LEAD-SAFE CAMBRIDGE
A Program of the
Cambridge Community
Development Department

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January 20, 1999

Mike Hill
U.S. EPA Region I
One Congress Street
Suite 1100 (CHW)
Boston, Massachusetts 02114-2023

Dear Mr. Hill:

I am writing on behalf of Lead-Safe Cambridge to formally submit our application for consideration under EPA's Project XL. Lead-Safe Cambridge is a federally funded deleading assistance program operated under the Cambridge Community Development Department. We help owners address lead hazards in their housing and soil. We are seeking EPA assistance with the disposal of eighty (80) cubic yards of leaded residential soil in a construction and demolition landfill pursuant to the household waste exclusion.

I would like to thank you for your assistance during the development of our proposal. You have been very helpful in giving us guidance regarding Project XL. The Lead-Safe Cambridge application was also prepared with the technical assistance of CLF Services, Inc. and TechLaw, Inc. We appreciate the EPA's provision of these technical resources to us.

Please review the enclosed application and call me at (617) 349-6010 to discuss your conclusion about its viability as a Project XL initiative.

Thank you for your help!

Sincerely,

Peggy Hegarty-Steck

Peggy Hegarty-Steck
Program Manager

cc: Christopher Knopes, EPA Headquarters
Steven Burrington, CLF, Inc.
Seth Kaplan, CLF, Inc.
Alan Wilson, CLF, Inc.
Steven Druschel, TechLaw, Inc.
Pete Haponenko, TechLaw, Inc.

I. Introduction

A. Description of the Community

The City of Cambridge, in addition to being home to prominent universities and high-tech corporations, has a diverse residential population representing a wide range of economic strata. This vibrant community includes a high percentage of families with children residing in housing stock more than 25 years old. This places the children of those families at risk of coming in contact with the lead based paint which was used on the exterior and in the interior of American homes prior to 1978. Lead Safe Cambridge ("LSC"), a program of the Community Development Department of the City of Cambridge, has taken an active role in addressing the problem of potential and actual lead poisoning of children by lead based paint and other sources of lead. As part of this work LSC has utilized funding provided by the United States Department of Housing and Urban Development to initiate an effort to "de-lead" housing units occupied by low income families. As of June 1999 this effort will result in the de-leading of 300 units occupied by these very vulnerable families. 390 children below the age of six reside in these households and will have been protected by the efforts of LSC. As part of this program, the City also offers property owners who qualify for our home deleading the financial and technical assistance to address lead in their soil.

The City of Cambridge has a wide array of environmentally sensitive programs and initiatives including:

- Purchase of 57 acres of land in the town of Lincoln to protect the City's watershed, 1998
- Creation of an open space acquisition fund, 1998
- Severe curtailing of the use of pesticides in city parks and playgrounds, 1997 - present
- Nationally recognized traffic calming and street design program
- Active recycling program that has led to a citywide overall recycling rate of 32%.

The City has received the following environmental awards:

- Bicycle Friendly Community Award - League of American Bicyclists, August 1998
- "Buy Recycled" Award for Best Municipal Program - Commonwealth of Massachusetts, October 1998
- "A" on "Recycling Report Card" - Comm. of Mass. Executive Office of Environmental Affairs, 1998
- Best Large Municipal Program Award - Massachusetts Recycling Coalition, 1997.

The City participates in the following EPA or state environmental initiatives:

- Eco-Friendly Cleaning Product Trial, Mass. Environmentally Preferable Product Procurement Program, Fall 1998
- EPA Green Lights / Energy Star Program
- EPA TaskForce 2005 (Charles River water quality project).

B. Contact Information

The Program Manager for Lead Safe Cambridge ("LSC") is Peggy Hegarty-Steck. LSC is located at 57 Inman Street Cambridge, Massachusetts 02139. Ms. Hegarty-Steck's telephone number is 617/349-6010 and facsimiles can be transmitted to 617/349-4669. A TTY serving LSC can be reached at 617/349-4621. Ms. Hegarty-Steck can be reached by email at "phegarty@ci.cambridge.ma.us" and the World Wide Web "homepage" for the City of Cambridge can be found at www.ci.cambridge.ma.us and specific information about LSC can be found on the Web at www.ci.cambridge.ma.us/~leadsafe/.

II. Project Description

A. Summary of Project

Principal Objective

LSC seeks EPA assistance, through Project XL, in disposing of leaded residential soil in construction and demolition landfills ("C & D Landfills") pursuant to the household waste exclusion found at 40 C.F.R. § 261.4(a).

Lead in soil is a complicated and pervasive urban problem which poses a potential risk to Cambridge residents, especially children. Through the LSC Safer Soil Pilot Program, soil testing of participating properties has revealed sixteen (16) houses where lead levels are above 5,000 parts per million ("ppm") a level which, under applicable EPA guidelines, calls for either permanent cover of the soil or removal. LSC anticipates that it will work with many additional properties in the future which will require similar leaded soil abatement measures. A projection of the number of properties that would potentially need such soil remediation is discussed in section II.B..

The basic difficulty in undertaking this soil removal has been the unwillingness of local municipal waste or C and D landfills to accept this residential soil as residential waste subject to the household hazardous waste exclusion and the resulting expense of disposing of the soil at a hazardous waste disposal site. Currently, the contractors removing, transporting and disposing of this soil are treating this soil as a hazardous waste that must be disposed of at an approved hazardous waste disposal site. The Massachusetts Department of Environmental Protection ("DEP") has discussed the possibility of providing guidance to such contractors showing them that the household hazardous waste exclusion found at 40 C.F.R. § 261.4(a) allows for disposal of this soil in a properly regulated and managed non-hazardous waste landfill. DEP has thus far been unable to locate a landfill for us that is willing to accept this residential soil - creating a need for EPA intervention.

The primary objective of the Project XL assistance that LSC is seeking would consist of (1) locating an appropriate landfill to accept the aforementioned leaded soil as household hazardous waste and (2) facilitating the implementation of such disposal. The broader objective, which would flow naturally from achieving the primary objectives, would be to develop a clear system with transporters and landfill operators so that any Massachusetts property owner can safely and responsibly remove lead hazards from their yard in affordable and cost effective manner, protecting numerous children from lead hazards.

Program Background

Given that Massachusetts law does not require property owners to remove or cover leaded soil and does not establish acceptable levels for lead in soil, aside from the hazardous waste cleanup standard found in the Massachusetts Contingency Plan prepared for Superfund use - a standard not applicable to a normal residential cleanup, LSC utilizes the standards established by the EPA pursuant to Title IV of the Toxic Substances Control Act ("TSCA") to determine if action is required. If the test results exceed EPA and HUD recommended levels, LSC offers the property owner hazard mitigation abatement options. The program has researched low cost, landscaping alternatives for reducing exposure to soil hazards. LSC offers financial and technical assistance to enable property owners to reduce soil lead hazards on their property.

Once a dwelling unit has been deleaded LSC samples soil, reviews lab results and works with owners to address their yard using current EPA guidelines (the 400 ppm "level of concern" and the 5,000 ppm level requiring permanent cover or removal discussed above). Soil is sampled form play areas, gardens, walkways and other bare areas where appropriate. Once the soil samples are taken, LSC sends the samples to the Massachusetts Department of Public Health Laboratory for analysis. LSC then reviews the results and notifies the property owner and tenant of the results. With the advice of the LSC landscape planner, owners and tenants have the technical expertise to transform their yards into playable, livable urban spaces. LSC also educates the public about soil as an additional exposure route for childhood lead poisoning.

LSC provides grants of up to $1,000 as reimbursements for soil hazard control strategies including landscaping, construction of enclosed play areas, etc. of yards of homes where dwelling units are deleaded by LSC. LSC provides grants in excess of $1,000 for paving and/or soil removal in circumstances where either soil lead levels are in excess of 5,000 ppm or soil lead levels are high and a poisoned child occupies a dwelling unit. The Program also provides up to $3,000 to a property where more than three units have been deleaded by LSC and the same circumstances apply. This grant-based model for soil hazard control rather than a loan-based model is needed because Massachusetts law does not provide either a carrot or a stick to remove this high concentration of lead in the soil.

Highest lead levels are normally found in the "drip zone" surrounding a house which was previously painted with lead-based paint. Typically, the "drip zone" is a three foot strip extending out around the house where paint chips and dust dislodged by rain, wind and natural weathering fall to the ground and mix with the soil. Drip line averages in the LSC Safer Soil Pilot Program are 3,371 ppm (of 122 area samples) well above the 400 ppm EPA "level of concern." This concept of the "drip zone" is especially important in an urban community where the yards are small and the drip zone will take up a significant percentage of the yard space. Permanently covering the drip zone raises concerns about water run-off as well as decreased open space in a dense urban community. The only other option available under EPA guidance is to remove this heavily leaded soil. Therefore, increasing the disposal cost which will decrease the number of properties which will be cleaned up.

It should be pointed out at this time that of the 62 properties sampled, 53% contain soil lead levels in excess of 2,000 ppm. The City of Cambridge has a total of 10,800 residential properties(Cambridge Housing Stock Profile,1996). Approximately two thirds of these residential properties contain useable yard space. If the percentage of homes with lead concentrations above 2,000ppm is consistent with the 62 homes tested, reducing the cost of disposing of lead contaminated soil will result is a significant increase in the number of soil removals for the rest of the housing stock in Cambridge.

Project

LSC has embarked upon an ambitious effort to remove lead contaminated soil around the previously identified sixteen houses where soil levels are above 5,000 ppm of lead. The soil removal will include removal of roughly five (5) cubic yards of lead contaminated soil from around each house. These sixteen homes were deleaded through our program and were thus eligible for soil testing. They represent the number of residential post lead abatement properties, out of the 62 tested, with lead equal to or exceeding 5,000 ppm. Regardless of whether this application is approved or not LSC will proceed with the soil remediation described above.

A Request for Proposals has been issued, and a qualified contractor has been selected. LSC is in the process of drawing up a contract for execution of this work. LSC intends to complete soil excavation, transport, disposal and reinstatement at these sites in March of 1999. However, unless EPA intervenes in the manner requested in this proposal, LSC will have to treat this soil as hazardous waste in order to secure a disposal facility.

B. Specific Project Elements

As described above, this effort is completely cost dependent- if the cost of removing the lead contaminated soil from each yard is reduced then more residential yards can be cleaned up. Currently, we estimate a typical yard requires 5 cubic yards of soil to be removed with an average transportation and disposal cost of $2,025. If the soil was instead taken to a Construction and Demolition Waste Landfill (popularly known as "C & D landfills) instead the average cost per remediation would be under $1,000. This average per remediation savings of $1,025 would enable LSC to make more effective use of their HUD funding by extending the Safer Soil Pilot Program to additional eligible properties. None of these calculations involve the excavation and reinstatement costs.

Furthermore, disposing of lead contaminated soil in non-hazardous landfills will not add any appreciable risk. If Massachusetts DEP and the landfill operators allow such soil to be disposed of as non-hazardous waste (in accordance with the household waste exclusion found at 40 C.F.R. § 261.4(a)) it will greatly decrease the per home cost of the project and consequently allow LSC to use Safer Soil funds to assist more families. 53% of the 62 LSC properties which were voluntarily tested had lead levels in excess of 2,000ppm. If the percentage of homes with lead concentrations is consistent with the 62 homes tested, reducing the cost of disposing lead contaminated soil will result in a significant increase in the number of soil removals able to be done in the remaining Cambridge housing stock. To extrapolate for all of Cambridge, 53% of the 7,128 Cambridge households which have yards would be potentially 3,778 households.

III. Application of Project XL Criteria to Project

A. Superior Environmental Performance

WHY IT IS ESSENTIAL THAT LEAD BE REMOVED FROM THE SOIL WHERE THE CHILDREN OF CAMBRIDGE LIVE AND PLAY

The need for the soil remediation which this project would provide can not be underestimated.

Children at Risk

The children who live and play in the yards of Cambridge are the people whom this program is seeking to help. According to the Massachusetts Department of Public Health, Cambridge continues to be a high-risk community for childhood lead poisoning based on the incidence rate of poisoned children, and the 71% of housing built before 1950. In FY 95, 10% of screened Cambridge children had elevated blood lead levels (>10 mcg/dl). In FY 1997, the level dropped significantly to 2.8% of all screened children with elevated blood lead levels (>10 mcg/dl). In both years, 16 children in the screened population had blood lead levels greater than 20 mcg/dl. In 1997, 58% of children under 6 years of age were screened. The nurse manager working with LSC tracked an average of 58 patients with blood lead levels over 15mcg/dl. In the neighborhoods which have been targeted by LSC in this program it is believed that there are 2,929 children under 6 residing units in need of deleading, in addition to the 390 children under 6 whose homes have been deleaded by LSC.

Age And Condition Of Housing Like many cities of the northeast, Cambridge contains a disproportionate number of aged, often run-down housing units. The 1990 Census shows that 90% of the City's 42,000 dwelling units were built before 1978.

Soil Data

LSC has collected the following data in Cambridge regarding the presence of lead in residential yards:

Out of 62 residential (post building lead abatement) yards tested-

- 95% of the properties contain soil-lead levels which exceed 400 ppm (the level of "concern" under HUD and EPA regulations).
- 53% of the properties contain soil-lead levels which exceed 2,000 ppm.

Out of 122 area samples, the data areas follows-

	over 400ppm	*over 2,000 ppm*	*area averages (ppm)*
Play area:	100%	42%	2,237
Drip line:	98%	61%	3,371
Vegetable garden:	93%	50%	2,269
Bare soil/other:	93%	31%	2,181

The effect on exposure to lead on the health of young children has been well documented. These effects include neurological effects like encephalopathy which is characterized by irritability, poor attention span, headache, muscular tremor, loss of memory and hallucinations and in severe cases, delirium, convulsions, paralysis, coma and death. The correlation between high blood-level levels and decrease in IQ and impairment in learning and behavior development has been extensively studied and some studies indicate that lead exposure can cause poor hand-eye coordination and hearing loss. Other effects of lead exposure in the literature include hematological symptoms like anemia and an inability to metabolize Vitamin D or calcium, hypertension, gastrointestinal effects like colic and renal effects including permanent damage to the kidneys. For a complete review of this subject see Risk Analysis to Support Standards for Lead in Paint, Dust and Soil, National Program Chemicals Division, Office of Pollution Prevention, U.S.E.P.A. at Vol. I, pp. 2-10 - 2-16 (June 1998, EPA 747-R-97-006).

WHY EPA INTERVENTION CAN PRODUCE SUPERIOR ENVIRONMENTAL PERFORMANCE

Currently, the soil removed as part of an LSC sponsored soil remediation must be taken to a facility licensed and equipped to handle hazardous wastes pursuant to Subtitle C of RCRA. Each remediation produces, on average 5 cubic yards of soil with an average transportation and disposal cost of $2,025. If the soil was instead taken to a Construction and Demolition Waste Landfill (popularly known as "C & D landfills) instead the average cost per remediation would be under $1,000. This average per remediation savings of $1,025 would enable LSC to make more effective use of their HUD funding by extending the Safer Soil Pilot Program to additional eligible properties. None of these calculations involve the excavation and reinstatement costs.

The superior environmental performance arises from more residential yards being cleaned up at a quicker pace, thus protecting children from high lead levels in soils. Moreover, the children that currently have elevated concentrations of lead in their blood will have a known source of contamination eliminated, thus protecting them from additional adverse health effects.

WHY DISPOSAL OF LEAD CONTAMINATED SOIL FROM RESIDENTIAL YARDS IN "C & D LANDFILLS" IS PERMITTED BY LAW AND IS SAFE AND PROTECTIVE OF HUMAN HEALTH AND THE ENVIRONMENT

Applicable federal law does not require that lead contaminated soil removed from residential yards be disposed of as a hazardous waste. As noted in the attached letter from David M. Webster, Chief of the RCRA Branch for Region I of the EPA dated April 21, 1995:

> It is the Region's position that lead contamination detected in soils located within the property boundaries of a household, the source of which is the result of routine residential maintenance (intentional paint removal) and/or the natural weathering or chalking of lead-based paint, is exempt from being a hazardous waste under the household waste exclusion found at 40 C.F.R. § 261.4(a). These soils may be managed on-site or disposed of off-site without invoking RCRA Subtitle C.

Additionally, current scientific analysis by EPA indicates that the chemical stability of lead and the inorganic and non-acidic environment of a C & D landfill work together to make such landfills an extremely safe place to dispose of such wastes. This analysis was presented in a recent Federal Register filing presenting a proposed rule which would explicitly allow for disposal of lead-based paint containing architectural debris from the interior of structures in C & D landfills:

> . . . modeling efforts indicate that the disposal of LBP [lead-based paint] debris in C & D landfills would be protective of human health at the 95th percentile protection level. This level of protectiveness is at the high end (most protective) of the levels of protectiveness that the Agency [EPA] has used in regulating hazardous wastes under the RCRA program. Historically, the EPA RCRA program has used levels of protectiveness ranging from 85 to 95%, when considering the results of various risk analyses.

Federal Register: December 18, 1998 Vol. 63, Number 243 at p. 70203.

B. Cost Savings and Paperwork Reduction

Not only would the LSC soil remediation program make more efficient use of its HUD grant dollars if it were able to dispose of lead contaminated residential yard soil in C &D landfills, this change would lessen the burden on hazardous waste landfills and the governmental costs associated with regulating such facilities. HUD has a fixed budget for lead abatements and reductions in disposal costs translate into more funds available to clean up yards.

C. Stakeholder involvement

LSC has worked with a wide range of community organizations and other stakeholders to ensure that the benefits of its programs reach a broad and diverse population. Lead-Safe Cambridge is a stakeholder in that we serve as the childhood lead poisoning prevention program for our community. We have a vested interest in ensuring that this project not pose any appreciable risk to children or the environment. We work with others to address community concerns regarding lead related public health, housing and environmental issues. A few examples of such organizations who have functioned as allies and collaborators with LSC are Just-A-Start Corporation, Homeowner's Rehabilitation Inc., Cambridge Neighborhood Apartment Housing Services Inc., Interfaith Action Corporation, St. Paul's AME Church, local banks, Cambridge Hospital, Cambridge Public Schools, Massachusetts Association of Portuguese Speakers, local hardware stores, YMCA, YWCA, WIC and the Cambridge Housing Authority. Key stakeholders in the childhood lead poisoning prevention community who have been involved in the question of appropriate disposal of lead contaminated material include the National Center for Lead-Safe Housing and the Alliance to End Childhood Lead Poisoning

D. Innovation- Reduction of Pollution

See B above.

E. Transferability

If EPA provides the requested assistance it will be establishing a highly transferable model. By creating a safe and cheaper route for remediation of lead contamination in residential yards EPA will be creating a pathway towards the remediation of thousands of yards in cities like Cambridge. Once EPA has intervened and established with Massachusetts DEP and the private contractors who would be removing the soil and the C & D landfills who would be receiving such soil that this an appropriate course of action the actual cost of such remediation will drop considerably as described above. This drop in cost will benefit private and public owners of residential property throughout Massachusetts, and most importantly, the children who live and play in the yards surrounding those properties.

F. Feasibility

This program is extremely feasible. As discussed above, LSC is prepared to move forward with this project. If the project does not get approved by EPA, LSC will face a dilemma. LSC may be forced to dispose of this highly leaded soil as hazardous waste at a greater and unnecessary cost to the program resources. Given that landfill operators do not currently recognize the household hazardous waste exemption for our project, we would be left with no other choice. By taking the action requested herein, EPA will be insuring that a greater number of homes and children will be able to be served.

EPA's role in this project is similarly feasible. EPA simply has to provide to Mass. DEP in clear, effective and timely terms the same substantive guidance it has given environmental regulators in other states like the above referenced letter from David M. Webster. EPA will also have to provide the same guidance, expressed in the appropriate way, to operators of relevant C & D landfills. As shown in an extremely recent EPA analysis, discussed above, this guidance will lead to an environmentally satisfactory result, disposal of the soil in a C & D landfill which will create the environmentally superior outcome of more residential yards free of lead contamination.

G. Evaluation, Monitoring and Accountability

EPA will be asked to continuously participate in the monitoring, oversight and application of this project as outlined in the schedule set forth below. LSC will, at the conclusion of this project, present a short data summary showing the number of yards remediated and approximate number of children protected due to this project and the EPA intervention.

H. Shifting of Risk Burden

No risk will be shifted as a result of this project or the requested EPA intervention. Worker safety will be protected by ensuring that appropriate safety measures are taken at the time of removal. All contractors will use only workers who have completed an appropriate OSHA 40 hour HAZ MAT training program for the excavation of soil and loading of such soil into trucks. As was previously discussed in section III.A., the disposal of leaded soil in a conventional landfill presents no danger to public health or to the environment. Please also see the following citations from the above referenced December 18 EPA Proposed Rule on the management and disposal of lead-based paint debris:

- p. 70206, #4, LBP contaminated soil
- p. 70222, References #15 - #19

IV. Requested Flexibility / EPA action

EPA can greatly assist the project by (1) ensuring that Massachusetts DEP will allow the soil removed during the execution of this project to be disposed of as non-hazardous waste in accordance with the household waste exclusion found at 40 C.F.R. § 261.4(a) and (2) ensuring that transporters and landfill operators are willing to transport and receive the soil. This EPA intervention may be as straight forward as the writing of a letter by EPA to the appropriate Mass. DEP officials (see attached draft letter) and the writing of a similar letter to a landfill operator. Such intervention may also require additional follow up by EPA with such officials and/or operators including telephone calls. A landfill operator may require additional written assurances that receiving of soil removed as part of this project will not cause him to be subject to CERCLA or RCRA liability. Finally, it is essential that a contact person at EPA and DEP be available to LSC during the actual disposal of the soil to ensure that any additional steps needed to solve any last minute problems which may arise are taken.

V. Compliance and Enforcement Profile

Listed below are the questions which EPA requires be included in this profile and the responses from the appropriate agencies of the Cambridge city government.

1. Any violations of environmental regulations or permits within the last 5 years? Yes.

a. Cambridge Water Department (CWD): In accordance with the Department of Environmental Protection (DEP) regulations found at 310 CMR 22.16, the CWD is required to test the water distribution system for evidence of microbiological activity measured as total coliform bacteria. During August 1994, the number of positive-coliform samples exceeded the allowable number, thus raising concerns about excessive microbiological activity in the water supply system. A plan was implemented immediately to address the problem which has not reoccurred. In addition, the City is in the process of constructing a new state-of-the-art water treatment plant which will ensure long-term excellent water quality.

b. Department of Public Works (DPW): (i) A sanitary sewer overflow into the Charles River in September of 1997 resulted in issuance of a violation order and a fine to the City by DEP. The final fine was in the amount of $12,000 and the order required the City to separate the common manholes in the collection system, implement a maintenance program for the system, and to implement a fats, oils, and grease program for use of the collection system. (ii) The City is implementing a sewer separation project pursuant to the Boston Harbor cleanup ordered and overseen by the U.S. District Court. As part of this effort the City is separating the sanitary and storm sewer systems and reducing combined sewer overflow discharges into the Charles River and the Alewife Brook. The City has expended approximately $25 million and expects to expend an additional $25 million to $40 million over the next ten years on this project.

2. Any on-going enforcement action or outstanding compliance issues?

Yes. DPW: (i) See 1 (b) above. (ii) The City is the subject of an EPA Administrative Order regarding the removal of illicit sewer connections in several catchment areas in the City. All initial requirements in this order have been met. The EPA and the City continue to monitor these systems. (iii) The City has agreed with the EPA to plan, design, and implement a stormwater management program. All initial requirements and minimum controls have been met . The City is presently developing its management program in coordination with the EPA and DEP.

3. Any obligations under an administrative order or judicial decree?

Yes. DPW: See 1(b) and 2 above.

4. Any litigation against EPA or the state which your community is party to?

City of Cambridge Law Department: No.

5. Any relevant civil lawsuits pending against your community?

City of Cambridge Law Department: No.

VI. Schedule

January 25, 1999- EPA designates a contact person at Mass. DEP to be invited to the February 2nd, 1999 meeting (below). EPA reviews the draft letter to Mass. DEP. LSC makes final decision regarding soil excavation and transportation contractors. EPA will publish notice in the Federal Register that the project is being undertaken.

February 9, 1999- Representatives from EPA, DEP, TechLaw, CLF, and LSC meet to discuss letter and potential C & D landfills identified by TechLaw. The form and substance of the letter to contractors and landfill operators and letter from EPA to DEP are finalized at this time. Letters signed and approved by EPA and DEP senior management by February 16th, 1999.

February 23, 1999- EPA and DEP approach the targeted landfills. EPA and DEP work together to ensure landfills will accept the soil. LSC reports on hiring of soil excavation and transportation contractors and discusses health and safety plan that these contractors will adhere to when removing and transporting the soil.

March 9, 1999- EPA and DEP to have completed arrangements for disposal of soil at targeted landfill. LSC finalizes contractor health and safety plan and sends such plan to EPA and DEP. EPA, DEP and LSC meet to discuss any outstanding issues at this time.

March 23, 1999- EPA, LSC and soil removal contractor meet to talk about soil removal issues. Adjustments to the existing soil removal contract will have to be discussed and the contractor needs to feel comfortable with the alteration in type and location of the landfill.

March 31, 1999- LSC will commence leaded soil removal project with their soil removal contractor regardless of whether or not a suitable C&D landfill has been located.