

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PLP 041
10.7
Case #19385

REGION I

IN THE MATTER OF:)	
PETERSON/PURITAN, INC. NPL SITE)	
CPC International, Inc., (formerly)	
Peterson/Puritan, Inc.)	
Martin Street)	
Cumberland, Rhode Island))	
Respondent)	U.S. EPA Docket No. 1-87-1064
Proceeding Under Section 122 (d) (3))	First Amendment to Administrative Order on Consent
(relating to a settlement agreement)	
for action under Section 104 (b)))	
of the Comprehensive Environmental)	
Response, Compensation, and Liability)	
Act of 1980, as amended by the Super-)	
fund Amendments and Reauthorization)	
Act of 1986 (SARA))	
)	

FIRST AMENDMENT TO ADMINISTRATIVE ORDER ON CONSENT

Pursuant to Paragraph 52 of the Administrative Order on Consent between the U.S. Environmental Protection Agency, Region I, ("EPA") and CPC International, Inc. (formerly Peterson/Puritan Inc.) ("CPC") dated May 29, 1987, Paragraphs 43 and 44 of that Administrative Order on Consent are hereby deleted and replaced by Paragraphs 43 and 44 of this First Amendment.

43. At the end of each fiscal year, EPA shall submit to the Respondent an accounting of all response and oversight costs incurred by the U.S. Government and interest thereon with respect to this Consent Order. The accounting provided to the Respondent shall consist of the following cost documentation:

- 1) cost summaries of EPA's response and oversight cost expenditures at the Site;
- 2) cumulative summaries of EPA's response and oversight cost payroll, travel, indirect and contractor costs at the Site
- 3) interest calculation report for response and oversight costs;
- 4) the technical work plans for the oversight and risk assessment contractors, including any amendments relating to tasks to be performed;

- 5) the technical portions of the monthly progress reports (for the preceding 12 months) concerning work completed at the Site;
- 6) a monthly narrative summary of oversight activities performed by EPA and the oversight contractor prepared by the Remedial Project Manager; and
- 7) the Scope of Work for the oversight contractor.

The parties agree that portions of the above described documents will be redacted by EPA to protect confidential business information (CBI) as defined by 40 C.F.R. Part 2, Subpart B, and enforcement confidential information as defined pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

The Respondent shall, within 30 calendar days of receipt of that accounting, remit a check for the amount of those costs and interest made payable to the Hazardous Substance Response Trust Fund. Checks should specifically reference the identity of the Site and be addressed to:

EPA Superfund
P.O. Box 360197M
Pittsburgh, Pennsylvania 15251

A copy of the transmittal letter should be sent to the Project Coordinator.

44. Respondent shall reimburse the following costs and interest thereon, without limitation, including all direct and indirect costs relating thereto, under this provision:

- A. All costs incurred by EPA in preparation of an RI/FS Work Plan for the Site;
- B. All costs incurred by EPA in implementing tasks under said Work Plan; and all penalties incurred by EPA with respect to contracts entered into by EPA or its contractors;
- C. All administrative costs including attorneys' fees incurred by EPA in negotiating, and monitoring compliance with, this Consent Order;
- D. All costs incurred by EPA in developing an Endangerment Assessment/Risk Assessment for the Site;
- E. All costs incurred by ATSDR in conducting a Health Assessment for the Site;
- F. All costs incurred by EPA under or in connection with an oversight contract or arrangement by which EPA will secure assistance in overseeing and

reviewing the RI/FS conducted by Respondent under this Order, and

G. All costs incurred by EPA in the development and implementation of a Community Relations Plan related to RI/FS activities at the Site.

IT IS SO AGREED AND ORDERED:

By:

Julie Belaga
Julie Belaga
Regional Administrator
U.S. Environmental Protection Agency

March 10, 1992

Date

By:

J.P.
CPC International, Inc.

1/13/92

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

MEMORANDUM OF UNDERSTANDING RELATING TO THE FIRST AMENDMENT

This letter memorializes the terms and conditions of the agreement between the U.S. Environmental Protection Agency, Region I ("EPA"), and CPC International, Inc. ("CPC"), relating to the First Amendment to the Administrative Order on Consent for the Peterson/Puritan Superfund Site in Rhode Island.

By signing that First Amendment, and agreeing to be bound by its terms, both parties agree to the following:

1. CPC will pay, within thirty (30) days of EPA signature of the First Amendment, the indirect costs that are outstanding on the July 18, 1990 and May 16, 1991 EPA bills, plus interest. The parties agree that such payments amount to \$228,929.00.
2. In consideration of the payments described above in Paragraph 1, EPA will forgive and not seek to enforce the stipulated penalties that EPA began assessing on March 18, 1991 against CPC. Such action in no way affects EPA's ability to invoke such penalties for other matters at a future time.
3. The monthly narrative summary, described in Paragraph 43(6) of the First Amendment, will not be provided in the EPA accounting for the period covering 10-1-90 to 9-30-91. Such summary will, however, be provided in all EPA accountings issued thereafter.
4. Certain documents listed in Paragraph 43 of the First Amendment may not be provided with every EPA accounting. Such documents, such as the scopes of work and technical workplans, will be provided with the accounting for the period covering 10-1-90 to 9-30-91, and any period thereafter during which such document is technically amended.
5. All expenses described in future EPA accountings will be limited to those expenses incurred pursuant to Paragraph 44 of the Order, as amended. EPA shall not bill CPC for any activities at the Site not within the scope of activities described in Paragraph 44.

By:

Julie Belaga

Regional Administrator

U.S. Environmental Protection Agency

By:

CPC International, Inc.

John W. Scott

March 10, 1992

Date

February 7, 1992

Date

