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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

HSM 5J

Tri-State Manufacturing, Inc.
121 Industry Avenue
Frankfort, Illinois 60423

RE: Notice of Potential Liability and Request for Information; American Chemical Services Site, Griffith, Indiana

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment or disposal of the hazardous substances at the Site. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning and enforcement costs.

U.S. EPA previously notified, based on information then available, a group of potentially responsible parties about the conditions at the Site. A number of these potentially responsible parties entered into an Administrative Order on Consent wherein they agreed to conduct a remedial investigation (RI) to determine the nature and extent of any release or threatened release of hazardous substances, pollutants or contaminants from the Site and to perform a feasibility study (FS) to identify and evaluate alternatives for the appropriate extent of remedial action needed to address conditions at the Site. After the RI and FS are complete, and after notice and public hearing, U.S. EPA will select its preferred remedy for the Site.

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U.S. EPA has received information that your company may have generated or transported hazardous substances that were disposed of at the Site. This information consists of account ledgers maintained at the Site. A copy of the account ledgers is enclosed for your review. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA will determine are required at the Site.

As a potentially responsible party, you should notify U.S. EPA in writing of your willingness to perform or finance the activities determined by U.S. EPA to be necessary at the Site. If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of such potential responsibility and declines any involvement in performing the chosen response activities. To facilitate your decision, you may wish to contact the steering committee formed by a number of the potentially responsible parties previously notified by U.S. EPA. The chairman of the steering committee is Mr. Andrew H. Perellis of Coffield, Ungaretti & Harris, 3500 Three First National Plaza, Chicago, IL 60602. His telephone number is (312) 977-4400.

Your letter to U.S. EPA should include the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with any state or local authorities, engaged in voluntary cleanup action or involved in a lawsuit regarding the Site, you should continue those activities as you see fit. This letter is not intended to advise you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your responses to any other parties involved in those actions or discussions.

In addition, U.S. EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release or threatened release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require any person who has or may have information relevant to any of the following to furnish U.S. EPA with such information: (1) the identification, nature or quantity of materials which have been or are generated, treated, stored, or disposed of at the Site; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from the Site; and (3) the ability of a person to pay for or perform a cleanup. Pursuant to CERCLA Section 104(e), you are hereby requested to submit the following

information concerning the American Chemical Services Site in Griffith, Indiana. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

1. Identify all persons consulted in the preparation of the answers to these information requests.

2. Copies of all shipping documents or other business documents relating to the transportation, storage and/or disposal of waste materials or substances at the above referenced Site.

3. A detailed description of the generic, common and/or trade name and the chemical composition and character (i.e. liquid, solid, sludge) of the waste material offered by you and/or transported by you to the above referenced Site.

4. For each waste material state the total volume, in gallons for liquids and in cubic meters for solids, for which you arranged for disposal and list when those substances were transported to the above referenced Site.

5. For each hazardous substance please give the location at which it was disposed on the Site. Please include a map of the Site with disposal locations on it.

6. What arrangements were made to transport the waste materials which were taken to the above referenced Site? What type of transportation was used (i.e. tankers, dump trucks, drums)?

7. If you transported waste material to the Site, who were the generators of the waste materials you transported? Provide their current address.

8. Identify any individual or entity that transported your waste material to the Site.

9. Copies of all records, including analytical results, and material safety data sheets, which indicate the identity, amounts and chemical composition and/or chemical character of the waste materials transported to, stored or disposed of at the above referenced Site or offered for transportation to, storage or disposal at the Site.

10. State whether you operate as a sole proprietorship, partnership, corporation or any other organizational form. Identify any transactions that involved a change in your organizational form (eg. merger, consolidation, sale of assets...).

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the Site.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through, or from, the above referenced Site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification material of any kind.

This request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities and their officers, directors, and employees. The information sought herein must be sent to U.S. EPA within thirty (30) calendar days of your receipt of this letter. Failure to respond fully and truthfully to this request, or to adequately justify any failure to respond, may result in an enforcement action against you by U.S. EPA under Section 104 of CERCLA, as amended. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to U.S. EPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify U.S. EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. Section 1001. The U.S. EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

Your responses to both the notice of potential liability and the information requests should be sent, within thirty (30) days from receipt of this letter, to:

Mr. Joseph Malek
United States Environmental Protection Agency
P.O. Box 529
Itasca, IL 60143-9998

If you need further information regarding this letter, you may contact Mr. Malek at (312) 353-2007.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

Thomas W. Mateer

Thomas Mateer, Chief
Superfund Management Program Branch

Tri-State Manufacturing, Inc.
121 Industry Avenue
Frankfort, IL 60423

RETURN TO SENDER
MOVED LEFT NO ADDRESS

Fold at line ... to ... envelope to the right of the return address

CERTIFIED

P 045 752 296

MAIL

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

Is your RETURN ADDRESS completed on the reverse side?

Tri-State Manufacturing, Inc.
121 Industry Avenue
Frankfort, IL 60423

4a. Article Number
P 045 752 296

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form **3811**, November 1990 ☆U.S. GPO: 1991—287-... **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.