

**United States, et al. v. Inmont Corporation, et al., Civ. No. 86-0029-B (D. Maine)**

**Winthrop Town Landfill Superfund Site, Winthrop, Maine**

**Amended Consent Decree**

**Appendix A**

**Amended Remedial Action Work Plan**

**Appendix A**  
**AMENDED REMEDIAL ACTION WORK PLAN**  
**WINTHROP LANDFILL SUPERFUND SITE**  
**Town of Winthrop, Kennebec County, State of Maine**

**TABLE OF CONTENTS**

1.	INTRODUCTION .....	2
2.	DEFINITIONS.....	3
3.	SEDIMENT COVER SYSTEM/PILOT STUDY .....	3
4.	POST-CLOSURE MONITORING AND MAINTANCE .....	5
5.	INSTITUTIONAL CONTROLS .....	5
6.	EXTENSION OF ALTERNATE WATER SUPPLY .....	7

## **1. INTRODUCTION**

- 1.1** This Amendment to the Remedial Action Work Plan (RAWP): (a) describes the Work needed to implement the remedy selected in the 2019 Amendment to the 1985 Record of Decision (1985 ROD) regarding the Winthrop Landfill Superfund Site; and (b) describes the Work needed to complete the implementation of the remaining portions of the remedy selected in the 1985 ROD regarding the Site.
- 1.2** The remedy selected in the 2019 ROD Amendment includes the components below. These components are hereby made a part of the Work requirements under the 1986 Consent Decree by virtue of this RAWP Amendment.
- a. A sediment cover system (already constructed as part of a pilot study);
  - b. Surface water and sediment monitoring;
  - c. Inspections and maintenance of the cover system; and
  - d. Implementation of an institutional control (IC) to be recorded in property records regarding the real property where the cover system is located, which IC will provide for access for construction and repair work and will prevent unauthorized excavation or other disturbance to the cover system (recorded on October 7, 2020).
- 1.3** The remedy selected in the 1985 ROD includes the components listed below. Most of these components have been completed as noted below. The requirements for the remaining components are described in Sections 4, 5, and 6.
- a. Extension of alternate water supply (see Section 6);
  - b. Fence and Landfill Use Control (institutional control)(partially-completed);
  - c. Groundwater Use Control (municipal ordinance)(completed);
  - d. Excavation Control (municipal ordinance)(completed);
  - e. Monitoring Program (on-going);
  - f. Landfill cap and site closure (completed);
  - g. Engineering studies (completed);
  - h. Establishment of Alternate Concentration Limits (ACLs)(completed); and

- i. If ACL is exceeded groundwater interceptor and treatment system is implemented (completed).

## **2. DEFINITIONS**

- 2.1** “Settling Parties” means the Town of Winthrop and Inmont Corporation (“Inmont”).
- 2.2** “Henry Lane Property Owner” means the owner of property on Henry Lane in Winthrop, Maine, described in Book 7686, Page 146 in the Kennebec County Registry of Deeds, on which the cover system constructed during the pilot study is located.
- 2.3** “Hubbard Lane Restricted Area” means a portion of the property described in a deed recorded in the Kennebec County Registry of Deeds in Book 6676, Page 81 as depicted on the August 21, 2020 Plan of Restricted Area (Figure 1).
- 2.4** “Savage Restricted Areas” means portions of three parcels currently or previously owned by Everett and/or Glenda Savage that are within the fenced landfill area of the Winthrop Landfill Superfund Site as depicted on the attached figures (Figures 2.a-c).
- 2.5** “Town-Owned Hubbard Lane Restricted Area” means property described in a deed recorded in the Kennebec County Registry of Deeds in Book 14193, Page 240 as depicted on the October 13, 2021 Plan of Restricted Area (Figure 3).

## **3. SEDIMENT COVER SYSTEM/PILOT STUDY**

- 3.1** Raytheon Technologies Corporation (f/k/a United Technologies Corporation), on behalf of Inmont, conducted a pilot study from 2015 to 2018 in accordance with the U.S. Environmental Protection Agency (EPA) and the Maine Department of Environmental Protection (MEDEP) approved Pilot Study Work Plan. The goal of the pilot study was to determine whether the most comprehensive alternative presented in the draft Focused Feasibility Study would be successful in addressing risk from arsenic in sediment at Hoyt Brook. The cover system constructed for the pilot study prevented risk of exposure to arsenic-contaminated sediment and provided the basis for the selected remedy in the 2019 ROD Amendment.
- 3.2** Detailed information and results from the pilot study can be found in the Hoyt Brook Seep Pilot Study Construction Report, Year 1 Hoyt Brook Seep Pilot Study Monitoring Report, and Year 2 Hoyt Brook Seep Pilot Study Monitoring Report which are available in the Administrative Record for the 2019 ROD Amendment. The 2019 Focused Feasibility Study, also available in the Administrative Record, describes how the pilot study was implemented in accordance with applicable or relevant and appropriate requirements (ARARs).
- 3.3** The pilot study included the following components:

- a. Construction of a temporary cofferdam at Hoyt Brook to divert water from the work area during construction, allowing work to proceed without causing sediment impact to the brook;
- b. Excavation and off-site disposal of soil and sediment in the vicinity of the seep that contained arsenic concentrations exceeding Protective Concentration Limits (PCLs). Soil was excavated from an area approximately 90 feet by 16 feet to a depth of about nine inches;
- c. Installation of a geotextile filter fabric and geogrid material at the base of the excavation;
- d. Installation of a six-inch layer of four-inch stone over the geotextile/geogrid layer to provide the primary drainage layer for seep water to migrate to Hoyt Brook;
- e. Installation of large diameter rip rap cover, up to two feet thick, over the geogrid layer using rock with an average diameter of approximately 12 inches. At the edge of the brook, the rip rap extends an additional two feet to above the measured high-water line to provide further erosion control and protection for the vegetative layer;
- f. Installation of a final cover over the rip rap consisting of a six-inch layer of four-inch stone covered by a geotextile layer over the upland portion of the rip rap and 18 inches of common borrow topped with a six-inch blend of topsoil and erosion control mix. The completed cover was seeded with a New England wetland seed mix to establish a native vegetation layer to blend in with the existing forested wetland in the area;
- g. Establishment of a 100-foot mixing zone within Hoyt Brook, downgradient of the remediation area; and
- h. A monitoring program with sampling locations for sediment and surface water.

**3.4** In 2018, EPA and MEDEP determined that monitoring results from the pilot study demonstrated that all four objectives of the pilot study had been achieved:

- a. the cover system had not become contaminated with arsenic during the monitoring period;
- b. new seeps did not emerge outside the remediation area;
- c. the cover system remained stable from erosion and flooding; and
- d. the remediation has not resulted in exceedances of performance standards in surface water or sediment. The cover system constructed by Raytheon

Technologies Corporation during the pilot study thus became part of the sediment remedy selected by EPA in the 2019 ROD Amendment.

#### **4. POST-CLOSURE MONITORING AND MAINTANCE**

- 4.1** Settling Parties shall perform monitoring and maintenance for the Site as set forth in the site-specific Post-Closure Maintenance and Monitoring Plan (PCMMP).
- 4.2** Inmont is currently performing monitoring and maintenance at the Site under Revision 7 of the PCMMP dated May 2020 and approved by EPA and MEDEP on July 15, 2020. Future changes to the PCMMP require EPA and MEDEP approval.
- 4.3** EPA and MEDEP reserve the right to require changes to the monitoring program to assure that adequate monitoring is being conducted. In the event that the Settling Parties disagree with any such requirement, the dispute resolution provisions of paragraphs 39 and 40 of the 1986 Consent Decree shall apply.

#### **5. INSTITUTIONAL CONTROLS**

- 5.1** The 1985 ROD, as amended in 2019, requires that institutional controls (ICs) be recorded in the property records regarding the real property where the sediment cover system is located. The ICs are to have various purposes including: (a) authorizing access for construction and repair work and (b) prevention of unauthorized excavation or other disturbance to the cover system. Inmont has secured the Henry Lane Property Owner's cooperation in executing and recording appropriate ICs as of October 7, 2020 (Book 13739, Page 100 in the Kennebec County Registry of Deeds).
- 5.2** The 1985 ROD and 1986 CD require landfill use control, in the form of a deed restriction, be recorded on property within the fenced area of the landfill which includes portions of the landfill located along Hubbard Lane ("Hubbard Lane Restricted Area" and "Town-Owned Hubbard Lane Restricted Area") and the Savage landfill property ("Savage Restricted Areas"). Inmont has secured a deed restriction in the form of a Declaration of Environmental Covenant ("EC") on the Hubbard Lane Restricted Area. The EC was recorded in the Kennebec County Registry of Deeds on September 30, 2021 at Book 14193, Page 207.
- 5.3** The Town shall, with Inmont providing support as needed, execute an EC for the Town-Owned Hubbard Lane Restricted Area and use best efforts to cause the owners of the Savage Restricted Areas to sign an EC that:
  - a. is consistent with the State of Maine Uniform Environmental Covenants Act, 38 M.R.S. § 3001, *et seq.* ("MUECA");

- b. grants a right of access to conduct any activity regarding this Amended RAWP, including conducting visual inspections of the condition of the Restricted Area, monitoring and enforcing the EC, and implementing, facilitating and monitoring the Work; and
- c. grants the right to enforce the following land, water, or other resource use restrictions:
  - (1) Construction or placement of any buildings, roads, fill or structures on, in, or under the ground in the Restricted Area shall be prohibited, without the express written permission of the Agencies;
  - (2) Any ground disturbance of the Restricted Area, such as excavation, grading, drilling, and compaction or removal of soils or subsoils, shall be prohibited, without the express written permission of the Agencies;
  - (3) Alteration of any surface water, groundwater or water table (other than occurring naturally) within the Restricted Area shall be prohibited, without the express written permission of the Agencies;
  - (4) Any other act detrimental to the stability of the land, surface or subsurface or resulting in increased risk of discharge from the Restricted Area of any hazardous waste, or increased risk of exposure of the public or the environment to any hazardous material or waste within the Restricted Area shall be prohibited, without the express written permission of the Agencies.
  - (5) Causing, permitting, or allowing installation of any wells (e.g., water supply wells or injection wells) or extraction of groundwater for any purpose in the Restricted Area shall be prohibited, without the express written permission of the Agencies; and
  - (6) Any disturbance of the integrity of the final cover, liner system, monitoring systems or other components of the closed landfill in the Restricted Area shall be prohibited, without the express written permission of the Agencies.

**5.4** If the EC is granted to MEDEP or a person or agency other than EPA, it must include a designation that EPA is either an “agency” or a party expressly granted the right of access and the right to enforce the covenants allowing EPA to maintain the right to enforce the EC without acquiring an interest in real property.

**5.5** Within 5 days of full execution of an EC for a Restricted Area, the Settling Parties shall record the EC with the Registry of Deeds of Kennebec County.

- 5.6** Within 30 days of recording the EC, the Settling Parties shall provide to the Agencies and the MEDEP copies of the original recorded EC showing the clerk's recording stamps.
- 5.7** As used in this Section, "best efforts" means the efforts that a reasonable person in the position of the Settling Parties would use so as to achieve the goal in a timely manner, including the cost of employing professional assistance and the payment of reasonable sums of money to secure access and/or use restriction agreements, Environmental Covenant, releases, subordinations, or modifications, that affect title, as applicable. If the Settling Parties are unable to accomplish what is required through "best efforts" in a timely manner, they shall notify EPA and MEDEP, and include a description of the steps taken to comply with the requirements. If EPA and/or MEDEP deems it appropriate, either may assist Settling Parties, or take independent action, to obtaining such access and/or use restrictions, Environmental Covenant, releases, subordinations, or modifications, that affect title, as applicable.

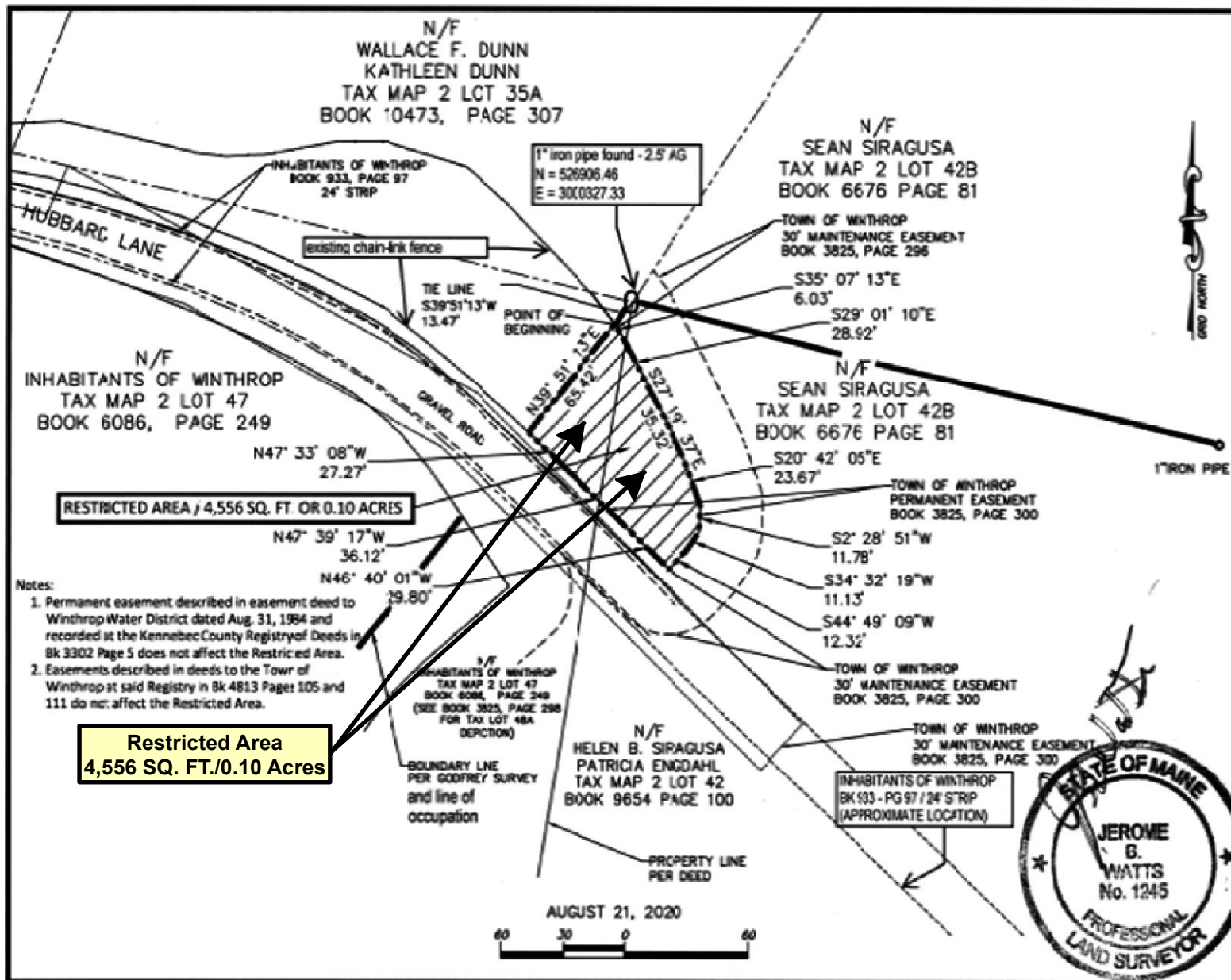
## **6. EXTENSION OF ALTERNATE WATER SUPPLY**

- 6.1** As described in the 1986 Consent Decree, much of the extension of the alternate water supply to impacted properties was performed by the Settling Parties under a June 1984 CERCLA Section 106 Administrative Order by Consent (1984 AOC).
- 6.2** During implementation of this work under the 1984 AOC, some properties were connected to the waterline, but some of those residents refused to have their existing groundwater wells permanently closed. The parties to the AOC agreed at the time that for these residents "backflow preventers" would be installed rather than permanent closure of their wells. Historical Site records do not indicate which properties have groundwater wells that are not permanently closed. A municipal ordinance prohibits use of any existing groundwater well (or installation of any new well) within areas impacted by contamination from the Site.
- 6.3** The Settling Parties shall, 30 days after entry of the Amended Consent Decree, submit a Well Closure Work Plan to EPA and MEDEP for approval. The Well Closure Work Plan shall describe the manner in which remaining potable wells within the groundwater protection ordinance area (Figure 4) will be identified, the manner in which the remaining potable well owners will be approached to request authorization to abandon the wells and the manner in which the authorized wells will be abandoned. EPA and MEDEP shall review the Well Closure Work Plan and shall notify Settling Parties of their approval or disapproval of the plan or any part thereof. In the event of any disapproval, EPA and MEDEP shall specify in writing both the deficiencies and the reasons for such disapproval. Within 30 days of receipt by Settling Parties of EPA/MEDEP notification of disapproval of the Well Closure Work Plan, Settling Parties shall amend and submit to EPA and MEDEP a revised Well Closure Work Plan. In the event of subsequent disapproval of the Well Closure Work Plan, EPA, MEDEP, and Settling Parties shall meet



to resolve the matters in dispute. If no agreement can be reached, the dispute resolution provisions of paragraphs 39 and 40 of this Decree shall apply.

- 6.4** Settling Parties shall implement the Well Closure Work Plan as approved by EPA and MEDEP according to the schedule contained therein.



Prepared/Date: BRP 11-05-21

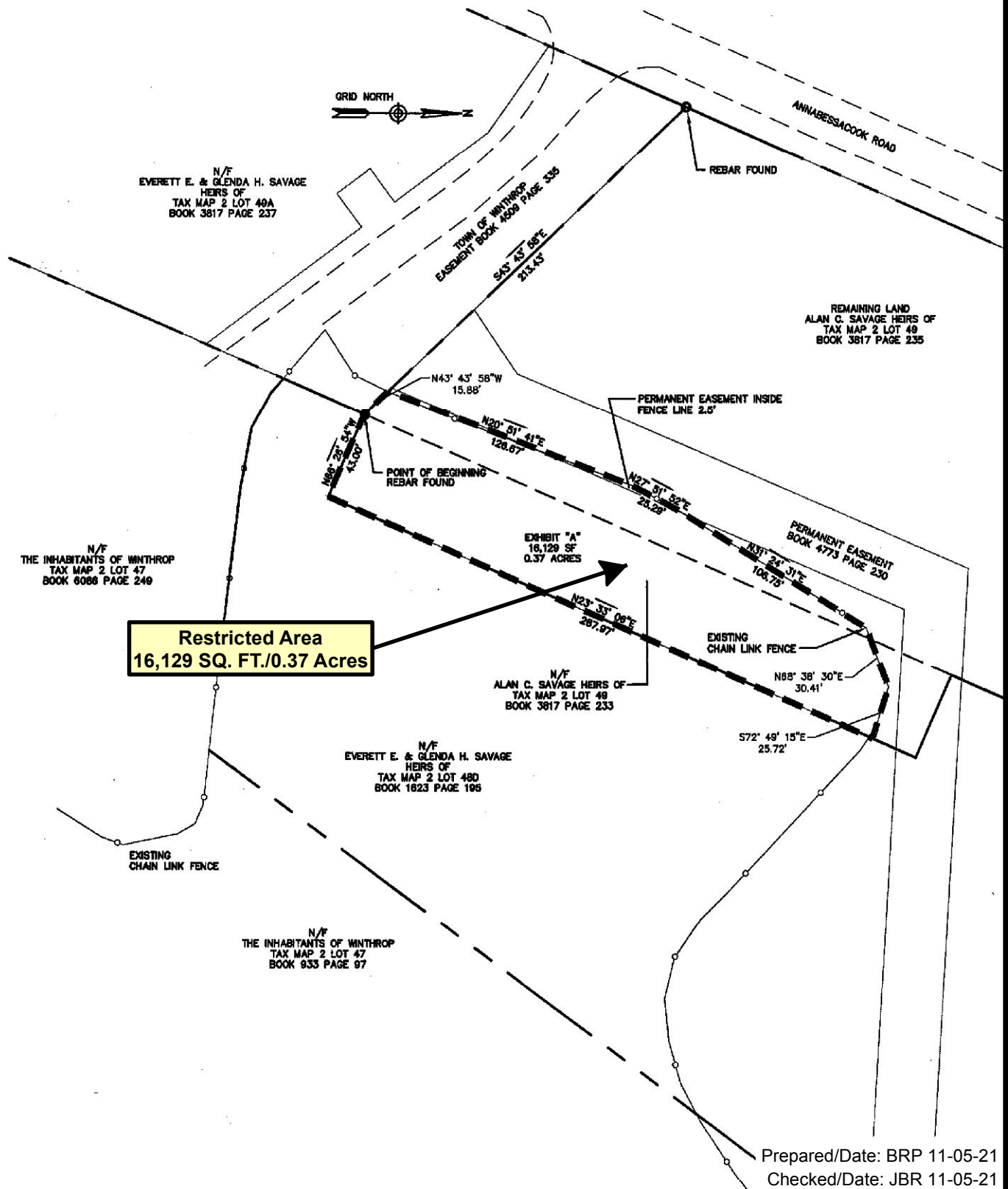
Checked/Date: JBR 11-05-21

Winthrop Landfill  
Winthrop, Maine

**wood.**

Hubbard Lane Restricted Area  
Amended Remedial Action Work Plan  
Project 3617197467

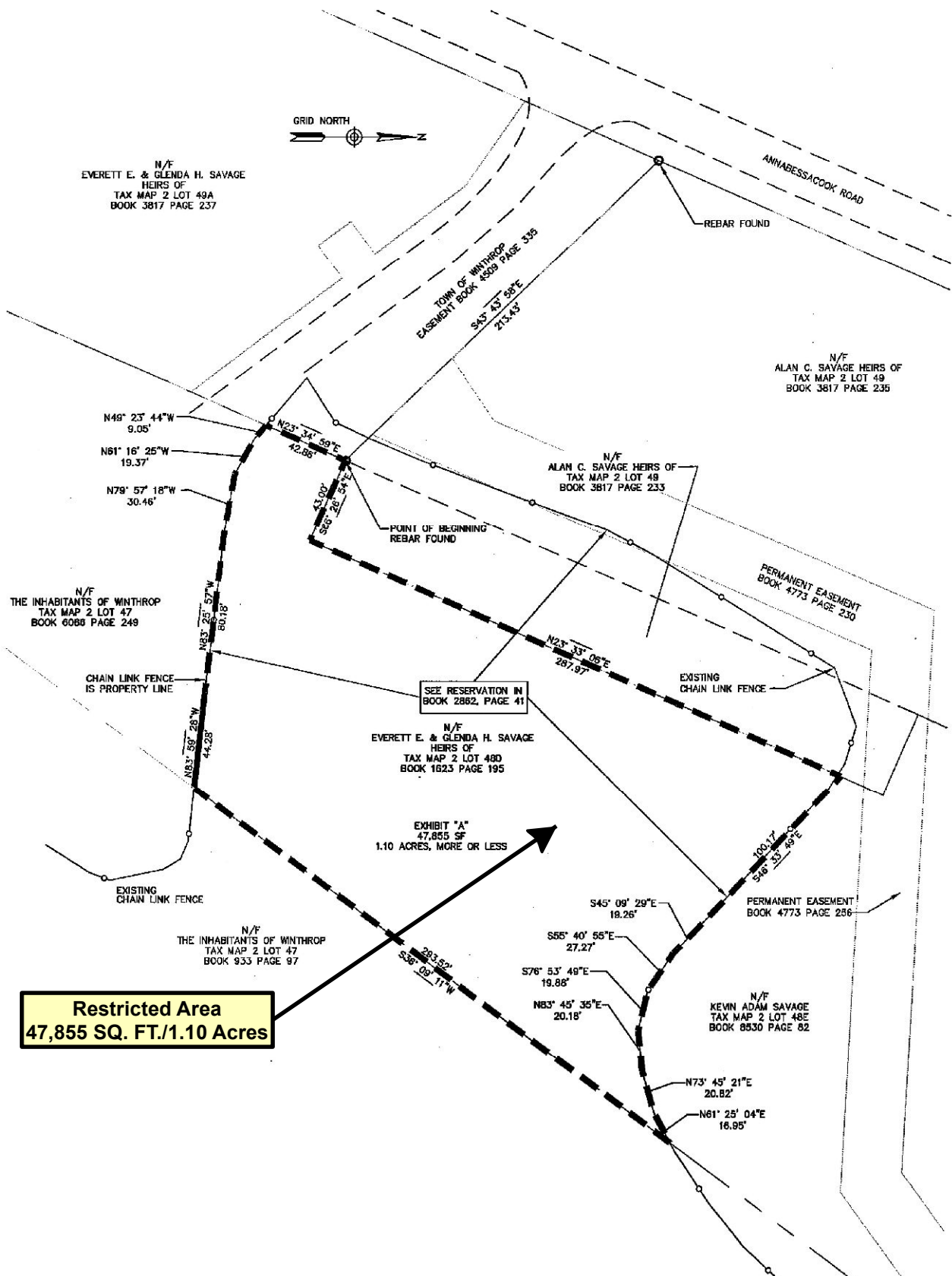
Figure 1



Winthrop Landfill  
Winthrop, Maine

wood.

Savage Restricted Area –  
Portion of Map 2 Lot 49  
Amended Remedial Action Work Plan  
Project 3617197467 Figure 2a

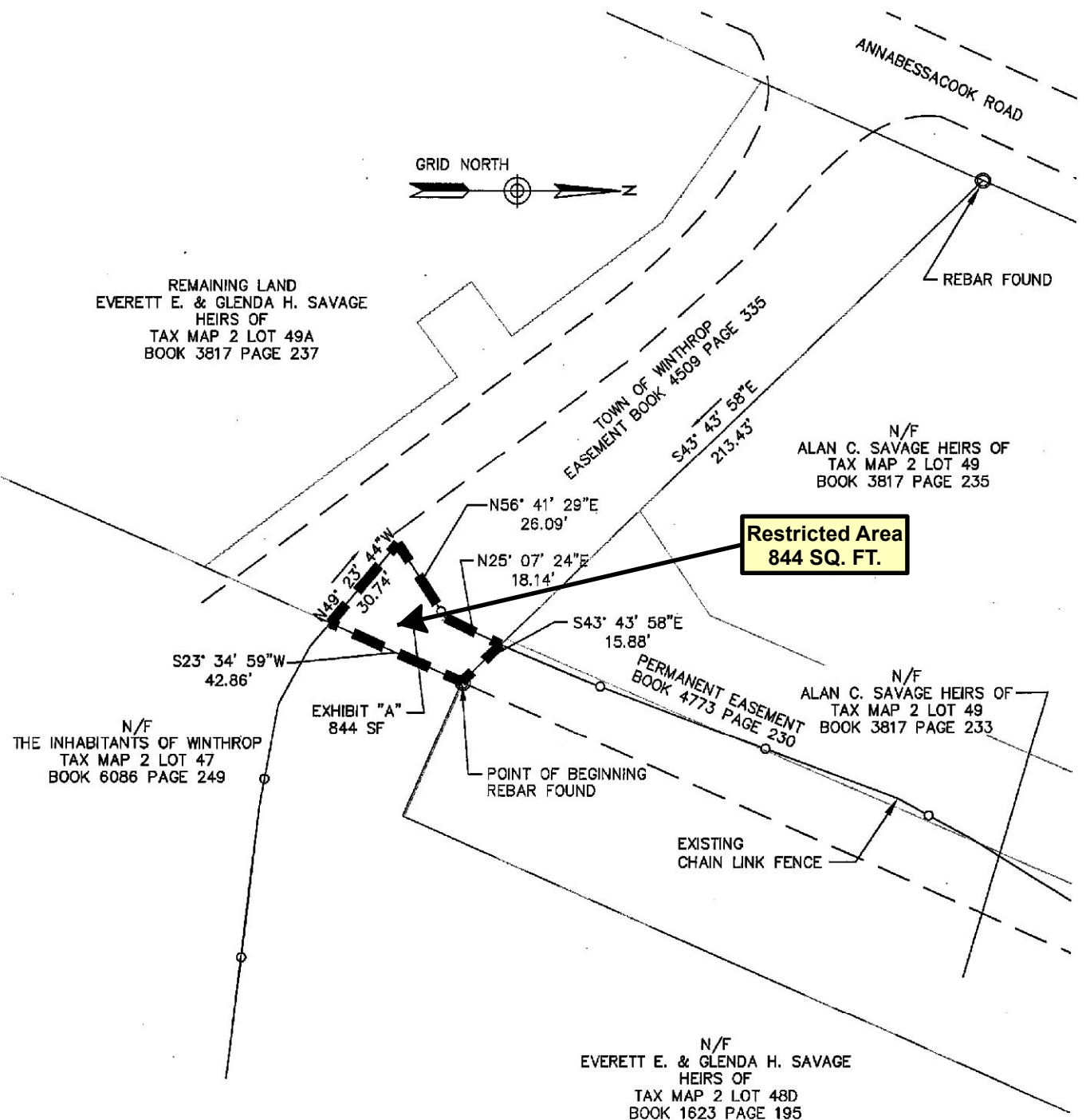


Prepared/Date: BRP 11-05-21  
Checked/Date: JBR 11-05-21

Winthrop Landfill  
Winthrop, Maine

wood.

Savage Restricted Area –  
Portion of Map 2 Lot 48D  
Amended Remedial Action Work Plan  
Project 3617197467 Figure 2b



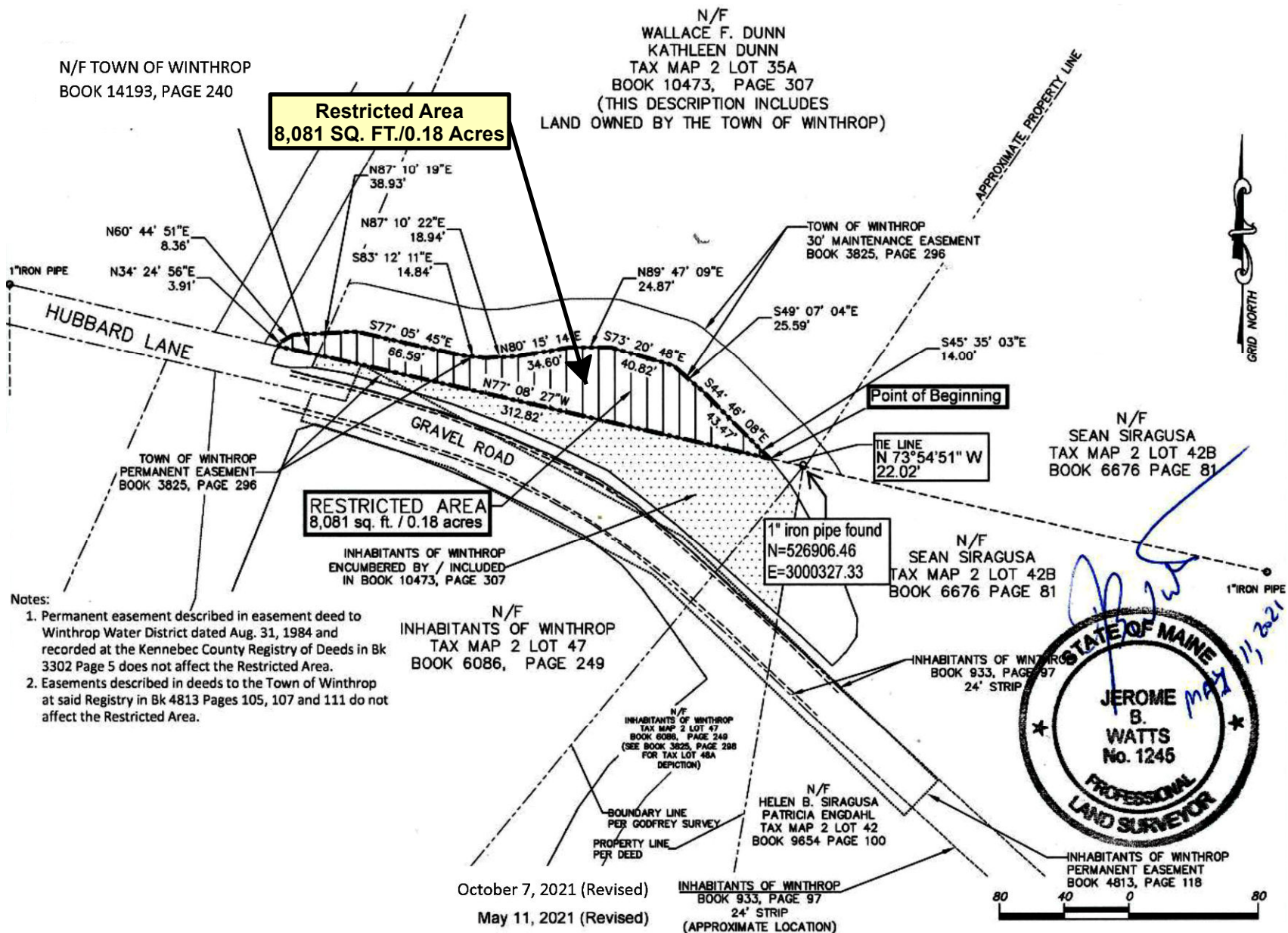
Prepared/Date: BRP 11-05-21  
Checked/Date: JBR 11-05-21

Winthrop Landfill  
Winthrop, Maine

**wood.**

Savage Restricted Area –  
Portion of Map 2 Lot 49A  
Amended Remedial Action Work Plan  
Project 3617197467 Figure 2c





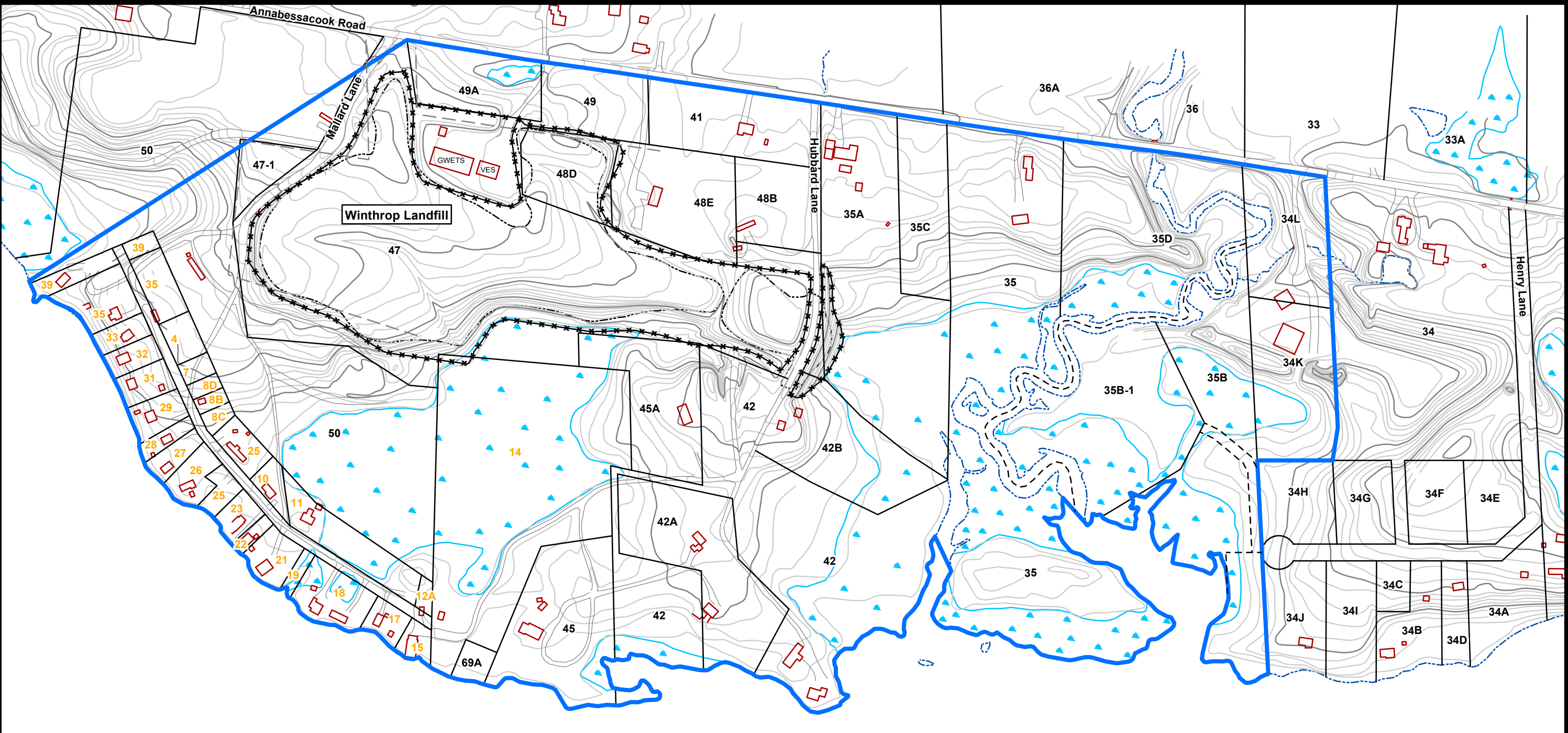
Prepared/Date: BRP 11-05-21

Checked/Date: JBR 11-05-21

Winthrop Landfill  
Winthrop, Maine

**wood.**

Town Owned Hubbard Lane Restricted Area – Portion of Map 2 Lot 35A  
Amended Remedial Action Work Plan  
Project 3617197467  
Figure 3



**Legend**

Groundwater Protection Ordinance Boundary	Index Contours (10 ft)
Winthrop Tax Parcel Property Boundaries	Intermediate Contours (2 ft)
Parcel Line (Winthrop Tax Map 1985)	Water Boundary
Building Outlines	Landfill Limit Boundary
Roads/Driveways	Bog/Marsh
	Fence

**Notes:**

1. The Groundwater Protection Ordinance Boundary is based on the description in the "Town of Winthrop Ground Water and Air Protection Ordinance, dated April 1, 1991", utilizing Plans of Record, monumentation found and the 1985 Winthrop Tax Map.

2. Tax Map Parcels are digitized from the Town of Winthrop Tax Map # 2 and 13. These parcels are approximate in presentation and should not be interpreted as survey accurate.

49 - denotes lot # from Tax Map # 2    19 - denotes lot # from Tax Map # 13

3. Property lines in the area of lots 35B and 35B-1 based on survey and deed review (Amec Foster Wheeler, July 2 and 3, 2015).

0 150 300 Feet

Annabessacook lake

Winthrop Landfill Winthrop, Maine		Groundwater Protection Ordinance Area Amended Remedial Action Work Plan Project 3617197467 Figure 4
--------------------------------------	--	--

Prepared/Date: BRP 11-05-21  
Checked/Date: JBR 11-05-21