris, Contaminated  
28 Groundwater and other Hazardous Substances, if any,  
29 anticipated in the media to be impacted by the work.  
30

31 B. A description of tasks which may involve exposure to  
32 Contaminated Soil, Landfill Debris, Contaminated  
33 Groundwater and other Hazardous Substances.  
34

Somersworth Sanitary Landfill Site  
Appendix I  
Page 11 of 11

1 C. A description of anticipated actions to protect the  
2 health, safety, and welfare of workers and the general  
3 public. Actions shall include, but not be limited to, air  
4 monitoring, dust control, odor control, and erosion and  
5 sedimentation control measures. Dust suppression measures  
6 (e.g., water trucks, water mists) should be employed when  
7 the professional engineer or professional geologist  
8 licensed under RSA 310-A and/or the Safety Officer  
9 determines through visual observations and/or dust  
10 monitoring that they are necessary. An action level for  
11 total particulates should be established to trigger  
12 immediate dust suppression measures and the upgrade of the  
13 level of protection as necessary. Intrusive activities  
14 performed in the Restricted Area may cause the release of  
15 odorous gases from Contaminated Soils and Landfill Debris.  
16 An action level should also be established for odorous  
17 gases. A supply of odor control materials (e.g., clean  
18 fill and/or odor suppressant foam) shall be readily  
19 available for use in the intrusive area. Intrusive  
20 activities into groundwater on the Restricted Area may  
21 cause exposure to volatile organic compounds. Monitoring  
22 of volatile organic compounds (VOCs) shall be conducted for  
23 such activities.

24  
25 D. Discussion of all relevant potential physical and  
26 biological hazards.

27  
28 E. A requirement that all persons engaged in the work read  
29 and acknowledge the provisions of the HSP, and document  
30 compliance with said provisions.

31  
32 F. A requirement that all persons engaged in the work have  
33 received appropriate and current training in matters of  
34 Health and Safety in accordance with 29 CFR §1910.120, as  
35 amended, and/or any and all similar and relevant laws,  
36 rules, or regulations then existing.