CBI ORIGINAL

REXAM

SDMS DocID 2223779

June 19, 2015

US Environmental Protection Agency Region III
Ms. Martin-Banks
1650 Arch Street
Philadelphia PA 19103-2029

Dear Ms. Martin-Banks:

I write on behalf of Rexam Beverage Can Company ("Rexam"), in response to the May 6, 2015 letter that was sent to my attention relating to a Freedom of Information Act ("FOIA") Request (EPA-R3-2015-003266) that was received by the U.S. Environmental Protection Agency ("EPA" or the "Agency"). It is Rexam's understanding from the May 6, 2015 letter that someone has requested that the Agency produce information/documentation that Rexam provided on January 28, 2010, in response to an Information Request for the 68th Street Dump site, and on June 15, 2006, in response to an Information Request for the Sauer Dump site.

Further, EPA has advised that someone has requested the Agency produce information/documentation in EPA's possession pertaining to a response to an Information Request for the 68th Street Dump site dated April 1, 1997, that American National Can ("ANC") submitted to EPA on May 5, 1997. Rexam further understands that the Agency is in the process of making a final determination as to the confidentiality that Rexam and ANC have claimed over certain information and/or documentation that they respectively produced to EPA to assess what information/documentation may be properly withheld from the FOIA production as confidential business information ("CBI").

Rexam has reviewed its prior submissions and productions referenced above and has reviewed the referenced submission and production made by ANC. After further review and consideration, Rexam has determined that the information provided to the Agency by ANC in its May 5, 1997, 104(e) response may be produced by the Agency as it is no longer considered proprietary business information or CBI. The information contained in the May 5, 1997 response relates almost entirely to manufacturing operations that are no longer in use.

For the reasons set forth herein, Rexam maintains its position of CBI over all of the confidential corporate documents produced on disc(s) to EPA including the prospectus, offering memorandum and purchase agreements that were attached as Exhibit 12 to the June 15, 2006 104(e) response; and over the very detailed corporate history that was provided in its June 15, 2006 response to Questions 1 and 12 of the 104(e) Request for Information in connection with the Sauer Dump site. The remaining information contained in the June 15, 2006 104(e) response may be produced as the operational and manufacturing information has become dated and stale over time and is no longer considered trade secret or proprietary business information. Rexam has attached a properly redacted version of the June 15, 2006 104(e) response that may be produced by the Agency. (See Attachment 1).

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With respect to the January 28, 2010 response that Rexam prepared in connection with the 68th Street Dump site, Rexam maintains its position of CBI over the first paragraph and the bullets under the "Background" section, and also considers its response to numbers 13 and 15 as CBI. Rexam has attached a properly redacted version of the January 28, 2010, 104(e) response that may be produced by the Agency. (See Attachment 2).

Rexam also provides the Agency with an index of the CD that it sent to EPA in 2010. Rexam redacted as CBI all entries on the index that relate to acquisition/business transactional documents that were not made public through any public filings. Rexam also redacted as CBI the numerous entries that refer to "legal opinions" by its team of inside and/or outside counsel. (See Attachment 3). Any document that was redacted from the referenced index should be considered CBI and withheld from production by the Agency to any FOIA request.

The information and documentation that has been redacted from the June 15, 2006 and January 28, 2010 104(e) responses, and which Rexam seeks to protect from production by the Agency, contain the mental impressions of corporate officers and in-house and outside legal teams that worked together to develop business strategy for Rexam. Such information is proprietary business information and CBI. Rexam's corporate strategy in negotiating its business transactions are reflected in the numerous business dealings and corporate agreements that Rexam provided to the Agency in support of its 104(e) responses to EPA. It is Rexam's position that all information/documentation that it provides to the Agency in response to 104(e) Information Requests is being provided to the Agency on an involuntary and mandatory basis as such response and production is required by law.

Moreover, the corporate history information and the various documents relating to the corporate transactions between and among Rexam and its affiliated predecessors, successors and assigns are subject to confidentiality provisions and contain highly sensitive business information relating to each specific transaction. It is Rexam's position that this information must be indefinitely maintained as CBI. To Rexam's knowledge, this corporate information has not been disclosed publicly to anyone, and it is not publicly available over the internet or through any other form of media. Rexam's corporate transactional information has only been disclosed to government agencies (upon request) and in connection with litigation and/or mediation proceedings. In all such instances where Rexam has disclosed its corporate transactional information, it has done so under the cloak of CBI to protect this sensitive business information.

We hope that the within response is satisfactory to the Agency and that it will continue to maintain CBI status over Rexam's highly sensitive business information. If you have any further questions regarding this matter, please do not hesitate to contact us.

Regards,

James L. Kiser
Assistant General Counsel

JLK:sg

Enclosure

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 ARCH STREET
MAIL CODE _____
PHILADELPHIA, PA 19103-2029

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2015

Mr. James L. Kiser
Corporate Counsel
Rexam Beverage Can Company
c/o Rexam, Inc.
4201 Congress Street, Suite 340
Charlotte, NC 28209

28209454090

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Approved OMB 2020-0003
Approval expires 02/28/2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED MAY 15 2015 REXAM INC. LEGAL DEPT.

MAY 06 2015

Rexam Beverage Can Company
c/o Rexam Inc.
James L. Kiser, Corporate Counsel
4201 Congress Street, Suite 340
Charlotte, NC 28209

Re: Freedom of Information Act (FOIA) Request EPA-R3-2015-003266

Dear Mr. Kiser:

The U.S. Environmental Protection Agency ("EPA" or "Agency") has received a request under the FOIA for certain records that you submitted to the EPA on January 28, 2010, in response to an Information Request for the 68th Street Dump Site, dated August 27, 2009, and for certain records that you submitted to the EPA on June 15, 2006, in response to an Information Request for the Sauer Dump Site, dated April 18, 2006, and for certain records in EPA's possession pertaining to a response to an Information Request for the 68th Street Dump Site, dated April 1, 1997, that your predecessor, American National Can, submitted to EPA on May 5, 1997. You have claimed all of this January 28, 2010 response to an Information Request as confidential business information ("CBI"). You have claimed part of the June15, 2006 response to an Information Request as CBI. Your predecessor, American National Can, has claimed all of the May 5, 1997 response to an Information Request as CBI. Under the EPA regulations, 40 C.F.R. Part 2, Subpart B, the FOIA request has been initially denied to afford you an opportunity to provide comments to substantiate your claim(s) as described below.

This letter is to notify you that the EPA Office of Regional Counsel for Region 3 will be making a final confidentiality determination concerning this information you have claimed as CBI. If you feel that some or all of the above information is entitled to confidential treatment, you must make the showings above with specific reference to those portions of the information you consider confidential

Please be specific by page (including Bates Stamp, if applicable), paragraph and sentence when identifying and substantiating the information subject to your claim. Where your claim, as originally made or as modified by your response to this letter, does not include all information on a page, please attach a copy of each such page with brackets around the text that you claim to be CBI. Any information not specifically identified as subject to a confidentiality claim and substantiated as such in your response to this letter will be disclosed to the requestor without further notice to you. Please note that if a page, document, group, or class of documents claimed by you to be CBI, contains a significant amount of information which Region 3 determines is not

CBI, your CBI claim regarding that page, document, group, or class of documents may be denied.

For each item or class of information that you continue to claim as CBI, please answer the following questions, giving as much detail as possible. Your comments in response to these questions will be used by EPA to determine whether the information has been shown to meet the requirements listed above so as to be entitled to confidential treatment.

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?

3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.

5. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

6. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

7. For each category of information claimed as confidential, *explain with specificity* why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

8. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, please explain whether the information is the kind that would customarily not be released to the public

9. Whether you assert the information as voluntary or involuntary, please address why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.

10. If you believe any information to be (a) trade secret(s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret(s).

11. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that *you bear the burden of substantiating your confidentiality claim(s).* Generalized or conclusory statements will be given little or no weight in the determination on the confidentiality of the information you claim to be CBI.

Your comments must be postmarked or hand delivered to this office, or e-mailed to martin-banks.joan@epa.gov, by the 15th working day after your receipt of this letter. You may seek an extension of time to submit your comments to this office, but the request must be made before the end of the 15-day period. Except in extraordinary circumstances, no extension will be approved without the consent of the FOIA requestor. Failure to submit your comments within that time will be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information.

If you wish to claim any of the information that you provide in your response to this letter to itself be confidential, you must mark the responses "CONFIDENTIAL" or with a similar designation, and must bracket all text in the response that you so claim. Information so designated will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information provided in your response as confidential, it may be made available to the public without further notice to you. Should you have any questions concerning this matter, please call me at (215) 814-3156.

Sincerely,

Joan E. Martin-Banks
Civil Investigator

cc.. Cynthia Nadolski, Esq.

ATTACHMENT 1

REXAM

June 15, 2006

Sent via Federal Express No. 7909 5936 7653

Ms. Joan Martin-Banks
US Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Rexam Beverage Can Company - 104(e) Sauer Dump, Lynhurst Dundalk, Maryland

Dear Ms. Martin-Banks:

Enclosed please find Rexam Beverage Can Company's (the "Company") response to the EPA's 104(e) request for information for the above referenced site.

Rexam has made a diligent search of its records and has attempted to find and interview persons with information responsive to these requests for information. The company reserves the right to supplement its responses in this matter.

Please do not hesitate to contact me if you have any questions or require any additional information. Thank you.

Sincerely,

James L. Kiser /jm

James L. Kiser
Corporate Counsel, Rexam Inc.

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REQUEST FOR INFORMATION

QUESTIONS

1. What is the current nature of your business or activity? What was the nature of your business or activity during the period 1950 to 1990? Please describe in detail if the nature of your business or activity changed from the period 1950 to 1990. Please provide a detailed explanation of the changes to date.

RESPONSE:

The EPA's 104(e) request for information related to the Sauer Dump, Lynhurst (the "Site") was addressed to Rexam Inc. and seeks information relative to the nature of Rexam Inc.'s business activity, operations, waste use and generation etc. However, Rexam Inc. has no operations or manufacturing facilities. It is the indirect subsidiary and US holding company for the operating businesses of Rexam PLC, a public limited company organized under the laws of England and Wales.[1] REDACTED Rexam Beverage Can Company (hereinafter "RBCC" and/or "Company") and its predecessors, is the business entity for which the EPA seeks information. For the reasons described herein, the responses to this information request relate only to the operations of Rexam Beverage Can Company and its predecessors during the relevant period of 1950 to 1990.

History of American National Can Company/Rexam Beverage Can Company.

A. General Summary.

In 1986 the packaging assets of American Can Company were merged into and with National Can Corporation, and the name of National Can Corporation was changed to American National Can Company. In July of 2000, a subsidiary of Rexam PLC purchased American National Can Company and changed its name to RBCC. A more detailed explanation of the history of RBCC is set forth below.

B. Detailed History of Rexam Beverage Can Company.

REDACTED

By way of further background, RBCC, formerly known as American National Can Company, is in the business of manufacturing aluminum beverage cans and ends. The beverage cans and ends are sold to beverage producers or to companies that fill and distribute the cans on behalf of the beverage producers. RBCC's direct and indirect predecessors were first incorporated in the later part of the 19th century and operated as can manufacturers. There have been numerous divestitures, sales, purchases, diversifications and reorganizations in the over 100 years since the incorporation of those first predecessors, but the business of what is now RBCC has at all times been the manufacture of beverage cans and can ends.

REDACTED

REDACTED

C. Relevant Facilities and the Nature of Business Activity.

REDACTED

The information provided by the EPA (see Exhibit 1A) in conjunction with this 104(e) request indicates that a former American Can Company facility located in Baltimore, Maryland was identified as having potentially disposed of waste at the Site. For that reason, and in light of the location of the Site, this response is limited to the former American National Can Company, National Can Corporation and American Can Company facilities located in the State of Maryland. The Company's research and investigation is ongoing, and we reserve the right to supplement these responses if any additional information regarding the Company's relationship to the site is found.

During the relevant time period 1950 to 1990, three American Can Company facilities and three National Can Corporation facilities[2] were operated in Maryland. They were as follows:

American Can Company:

Reference to an American Can Company food can facility in Halethorpe, Maryland was found. The Halethorpe plant was opened in 1950 and closed in 1966, before the purchase of the American Can Company packaging assets by Triangle Industries in 1986. Therefore, the Halethorpe plant was never a part of RBCC/ANCC and RBCC has no connection to this facility. Other than a reference to the facility in a collective bargaining agreement booklet (see attached Exhibit 1B), no additional information has been found regarding this facility or its operations.

Reference to an American Can Company food can facility at Tone and Conkling Streets in Baltimore, Maryland was found. The plant was opened in 1972 and closed in 1976, before the purchase of the American Can Company packaging assets by Triangle Industries in 1986. Therefore, the Tone and Conkling Street plant was never a part of RBCC/ANCC and RBCC has no connection to this facility. Other than a reference to the facility in a collective bargaining agreement booklet (see attached Exhibit 1B), no additional information was found regarding this facility or its operations.

American Can Company, and later American National Can Company, operated a food can facility located at Boston and Hudson Streets in Baltimore, Maryland from 1901 to 1988. This was the only former American Can Company packaging facility located in Maryland that was part of the purchase of the American Can Company packaging assets by Triangle Industries in 1986, and therefore the only former American Can Company plant in Maryland for which ANCC/RBCC would have any connection. This plant and its operations are described in greater detail below.

[2] It is important to note that all of the Maryland facilities were designated food can facilities. All of the food can facilities of American National Can Company were sold to Silgan Containers Corporation in 1995. Though none of the Maryland facilities were open at the time of the sale and therefore not a subject of the sale, it is believed that substantially all documentation related to the food can facilities was transferred to Silgan, and may explain why we were unable to find information on the Wolfe Street and Cambridge facilities. In contrast, the Sparrow's Point facility was sold to United States Can Company in 1992, and it appears that certain of that facility's records were retained by American National Can Company.

National Can Corporation:

National Can Corporation operated a three-piece general line can facility at 727 South Wolfe Street in Baltimore, Maryland from 1935 to 1980. After a diligent search, no information was found regarding the operations of this facility. Our search for records for this facility is continuing.

National Can Corporation operated a three-piece food can facility at 100 Goodwill Road in Cambridge, Maryland from 1957 to 1982. After a diligent search, no information was found regarding the operations of this facility. Our search for records for this facility is continuing.

National Can Corporation operated a food can facility at 2010 Reservoir Road in Sparrow's Point, Maryland, from 1964 to 1991. After a diligent search, we were able to find limited information regarding the operation of this facility, which is discussed in greater detail below.

The Boston and Hudson Street, Baltimore, Maryland Facility.

The Boston & Hudson Street facility ("B&H facility") was an American Can Company (sometimes referred to herein as "American Can") food can facility that manufactured three-piece steel cans, steel ends and aluminum ends. The B&H facility also shipped printed stock, i.e., coated and lithographed steel sheets, to sister facilities. The B&H facility closed in 1988.

Manufacturing and Processing At B&H Facility.

A brief overview of the manufacturing process at the B&H facility is as follows:

Can Ends

Coiled aluminum and/or steel was cut into blank sheets to create the end stock. The end stock process involved the application of solvent borne coatings, which was then dried in an oven to drive off the solvents and restacked. Hazardous wastes generated in this process were spent wash-up solvents (E-solvent), which included some of the solvents and solids from the coating material. The restacked sheets were then cut into strips and fed into an end press, which blanked out discs and formed them into ends. The metal scrap was collected and sent to a metal recycler. The formed ends were then lined with a non-hazardous water borne compound and dried. The compound created the hermetic seal when the ends were attached to the can body. A small quantity of hazardous waste (clean-up solvents) was generated at this phase of the manufacturing process. After the ends were dried, they were put in bags and stacked on pallets.

Can Bodies

Coiled steel was cut into sheets. Most of the steel sheets were coated with a solvent borne white coating and then dried in an oven to drive off the solvents. Hazardous wastes generated during this process were spent wash-up solvents (E-solvent) as described above. The white coated sheets then went to the litho department to be decorated with the appropriate label for the product using paste inks. (Sheets that did not require a white coat went directly to the litho department). After the final color was applied, the label was covered with a solvent-borne protective varnish and dried in an oven to drive off the solvents. Hazardous wastes generated during this process were spent wash-up solvents that included ink and varnish residue.

After drying in an oven, the sheets were cut into blanks. (Some completed sheets were decorated at the B&H facility and then shipped to sister facilities.) Metal scrap was collected and sent to a recycler. The metal blanks were then fed into a machine which formed the can body into a cylinder and then sealed the side seam in a lead based solder bath. After the sheets were soldered into cylinders, side seam stripe was applied. The stripe was a water-borne material formulated for quick drying. Overspray from the side seam stripe application process was collected in an exhaust hood. Airborne solids in the overspray were collected by a fiberglass filter system. These filters were periodically changed and disposed of as non-hazardous solid waste.

Following the side stripe application, the cured cylinders were then flanged on both ends to accept the can ends. The can ends were attached in a double seaming process that crimped the flared cylinders to the can ends. The finished cans were then pressure tested to ensure a complete seal.

The Sparrows Point, Maryland Facility.

The Sparrows Point Facility was a National Can Corporation ("National Can") facility that manufactured ends for cans. The Sparrows Point facility was also a "feeder plant" that processed metal sheets (coated, lithoed and decorated the sheets) for supply to other National Can and subsequently American National Can facilities. The Sparrows Point facility was closed in 1991 and sold in 1992 to United States Can Company.

Manufacturing and Processing For Metal Sheets

Steel and/or aluminum sheets were coated and then put in ovens to cure. The sheets then were then lithoed and decorated according to customer needs and again cured in ovens. The finished sheets were then shipped to the respective facilities for processing into cans. The Sparrows Point facility used various coatings, solvents and inks in this process.

Manufacturing and Processing For Ends

The metal sheets were run through a bliss press to make a shell. The shell was then lined with a compound and fed into a conversion press where, if the end was fabricated from aluminum, a pull-tab was put on the end.

2. EPA has obtained information during the course of its investigation indicating that a predecessor company of yours, the American National Can Company, may have produced waste, which was disposed of at the Site, and/or disposed of waste at the Site referenced in this letter. Please provide the following information regarding all wastes and by-products produced by you during the period 1950 to 1990:

a. The nature of each "waste" (as the term "waste" is defined in paragraph 6 of the definitions attached hereto) used including its chemical content, characteristics and physical state (i.e. liquid, solid, gas or in the form of contaminated rags, cups, containers. Provide chemical analyses and Material safety Data Sheets ("MSDS"). If theses analyses are not available for the period 1950 to 1990, submit analyses for the time period closest to these dates and describe, in detail, any changes in the process(es) in which these wastes were produced that would affect the chemical analyses;

b. The annual quantity of each "waste" used or generated;

c. The process(es) in which each "waste" was used or the process(es) that generated each;

d. The types of containers used to treat, store or dispose of each "waste"; and

e. The method of treatment and/or disposal of each "waste".

RESPONSE – (1) Boston and Hudson Street Facility (American Can Company):

2a.1 See response to Question 1 above. Wastes generated included: waste solvents from wash-up and can coating; lead dross and captured particles from the side-seaming process; waste oils and waste paints and lacquers. For more detailed descriptions of the types and amounts of waste generated at the B&H facility, see also the Generator Annual Hazardous Waste Reports attached as Exhibit 2A, the Chemical Inventory Reports submitted to the Maryland Department of Health and Mental Hygiene and attached as Exhibit 2B, certain documentation related to the transportation and incineration of hazardous wastes by Oldover Corporaton attached as Exhibit 2C, certain documentation related to the transportation and reclamation of solder dross by Pass Recovery Systems attached as Exhibit 2D, and the B&H 1978 Environmental Controls, Reports and Requirements documents attached as Exhibit 2E.

The 1976 Material Safety Data Sheets and Labeling Information Manual for American Can Company is attached hereto as Exhibit 2F. It is believed that it contains MSD sheets for all materials used by American Can Company in its manufacturing facilities at that time, not just its metal can and end plants.

2b.1 To the extent information regarding the annual quantities of "waste" used or generated by the Boston and Hudson plant could be found, see the response to Questions 1 and 2a above and Exhibits 2A through 2E.

2c.1 See responses to Questions 1 and 2a.1 above and Exhibits 2A through 2E.

2d.1 See Exhibits 2A through 2E. Other than the information found in Exhibits 2A through 2E, no specific description of the types of containers used to store and dispose of each "waste" at the B&H facility was found. However, during much of the relevant time period, any hazardous waste generated during the production process was placed in 55 gallon drums and clearly marked and identified as "hazardous waste". All hazardous waste was transported off-site within 90 days of generation by a licensed transporter to a licensed hazardous waste management facility. No hazardous waste was treated at the B&H facility.

2e.1 See Exhibits A through E and the response to 2d.1 above.

RESPONSE – (2) Sparrows Point Facility (National Can Corporation):

2a.2. See response to Question 1 above. Wastes generated by the Sparrows Point plant included: waste oils (crank case, hydraulic, machine tool, coil line, lubricating); waste solvents from wash-up; degreasing solution; waste inks; waste lacquers; paint residue and sludge from lithographic operation; garbage; broken pallets; scrap metal sheets; steel bands; steel and aluminum trim; steel and aluminum spoilage; aluminum ends.[3]

For more detailed descriptions of the types and amounts of waste generated at the Sparrows Point plant, see also the Hazardous Waste Annual Reports and Surveys attached as Exhibit 2G, certain Hazardous Waste Manifests attached as Exhibit 2H, the Generator Waste Material Profile Sheets and various notifications to the Maryland Department of Health and Hygiene attached as Exhibit 2I, the Hazardous Waste Plant Survey attached as Exhibit 2J, certain documentation related to general correspondence with the State of Maryland and inspections of the Sparrows Point plant by the State of Maryland attached as Exhibit 2K, the Hazardous Waste Contingency Plan for Sparrows Point

[3] It appears that in 1981 it was suggested that a sister plant to Sparrows Point, the Hanover food can plant in Hanover, Pennsylvania, begin shipping its small quantities of waste solvents and inside sprays (six drums in 1981) to Sparrows Point for consolidation with Sparrows Point's shipments to M&M Chemical. It is not clear whether any Hanover waste was ever sent to SparrowsPpoint. The Hanover plant was closed in 1987. See Exhibit 2N.

attached as Exhibit 2L, and the Regulatory Review of Air Emissions conducted at the Sparrows Point plant attached as Exhibit 2M.

2b.2. To the extent information regarding the annual quantities of "waste" used or generated by the Sparrow's Point plant could be found, see the response to Questions 1 and 2a.2 above and Exhibits 2G through 2M.

2c.2. See responses to Questions 1 and 2a.2 above and Exhibits 2G through 2M.

2d.2. See Exhibits 2G through 2M. These Exhibits indicate that during much of the relevant time period, hazardous waste generated during the production process was placed in 55 gallon drums and clearly marked and identified as "hazardous waste". Also, the Exhibits indicate that before 1980 certain paint sludge waste was contained in an above ground tank owned by Browning Ferris Industries ("BFI") and pumped out by BFI on a regular basis. All hazardous waste was transported off-site within 90 days of generation by a licensed transporter to a licensed hazardous waste management facility. It appears that during some part of the relevant time period of 1950 to 1990, but not after 1980, BFI was the designated waste hauler for paint sludge at the plant. Sometime in the late 1970's it appears the designated waste hauler for the plant became M&M Chemical Company. No hazardous waste was treated at the Sparrows Point facility.

2e.2. See Exhibits 2G through 2M and the response to 2d.2 above.

3. Provide the names, titles, areas of responsibility, addresses and telephone numbers of all persons, including your own, who during the period 1950 to 1990, may have:

a. Disposed of or treated "waste" at the Site;

b. Arranged for the disposal or treatment of "waste" at the Site; and

c. Arranged for the transportation of "waste" to the Site (either directly or through transshipment points) for disposal or treatment.

RESPONSE:

3a. A diligent search of our records found no reference to the Site. None of the current employees of Rexam Beverage Can Company or the former employees of the B&H Facility and Sparrows Point plants interviewed to date was familiar with the Site or the name Sauer Dump. Rexam Beverage Can Company has found no information that would indicate that it ever disposed of or treated "waste" at the Site, arranged for the disposal or treatment of "waste" at the Site, or arranged for the transportation of "waste" to the Site for disposal, nor does the Company have any information that others did so. The

Company reserves the right to supplement its answer if additional information responsive to this question is discovered.

3b. See response to 3a above.

3c. See response to 3a above.

4. Describe the methods used by you to dispose of and/or treat "waste" during the period 1950 to 1990.

RESPONSE:

See responses to Questions 1 and 2.

5. If your response to Question 4 includes the contracting of a hauler or transporter to transport and/or dispose of wastes, explain the arrangements for those transactions and provide documentation that confirms the nature of those transactions.

RESPONSE:

See responses to Questions 1 and 2.

6. Did your company make arrangements with any of the following companies: Robb Tyler, Inc. Modern Trash, Modern, Inc., F.A. Sauer & Son, North Point Trash Removal, Warren Parker Hauling, Refuse Disposal Inc., and F.P.R. Bohager Company to transport and/or dispose of wastes?

If so, identify:

a. The persons with whom you, or such other persons, made such arrangements;

b. Every date on which such arrangements took place;

c. For each transaction, the nature and quantity of the "waste" including the chemical content, characteristics, physical state (i.e., liquid, solid), and the process for which the substance was used or the process that generated the substance;

d. Precise locations at which each "waste" was disposed or treated;

e. The persons who selected the Site as the place at which "waste" was disposed or treated;

f. The final disposition of each of the "wastes" involved in such transactions; and

g. The names of employees, officers, owners and agents for each transporter.

RESPONSE:

6a. Except for a single reference to Robb Tyler explained below, after a diligent search of its records, the Company did not find any reference to any of the companies listed above. None of the current employees of the Company or former employees interviewed recognized the names of any of the companies listed above.

A December, 1980 Designated Supplier form for National Can Corporation lists several companies authorized to remove solid waste from various National Can Corporation facilities. Included on this list is a reference to Robb Tyler as being authorized to provide services to facility number "33". Prior to 1986, National Can Corporation designated Sparrows Point by reference number "33". No other reference to Robb Tyler was found and no information was found to indicate that Robb Tyler ever picked up waste at the Sparrows Plant facility. See Exhibit 6.

The Company reserves the right to supplement this answer if additional information responsive to this question is discovered.

6b. See response to 6a above.

6c. See response to 6a above.

6d. See response to 6a above.

6e. See response to 6a above.

6f. See response to 6a above.

6g. See response to 6a above.

7. For each and every instance in which your company arranged for disposal or treatment of "waste" at the Site identify:

a. The characteristics, physical state (i.e., liquid, solid) and chemical composition of each "waste";

b. The persons who supplied you with the "waste" material disposed or otherwise handled by you;

c. **How such "wastes" were used, treated, transported, disposed or otherwise handled by you;**

d. **When and where such "wastes" were used, treated, transported, disposed or otherwise handled by you;**

e. **The quantity (number of loads, gallons, drums) of the "wastes" which were used, treated, transported, disposed or otherwise handled by you; and**

f. **Any billing information and documents (invoices, trip tickets, manifests) I your possession regarding arrangements made with your company to generate, treat, store, transport or dispose of "wastes" at the Site.**

RESPONSE:

7a. See responses to Questions 1, 2 and 3 above. A diligent search of our records found no reference to the Site. None of the current employees of Rexam Beverage Can Company or the former employees of the Boston and Hudson and Sparrows Point plants interviewed to date was familiar with the Site or the name Sauer Dump. Rexam Beverage Can Company has found no information that would indicate that it ever disposed of or treated "waste" at the Site, arranged for the disposal or treatment of "waste" at the Site, or arranged for the transportation of "waste" to the Site for disposal, nor does the Company have any information that others did so. The Company reserves the right to supplement its answer if additional information responsive to this question is discovered.

7b. See response to 7a above.

7c. See response to 7a above.

7d. See response to 7a above.

7e. See response to 7a above.

7f. See response to 7a above.

8. **Provide the names, titles and areas of responsibility of any person, including all present and former employees, who may be knowledgeable of your waste disposal practices, whether or not involving disposal at the Site, during the period 1950 to 1990. Include current addresses and dates of birth for former employees.**

RESPONSE:

8.1. Gary Miller

Last known address:

REDACTED

Mr. Miller was employed with American Can facilities and its successor companies in various capacities since 1976. Mr. Miller was at one time the Manager of Operations for the B&H facility. We have not yet had an opportunity to interview Mr. Miller to assist with these responses but intend to do so.

8.2. Robert Metheny

Last known address:

REDACTED

Department Head for Packing & Shipping and for the End Department at the B&H facility from approximately 1980-1985. We have not yet had an opportunity to interview Mr. Metheny to assist with these responses but intend to do so.

8.3. Gerald Seifert

Last known address:

REDACTED

Area Industry Engineering Manager. Mr. Seifert worked with various facilities including the B&H facility to help the plants reduce costs and improve manufacturing operations. Mr. Seifert was associated with the B&H facility in this capacity from 1985 until the B&H facility closed in 1988. We have not yet had an opportunity to interview Mr. Seifert to assist with these responses but intend to do so.

8.4. Rohinton Rivetna

Last known address:

REDACTED

Former Director of Environmental Engineering. We have not yet had an opportunity to interview Mr. Rivetna to assist with these responses but intend to do so.

8.5. Tom Gugerty

Last known address:

REDACTED

Mr. Gugerty was employed at the facility in the 1970's and 1980's. We have not yet had an opportunity to interview Mr. Rivetna to assist with these responses but continue to try to find him.

8.6. Donald Edinger.

Mr. Edinger was the Production manager at the Sparrows Point facility. He may possess knowledge relevant to this matter, but Rexam was unable to locate him as Mr. Edinger no longer works at his last known place of employment.

8.7. Roger Mentz

Last known address:

REDACTED

Mr. Mentz was the plant manager for the Sparrows Point facility from approximately 1986-1991. We have not yet had an opportunity to interview Mr. Mentz but intend to do so.

9. Describe any permits or applications and any correspondence between you and any regulatory agencies regarding "wastes" transported to or disposed of at the Site.

RESPONSE:

See responses to Questions 1, 2 and 3 above. A diligent search of our records found no reference to the Site. None of the current employees of Rexam Beverage Can Company or the former employees of the Boston and Hudson and Sparrows Point plants interviewed to date was familiar with the Site or the name Sauer Dump. Rexam Beverage Can Company has found no information that would indicate that it ever disposed of or treated "waste" at the Site, arranged for the disposal or treatment of "waste" at the Site, or arranged for the transportation of "waste" to the Site for disposal, nor does the Company have any information that others did so. The Company reserves

the right to supplement its answer if additional information responsive to this question is discovered.

10. Provide copies of any correspondence between you and any third party regarding "wastes" transported to or disposed at the Site.

RESPONSE:

See responses to Questions 1, 2 and 3 above. A diligent search of our records found no reference to the Site. None of the current employees of Rexam Beverage Can Company or the former employees of the Boston and Hudson and Sparrows Point plants interviewed to date was familiar with the Site or the name Sauer Dump. Rexam Beverage Can Company has found no information that would indicate that it ever disposed of or treated "waste" at the Site, arranged for the disposal or treatment of "waste" at the Site, or arranged for the transportation of "waste" to the Site for disposal, nor does the Company have any information that others did so. The Company reserves the right to supplement its answer if additional information responsive to this question is discovered.

11. Provide the identity of, and copies of any documents relating to, any other person who generated, treated, stored, transported or disposed, or who arranged for treatment, storage disposal or transportation of such "wastes" to the Site.

RESPONSE:

See responses to Questions 1, 2 and 3 above. A diligent search of our records found no reference to the Site. None of the current employees of Rexam Beverage Can Company or the former employees of the Boston and Hudson and Sparrows Point plants interviewed to date was familiar with the Site or the name Sauer Dump. Rexam Beverage Can Company has found no information that would indicate that it ever disposed of or treated "waste" at the Site, arranged for the disposal or treatment of "waste" at the Site, or arranged for the transportation of "waste" to the Site for disposal, nor does the Company have any information that others did so. The Company reserves the right to supplement its answer if additional information responsive to this question is discovered.

12. Provide the identities of all predecessors in interest who, during the period 1950 to 1990, transported, stored, treated or otherwise disposed of any "wastes" at the Site and describe in detail the nature of your predecessor in interest's business. Descrobe all changes in ownership from 1950 to the present, including the date of the ownership change and identify the type of change (i.e., asset purchase, corporate merger, consolidation, and name change). Provide a copy of each asset purchase and merger agreement.

RESPONSE:

See responses to Questions 1, 2 and 3 above. A diligent search of our records found no reference to the Site. None of the current employees of Rexam Beverage Can Company or the former employees of the Boston and Hudson and Sparrows Point plants interviewed to date was familiar with the Site or the name Sauer Dump. Rexam Beverage Can Company has found no information that would indicate that it ever disposed of or treated "waste" at the Site, arranged for the disposal or treatment of "waste" at the Site, or arranged for the transportation of "waste" to the Site for disposal, nor does the Company have any information that others did so. The Company reserves the right to supplement its answer if additional information responsive to this question is discovered.

Regarding the numerous changes in ownership and structure of Rexam Beverage Can Company over the last 100+ years and the EPA's request for copies of all related purchase and merger documents, to provide such documents would be extraordinarily burdensome, not responsive to this request for information and would require the production of thousands of pages of documents.

REDACTED

REDACTED

REDACTED

13. Provide the name, title, address, and telephone number of the person answering these questions on behalf of respondent.

RESPONSE:

James L. Kiser
Corporate Counsel, Rexam Inc.
4201 Congress Street, Ste. 340
Charlotte, North Carolina 28209
(704) 551-1519

14. For each question, provide the name, title, area of responsibility, current address and telephone number of all persons consulted in the preparation of the answers.

14.1. Jannelle Mitchell NCCP

Document Management, Rexam Inc.
4201 Congress Street, Suite 340
Charlotte, NC 28209

14.2. Patricia Rourke

Legal Assistant, Rexam Beverage Can Company
Rexam Beverage Can Company
8770 West Bryn Mawr Avenue
Suite 175
Chicago, IL 60631-3655

14.3. Joe Bauer

Current employee, RBCC Chatsworth, California plant. Mr. Bauer assisted with the general history and operations of the Sparrows Point plant.

14.4. Bob Walsh

Current employee, RBCC Business and Technical Center, Elk Grove Village, IL. Mr. Walsh began his employment with American Can Company in 1979 and worked with the B&H plant periodically in the 1980's. He assisted with the general history of the B&H facility and its operations.

14.5. Joe Sasso

Current employee, Director, Aluminum Supply Chain, RBCC Business and Technical Center, Elk Grove Village, IL. Mr. Sasso began his employment with American Can Company in 1977 and worked for the B&H plant from 1984 to 1987 as the manager of production control. He assisted with the general history of the B&H facility and its operations.

14.6. Geoff Wortley

Current employee, Director Health Safety and Environmental, 8770 West Bryn Mawr Avenue, Suite 175, Chicago, IL 60631-3655. Mr. Wortely began his employment with National Can Corporation in 1971 and during the relevant time period was in charge of air compliance issues at the various National Can Corporation facilities.

15. If you have reason to believe that there may be persons able to provide more detailed or complete responses to any question contained herein or who may be able to provide additional responsive documents, provide the names, titles, areas of responsibility, current addresses, and telephone numbers of such persons and describe the additional information or documentation.

RESPONSE:

The Company has no information that other persons have more detailed information, but see response to questions number 8 and 14.

16. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then provide the names, titles, areas of responsibility, current addresses, and telephone numbers of such persons and describe the additional information or documents.

RESPONSE:

Upon information and belief, there is not information or documents responsive to this Information Request that are not in the Company's possession, but see response to Questions 1,2, and 3.

17. If you have any information about other parties who may have information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to or release of contamination at the Site, please provide such information. The information you provide in response to the request should include each party's name, address, type of business and the reasons why you believe the party may have contributed contamination to the Site or may have information regarding the Site.

RESPONSE:

The Company has no such information.

Track Shipments
Detailed Results

Tracking number	790959367653	**Destination**	Philadelphia, PA
Signed for by	T.WILEY	**Delivered to**	Mailroom
Ship date	Jun 15, 2006	**Service type**	Priority Overnight
Delivery date	Jun 16, 2006 9:33 AM	**Weight**	12.0 lbs.
Status	Delivered		

Date/Time		Activity	Location	Details
Jun 16, 2006	9:33 AM	**Delivered**	Philadelphia, PA	
	9:33 AM	On FedEx vehicle for delivery	PHILADELPHIA, PA	
	8:35 AM	On FedEx vehicle for delivery	PHILADELPHIA, PA	
	8:20 AM	At local FedEx facility	PHILADELPHIA, PA	
	6:41 AM	At dest sort facility	PHILADELPHIA, PA	
	5:17 AM	Departed FedEx location	INDIANAPOLIS, IN	
	12:33 AM	Arrived at FedEx location	INDIANAPOLIS, IN	
Jun 15, 2006	9:01 PM	Left origin	PINEVILLE, NC	
	4:53 PM	Picked up	PINEVILLE, NC	
	3:11 PM	Package data transmitted to FedEx		

Subscribe to tracking updates (optional)

Your Name: _____ **Your Email Address:** _____

Email address	Language	Exception updates	Delivery updates
	English	☐	☐
	English	☐	☐
	English	☐	☐
	English	☐	☐

Select format: ◉ HTML ○ Text ○ Wireless

Add personal message:

Not available for Wireless or non-English characters.

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250 VOLUME VIII TAB 233	REDACTED
251 VOLUME VIII TAB 234	REDACTED
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253 VOLUME VIII TAB 236	REDACTED
254 VOLUME VIII TAB 237	REDACTED
255 VOLUME VIII TAB 238	REDACTED
256 VOLUME VIII TAB 239	REDACTED
257 VOLUME VIII TAB 240	REDACTED
258 VOLUME VIII TAB 241	REDACTED
259 VOLUME VIII TAB 242	REDACTED
260 VOLUME VIII TAB 243	REDACTED
261 VOLUME VIII TAB 244	REDACTED
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263 VOLUME VIII TAB 246	REDACTED
264 VOLUME VIII TAB 247	REDACTED
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267 VOLUME VIII TAB 250	REDACTED
268 VOLUME VIII TAB 251	REDACTED
269 VOLUME VIII TAB 252	REDACTED
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271 VOLUME VIII TAB 254	REDACTED
272 VOLUME VIII TAB 255	REDACTED
273 VOLUME VIII TAB 256	REDACTED
274 VOLUME VIII TAB 257	274 VOLUME VIII TAB 257 NJDEP NON-APPLICABILITY LETTER CASE N70772 AMERICAN CAN PACKAGING INC & NATIONAL CAN CORPORATION MERGER-p0001 - p0003.pdf
275 VOLUME VIII TAB 258	REDACTED
276 VOLUME VIII TAB 259	REDACTED
277 VOLUME VIII TAB 260	REDACTED
278 VOLUME VIII TAB 261	REDACTED
279 VOLUME VIII TAB 262	REDACTED

280 VOLUME VIII TAB 263	REDACTED
281 VOLUME VIII TAB 264	REDACTED
282 VOLUME VIII TAB 265	REDACTED
283 VOLUME VIII TAB 266	REDACTED
284 VOLUME VIII TAB 267	REDACTED
285 VOLUME VIII TAB 268	REDACTED
286 VOLUME VIII TAB 269	REDACTED
287 VOLUME VIII TAB 270	REDACTED
288 VOLUME VIII TAB 271	REDACTED
289 VOLUME VIII TAB 272	REDACTED
290 VOLUME VIII TAB 273	REDACTED
291 VOLUME IX BOOK SPINE	291 VOLUME IX BOOK SPINE.pdf
292 VOLUME IX TAB INDEX	REDACTED
293 VOLUME IX TAB 274	REDACTED
294 VOLUME IX TAB 275	REDACTED
295 VOLUME IX TAB 276	REDACTED
296 VOLUME IX TAB 277	REDACTED
297 VOLUME IX TAB 278	REDACTED
298 VOLUME IX TAB 279	REDACTED
299 VOLUME IX TAB 280	REDACTED
300 VOLUME IX TAB 281	REDACTED
301 VOLUME IX TAB 282	REDACTED
302 VOLUME IX TAB 283	REDACTED
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306 VOLUME IX TAB 287	REDACTED
307 VOLUME IX TAB 288	REDACTED
308 VOLUME IX TAB 289	REDACTED
309 VOLUME IX TAB 290	REDACTED
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311 VOLUME IX TAB 292	311 VOLUME IX TAB 292 AMERICAN NATIONAL CAN COMPANY ADDITIONAL UCC SEARCHES-p0001 - p0134.pdf
312 VOLUME IX TAB 293	REDACTED

313 VOLUME IX TAB 294	REDACTED
314 VOLUME IX TAB 295	REDACTED
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322 VOLUME IX TAB 303	REDACTED
323 VOLUME IX TAB 304	REDACTED
324 VOLUME IX TAB 305	REDACTED
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