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

EPA Region 5 Records Ctr.
303179

REPLY TO THE ATTENTION OF
SR-6J

JUL 1 8 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

McGean Worldwide, Inc.
for R.O. Hull & Company
2910 Harvard Ave.
Cleveland, OH 44105-3010

RE: The Chemical Recovery Systems Site, Elyria, Ohio
General Notice of Potential Liability and
Request for Information

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA or Agency) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced facility (Site). To address the dangers and threats to human health and the environment as quickly as possible, several Potentially Responsible Parties (PRPs) have signed an Administrative Order on Consent (AOC) to conduct a Remedial Investigation/Feasibility Study (RI/FS) with U.S. EPA oversight. All response actions at this Site will be taken 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). Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of hazardous substances at the Site. Under Section 107 (a) of CERCLA, 42 U.S.C. § 9607 (a), where the Agency 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 Site, including investigation, planning and enforcement.

U.S. EPA, based on the results of the completed RI/FS, issued a Record of Decision (ROD) to the PRPs on October 30, 2007. The ROD includes a summary of response actions selected to mitigate threats associated with the Chemical Recovery Site that shall be designed and implemented by the settling parties. These response actions include:

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- Excavate the top four feet of highly contaminated soil located in the northwest corner (0.5 acres), to address the principal threat source material, (contaminated materials may migrate) to groundwater and future indoor air, which will eliminate the direct contact risk associated with the contaminated soil;
- Dispose excavated soils off-site per appropriate disposal requirements;
- Surficial sampling verification (up to 6 inches), to document the level of and type of contaminants left in place. No additional soil removal is required;
- Backfill excavated area with clean fill material, and cover with at least two-feet of clean soil;
- Application of a marker prior to backfilling, such as orange polyethylene netting, to delineate contaminated soils are underneath;
- Cover the remainder of the Site (2.0 acres) with two-feet of clean soil, compact and appropriately grade for erosion control;
- Monitored Natural Attenuation of groundwater to assure groundwater restoration to drinking water standards are achieved for all Contaminants of Concern (COCs);
- Institutional Controls to ensure the Site remains protective of public health and the environment;
- Perimeter fencing;
- Air monitoring and dust suppression during construction;
- Closure of two on-site sump pumps;
- Demolish two on-site structures;
- Repair sewer line; and,
- Thirty-year Operations & Maintenance to assure all Remedial Action Objectives continue to be maintained.

The U. S. EPA has received information that you may have owned or operated or generated or transported hazardous substances that were disposed of at the Site. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a PRP, to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities that U. S. EPA has determined or will determine are required at the Site. The U.S. EPA intends to issue Special Notice to all PRPs associated with the Site. In this Special Notice, U.S. EPA will invite and encourage all recipients to pay the past costs and cooperate with other PRPs and U.S. EPA in undertaking remedial actions at the Site.

Attachment 7 is a list of the names and addresses of the PRPs to whom this notice was sent. This list is provided to assist you in contacting other PRPs in this matter and to negotiate with U.S. EPA.

Enclosed is a U.S. EPA Small Business Regulatory Enforcement Fairness Act Information Sheet (Attachment 8). The information sheet may be helpful, if you are subject to enforcement action by U.S. EPA and you are a qualified small business. Attachment 9 is a list of respondents that have already signed the AOC, executed May 29, 2002, to conduct the RI/FS.
As a PRP, you should notify U.S. EPA in writing within 10 days of receipt of this letter of your willingness to perform or finance the activities described above. If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the Site and that you have declined any involvement in performing the response activities.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct 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 response to any other party involved in those discussions or actions.

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 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, or transported to a facility; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility and (3) the ability of a company or person to pay for or perform a cleanup. Attachment 1 is a summary of the history of the Chemical Recovery Systems Site.

Pursuant to Section 104(e) of CERCLA, you are hereby requested to submit a response to this Information Request and its questions in Attachment 2 concerning the Chemical Recovery Systems Site located at 142 Locust Street in Elyria, Ohio. Instructions to guide you in the preparation of your response are in Attachment 3. Definitions of the terms used in this Information Request and in the questions are in Attachment 4.

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 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 U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C. F. R. Part 2. To request that the Agency treat your information as confidential, you must follow the procedures outlined in Attachment 5, including the requirement that you support your claim for confidentiality.

The written statements submitted pursuant to this request must be 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. § 1001. The U. S. EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act, 44 U. S. C. Section 3501 *et seq*.

Send your responses to both the Notice of Potential Liability within 10 days and the Information Request within 30 days, to:

U. S. Environmental Protection Agency
G. Marie Watts, SR- 6J
Remedial Enforcement Services Section
77 West Jackson Blvd.
Chicago, Illinois 60604 - 3590

If you have legal questions, please call Thomas Nash, Associate Regional Counsel, at (312) 886- 0552. If you have technical questions about this Site, call Mary Tierney, Remedial Project Manager, at (312) 886- 4785. Address all other questions to G. Marie Watts, Enforcement Specialist, at (312) 886-7591.

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

Sincerely,

Wendy L. Carney, Chief
Remedial Response Branch #1

Attachments

1. Site History
2. Questions
3. Instructions
4. Definitions
5. Confidential Business Information
6. Legal Authority
7. List of Potentially Responsible Parties (PRPs)
8. Small Business Fact Sheet
9. List of Respondents Executing the Administrative Order on Consent

Attachment 1
SITE HISTORY

The Chemical Recovery Systems Site (CRS Site) is located at 142 Locust Street in Elyria, Ohio. The CRS Site is bordered on the west by the East Branch of the Black River, to the north and east by the Engelhard (formerly Harshaw) Chemical Company, and to the south by M&M Aluminum Siding Company. The CRS Site is located in a predominantly industrial and commercial area near the central business district of Elyria. The CRS Site consists of four parcels that are currently leased to M&M Aluminum which uses the Site property to store. Most of the Site's 2.3 acres are empty. Two buildings are currently on the CRS Site: a former warehouse and office building and the masonry shell of a building that housed a Rodney Hunt distillery. These building are located in the southeast corner of the CRS Site. The foundation of a building that formerly housed a Brighton still is located in the northeast corner of the CRS Site. The CRS Site is fenced on all sides except the side bounded by the East Branch of the Black River.

Beginning no later than the 1940s the CRS Site was used for commercial and industrial purposes such as a coal yard. During the 1950s, Harshaw Chemical briefly leased the CRS Site to store saggers. In 1960, Russell Obitts leased the CRS Site property and relocated his existing business, the Obitts Chemical Company, which reclaimed spent organic solvents, to the CRS Site. Later Russell Obitts and Dorothy Obitts purchased this property.

In 1974, Chemical Recovery Systems, Incorporated, a Michigan corporation (CRS-MI), assumed operations at the CRS Site through a stock purchase agreement with the Obitts Chemical Company. CRS-MI formed a wholly owned subsidiary, Chemical Recovery Systems, Inc., which it incorporated under Ohio law, to operate the former Obitts Chemical Company. In a separate agreement, CRS-MI leased the CRS Site property from Russell Obitts and Dorothy Obitts in a lease agreement with an option to purchase. A year later CRS-MI exercised its purchase option. Chemical Recovery Systems, Inc., an Ohio corporation (CRS-OH) continued operations at the CRS Site until 1981.

Operating as Obitts Chemical Company and then as CRS-OH the facility located on the Site received spent organic solvents from industrial facilities and reclaimed the solvents through distillation processes. Both owner/operators hauled contaminated solvents to the Site facility in their own tanker trucks and in stake trucks hauling 55 gallon drums. Spent solvents were stored in above ground tanks and 55 gallon drums. Soil contamination occurred through leakage and spills. Spent solvents that were transported to the CRS Site include, but are not limited to, the following: acetone, hexane, isopropyl alcohol, methylene ethyl ketone (MEK), tetrachloroethane, toluene, trichloroethane, and xylene. Analysis of samples collected at the CRS Site by U.S. EPA on November 26, 1979, detected PCE, ethyl benzene, and naphthalene. A solvent sample collected on February 5, 1980 contained toluene, ethylbenzene, xylene, and naphthalene. During U.S. EPA's visit to the CRS Site February 5, 1980, an employee of the facility identified specific solvents reclaimed which included paint solvents.

Because the CRS Site posed imminent danger to the local population and the environment, U.S. EPA initiated an action under the Resource Recovery and Conservation Act (RCRA). On October 7, 1980, the U.S. Department of Justice (U.S. DOJ), on behalf of U.S. EPA, filed an action against CRS-OH in the U.S. District Court, Northern District of Ohio, to abate an imminent and substantial endangerment to public health and the environment. On July 12, 1983, the District Court entered a Consent Decree that required CRS-OH to take the following actions: excavate all visibly contaminated soils identified during a joint U.S. EPA and CRS-OH inspection; excavate the perimeter of the Brighton still to a specified depth and distance; dispose of the excavated soil at an approved waste disposal site; backfill the excavated areas; and grade the CRS Site. After its inspection of the CRS Site November 7, 1983, U.S. EPA concluded that CRS-OH was in compliance with the July 12, 1983 Consent Decree.

Because hazardous substances released at the CRS-Site remain in the soil and groundwater at elevated levels, U.S. EPA is now taking response actions, under the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and its amendments.

Several parties, already notified of their potential liability at the CRS Site, have signed an Administrative Order on Consent (AOC) to conduct a Remedial Investigation/Feasibility Study (RI/FS). Field work on the RI began on July 7, 2003, which was conducted in two phases. The first phase of the field investigation activities included the installation and sampling of 40 soil borings and the installation of five temporary monitoring wells. Five surface soils samples were collected from the river bank, and sediment and surface water samples were collected from the River. A camera survey of the storm sewer was performed to determine the condition of the storm sewer line that runs underneath the northern portion of the Site from Locust Street to the River.

The second phase of field investigation activities was conducted during the fall of 2003. Field activities included the installation of five groundwater monitoring wells, sampling the newly installed groundwater monitoring wells, including the sampling of the four existing groundwater monitoring wells, as well as or in addition to, collecting the five soil borings along the storm sewer.

The draft Remedial Investigation/Feasibility Study Report was submitted for review and comments. U.S. EPA, in consultation with Ohio EPA reviewed and submitted comments regarding the draft report to the PRP group. Based on U.S. EPA's comments, additional samples were taken along the River bank, and from River bank seeps (April 2005). Revisions incorporating the U.S. EPA comments to the draft report were made and the RI/FS Report was approved October 30, 2007.

Attachment 2
QUESTIONS

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

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons

4. List the EPA Identification Numbers of the Respondent.

5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom at the CRS Site.

6. Identify all persons, including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site (operating as Obitts Chemical Company or Chemical Recovery Systems, Inc., at 142 Locust Street, Elyria, Ohio).

7. Describe all arrangements that Respondent may have or may have had with each of the following companies and persons:

a) Obitts chemical Company

b) Russell Obitts

c) Chemical Recovery Systems, Inc.

d) Peter Shagena

e) James Freeman

f) James "Jim" Jackson

g) Donald Matthews

h) Bob Spears

i) Bill Bromley

j) Carol Oliver

k) Nolwood Chemical Company, Inc.

l) Art McWood

m) Chuck Nolton

n) Michigan Recovery Systems, Inc.

o) Chemical Recovery Systems of Michigan

8. Set forth the dates during which the Respondent engaged in any of the following activities:

a) Generation of hazardous materials which were sent to the CRS Site;

b) Transportation of any material to the CRS Site.

9. Identify all persons, including you, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the CRS Site. In addition, identify the following:

a) The persons with whom you or any other persons made such arrangements;

b) Every date on which such arrangements occurred;

c) For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

d) The owner of the materials or hazardous substances so accepted or transported;

e) The quantity of the materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

f) All tests, analyses, and analytical results concerning the materials;

g) The person (s) who selected the CRS Site as the place to which the materials or hazardous substances were to be transported;

h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

i) Where the person identified in (g) , above, intended to have such hazardous substances or materials transported and all evidence of this intent;

j) Whether the materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

k) What was actually done to the materials or hazardous substances once they were brought to the CRS Site;

l) The final disposition of each of the materials or hazardous substances involved in such transactions;

m) The measures taken by you to determine the actual methods, means, and location of treatment or disposal of the material and hazardous substance involved in each transaction:

n) The type and number of containers the materials or hazardous substances were contained when accepted for transport, and subsequently until deposited at the CRS Site, and all markings on such containers;

o) The price paid for (i) transport, (ii) disposal, or (iii) both of each material and hazardous substance.

p) All documents containing information responsive to a - o above, or in lieu of identification of all relevant documents, provide copies of all such documents.

q) All persons with knowledge, information, documents responsive to a - p above.

10. Identify all liability insurance policies held by Respondent from 1960 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non sudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

11. Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.

12. If Respondent is a Corporation, respond to the following requests:

a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

c) Identify all of Respondent's current assets and liabilities and the person (s) who

currently own or is responsible for such assets and liabilities.

d) Identify the Parent Corporation and all Subsidiaries of the Respondent.

13. If Respondent is a Partnership, respond to the following requests:

a) Provide copies of the Partnership Agreement;

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;

c) Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities.

d) Identify all subsidiaries of the Respondent.

14. If Respondent is a Trust, respond to the following requests:

a) Provide all relevant agreements and documents to support this claim.

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

c) Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities.

Attachment 3
INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.

2. Precede each answer with the number of the question to which it corresponds.

3. In answering each question, identify all persons and contributing sources of information.

4. Although the U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes the U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.

5. For any document submitted in response to a question, indicate the number of the question to which it responds.

6. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.

7. For any document submitted in response to a question, indicate the number of the question to which it responds.

8. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.

9. Your response must be accompanied by the following statement, or one that is substantially equivalent:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.
>
> Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The individual who prepared the response or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Include the corporate official's full title.

10. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.

11. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Attachment 5.

Attachment 4
DEFINITIONS

1. As used in this letter, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa.

2. The term ***person*** as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

3. ***The Site*** referenced in these documents shall mean the **Chemical Recovery Systems, Inc., Site** located at 142 Locust Street, Elyria, Ohio.

4. The term ***hazardous substance*** shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.

5. The term, ***pollutant*** or ***contaminant***, shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.

6. The term ***release*** shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

7. The term ***identify*** means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

8. The term ***identify*** means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership), organization, if any, and a brief description of its business.

9. The term ***identify*** means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

10. The term ***you, yours*** or ***Respondent*** shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, partners, successors, assigns, subsidiaries and agents.

11. The term ***dump*** as used herein shall mean an accumulation of refuse and discarded materials and/or a place where such materials are dumped.

12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, (RCRA), 40 C. F.R Part 300 or 40 C.F.R. Part 260-280, in which case the statutory or regulatory definitions shall apply.

Attachment 5
CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (U.S. EPA or Agency) is requesting. You can not withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 *et seq.*, require that U.S. EPA afford you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. Section 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 *et seq.* (September 1, 1976); 43 Federal Register 4000 *et seq.* (December 18, 1985).] If no such claim accompanies the information when U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCLA), because, as stated in Section 104(e)(7) (ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish U.S. EPA to treat the information or record as *confidential*, you must advise U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope *confidential*, and identify the number of the question to which the envelope's contents are the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;

2. The measures that you have taken to guard against disclosure of the information to others;

3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;

4. Whether U.S. EPA or other federal agency has made a pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination.

5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information.

6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. 2.201(i). If you make this assertion, explain how the disclosure would tend to lessen the ability of U.S. EPA to obtain similar information in the future.

7. Any other information that you deem relevant to a determination of confidentiality.

Please note that, pursuant to 40 C.F.R. 2.208(e), the burden of substantiating confidentiality rests with you. The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as *confidential*, your comments will be available to the public without further notice to you.

Attachment 6
DESCRIPTION of LEGAL AUTHORITY

The federal **Superfund** law (the Comprehensive Environmental Response, Compensation and Liability Act), 42 U.S.C. § 9601, *et seq.*, (commonly referred to as **CERCLA** or Superfund), gives the U.S. EPA the authority to, among other things: 1) assess contaminated sites; 2) determine the threats to human health and the environment posed by each site; and 3) clean up those sites in the order of the relative threats posed by each.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604 (e)(2), U.S. EPA has broad information-gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;

B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;

C. The ability to pay the costs of the clean-up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA. This section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond <u>and</u> does not justify the failure to respond. Other statutory provisions (18 U.S.C. § 1001) authorize separate penalties if the responses contain false, fictitious, or fraudulent statements. U.S. EPA has the authority to use the information requested in this Information Request in an administrative, civil, or criminal action.

CHEMICAL RECOVERY SYSTEMS
SERVICE LIST UPDATED JUNE 2008

1. Brian D. Kelly
for Virden Corporation
1490 Avon Lane
Apt. 1328
Pompano Beach, FL 33068

2. John Zeravica
Senior Vice President
Tommy Armour Golf
f/k/a Victor Comptometer
224 East Center Avenue
Lake Bluff, IL 60044

3. Valspar
Attn: Ronda Bayer
1101 S Third St.
Minneapolis, MN 55415
(Re: Plasti-Kote)

4. Spencer, Fane, Britt & Browne, LLP
Attn: Kathleen M. Whitby
1 North Brentwood, Suite 1000
Clayton, MO 63105
(Re: Western Electric/Lucent)

5. Squire, Sanders & Dempsey, LLP
Attn: Douglas McWilliams
4900 Key Tower, 127 Public Square
Cleveland, OH 44114-1304
(Re: Avery/Fasson)

6. NCC Incorporated
f/k/a Nolwood Chemical
Attn: Arthur McWood, Jr.
42714 Woodward Avenue, Suite A
Bloomfield Hills, MI 48304-5061

PVS Chemicals, Inc./
Nolwood Chemical
Attn: Jonathan Taub
10900 Harper Avenue
Detroit, MI 48213

7. Wickens, Herzer, Panza Cook & Batista
Attn: Richard Panza
35765 Chester Road
Avon, OH 44011-1262
(Re: Robert Ross & Sons)

8. Mr. David B. Graham, Esq.
Kaufman & Canoles
4801 Courthouse Street, Suite 300
Williamsburg, VA 23188
(Re: Celanese)

9. Thompson Hine
Attn: Heidi Goldstein
3900 Key Center
127 Public Square
Cleveland, OH 44114-1291
(Re: B.F. Goodrich)

Thompson Hine
Attn: Keely O'Bryan
3900 Key Center
127 Public Square
Cleveland, OH 44114-1291
(Re: B.F. Goodrich)

10. Jamestown Paint & Varnish Co.
Attn: Joseph Walton
108 Main Street
Jamestown, PA 16134

Thompson Hine
Attn: Heidi Goldstein
3900 Key Center
127 Public Square
Cleveland, OH 44114
(Re: Jamestown Paint & Varnish)

Thompson Hine
Attn: Keely O'Bryan
3900 Key Center
127 Public Square
Cleveland, OH 44114
(Re: Jamestown Paint & Varnish)

11. Cavitch, Familo, Durkin & Frutkin
Attn: Thomas M. Cawley
1717 East Ninth Street, 14th Floor
Cleveland, OH 44114-2876
(Re: Basic Packaging/Global Film & Packaging)

12. O'Sullivan Corporation, S.C.
c/o PolyOne Corporation
Attn: Richard E. Hahn
33587 Walker Rd.
Avon Lake, OH 44012

13. Larry J. Puntureri, Esq.
2102 Wilmington Rd.
New Castle, PA 16105
(Re: Interstate Chemical Company)

14. Walton Paint Company
d/b/a Beaver Paint Company
Attn: Joseph Walton
108 Main Street
Jamestown, PA 16134

15. Solvent Resource Recovery
4301 Infirmary Rd.
West Carrolton, OH 45439

16. Imaging Systems Corp.
c/o Pelikan, Inc.
3011 Armory Dr., Suite 190
Nashville, TN 37204

17. Mathco Chemical Company
c/o RJG Enterprises
d/b/a Chemtron Corporation
35850 Schneider Ct.
Avon, OH 44011

18. Glidden Company
Attn: Robert Kovalak
ICI Paints North America HQ
East Building
15885 West Sprague Road
Strongsville, OH 44136

19. Robert R. Kovalak
ICI Paints North America HQ
East Building
15885 West Sprague Road
Strongsville, OH 44136
(Re: Glidden Company)

20. Cuyahoga Chemical Company
Attn: Paul Moffit
31452 Roberta Drive
Bay Village, OH 44140

21. Goodyear Tire & Rubber Co.
Attn: Steve Bordenkircher
1144 E. Market Street
Akron, OH 44316

22. Frost Brown Todd, LLC
Attn: Daniel A. Brown, Esq.
300 N. Main St., Suite 200
Middletown, OH 45042-1919
(Re: Systems Technology Corp)

23. The Gerstenslager Company
c/o Worthington Industries, Inc.
200 Old Wilson Bridge Rd.
Columbus, OH 43805

24. Aztec Peroxides, Inc.
f/k/a Carmac Chemical
555 Garden Street
Elyria, OH 44035

25. E.I. duPont de Nemours
f/k/a DuPont Chemical
Attn: James B. Allen
1007 Market Street
Wilmington, DE 19898

26. KOA Speer Electronics
f/k/a Airco Speer Electronics
Bolivar Drive, PO Box 547
Bradford, PA 16701

27. Black McCuskey Souers & Arbaugh
Attn: Victor Marsh
1000 United Bank Plaza
220 Market Avenue South
Canton, OH 44702-2116
(Re: Bison)

28. Thompson Coburn
Attn: Peter S. Strassner
One US Bank Plaza
St. Louis, MO 3101
(Re: Don Cain and C&C Supply)

29. Checkmate Boats
3691 State Route 4
Bucyrus, OH 44820

30. Sherwin Williams Co.
Attn: Allen Danzig
101 Prospect Avenue NW
Cleveland, OH 44115-1075
(Re: Sherwin/Sprayon)

31. Exxon Mobil
Attn: Steven Schmidt
Pegasus Plaza, Room 5a39
3000 Pegasus Park Drive
Dallas, TX 75247
(Re: Mobil Chemical)

32. Astatic Corp.
P.O. Box 120
Conneaut, OH 44030

33. Ford Motor Company
Attn: Brian Bussa
Parklane Towers West Suite 950
Three Parklane Blvd.
Dearborn, MI 48126-2568

34. Henkel Corporation
f/k/a Dexter Corp./Dexter-Hysol
Attn: Kevin Chu
2200 Renaissance Blvd.
Gulph Mills, PA 19406

Kenneth Arnold
49 Valley Drive, Suite 200
Furlong, PA 18925
(Re: Henkel/Dexter)

Akzo Nobel
for Dexter Corporation
Attn: Brian Curtis
525 W. Van Buren Street
Suite 1600
Chicago, IL 60607

35. McKesson Corporation
Attn: Carole Ungvarsky
One Post St.
San Francisco, CA 94104-5296

36. Babst, Calland, Clements & Zomnir
Attn: Joseph Reinhart
Two Gateway Center, Eighth Floor
Pittsburgh, PA 15222
(Re: Gordon Terminal)

37. Dow Chemical Co.
f/k/a Union Carbide Corp.
2030 Dow Center
Midland, MI 48674

38. Dow Chemical Co.
f/k/a Essex Chemical-
Jamestown Finishes
Attn: Tracy Goad Walter
2030 Dow Center
Midland, MI 48676

39. Hexcel Corporation
Attn: A. William Nosil
11711 Dublin Boulevard
Dublin, CA 94568

Goldberg, Stinnett, Meyers & Davis
Attn: Katherine Ray
44 Montgomery St., Suite 2900
San Francisco, CA 94104
(Re: Hexcel)

Mr. David B. Graham, Esq.
Kaufman & Canoles
4801 Courthouse Street, Suite 300
Williamsburg, VA 23188
(Re: Hexcel)

40. Ranbar Technology, Inc.
P.O. Box 607
Route 993
Manor, PA 15665
(Re: Ball/Ranbar/BBT)

41. Babst, Calland, Clements & Zomnir
Attn: Lindsay P. Howard
Two Gateway Center, Eighth Floor
Pittsburgh, PA 15222
(Re: Parr/Beazer/Koppers)

42. Chemical Solvents, Inc.
3751 Jennings Rd.
Cleveland, OH 44109

43. Chester R. Babst, III
Babst, Calland, Clements, Zomnir
Two Gateway Center
Pittsburgh, PA 15222
(Re: E.E. Zimmerman Co.)

44. Centria
f/k/a Elwin G. Smith
1005 Beaver Grade Road
Coraopolis, PA 15108

45. Mattel, Inc.
f/k/a Fisher Price Toys
Attn: Gregg Clark
333 Continental Blvd.
El Segundo, CA 90245-5012

Morrison & Foerster
Attn: Peter Hsiao
555 West Fifth Street
Los Angeles, CA 90013
(Re: Fisher Price Toys)

46. Nick Shilatz
113 Lintel Drive
Canonsburg, PA 15317-3615
(Re: NS Marketing)

47. Matthew J. Engott
Jones Day
One Mellon Center
500 Grant Street, Suite 3100
Pittsburgh, PA 5219
(Re: PPG Industries)

48. Randall Company, Randall Division
c/o Textron, Inc.
40 Westminster Street
Providence, RI 02903-2596

49. Alan Plotkin
12 East 49th St., 27th floor
New York, NY 10017
(Re: Eagle Rubber)

50. Ms. Susan Papushak
619 Sandstone Way
Brunswick, OH 44212
(Re: Studebaker Chemical)

51. Michelin NA
Attn: James Fannin
P.O. Box 19001
One Parkway South
Greenville, SC 29615
(Re: Uniroyal)

52. Chromalloy American Corp.
f/k/a Elyria Foundry
3 University Plaza Drive
Hackensack, NJ 07601

Elyria Foundry
Attn: Samuel Knezevic
120 Filbert Street
Elyria, OH 44036

Elyria Foundry
c/o Sequa Corporation
200 Park Ave.
New York, NY 10166

53. Chemetron Process Equipment
c/o SPX Valves & Controls
Attn: John M. Burtis
13315 Ballantyne Corporate Place
Charlotte, NC 28277

54. Mary Davis
Seeley, Savidge & Ebert Co., LPA
600 Superior Ave., East, Suite 800
Cleveland, OH 44114
(Re: P&K Oil Service)

55. B & McD, Inc.
c/o James S. Assem, Vice-President
First National Tower
106 South Main Street, Suite 500
Akron, OH 44308-1471

56. GenCorp, Inc.
f/k/a General Tire and Rubber
Attn: Chris W. Conley
P.O. Box 537012
Sacramento, CA 95853-7012

57. Turner & Geisse, LLC
Attn: Timothy F. Geisse
100 N. Main St., Ste. 350
Chagrin Falls, OH 44022
(Re: Superior Screw/Superior Products)

58. Whittaker Corporation
1955 Surveyor Ave.
Simi Valley, CA 93063-3369

59. Shughart Thomson & Kilroy, P.C.
12 Wyandotte Plaza
120 W. 12th St.
Kansas City, MO 64105
(Re: Allegheny Label/Dot Label)

60. Lexington Precision Corporation
o/b/o Perry Plastics, Inc.
40 East 52nd Street, 29th Floor
New York, NY 10022

61. General Motors
Attn: Linda Bentley
(MC 482-C24-D24)
300 Renaissance Center
Detroit, MI 48243

62. Yenkin Majestic Paint Corporation
Attn: Merom Brachman
1920 Leonard Ave.
Columbus, OH 43219

63. Chemical Recovery Systems, Inc.
Attn: Peter Shagena
42714 Woodward Avenue, Suite A
Bloomfield Hills, MI 48304-5061

64. US Steel Corporation
Attn: Miles Stipanovich
600 Grant Street, Room 1500
Pittsburgh, PA 15219-2800
(Re: Alside)

65. Foley and Lardner
Attn: Tanya O'Neill
777 E. Wisconsin Ave.
Milwaukee, WI 53202-5367
(Re: Allis Chalmers Corp.)

66. Frost Brown Todd, LLC
Attn: Steven Wesloh
2200 PNC Center
201 East Fifth Street
Cincinnati, OH 45202
(Re: EG Smith/AK Steel)

67. Southwire Company
John C. Stephens
Assistant General Counsel
One Southwire Drive
Carrollton, GA 30119

68. Richard T. Hughes
Chevron U.S.A. Inc. Law Dept.
1600 Smith Street, Room 27038B
Houston, TX 77002
(Re: Harshaw Chemical Co.)

69. Ms. Dorothy Obitts
1130 Gulf Road
Elyria, OH 44035

70. Mr. David B. Graham, Esq.
Kaufman & Canoles
4801 Courthouse Street, Suite 300
Williamsburg, VA 23188
(Re: Ashland Chemical, Inc.)

71. McGean Worldwide, Inc.
2910 Harvard Avenue
Cleveland, OH 44105-3010
(Re: R.O. Hull & Company)

72. Mr. Joseph Bauer
General Counsel
Lubrizol Company
29400 Lakeland Boulevard
Wickliffe, OH 44092-2298
(Re: R.O. Hull & Company)

Mr. Gregory A. Taylor
Safety Coordinator
Lubrizol Company
29400 Lakeland Boulevard
Wickliffe, OH 44092-2298
(Re: R.O. Hull & Company)

73. Verizon Communications, Inc.
o/b/o Sylvania Electronics
Attn: William Barr, General Counsel
140 West Street
New York, NY 10007

74. Osram Sylvania
o/b/o Sylvania Electronics
Attn: James Goss, General Counsel
100 Endicott Street
Danvers, MA 01923

Osram Sylvania
o/b/o Sylvania Electronics
Attn: Albert Lelis, Division Manager
Safety and Environmental Affairs
100 Endicott Street
Danvers, MA 01923

Attachment 9
LIST OF RESPONDENTS EXECUTING THE ADMINISTRATIVE ORDER ON CONSENT

Alcoa Building Products, Inc. (f/k/a Stolle Corporation)
Ashland Inc.
Avery Dennison Corporation
Bucyrus International, Inc.
CAN Holdings, Inc. (Celanese)
E.I. du Pont de Nemours and Company
Exxon Mobil Corporation
Fisher Price (Mattel, Inc.)
Ford Motor Company
General Motors Corporation
Goodrich Corporation (f/k/a The B.F. Goodrich Company)
The Dow Chemical Company
The Goodyear Tire & Rubber Company
Henkel Corporation
Hexcel Corporation
Honeywell International Inc. (Sinclair & Valentine)
ITW Good Equipment Group (Hobart Corporation)
Jamestown Paint & Varnish Company
3M Company (f/k/a Minnesota Mining and Manufacturing)
Neville Chemical Company
Owens-Illinois, Inc.
PPG Industries, Inc.
Rockwell Automation, Inc. (f/k/a Rockwell International Corporation and North American Rockwell)
The Sherwin-Williams Company/Sprayon

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 0320 0006 1459 2587

YMN 5265 Fn 104 E

Postage	$ 1.68
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 6.58

JUL 22 2008 USPS

Sent To
McGean Worldwide, Inc.
for R.O. Hull & Company
2910 Harvard Ave.
Cleveland, OH 44105-3010

PS Form 3 ... ctions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

McGean Worldwide, Inc.
for R.O. Hull & Company
2910 Harvard Ave.
Cleveland, OH 44105-3010

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)*

B. Date of Delivery 7/23/08

C. Signature
X Rita Dorneplo
☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7001 0320 0006 1459 2587

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