

Shpack Superfund Site Public Meeting March 10, 2009



Consent Decree is Signed!

- 14 Potentially Responsible Parties (PRPs) signed the Consent Decree (CD):
 - Texas Instruments Incorporated;
 - City of Attleboro, Massachusetts;
 - Avnet, Inc.;
 - Bank of America, N. A., Trustee u/w of Lloyd G. Balfour;
 - BASF Catalysts LLC (f/k/a Englehard Corporation)
 - Chevron Environmental Management Company for itself and on behalf of Kewanee Industries, Inc;
 - ConocoPhillips Company;
 - Handy & Harman;
 - International Paper Company;
 - KIK Custom Products, Inc. (f/k/a CCLCustom Manufacturing, Inc.);
 - Swank, Inc.;
 - Teknor Apex Co;
 - Waste Management of Massachusetts, Inc.; and
 - Town of Norton, Massachusetts
- Department of Energy (DOE) also signed the CD (Settling Federal Agency)



Consent Decree (CD)

- Signed on September 11, 2008
- Lodged on December 9, 2008
 - Notice published in federal register
 - Lodging started 30 day public comment period
- Entered in Court January 27, 2009
- CD is for chemical cleanup portion of the remedy



Record of Decision (ROD)

- ROD was signed September 30, 2004
- Section "L" of ROD describes the Selected Remedy for the Site and sets Performance Standards (Cleanup Levels) for soil and sediment excavations
- ROD also describes the Applicable or Relevant and Appropriate Requirements (ARARs) of Federal and State environmental laws that must be complied with
- Estimated cost of the chemical cleanup portion of the remedy is \$39 million



The Selected Remedy

- Excavation & off-site disposal of soil & sediment above radiological and chemical cleanup levels (Corps is performing radiological cleanup);
- Backfilling open areas with clean fill to grade and/or for wetland replication/restoration needs;
- Connection of two residences to public water supply;
- Ecological pre-design studies;
- Wetland restoration/replication;
- Institutional Controls.



Remedial Design/ Remedial Action

- PRP contractor will perform the non-radiological portion of the remedy
- EPA will oversee the contractor's work
- Excavation activities will not commence until Corps has completed their work
- Other aspects of the remedy will be performed by the PRPs during Corps excavation work



Remedial Design (Initial Phase)

- **Project Operation Plan**

- Prepared to support field work & will include:

- Site Management Plan
- Sampling and Analysis Plan comprised of:
 - Quality Assurance Project Plan;
 - Field Sampling Plan;
 - Asbestos Management Plan, if needed.
- Health and Safety Plan
- Community Relations Support Plan



Project Operations Plan (cont.)

- Performing defendants will also prepare a **Groundwater and Surface Water Monitoring Plan** to monitor groundwater and surface water during the Remedial Design and Remedial Action;
- Prior to any sampling, performing defendants must develop a **Sampling and Analysis Plan (SAP)** and **Quality Assurance Project Plan (QAPP)**;
- EPA and the Commonwealth review and EPA approves plans.



Remedial Design (RD)

- Performing Defendants will develop **RD Work Plan** that:
 - Provides for the design of the remedy in the ROD and how Performance Standards (cleanup levels) will be met
- EPA and the Commonwealth review the RD Work Plan and EPA approves the RD Work Plan



30% Design

- The 30% Design Submission includes:
 - Results of field investigations and pre-design studies;
 - A discussion of how ARARs are being met by design;
 - Preliminary construction schedule and costs;
 - Institutional Controls Plan



Institutional Controls Plan

- Institutional Controls will be implemented at the Site and at Union Road Houses 1 and 2 and will prohibit the following uses respectively:
 - Residential, agricultural, or other uses at the Site;
 - Construction of structures on the Site with provisions;
 - Extraction of groundwater at the Site and at Union Road Houses 1 and 2;
 - Excavation below the seasonally-high water table at the Site and at Union Road Houses 1 and 2.



100% Design

- Once EPA approves the 30% Design, the Performing Defendants will prepare the 100% Design Submission which:
 - Addresses 100% of the total RD for each component of the Remedial Action, including, but not limited to:
 - Final design plans and specifications;
 - Contingency plan to address on-site workers and local community in the event of an emergency;

For details, see Attachment 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.



Remedial Action (RA)

- Performing Defendants develop **RA Work Plan** once RD work is complete;
- **RA Work Plan:**
 - Provides for construction and implementation of the remedy;
 - Achievement of Performance Standards (cleanup levels) in Section L of ROD.
- EPA and the Commonwealth review and EPA approves RD Work Plan



Remedial Action (cont.)

- **Operation and Maintenance (O&M) and Environmental Monitoring Plans:**
 - Submitted when 75% of construction is complete,
 - **O&M Plan** includes, but is not limited to:
 - a description of normal maintenance activities;
 - a well maintenance program for wells used during RD/RA activities;
 - a provision for proper abandonment of wells which are unusable or become unusable during RA activities.



Remedial Action (cont.)

- **Environmental Monitoring Plan** includes, but is not limited to:
 - Monitoring to demonstrate compliance with all Cleanup Levels and Performance Standards;
 - Details how Performing defendants will demonstrate compliance with Cleanup Levels and Performance Standards;



Remedial Action Completion

- **Final Remedial Construction and Demonstration of Compliance Report:**
 - Submitted upon completion of the RA;
 - Includes all information necessary to demonstrate compliance with the performance standards and cleanup levels;
 - Includes a summary of all procedures used to:
 - excavate the contaminated soil and sediment;
 - dispose of the materials;
 - restore the wetlands;



Consent Decree Summary

- Performing Defendants finance and perform work;
- Settling Federal Defendant (DOE) provides financing only;
- Owner Settling Defendant (Norton) provides access and institutional controls

Questions

