



**EPA REGION 1 NOTICE  
BEEDE WASTE OIL SUPERFUND SITE  
SECOND *DE MINIMIS* SETTLEMENT CLOSING DATE REMAINS  
AUGUST 2, 2002**

By EPA letter dated May 28, 2002, Region 1 and the New Hampshire Department of Environmental Services issued a joint settlement offer to approximately 1,100 Beede potentially responsible parties (PRPs) who contributed between 276 and 5,000 gallons to the Beede Waste Oil Superfund site in Plaistow, New Hampshire. The closing date for this offer is August 2, 2002. By this date, all parties who wish to participate in the settlement, and therefore conclude their involvement with the Beede site, must submit total payment and signature pages to the Beede Settlement Trust, with copies to EPA, as instructed in the offer package.

Recently, EPA has received some requests to extend the close for the Second *De Minimis* settlement offer. The issuance of the EPA Beede Second *De Minimis* settlement offer was the result of a carefully considered strategy for the Beede Site, developed over the past two years, and part of an effort to provide many low-volume parties with an early opportunity to settle directly with EPA, thereby reducing their transaction costs. EPA continues to believe that providing this Second *De Minimis* settlement offer is in the interest of those parties seeking finality in this case. **Selection of the August 2, 2002 close date was not arbitrary and in fact, an extension of the August date could have potentially negative tax consequences for the participating PRPs.** Those PRPs who choose to participate in this second settlement are relying upon EPA to carry through on its commitment to make this settlement final and effective as soon as possible.

In light of these concerns, EPA cannot extend the August 2, 2002 close date for the Second *De Minimis* settlement offer and thereby deny many small volume parties the opportunity for a final settlement with EPA this calendar year. However, we understand the dilemma that some parties are experiencing right now due to the involvement of a private superfund company at Beede, and some parties' serious financial concerns about making total payment by the August 2 due date. In recognition of these concerns, we are willing to state that **in any future settlement(s) with EPA, we will try not to financially disadvantage parties who feel that they cannot participate in the Second *De Minimis* settlement offer by August 2 for such significant and documented reasons as: serious attempts to work with a private superfund company<sup>1</sup>; or submittal of a complete good faith claim of an inability to pay the full settlement amount by the close date.** Note that in issuing the Second *De Minimis* offer, we did not financially disadvantage anyone who was eligible for the First *De Minimis* offer and chose not to settle because of Waste Quantity Review or Ability to Pay issues.

*Parties receiving the Second *De Minimis* offer who wish to submit an inability to pay claim must do so by August 2, 2002, as specified in the one-page instruction sheet titled "Ability to Pay Claims" included in the settlement offer package.*

If you have any questions, please call the Beede Hotline at 1-888-294-6980 or 617-737-1512.

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<sup>1</sup> For a definition of superfund company, refer to EPA's May 4, 2000 Memorandum available on the EPA Beede web site.