UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY, 17th FLOOR
NEW YORK, NEW YORK 10007-1866

AUG 28 2012
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

(List of Addressees)

RE: Request for Information Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9604(e) concerning the Eighteen Mile Creek Site in Niagara County, New York

Dear Sir/Madam:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675 (also known as the "Superfund" Law). For your information, a copy of the Superfund law may be found at www.epa.gov/superfund/action/law/index.htm.

On March 15, 2012, EPA added the Eighteen Mile Creek Superfund Site (the "Site") to the Superfund National Priorities List. Eighteen Mile Creek originates in Lockport, NY where it is fed by the New York State Barge Canal (formerly the Erie Canal) and flows north for approximately fifteen miles until discharging into Lake Ontario. Since the 1980s, the New York State Department of Environmental Conservation, in consultation with EPA, has conducted investigations in and around Eighteen Mile Creek. These investigations document the release or threatened release of hazardous substances at the Site, including polychlorinated biphenyls, metals, and dioxin/furans. In response to the release and threatened release, EPA has spent and anticipates spending additional public funds.

Under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has broad information gathering authority which allows EPA to require persons to provide information and/or documents relating to materials generated, treated, stored, or disposed of at or transported to a facility, as well as the nature and extent of a release of a hazardous substance, pollutant, or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

As part of its investigation of potential sources of contamination to the Site, EPA is seeking your cooperation in providing information and documents that are responsive to the questions in this Request for Information. Pursuant to the authority of Section 104(e) of CERCLA, you must submit a complete and truthful response to the enclosed Request for Information **within 30 days of your receipt of this letter**.

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EPA has obtained information in connection with the Site which indicate that your company, or a predecessor or affiliated entity, may own or operate, or may have previously owned or operated, property at or near the Site. One of the purposes of this Request for Information is to obtain information necessary to screen out entities that are not legal successors to property operators or did not cause releases to the Site. EPA is also seeking information which your company may possess regarding other parties whom EPA should contact.

While EPA seeks your cooperation in this investigation, compliance with the Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information" and return that Certification to EPA with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604 authorizes EPA to pursue penalties for failure to comply with Requests for Information.

You may consider some of the information EPA is requesting to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat such information confidentially, you must advise EPA of that fact by following the procedures outlined in the enclosed instructions, including the requirement for supporting your claim for confidentiality.

Please note that if, after submitting your response, you obtain additional or different information concerning the matters addressed by our information request, it is necessary that you promptly notify EPA. This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501. See the enclosed Instructions for information on how to respond to each question. Your response should be sent to:

Thomas Taccone
USEPA Region 2
Emergency and Remedial Response Division
New York Remedial Branch
New York Remediation Section
290 Broadway, Floor 20
New York, NY 10007
Taccone.Tom@epa.gov

and

Lauren Charney
USEPA Region 2
Office of Regional Counsel
New York Caribbean Superfund Branch
290 Broadway, 17th Floor
New York, NY 10007-1866
Charney.Lauren@epa.gov

If you have any questions regarding this Request for Information, or would like to discuss this matter with EPA, please contact Mr. Taccone at (212) 637-4281 or have your attorney contact Ms. Charney at (212) 637-3181. We appreciate and look forward to your prompt response to this information request. Thank you.

Sincerely,

Nicoletta DiForte

Nicoletta DiForte, Senior Enforcement Policy Advisor
Emergency and Remedial Response Division

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete and separate response should be given for each question. If information or documents responsive to a specific request are not in your possession, custody, or control, please identify any person(s) from whom such information may be obtained. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reason for your inability to do so.

2. Identify each answer with the number of the question and the subpart to which it responds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.

3. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. Consult with all present and past employees and agents whom you have reason to believe may be familiar with the matter to which the question pertains.

4. In answering each question, identify each individual and any other source of information (including documents) that were consulted in the preparation of the response to the question.

5. If you have reason to believe that an individual other than one you employed may be able to provide additional details or documentation in response to any question, provide that person's name, last known address, and phone number, and state the reasons for your belief.

6. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, and number of pages and all recipients of the document with their addresses. If anything is omitted from a document produced in your response to the Request for Information, state the reason for and the subject matter of the omission.

7. If you cannot provide a precise answer to a question, please approximate. In any such instance, state the reason for your inability to be specific.

8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim which covers part or all of the information requested, pursuant to Sections 104(c)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(c)(7)(E) and (F), and 40 C.F.R. §2.203(b).

   If you make a claim of confidentially for any of the information you submit to EPA, you must prove that claim. Note that no claim of confidentiality or privilege can be made with respect to any data, including sampling, analytical, monitoring, hydrogeologic, scientific, chemical, or engineering data, or any other documents or information evidencing

conditions at or around any property which may be identified in your response to this letter's Request for Information. For each document or response you claim is confidential, you must separately address the following points:

a. the portions of the information alleged to be entitled to confidential treatment;

b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);

c. measures taken by you to guard against the undesired disclosure of the information to others;

d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determination or a reference to them, if available; and

f. whether it is your assertion that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "Confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such a claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

DEFINITIONS

1. As used herein, the term "Company" refers not only to a business entity as it is currently named and constituted, but also all subsidiaries, divisions, and branches as well as any predecessors and successors of that entity.

2. The terms "document" and "documents" include any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.

3. The term "hazardous substance" shall have the meaning set forth in Sections 101(14) and 102(a) of CERCLA, at 42 U.S.C. §§ 9601(14) and 9602(a). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.

4. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer, business address, business telephone number, present or last known home address, and home telephone number. With respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship) the term "identify" means to provide its full name and address.

5. As used herein, the term "industrial waste" shall mean any solid, liquid, or sludge or any mixture thereof which possesses any of the following characteristics:

   a. it contains one or more "hazardous substances" (at concentration) as defined in 42 U.S.C. § 9601(14);

   b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);

   c. it has a pH less than 2.0 or greater than 12.5;

   d. it reacts violently or generates toxic gases when mixed with water;

   e. it easily ignites or explodes;

   f. it is an industrial waste product;

   g. it is an industrial treatment plant sludge or supernatant;

   h. it is an industrial byproduct having some market value;

   i. it is coolant water or blow down waste from a coolant system;

   j. it is a spent product which could be reused after rehabilitation; or

k. it is any material which you have reason to believe would be toxic if either ingested, inhaled, or placed in contact with your skin.

6. As used herein, the term "release" shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

7. As used herein, the term, "Site" shall refer to the Eighteen Mile Creek Site located in Niagara County, NY.

8. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, in which case the statutory definitions shall apply.

REQUEST FOR INFORMATION

1. Please provide the following information on your Company:

   a. State the current and all former names of your Company.

   b. Identify the state and date of incorporation and your Company's agents for service of process in the state of incorporation and in New York State. Provide a copy of your Company's articles of incorporation or other such documents which established the Company.

   c. Identify and provide the addresses of the President, Chief Executive Officer, Chairman of the Board, or other presiding officer of the Company.

   d. Describe the nature of the business conducted by your Company.

   e. Identify any predecessor or successors of your Company.

   f. If your Company is a subsidiary, division, branch, or affiliate of another corporation or other entity, identify each of those other entities and those entities' Chief Executive Officers or other presiding officers. Identify the state of incorporation and agents for service of process in the state of incorporation and in New York State for each entity.

2. List the properties that your Company or its predecessors, subsidiaries, or affiliates currently owns or operates or previously owned or operated, within 5 miles of the shoreline of Eighteen Mile Creek or one of its tributaries (including the New York Barge Canal, formerly, the Erie Canal) and all other properties that may impact or may have impacted the Site. For each property, provide the following information:

   a. State the name, address, and the nature of your Company's interest (ownership, lease, etc.) in the property. Identify the dates of your Company's interest and provide copies of all documents concerning this interest (e.g. deeds, leases, etc.).

   b. Provide a detailed description of the operations, processes, and business activities at each property. If the operations changed over time, indicate the nature of the changes and the dates the changes took place.

   c. If your Company has leased any portion of the property to another entity, please identify the entity, the nature of its operations, and provide copies of any leases.

   d. Provide copies of any maps, property plans, or floor plans, both current (if still in operation) and past, of each property. The floor plan should depict all drainage sumps, above-ground and below-ground discharge piping, and above-ground and underground storage tanks.

e. Provide any historic photographs including aerial photographs and photographs showing construction, industrial or commercial processes, outfalls, and indoor and outdoor storage of materials or products.

f. Provide copies of all reports, information, or data you have related to the geology, soil, water (ground, surface, and storm water), air and the overall environmental conditions at each property.

3. List all hazardous substances and industrial wastes that are or were used, stored, generated, handled, or received by each property identified in your response to question 2. Be as specific as possible in identifying each chemical or waste stream, and provide, among other things, the chemical name, brand name, chemical content, and the process it was used for at each property. State when and what volume or weight of each hazardous substance and industrial waste was used, stored, generated, handled, or received at each property.

   a. Provide copies of all Material Safety Data Sheets and Right-to-Know Notices for raw materials used at each property.

   b. Describe how each hazardous substance or industrial waste was stored at each property (e.g. underground storage tanks, above-ground storage tanks, etc.). Provide a map indicating the location where these substances were stored.

   c. Explain in detail the manner of transportation or disposal of the hazardous substances and industrial wastes generated, handled, treated, or stored at each of the properties. Provide the names and addresses of all transporters and disposal facilities used for each type of hazardous substance or industrial waste generated. State when each transporter and disposal facility was used and identify the total volume or weight of material that was transported or disposed of by that entity. Provide copies of all documents that relate to your answers above, including but not limited to, invoices, manifests, hazardous substances, hazardous and industrial waste data and analyses or characterizations, contracts, and agreements with transporting, treatment, storage, or disposal facilities.

4. State whether any hazardous substances and industrial wastes were ever released, discharged, or disposed of either intentionally or unintentionally at each property identified in your response to question 2. Your answer should address, but not be limited to, instances in which any volume of hazardous substances or industrial wastes were spilled, leaked, or caught fire from drums, tanks, or any other containers. For each release identified in your response to this question:

   a. Identify when and how each release event occurred.

   b. Identify the composition of each of the materials released, including the chemical content, characteristics, and form (solid, liquid, sludge, or gas), and the quantity of each material released.

c. Describe the method of release (spill, fire, leak, discharge, etc.) and how the material was containerized (if at all) at the time of release. Describe what response actions, if any, were taken to address these releases.

d. Identify the locations at the property where each release/disposal occurred. Please enclose a map indicating the release/disposal location.

e. If hazardous substances were disposed into drains or drainage areas, describe the nature and the approximate quantity of those wastes disposed each month, and the location to which those wastes drained.

f. If any of the substances released into the environment from your Company's properties were treated prior to release, describe the treatment process, the years during which treatment occurred, quantities of substances treated, the chemical composition of discharged treated substances, and whether discharges were continuous or intermittent.

g. If your Company or one of your Company's contractors, lessees, tenants, or agents ever contacted, provided notice to, or made a report to EPA, the New York State Department of Environmental Conservation, Niagara County, the City of Lockport, or any other government entity concerning an incident, accident, spill, release, or other event, provide copies of all communications between your Company and that government entity.

5. Describe any environmental response actions (e.g. soil excavation, groundwater treatment, etc) performed at any of the properties identified in your response to question 2 and provide any documents concerning the response action. Identify the location, dates, and the results of all analyses or tests performed for each response action.

6. Identify all individuals who currently have or had responsibility for the environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of the Company's hazardous substances or industrial wastes) at the properties identified in your response to question 2. Provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position, and the nature of the information possessed by such individuals concerning the Company's waste management.

7. Provide copies of all local, state, and federal environmental permits applied for or issued with respect to any property identified in your response to question 2. Provide copies of all notices of violations, or administrative or judicial complaints filed by federal, state, county, or municipal governments and their regulatory agencies as well as copies of all judicial complaints filed by other persons, including corporate entities or public interest groups, concerning permit violations.

8. Has your Company or any affiliate, contractor, or individual associated with your Company been a party to any litigation, either as plaintiff or defendant, that involved liability for contamination of or from any of the properties identified in your response to question 2? If

yes, identify the litigation, describe the nature of your Company's involvement in the litigation, and provide a copy of the pleadings and any final order.

9. Has your Company or any affiliate, contractor, or individual associated with your Company been accused of any criminal violation in connection with the operations at any of the properties identified in your response to question 2? If yes, describe the nature of the proceeding and provide copies of documentation associated with the proceeding.

10. If applicable, describe the closure of each facility located at the properties identified in your response to question 2. Your answer should include, but not be limited to, when the closure of the facility occurred, how waste material was disposed of, and whether any waste material was left onsite.

11. List all current or prior owners that you are aware of for each property identified in your response to question 2. If known, identify and provide copies of any documents of the following information for each prior owner:

    a. the dates of ownership and operations conducted at such times;

    b. any corporate affiliation between your Company and each such prior owner;

    c. release of hazardous substances and industrial waste at each property during the period of ownership.

12. Identify any current or previous insurance policies that may indemnify you or your Company against any liability that you or any entity may incur in connection with the release of hazardous substances or industrial waste at the Site. Please provide a copy of the policy. For any policy that you cannot locate or obtain, provide the name of the carrier, years in effect, nature and extent of coverage, and any other relevant information you have.

13. Supply any additional information that may be used to identify additional sources of information or parties involved with the Site.

14. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information.

15. State whether any documents provided in response to this Request for Information have been claimed or marked confidential.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____

I certify under of law that I have personally examined and am familiar with the information and all documents submitted in response to EPA's Request for Information, and based on my personal inquiry or my inquiry of those individuals immediately responsible for obtaining the information I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company response thereto should become known or available to the company.

_____
NAME (print or type)

_____
TITLE (print or type)

_____
SIGNATURE

Sworn to before me this day of _____, 2012

Notary Public

List of Addressees for Eighteen Mile Creek 104(e) Letters

Van De Mark, Inc.
1 N. Transit Rd.
Lockport, NY 14094
Attn: Michael Kucharski, President/CEO

National Grid
300 Erie Blvd. West
Syracuse, NY 13202
Attn: Regional President

CertainTeed Corporation
750 E. Swedesford Rd.
P.O. Box 860
Valley Forge, PA 19482
Attn: President/CEO

Akzo Nobel
2153 Lockport Olcott Rd.
Burt, NY 14028
Attn: Richard Rychlicki

CJM Inc.
PO Box 902
Cheektowaga, NY14225

Plenco
3518 Lakeshore Rd.
P.O Box 758
Sheboygan, WI 53082
Attn: Michael R. Brotz

Niagara Precision, Inc.
233 Market St.
Lockport, NY 14094

HWH Niagara Properties
233 Market St.
Lockport, NY 14094