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

EPA Region 5 Records Ctr.
320108

REPLY TO THE ATTENTION OF

AUG 15 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AMAX, Inc.
2 Greenwich Plaza
Greenwich, CT 06830

Re: Request for Information Pursuant to Section 104(e) of CERCLA for the residential portion of the USS Lead Site, 5300 Kennedy Avenue (the area bounded by Chicago Avenue to the north, Parish Avenue to the east, USS Lead to the south and Aster Avenue to the west), East Chicago, Indiana

Dear Sir or Madam:

This letter seeks your cooperation in providing information and documents relating to the contamination of the residential portion of the USS Lead Site (the Site), located at 5300 Kennedy Avenue, East Chicago, Indiana. The residential portion of the Site is bounded by Chicago Avenue to the north, Parish Avenue to the east, USS Lead to the south and Aster Avenue to the west all within East Chicago, Indiana. This is a Superfund site that is contaminated with lead or other hazardous substances that were disposed of or otherwise became to be located at the Site and that may present a threat to human health or the environment.

The United States Environmental Protection Agency (U.S. EPA or Agency) is investigating the release, or threat of release, of hazardous substances, pollutants or contaminants at the residential portion of the Site. The U.S. EPA is seeking information concerning the generation, storage, treatment, transportation, migration and disposal of lead and other hazardous substances that have been, or threaten to be, released to the residential portion of the Site. The U.S. EPA will study the effects of these substances on the environment and public health. In addition, U.S. EPA will identify activities, materials, and parties that contributed to contamination at the Site. You are receiving this letter because the U.S. EPA believes that you possess information which may assist the Agency in its investigation of the Site.

We encourage you to give this matter your immediate attention. Enclosure 1 is a summary of the information that U.S. EPA has about the Site and of the Agency's activities there. Enclosure 2 contains an Information Request. Please provide complete and truthful responses to this Information Request within 30 days of your receipt of this letter. Instructions to guide you in the preparation of your response are in Enclosure 3. Definitions of the terms used in this Information Request and in the Questions are in Enclosure 4.

You may consider confidential the information that U.S. EPA is requesting. Under CERCLA, you may not withhold information on that basis; but you may ask U.S. EPA to treat the information as confidential. To request that the Agency treat your information as confidential, you must follow the procedures outlined in Enclosure 5, including the requirement that you support your claim for confidentiality.

U.S. EPA makes this request under the authority of 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). The Superfund law gives U.S. EPA the authority to assess the threats to human health and the environment posed by contaminated sites and to clean up those sites. Under Section 104(e)(2) of CERCLA, 42 U.S. C. §9604(e)(2), the U.S. EPA has information-gathering authority that allows the Agency to require persons and corporations to furnish information or documents. Enclosure 6 is a summary of U.S. EPA's legal authority.

Compliance with this Information Request is mandatory. The Superfund statute provides that failure to answer the questions fully and truthfully and within the prescribed time frame can result in an enforcement action and penalties. Other statutes provide that the submission of false, fictitious statements, or misrepresentations can result in sanctions.

The U.S. EPA has the authority to use the information that it requests in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 *et seq.*

Return your response to U.S. EPA within 30 days to:

Linda Mangrum
U.S. Environmental Protection Agency
Remedial Enforcement Support Section
77 W. Jackson Blvd., SR-6J
Chicago, IL 60604-3590

If you have any legal questions, please call Steven P. Kaiser, Associate Regional Counsel, at (312) 353-3804. If you have technical questions about this Site, please call Michael Berkoff, Remedial Project Manager at (312) 353-8983. Address all other questions to Linda Mangrum, Enforcement Specialist at (312) 353-2071.

We appreciate your assistance and look forward to your prompt response to this Information Request.

Sincerely yours,

for Thomas C. Marks, Chief
Remedial Response Branch #1

Enclosures

1. Site History
2. Questions
3. Instructions
4. Definitions
5. Confidential Business Information
6. Legal Authority
7. Information Request Addressee List
8. Small Business Administration Fact Sheet

Enclosure 1

SITE HISTORY ELEMENTS

This information request concerns the U.S. Smelter and Lead Refinery, Inc. (USS Lead) Superfund Site in East Chicago, Indiana (the Site).

In particular, U.S. EPA is seeking information about the lead contamination of soils within the residential area of the Site bounded by Chicago Avenue to the north, Parish Avenue to the east, U.S. Smelter and Lead to the south and Aster Avenue to the west. The residential area is composed primarily of single family homes with small front, side and back yards. The area also contains a park in the south-central section of the neighborhood. The homes within the Site boundaries were built up over the course of the last century and parallel the rise of industrial enterprises in the area surrounding the Site.

In 1985, the Indiana Department of Environmental Management (IDEM) determined that lead particles from neighboring industrial sources had contaminated soils within the Site. The lead contaminated soils may pose a risk to human health and the environment as seventy-five hundred people work or attend school within two miles of the Site. Wetlands are also located within the Site.

Since 1985, U.S. EPA has overseen the remediation and management of lead-contaminated soils within the boundaries of the U.S. Smelter and Lead Refinery, Inc. facility. U.S. EPA is now beginning to address lead contamination within the residential area to the north of the USS Lead facility. This information request is a part of that process.

Enclosure 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 more complete response to any question in this Information Request or who may be able to provide additional responsive documents, identify such persons.

4. List your EPA Identification Numbers.

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 that may have migrated to or been deposited upon the Site.

6. Identify all persons, including current and former employees of AMAX, Inc. (herein after, "the Company") located in East Chicago, Indiana, (herein after, "the Facility") and its contractors and subcontractors, having knowledge or information about the generation, transportation, treatment, placement, disposal, or other handling of hazardous substances, at the Facility, or the migration or disposal of hazardous substances at the Site.

7. Please identify the years of operations for the AMAX, Inc. facility located in East Chicago, Indiana.

8. Please describe in general terms the production processes performed by the Company at the Facility.

9. Please identify any permits issued by either the United States Environmental Protection Agency or the Indiana Department of Environmental Management that govern the type or quantity of air emissions by the Company at the Facility.

10. Please state whether the Company used lead or lead-containing materials in the production process. Please provide the following:

    A. A description of how the Company used lead or lead-containing materials in the process;
    B. The years during which the Company used lead or lead-containing materials in the production process;

C. The quantities of lead or lead-containing materials the Company used annually in the production process;
D. A description of the processing capacity or throughput of the process using lead or lead-containing materials;
E. An estimate of the volume of lead or lead-containing material emitted annually into the air.

11. Please state whether the Company monitored air emissions from the Facility. If the Company did monitor air emissions from the Facility, please provide the following:

A. A description of the type of air monitoring performed;
B. A description of the years during which the Company performed air emissions monitoring;
C. A description of the results of th air emissions monitoring;
D. The identity of the person or persons who performed the air emissions monitoring;
E. A copy of any reports, memoranda, notes, letters or documents referencing the air emissions monitoring or summarizing the results of the air emissions monitoring.

12. Please state whether the Company has observed air emissions at the Facility that resulted in a non-attainment event. If the Company has observed air emissions that resulted in a non-attainment event, please provide the following:

A. The date and time of the non-attainment event;
B. The type of emission that caused the non attainment event;
C. The duration of the non-attainment event;
D. An estimate of the volume of material released into the air between the time the non-attainment event began and the time it took for the Company to restore operations to attain compliance with air emissions limits;
E. A description of the manner in which the Company determined that a non-attainment event had occurred, and,
F. A description of the steps taken by the Company to restore operations to attain compliance with air emissions limits.

13. Please state whether the Company caused or allowed materials located or generated within the boundaries of the Facility to be used as fill material at a location or locations beyond the boundaries of the Facility. If the Company did cause or allow materials located or generated within the boundaries of the Facility to be used as fill material at a location or locations beyond the boundaries of the Facility, please provide the following:

A. A description of when materials were removed from the Facility to be used as fill;
B. A description of the type and volume of material removed from the Facility to be used as fill; and,

C. A description of the location or locations where materials located or generated within the boundaries of the Facility were placed for use as fill material.

Enclosure 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. The relevant time period for this request is 1945 to the present.

5. 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.§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.

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 enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated 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 Enclosure 5.

Enclosure 4

DEFINITIONS

1. As used in this letter, words in the singular also include the neutral, 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 **USS Lead Site, 5300 Kennedy Avenue and the residential area bounded by Chicago Avenue to the north, Parish Avenue to the east, USS Lead to the south and Aster Avenue to the west,** located in East Chicago, Indiana.

4. The terms ***hazardous substance*** shall have the same definition as that contained in Section l0l(l4) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.

5. The terms ***pollutant*** or **contaminant** shall have the same definition as that contained in Section l0l(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, 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, etc.), 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. All terms not defined herein will 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 will apply.

Enclosure 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 cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 *et seq* require that the U.S. EPA affords 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. 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 the 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 the U.S. EPA to treat the information or record as "confidential," you must advise the 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 it is 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 the U.S. EPA or other Federal agency has made 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; and

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 the U.S. EPA to obtain similar information in the future; and

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 the 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.

Enclosure 6

DESCRIPTION OF LEGAL AUTHORITY

The Federal Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, *et seq.* (commonly referred to as **CERCLA** or **Superfund**) gives 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.

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. The U.S. EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.

Enclosure 7

INFORMATION REQUEST ADDRESSEE LIST
FOR USS LEAD
August 2005

Allied Chemical Corp.
c/o Allied Signal, Inc.
101 Columbia Road, P.O. Box 1057
Tax Dept.
Morristown, NJ 07962

Allied Signal
fka Honeywell Inc.
101 Columbia Road
Minneapolis, MN 55440

AMAX, Inc.
2 Greenwich Plaza
Greenwich, CT 06830

AMG Corporation
Attn: James T. Walker
99 East 86th Avenue., Ste E
Merrillville, IN 46410

AMG Corporation
Registered Agent: Feliz M. Diaz
190 N. 350 W
Valparaiso, IN 46385

Arekma
fka Atofina Chemicals
2000 Market Street
Philadelphia, PA 19103

Arekma
fka Atofina Chemicals
Attn: Jean Pierre Seeuws, President
414 W. Ridgeview Drive
Peru, IN 46970

INFORMATION REQUEST ADDRESSEE LIST
FOR USS LEAD (cont.)
August 2005

Arekma
fka M & T Chemicals
2000 Market Street
Philadelphia, PA 19103

BP Amoco
fka Anaconda Lead Products Company
4101 Winfield Road, MC 2410A
Warrenville, IL 60555

BP Amoco
fka Atlantic Richfield Company
P.O. Box 1036
Warrenville, IL 60555

BP Amoco
fka International Smelting Company
4101 Winfield Road, MC 2410A
Warrenville, IL 60555

Citgo Petroleum Corporation
Attn: State Income Tax
6100 S. Yale
Tulsa, OK 74136

Citgo Petroleum Corporation
Registered Agent: CT Corp. System
251 E. Ohio St., Ste. 1100
Indianapolis, IN 46204

Crane Company
100 First Stamford Place
Stamford, CT 06902

INFORMATION REQUEST ADDRESSEE LIST
FOR USS LEAD (cont.)
August 2005

Crane Company
Ronald L. Crane, President
500 W. Lincoln Hwy
Merrillville, IN 46410

Crane Company
Registered Agent: CT Corp. System
251 E. Ohio Street
Ste. 1100
Indianapolis, IN 46204

Eagle Picher Inc.
11201 North Tatum Blvd. Ste. 110
Phoenix, AZ 85028

EI Du Pont De Nemours and Company
1007 Market St. D-13111
Wilmington, DE 19898

Elgin, Joliet and Eastern Railroad
D H Hoffman, President
1411 Lincolnway W
Mishawaka, IN 46544

Elgin, Joliet and Eastern Railroad
M E Hermsen, Registered Agent
P.O. Box 899
Gary, IN 464402

Grace Davison
Division of WR Grace & Co.
7500 Grace Drive,
Columbia, MD 21044

Hammond Group, Inc.
fka Hammond Lead Products Inc.
P.O. Box 6408
Hammond, IN 46325

INFORMATION REQUEST ADDRESSEE LIST
FOR USS LEAD (cont.)
August 2005

Hammond Group, Inc.
Halstab Division
P.O. Box 6408
Hammond, IN 46325

Hammond Group, Inc.
Halox Division
P.O. Box 6408
Hammond, IN 46325

Hammond Group, Inc.
Hammond Lead Products Inc.
1414 Field Street, Bldg. B
Hammond, IN 46320

Hammond Group, Inc.
Halstab Division
1414 Field Street, Bldg. B
Hammond, IN 46320

Hammond Group, Inc.
Halox Division
1414 Field Street, Bldg. B
Hammond, IN 46320

Harbison-Walker Refractories
400 Fairway Drive
Attn: Tax Dept.
Coraopolis, PA 15108

Harbison-Walker Refractories Company
Registered Agent: CT Corporation
251 E. Ohio Street
Ste. 1100
Indianapolis, IN 46204

INFORMATION REQUEST ADDRESSEE LIST
FOR USS LEAD (cont.)
August 2005

Omnisub, Inc.
fka Industrial Scrap Corp.
Herbert Gertler
P.O. Box 464
East Chicago, IN 46312

Industrial Scrap Corp.
nka Omnisub, Inc.
Daniel M. Ritkin, Registered Agent
1610 N. Calhoun
Fort Wayne, IN 46808

PSI Energy
aka Public Service Company of Indiana
1000 E. Main Street
Plainfield, IN 46168

Ispat Inland
3210 Watling St.
East Chicago, IN 46312

LTV Steel Company Inc.
200 Public Square, Ste. 39-210
Cleveland, OH 44114

LTV Steel Company Inc.
George T. Henning, President
6790 Clear Creek Rd.
Huntington, IN 46750

Meretec Corp.
Gunnar Skoog, Registered Agent
415 East 151st St.
East Chicago, IN 46312

M & T Chemicals, Inc.
100 W. 10th St.
Wilmington, DE 19804

INFORMATION REQUEST ADDRESSEE LIST
FOR USS LEAD (cont.)
August 2005

National Lead Company
P.O. Box 700
Hightstown, NJ 08520

Pollution Control Industries of America, Inc.
Don Martin, Registered Agent
4343 Kennedy Avenue
East Chicago, IN 46312

Shell Oil Company
P.O. Box 2463
Houston, TX 77001

Union Tank Car Company
c/o US Corp. Co.
251 E. Ohio Street
Ste. 500
Indianapolis, IN 46204

United States Gypsum
125 S. Franklin Street
Chicago, IL 60606

USS Lead Refinery, Inc.
340 Hardscrabble Road
Helper, UT 84526

USS Lead Refinery, Inc.
Michael W. Baum, President
79 N. 800 W.
Crown Point, IN 46307

U.S. Reduction Co.
c/o C.T. Corporation System
36 S. Pennsylvania Street
Ste. 700
Indianapolis, IN 46204

Enclosure 8

United States Environmental Protection Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA 300-F-99-004 September 1999

Office of Enforcement and Compliance Assurance

INFORMATION SHEET

U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (http://www.epa.gov/sbo) is a good place to start because it links with many other related websites. Other useful websites include:

EPA's Home Page
http://www.epa.gov

Small Business Assistance Programs
http://www.epa.gov/ttn/sbap

Compliance Assistance Home Page
http://www.epa.gov/oeca/oc

Office of Site Remediation Enforcement
http://www.epa.gov/oeca/osre

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

EPA's Small Business Ombudsman
(800) 368-5888

Hazardous Waste/Underground Tanks/ Superfund
(800) 424-9346

National Response Center
(to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technical Center
(919) 541-0800

Wetlands Hotline
(800) 832-7828

Continued on back

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Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

Metal Finishing
(1-800-AT-NMFRC or www.nmfrc.org)

Printing
(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair
(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture
(1-888-663-2155 or www.epa.gov/oeca/ag)

Printed Wiring Board Manufacturing
(1-734-995-4911 or www.pwbrc.org)

The Chemical Industry
(1-800-672-6048 or www.chemalliance.org)

The Transportation Industry
(1-888-459-0656 or www.transource.org)

The Paints and Coatings Center
(1-800-286-6372 or www.paintcenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at http://www.smallbiz-enviroweb.org/state.html.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (http://www.epa.gov/oeca/auditpol.html) and the Small Business Policy (http://www.epa.gov/oeca/smbusi.html). These do not apply if an enforcement action has already been initiated.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

United States
Environmental Protection
Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Official Business
Penalty for Private Use
$300

FORWARDING & TIME EXPIRED

AMAX, Inc.
2 Greenwich Plaza
Greenwich, CT 06830

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL

7001 0320 0006 1560 7969

SORTED BY CLASS

CHICAGO AUG 16 '05

U.S. OFFICIAL MAIL
U.S. POSTAGE
PENALTY FOR PRIVATE USE $300
05 34

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:

AMAX, Inc.
2 Greenwich Plaza
Greenwich, CT 06830

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)*

B. Date of Delivery 8-1-05

C. Signature
X J. Wright
☐ 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 1560 7969

PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-1424

AMAX, Inc.
2 Greenwich Plaza
Greenwich, CT 06830