

DECLARATION
FOR THE
EXPLANATION OF SIGNIFICANT DIFFERENCES

SITE NAME AND LOCATION:

The Beacon Heights Landfill Superfund Site is located in the town of Beacon Falls, Connecticut.

STATEMENT OF PURPOSE:

This decision document sets forth the basis for the determination to issue the attached Explanation of Significant Differences (ESD) for the Beacon Heights Landfill Superfund Site in Beacon Falls, Connecticut.

STATUTORY BASIS FOR ISSUANCE OF ESD:

Section 117(c) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) requires that, if any remedial or enforcement action is taken under Section 106 of CERCLA after adoption of a final remedial action plan, and if such action differs in any significant respects from the final plan (i.e., scope, performance or cost), the United States Environmental Protection Agency (EPA) shall publish an ESD and the reasons such changes were made. Current EPA guidance (OSWER Directive 9355.3-02) further provides that issuance of an ESD is appropriate where the Agency determines the need for changes to the Record of Decision (ROD) which are significant but which do not fundamentally alter the overall remedy. In the present case, because the required adjustments to the ROD do not fundamentally alter the selected remedy for the Site, this ESD is being issued properly.

In accordance with section 177(d) of CERCLA, this ESD will become part of the Administrative Record which is available for public review at both the EPA Region I Record Center in Boston, Massachusetts and the Clerks Office in the Town Hall in Beacon Falls, Connecticut.

DECLARATION:

For the foregoing reasons, by my signature below, I approve the issuance of an Explanation of Significant Differences for the Beacon Heights Landfill Superfund Site in Beacon Falls, Connecticut, and the changes stated therein.

9/9/98

Date

Patricia L. Meaney

Patricia L. Meaney, Director
Office of Site Remediation and Restoration

EXPLANATION OF SIGNIFICANT DIFFERENCES

BEACON HEIGHTS LANDFILL SUPERFUND SITE BEACON FALLS, CONNECTICUT

I. INTRODUCTION

A. Site Name and Location

Site Name: *Beacon Heights Landfill Superfund Site*

Site Location: *Town of Beacon Falls, Connecticut*

B. Lead and Support Agencies

Lead Agency: *United States Environmental Protection Agency (EPA)*

Support Agency: *Connecticut Department of Environmental Protection (CTDEP)*

C. Legal Authority

Under Section 117(c) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 300.435(c) of the National Contingency Plan (NCP) and EPA guidance (OSWER Directive 9355.3-02), if any remedial or enforcement action is taken under Section 106 of CERCLA after adoption of the Record of Decision (ROD), and if the United States Environmental Protection Agency (EPA) determines that differences in the remedial action significantly change but do not fundamentally alter the remedy selected in the ROD with respect to scope, performance, or cost, EPA shall publish an explanation of the significant differences between the remedial action being undertaken and the remedial action set forth in the ROD and shall include the reasons such changes were made.

D. Summary of Circumstances Necessitating this Explanation of Significant Differences

As a direct result of events that developed after the completion of the ROD and the Supplemental ROD, decisions were made to: change the selected location for leachate treatment, to modify the RCRA cap design, and to require that wetlands damaged during construction activities to be replicated on the Swan portion of the site.

E. Availability of Documents

In accordance with Section 117(d) of CERCLA, this Explanation of Significant Differences (ESD) will become part of the Administrative Record. The ESD, supporting documentation for the ESD, and the administrative record are available to the public at the following locations and may be reviewed at the times listed:

U.S. Environmental Protection Agency
Records Center
90 Canal Street
Boston, MA 02114
Weekdays from 10:00 a.m. to 1:00 p.m.,
and from 2:00 p.m. to 5:00 p.m.
(617) 573-5729

Town of Beacon Falls
Clerks Office
Town Hall
10 Maple Avenue
Beacon Falls, Connecticut
Weekdays: 9:00 a.m. - 4:30 p.m.
(203) 723-5244

II. SUMMARY OF SITE HISTORY, ENFORCEMENT HISTORY AND SELECTED REMEDY

A. Site History

From the 1920's until 1970 a small portion of what is now known as the Beacon Heights Site was known as "Betkoski's Dump" and consisted of approximately 6 acres of active dumping and open burning in the northwestern corner of the existing Site. During this period of operation, there were general complaints and concerns, due to fumes, smoke, and blowing litter. The Site was not regulated by the State until 1970.

In 1970 Beacon Heights, Incorporated (BHI) purchased the Site, which included the Betkoski Dump area. BHI and its owner, Harold Murtha, owned and operated the Site as Beacon Heights Landfill and expanded the landfill area to approximately 34 acres. Soil available on the Site as a result of this expansion was used as cover material for the landfill. Wastes were placed directly onto bedrock and covered with soil, and waste materials were no longer burned.

A landslide of soil and buried waste occurred on the northwestern side of the landfill in 1972 due to both landfill operations and the changed surface and groundwater patterns from construction of an on-Site access road. This landslide created groundwater and leachate discharge points in the northern and northwestern areas of the landfill. Several of these discharge points still persist in the former landslide area.

From 1973 until the Site closed in July 1979 specific areas or cells were used for the disposal of various waste materials rather than placing waste directly onto bedrock. Cover material was placed over all working areas.

In 1977 the Connecticut Department of Environmental Protection (CTDEP) approved the spreading of wastewater sludge from the Naugatuck municipal/industrial wastewater

treatment facility over covered areas of the landfill. These activities continued until the summer of 1984.

B. State Response History

The State of Connecticut began regulating the Site in 1970. In 1972 and 1973 BHI was ordered by CTDEP to develop plans to prevent pollution from the landfill from entering the surrounding groundwater. An engineering report was subsequently prepared for BHI that provided data and information for implementing corrective actions. As part of the study, borings were installed around the site for collection of subsurface data.

CTDEP attempted to close the landfill and regulate industrial liquids and chemicals disposed of at the landfill by issuing additional orders to BHI in 1975 and 1976. These orders cited contamination of well water and Hockanum Brook tributaries as a result of landfill operations. BHI submitted a second engineering report describing an improved landfill operating plan but not including a groundwater monitoring plan.

These activities culminated in a Consent Order between BHI and CTDEP to close the landfill facility by July 1, 1979. This Consent Order was signed on June 20, 1979 and entered as a final Order of the Connecticut Commissioner of Environmental Protection on July 24, 1979. BHI complied with the Order and the landfill was closed in July 1979.

EPA sampled forty-four residential wells along Skokorat and Blackberry Hill Roads in August and September 1984. Samples were analyzed for Hazardous Substance List organic and inorganic parameters. Two wells located along Skokorat Road, identified as being contaminated, were resampled in November 1984 to verify the results. The analytical results of the samples from these two wells revealed benzene at concentrations ranging from 32 to 131 micrograms per liter (ug/l). Based on these analytical results, CTDEP provided bottled water to the residents as a temporary safe drinking water source. Other organic compounds detected in some of the other residential well samples were below levels that would indicate health risks. To provide more data on the nature of residential well contamination, 32 of the originally sampled residential wells were re-sampled in January 1985. The results of this second round of sampling generally confirmed the results of the previous samples. Benzene was detected in the same two wells at concentrations ranging from 42 to 89 ug/l. Low levels of other organic compounds (below Maximum Concentration Levels) were also identified in a limited number of wells.

C. Federal Response History

EPA conducted several preliminary study/sampling activities in 1981 and 1982 to evaluate Site conditions, to collect preliminary sample data, and to identify the potential for immediate health risk resulting from migration of contamination from the Site. The Site was listed on the EPA's National Priorities List on September 1, 1983. As a result of the listing, the Site became regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

EPA performed a Remedial Investigation/Feasibility Study (RI/FS) at the Site from March 1984 through April 1985 to identify the nature and extent of contamination at the Site and to identify potential remedial alternatives. The RI/FS report was released to the public in April 1985.

A more detailed description of the Site history leading up to the RI/FS, including a summary of the results of the RI, can be found in Section 1 of the RI/FS Report, which is part of the administrative record for the Site.

Based on the results of the RI/FS, EPA issued a ROD on September 23, 1985, documenting the selected remedial actions for the Site. The remedy included:

- Excavation of Betkoski's dump and other contaminated soils and consolidation within the main landfill prior to its closure.¹
- Installation of a RCRA cap over the consolidated wastes, including gas venting and stormwater management controls
- Installation of a perimeter leachate collection system.
- Extending a public water supply line along Skokorat Road and along Blackberry Hill Road to service current residences.
- Enclosing the Site with security fencing.
- Installing a more extensive groundwater monitoring system.
- Collecting leachate and transporting it to a licensed wastewater treatment facility or on-Site treatment followed by discharge to a tributary of the Hockanum Brook.
- Further studies and the preparation of a Supplemental ROD selecting the manner and location of leachate treatment (on-Site or off-Site), the extent of excavation of contaminated soils, and the need for air pollution controls on the landfill gas vents.

After the ROD was signed, EPA issued an Administrative Order in October 1986 in response to the discovery of contamination in some private residential wells and as a precaution against further leachate migration. The order required the Potentially Responsible Parties (PRPs) of the Beacon Heights Site to offer residences in the vicinity of the landfill the opportunity to become connected to the municipal water supply system. The owners of forty-nine residences opted to have their homes connected to the municipal water system. The domestic water supply wells previously serving these

1 Although the 1985-ROD and the Proposed Plan called for excavating Betkoski's dump, only a portion of the dump area was excavated. The remaining area was included under the cap. This revision to the ROD was further discussed in the Supplemental ROD, Section XV.

residences were then abandoned. Six of the homeowners declined the offer and continued to use private wells to supply drinking water.

On 14 September 1987, 32 PRPs, organized as the Beacon Heights Generators Coalition (BHGC), entered into a Consent Decree with the United States of America. The Decree required the PRPs to perform the remedial actions specified in the ROD, which included pre-design studies to gather additional information regarding the Site. Because Beacon Heights, Inc. (BHI) denied Site access to BHGC for these studies and other remedial activities, remedial investigation work was not performed until a court order, issued in October 1988, required BHI to provide access.

In March 1990, the BHGC submitted a final draft of the Pre-Design Studies Report to EPA. On May 9, 1990 EPA issued a Proposed Plan for remediation of the Site. Based on the RI/FS, the Pre-Design Studies report, and public and State comments on the Proposed Plan, EPA issued the Supplemental ROD on September 28, 1990.

The Supplemental ROD included an evaluation of alternatives for treatment and disposal of the leachate collected from the Site. These alternatives consisted of: treatment at the Beacon Falls Publicly Owned Treatment Works (POTW), treatment at the Naugatuck POTW, trucking the leachate off Site for treatment, and treatment on Site. The Supplemental ROD made the following modifications to the ROD:

- Contaminated leachate generated by the landfill would be transported to and treated at the Naugatuck, Connecticut POTW.
- Soil cleanup standards were established for eight carcinogenic and nine non-carcinogenic contaminants of concern. Soils that contained contaminant concentrations in excess of these standards would be excavated from on-Site areas outside the landfill cap and placed under the cap.
- Air pollution controls would not be required on the gas venting system. However, continued monitoring of the vents would be required. The vents would be constructed so as to allow the addition of pollution control devices should the monitoring reveal levels of air contaminants exceeding the Federal National Ambient Air Quality Standards, State of Connecticut Air Standards, Odor Threshold Levels, or Hazard Limiting Values exceeding the 10^{-4} to 10^{-6} cancer risk range or exceeding a hazard index of one.

During the fall of 1994, the owners of the six residences who had previously declined the 1986-1987 offer from the BHGC to connect to the public water supply were again contacted. The BHGC again asked if they would like to be connected to the municipal water supply system. Four of the six residents again declined, while the remaining two residences accepted the offer and were connected during October 1994.

D. Delays, Violations and Penalties

The completion of the remedial activities at the Site was delayed by more than 24 months. The original construction schedule called for completion of the cap by 30 September 1993. The cap was not determined to be substantially complete until December 1995. This delay was caused by many factors including:

- construction-related scheduling problems (permits, access, supplies, etc...);
- the replacement by the BHGC of the general contractor and the engineer;
- repairs to a major portion of the cap which had to be made due to questionable installation techniques of the geomembrane;
- repairs to the cap anchor trench due to questionable construction;
- reconstruction of runoff diversion benches due to questionable construction techniques;
- the discovery and need to address new leachate seeps outside the leachate collection system; and
- the discovery of additional wastes on site that had to be excavated and then placed under completed portions of the cap.

In addition, further construction activities were undertaken by the BHGC to reduce landfill leachate generation that extended construction activities at the site past the December 1995 date.

Stipulated penalties in the amount of \$600,000 were assessed to the Coalition by EPA in February 1997 for failure to complete the project in accordance with the approved construction schedule, and for violations related to topsoil placement, erosion control, and stormwater management.

Numerous erosion events occurred at the site during the construction of the landfill due to rain falling on the uncompleted cap. Portions of the landfill where soil had been placed over the impermeable cap were the most susceptible. These erosion events caused siltation in nearby wetlands, Hockanum Brook, and in some cases even the Naugatuck River, several miles away. A total of 18 such events occurred. The cause of these releases can generally be attributed to under-sizing of stormwater retention basins and poor maintenance of those basins.

As a result of erosion which occurred on-Site, wetlands both adjacent to the Site, principally on the Swan property, and other wetlands at some distance from the Site were subjected to significant silt deposition. The BHGC was required to remove the sedimentation deposits prior to final completion of the project.

The Swan property, located west of the Site, had on several occasions been affected by refuse being carried off the landfill. The most significant incident was the result of a failure of the landfill slope that occurred when the landfill was operated by Beacon Heights, Incorporated. A landslide of soil and buried waste occurred on the northwestern side of the landfill in 1972. This material occupied much of the "Florida area" on the Swan property and was subsequently removed and buried in the landfill as part of the remediation activities. In addition, during a few of the larger erosion events, previously mentioned, which occurred while the landfill was being capped, some refuse was carried off the Site and onto the Swan property. This material was usually deposited in a wetland northwest of the Site. The refuse material was removed and buried under the landfill cap during wetland construction activities that occurred on the Swan property.

E. Summary of the Selected Remedy

The selected remedy for the Site was described in the 1985 ROD and subsequently modified in the Supplemental ROD, issued in 1990. The overall remedy consisted of:

- Excavation of satellite areas of contamination for consolidation within the main landfill prior to closure.
- Installation of a RCRA cap over the consolidated wastes, installation of gas venting, and implementation of stormwater management controls.
- Installation of a perimeter leachate collection system.
- Extension of a public water supply line along Skokorat Road and along Blackberry Hill Road to service current residences.
- Enclosing the Site with security fencing.
- Installation of a groundwater monitoring system.
- Transportation and subsequent treatment of contaminated leachate from the Site at the Naugatuck, Connecticut POTW (the Naugatuck facility).
- Excavation of contaminated soils, located outside the main landfill, to levels specified within the Supplemental ROD and placement under the cap
- Construction of landfill cap gas vents such that they could be augmented with air pollution mitigating devices in the event that future air monitoring results require such action. In addition, post-construction air quality monitoring would be conducted on the Site at, but not limited to, the locations of each gas vent.

With the exception of the items listed in Section III of this ESD, the requirements set forth in the ROD and Supplemental ROD were fully met during the remediation of the site.

III. DESCRIPTION OF SIGNIFICANT DIFFERENCES

As a direct result of events that developed after the completion of the ROD and the Supplemental ROD, decisions were made to change the selected location for leachate treatment, to modify the RCRA cap design, and to require the construction of compensatory wetlands. The changes made are discussed below.

1. Leachate Transportation and Treatment

Although the Supplemental ROD had identified the Naugatuck facility as the location for leachate treatment, the leachate is currently being transported to the Beacon Falls Publicly Owned Treatment Works (POTW) for treatment for the reasons explained below.

Originally, the 1990 Proposed Plan outlined several options for leachate transportation and subsequent treatment. The two best options were transportation of contaminated leachate via a dedicated pipeline to the Naugatuck POTW for treatment, and transportation via a different pipeline to the Beacon Falls POTW for treatment.

However, in 1989 - 1990 when the Town of Beacon Falls and the Beacon Heights Generators Coalition (BHGC) could not reach an agreement regarding the terms for transporting and treating contaminated leachate at the Beacon Falls facility, this option was eliminated as infeasible. The 1990 Supplemental ROD, therefore, required implementation of the Naugatuck option based upon strict evaluation criteria and the unfeasibility of the Beacon Falls option.

During the development of the design of the leachate pipeline to the Naugatuck POTW certain administrative and economic concerns related to the proposed route for the dedicated pipeline were identified. Some of these concerns included: destruction of retaining walls, mailboxes, and trees within the right-of-way; removal and replacement of utility poles; removal and replacement of fire hydrants; construction of a 50- to 60-foot long elevated brook crossing; possible interruption of railroad traffic during construction and lack of a construction agreement with the railroad; and, the necessity for constructing a pipeline crossing the Naugatuck River. These difficulties would have resulted in significantly greater costs, inconveniences to the general public, and project delays, as compared with implementation of the Beacon Falls option.

In addition, the Beacon Falls pipeline would be considerably shorter (less than one mile) than the Naugatuck pipeline (approximately 5 miles). Accordingly, the Beacon Falls pipeline would have a lower propensity for leaks, clogging, and other operation and maintenance problems. The community disruption caused by construction of the Beacon Falls pipeline was less than that resulting from construction of the much longer Naugatuck pipeline.

For these reasons, the BHGC re-opened negotiations with the Town of Beacon Falls in an attempt to reach an agreement to transport the contaminated leachate to the Beacon Falls POTW. An agreement was eventually reached culminating with a contract between the BHGC and the Town of Beacon Falls on August 31, 1992 for the execution of the Beacon Falls option. The major terms of the agreement included permission by the Town of Beacon Falls for the BHGC to construct the Beacon Falls pipeline and to transport contaminated leachate from the Site to the Beacon Falls POTW for subsequent treatment. Also included in the agreement was the commitment by the BHGC to fund an appropriate upgrade of the Beacon Falls POTW.

EPA, in consultation with the CTDEP, decided to adjust the overall cleanup plan for the Site so that contaminated leachate originating at the Site could be transported via the Beacon Falls pipeline to the Beacon Falls POTW for treatment and subsequent discharge to the Naugatuck River. The shorter Beacon Falls pipeline, the upgrade of the Beacon Falls POTW, and the shorter pipeline construction schedule that resulted in an earlier remedial action completion date were all benefits resulting from this change in the plan.

The BHGC procured all necessary state and federal permits and licenses, and proceeded with construction of the upgrades necessary for the Beacon Falls POTW to provide long-term treatment of the contaminated leachate to the levels required by those permits. According to the Town's engineer, Fuss and O'Neill, the upgrades were substantially complete and the expanded facility operational in June 1995.

In the short-term and prior to completion of the upgrades, leachate collected at the Site was discharged to the Beacon Falls sewer system, treated at the POTW, and discharged to the Naugatuck River. Discharge of the leachate to the Beacon Falls POTW began on July 13, 1993. According to the chief operator of the POTW, from the time leachate transportation to the Beacon Falls POTW began to the completion of the facility upgrades, the POTW remained in compliance with its National Pollutant Discharge Elimination System (NPDES) discharge permit requirements. CTDEP has reported to EPA that the POTW's NPDES permit limits have regularly been met since the time that the leachate has been sent to the plant. A Final Pretreatment Permit was issued to the BHGC by the CTDEP on March 2, 1998, replacing the previous Emergency Discharge Authorization Permits the BHGC had obtained during the construction phase. Since the issuance of the final Pretreatment Permit, the BHGC has consistently met the terms of this permit.

The adjustment of the 1990 Supplemental ROD to allow treatment of the leachate at the Beacon Falls POTW resulted in a less expensive remedial action, created a less adverse impact on the environment and the general public, and met the cleanup objectives established in the 1990 Supplemental ROD. Approval of this adjustment by EPA did not change any other requirements outlined in the 1985-ROD and the 1990 Supplemental ROD. These requirements were expected to be adhered to in the time frames contained in the EPA approved construction schedule.

2. Substitution of the RCRA Landfill Cap

The ROD called for capping of the landfill with a RCRA cap. The cap was designed to prevent the infiltration of precipitation through the wastes, which would minimize the generation of leachate within the landfill. The RCRA cap was to consist of a two-component, low permeability cap comprised of a flexible synthetic membrane installed on an 18-inch thick low permeability soil layer. This soil layer was required to have permeability equal to or less than 1×10^{-7} cm/sec.

The design of the cap, prepared by Bechtel Environmental Inc., included two different capping methods. At the top of the landfill, where the slopes were relatively flat, a 40-mil high density polyethylene liner would be placed over a geosynthetic clay liner (GCL) consisting of a bentonite layer sandwiched between an upper and lower layer of geosynthetic fabric. On the 3.5:1 side slopes, the geocomposite liner would be replaced with 18-inches of low permeability soil. This soil would have a permeability of less than 1×10^{-5} cm/sec. The design was approved on this basis since EPA determined the replacement system was comparable in permeability to that originally required in the ROD. EPA accepted the PRPs' position that the higher permeability soil, 1×10^{-5} cm/sec, on the 3.5:1 side slopes would have a lower rate of rainfall infiltration due to the slope of the cap and, therefore, would be equivalent to a soil with 1×10^{-7} cm/sec on the flat slopes at the top of the landfill.

Acquisition of a source for the low permeability soil and the ability to transport the soil to the Site became an issue once the BHGC retained a contractor. Public inconvenience caused by approximately 6,500 truckloads of soil being delivered to the Site was also an issue. Consequently, BHGC proposed and EPA accepted an alternate capping system that would replace the low permeability soil on the side slopes. The alternate system replaced the low-permeability soil, originally proposed, with a GCL. The landfill cap as constructed consisted of the following major features:

- Gas venting geotextile
- GCL
- Textured 40-mil HDPE geomembrane and
- Geonet composite.

The GCL provided a barrier with a permeability of 5×10^{-10} cm/s, which is three and five orders of magnitude less permeable than the soil permeability requirements of the top and side slopes (respectively) specified in the ROD. It was also less expensive to install, it eliminated the high-volume of truck traffic associated with the delivery of low-permeability soil to the Site, and it also accelerated the completion schedule by an estimated 60 days.

3. Construction of Compensatory Wetlands

Following extensive negotiations with an abutting property owner, Mr. Wilfred Swan, the BHGC purchased 46 acres of the Swan property, west of the Site. These 46 acres had been impacted by major erosion events during the time the landfill was actively operated and during the construction of cap. The property was also affected by a series of slope failures that had occurred prior to the capping of the landfill. During the construction of the cap and the leachate collection system, the Swan property was also used to store two equalization tanks that had been installed at the request of the State of Connecticut. These tanks were intended to provide equalization of the characteristics and rate of flow of the leachate. Several leachate overflows and spills were documented to have occurred from these tanks. These incidents (i.e., erosion events, slope failures, and leachate releases) resulted in the discharge of hazardous waste to the Swan property. The waste and the contaminated soils and sediments were removed and placed back within the landfill boundaries.

As described above, the construction of the landfill cap and other facilities associated with the Site resulted in the disturbance of about 18 wetland areas on or adjacent to the Site. These areas ranged in size from 500 square feet to nearly 2.5 acres. In accordance with the Consent Decree (U.S. v. B.F. Goodrich Co., et al. D. CT No.87-286), 40 C.F.R. Part 230.10 (d) and Section 404 of the Clean Water Act, wetlands disturbed or destroyed by the installation of the remediation system are to be replaced in kind. A total of 4.9 acres were affected by activities associated with remediation of the Site. EPA required that 1.15 acres of compensatory wetlands be created for every one acre of wetland destroyed. Using that ratio, a total of 5.7 acres of wetlands were required to be created for the Site.

Initially, an attempt was made to locate the compensatory wetlands only on the original 82 acres that comprised the Site. However, the areas that could be used for wetlands construction were limited due to the presence of the landfill cap and leachate collection system, topography, hydrology, soils, and the availability of surface water and groundwater. Ultimately, a suitable area for wetland creation was located on the Swan property. A 5.7 acre wetland was created in the area indicated at Figure 1.

Because the Swan property had been contaminated by activities at the landfill before and during construction, and was an area in close proximity to the waste necessary for the response action, it was within the definition of "on-site" for purposes of Sections 104, 106, 120, 121, and 122 of CERCLA. See 40 C.F.R. § 300.400(e). The site boundaries have been modified as a result of this determination, and are defined in Figure 1: Beacon Heights Site Boundaries.

The adjustments to the Supplemental ROD set forth herein will not fundamentally alter the overall remedy with respect to scope, performance, or cost. These adjustments will not impact the other aspects of the original remedy.

IV. SUPPORT AGENCY COMMENTS

State participation throughout the Remedial Action process has been extensive, and the State, through the Department of Environmental Protection (CTDEP), has provided comments on the matters addressed in this ESD. Those comments, which are summarized in a letter from CTDEP to EPA dated September 4, 1998, are included in the administrative record for this Site. In sum, the State supports the changes made to the leachate transport and compensatory wetland construction aspects of the remedy, but has concerns with changes to the cap design and has not concurred with the constructed cap.

V. STATUTORY DETERMINATIONS

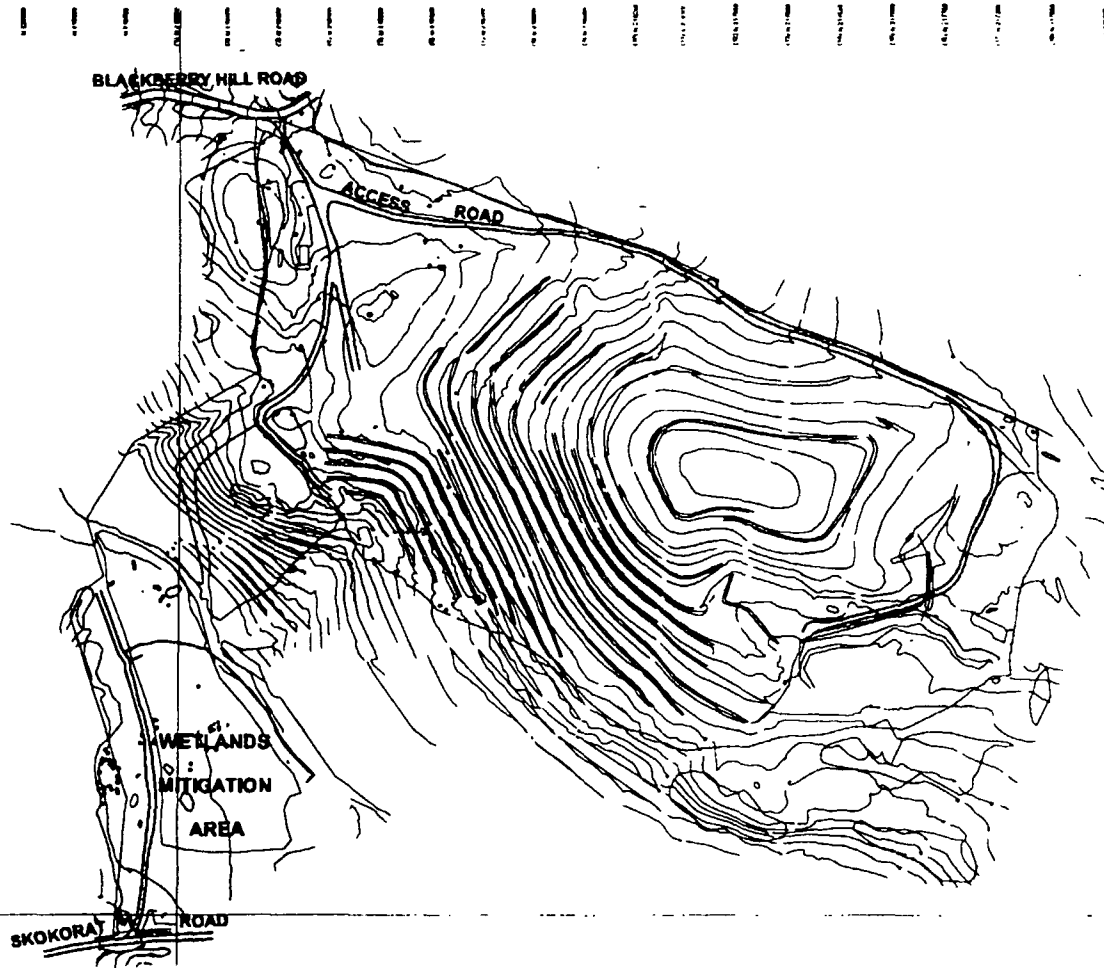
EPA believes that the selected remedy set forth in the 1990 Supplemental ROD, with the adjustments described in Section III, remains protective of human health and the environment, complies with Federal and State requirements that are applicable or relevant and appropriate to this remedial action, and is cost-effective. In addition, the revised remedy utilizes permanent solutions and alternative treatment technologies to the maximum extent practicable for this Site.

VI. PUBLIC PARTICIPATION

In accordance with Section 117(d) of CERCLA, the ESD and all supporting documentation that is included in the Administrative Record for the Site is available for public review at the locations and times listed above in Section 1.D.

Beacon Heights Coalition

**BEACON HEIGHTS NPL SITE
BEACON FALLS, CONNECTICUT**



GEO SYNTEC CONSULTANTS



Figure 1: Beacon Heights Site as of September 1998