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

EPA Region 5 Records Ctr.
253874

MAR 1 0 2006

REPLY TO THE ATTENTION OF
SR-6J

URGENT LEGAL MATTER
PROMPT REPLY NECESSARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Appleton
Attn: Jay Gasser, Corporate Environmental Health and Safety Manager
825 East Wisconsin (BX359)
Appleton, Wisconsin 54912-0359

RE: South Dayton Dump and Landfill Site, 1975 Dryden Road (aka) Springboro Pike, Moraine, Ohio
General Notice of Potential Liability and
Request for Information

Dear Mr. Gasser:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced Site, and is planning to spend public funds to control and investigate these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq., (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. §9607 (a), where the Agency uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement.

The U.S. EPA is currently planning to conduct a Remedial Investigation (RI) to determine the nature and extent of contamination and a Feasibility Study (FS) to determine and evaluate alternatives for cleanup at the above-referenced Site.

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U.S. EPA has received information that your company may have generated or transported hazardous substances that were disposed of at the Site. With this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities that U.S. EPA has determined or will determine are required at the Site.

U.S. EPA is currently in the middle of a formal 60 day negotiation period with an organized group of Potential Responsible Parties (PRPs). At this time, the leader for the PRP group is Illinois Tool Works (ITW). ITW is represented by Mr. Robin Lunn and Mr. Ken Brown. We strongly encourage you to contact them. ITW's contact information is in the attached PRP list. The attached PRP list (Enclosure 2) also provides a list of the names and addresses of other potentially responsible parties (PRPs) to whom a notification has been sent. This list is provided to assist you in contacting other PRPs in this matter and to negotiate with U. S. EPA.

As a potentially responsible party, you should notify U.S. EPA in writing within thirty (30) days of receipt of this letter of your willingness to perform or finance the activities described above. If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that your organization has declined any involvement in performing the response activities.

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

In accordance with CERCLA and other authorities, U.S. EPA has already undertaken certain actions and incurred certain costs in response to conditions at the Site. Certain of these response actions is summarized in Enclosure 1. Enclosure 3 to this letter is an Itemized Cost Summary (ICS) for past response costs incurred through May 31, 2005. "Past response costs" are all costs, including, but not limited to, direct and indirect costs and interest, that the United States, its employees, agents, contractors, consultants, and other authorized representatives incurred and paid with regard to the Site. The Agency anticipates expending additional funds for response activities at the Site under the authority of CERCLA and other laws. In accordance with Section 107(a) of CERCLA, demand is also hereby made under these authorities for payment of all future costs that U.S. EPA may accrue in regard to the Site.

In addition, U.S. EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require

any person who has or may have information relevant to any of the following to furnish U.S. EPA with such information: (1) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (3) the ability of a person to pay for or perform a cleanup.

Pursuant to CERCLA Section 104 (e), you are hereby requested to submit the following information concerning the South Dayton Dump and Landfill Site (aka) Broadway Landfill (aka) Grillots (aka) Moraine Recycling located at 1975 Dryden Road (aka) Broadway (aka) Springboro Pike, Moraine, Ohio. This information request is for all current or former Appleton facilities that may have used the Site from 1935 to 1996. This includes but not limited to, a Appleton facility located in West Carrollton, Ohio, formerly owned and operated by Bergstrom Paper and Kimberly Clark. Please provide the following;

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

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

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

4. Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal or other handling of waste material(s) at current and former Appleton facilities or of the transportation of waste material(s) generated by current and former Appleton facilities and/or of waste material(s) transported to the above-referenced Site.

5. Copies of all shipping documents or other business documents relating to the transportation, storage, and/or disposal of waste material(s) or substances at current and former Appleton facilities and/or the above-referenced Site.

6. A detailed description of the generic, common, and/or trade name and the chemical composition and character (i.e. liquid, solid, sludge) of the waste material(s) generated by current and former Appleton facilities and/or transported to the above-referenced Site.

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

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

9. Who were the transporters of the waste material(s) Appleton facilities generated, and provide their current address?

10. Copies of all records, including analytical results, and material safety data sheets, which indicate the identity, amounts, and chemical composition and/or chemical character of the waste material(s) transported to, stored, or disposed at current and former Appleton facilities or transported to or offered for transportation to, storage, or disposal at the Site.

11. A description and list of all liability-insurance coverage that is and was carried by current or former Appleton facilities, including any self-insurance provisions that relate to hazardous substances and/or the above-referenced Site together with copies of all of these insurance policies.

12. For each waste material please give the location at which it was disposed of on the Site. Please include a map of the site with disposal locations marked on it.

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

This request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities and their officers, directors, and employees. The information sought herein must be sent to U.S. EPA within thirty (30) calendar days of your receipt of this letter. Failure to respond fully and truthfully to this request or to adequately justify any failure to respond may result in an enforcement action against you by U.S. EPA under Section 104 of CERCLA, as amended. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be handled as confidential-business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Instructions for making a Confidential Information claim are in Enclosure 4. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

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

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

Michael Rafati
U.S. EPA - Region 5
Remedial Enforcement Support Section SR-6J
77 West Jackson Boulevard
Chicago, IL 60604

If you need further information regarding this letter, you may contact Michael Rafati, Enforcement Specialist at (312) 886-0390. Direct any legal questions to Thomas Nash, Associate Regional Counsel, at (312) 886-0552. Technical questions may be directed to the Remedial Project Manager, Karen Cibulskis at (312) 886-1843.

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

Sincerely yours,

Wendy L. Carney, Chief
Remedial Response Branch #1

Enclosures:
1. Site Summary
2. PRP List
3. Itemized Cost Summary
4. Confidential Business Information

ENCLOSURE 1

SITE SUMMARY

SOUTH DAYTON DUMP and LANDFILL
MORAINE, OHIO

The South Dayton Dump and Landfill (SDD) is an 80 acre inactive dump and landfill site located at 1975 Dryden Road (formerly Broadway, formerly Springboro Pike) in Moraine, Montgomery County, Ohio (see figure). Former disposal operations at the SDD have resulted in soil and groundwater contamination (including vinyl chloride and trichloroethylene), which poses a threat to the underlying drinking water aquifer and the adjacent Great Miami River. Groundwater contaminants may also pose a threat to residents in 7 homes located along East River Road southeast of the site through vapor intrusion. The landfill also operated under the name Moraine Recycling and was also known as Grillot's and the Broadway Landfill.

Extraction pits were excavated at the SDD after 1936. Landfill operations conducted between 1941 and 1996 filled in the extraction pits. Before 1970, a significant disposal practice at the SDD was the open burning of materials, primarily vegetation and wood wastes. Between 1950 and 1970, drummed wastes were occasionally accepted at the landfill. The drums were emptied of their contents and either buried or sold to drum recyclers. Between June 1973 and July 1976, drums containing hazardous waste were accepted at the SDD from two nearby Hobart Corporation (Hobart) facilities in Dayton, Ohio. The drums contained cleaning solvents (1,1,1-trichloroethane [TCA]; methyl ethyl ketone [MEK]; and xylene); cutting oils; paint; Stoddard solvent; and machine-tool, water-based coolants. Handwritten notes on an undated tax map from the Montgomery County Combined General Health District (MCCGHD) indicate that other materials accepted at the site included fly ash, foundry sand, steel slag, oils, paint residue, brake fluids, chemicals for cleaning metals and solvents.

In May 1978, the MCCGHD and the Ohio Environmental Protection Agency (OEPA) conducted an inspection of the landfill and noted several problems, including the presence of containers labeled "hazardous." Further evidence of hazardous waste disposal at the SDD comes from a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Notification of Hazardous Waste Site Form submitted by Industrial Waste Disposal Company, Inc. (IWD) on June 9, 1981, which indicates that IWD used the SDD for the disposal of the industrial and municipal wastes of IWD's customers.

Former landfill operations were conducted in at least the south half of the Valley Asphalt Plant. In 2000, evidence of former landfill operations beneath the Valley Asphalt Plant was discovered when drums were encountered during the excavation and installation of a new sewer line. The drums contained: Aroclor 1254, benzene, 2-butanone, chlorobenzene, ethylbenzene, 4-methyl-2-pentanone, toluene, trichloroethylene, vinyl chloride, and xylene. Valley Asphalt removed the

drums and the associated soil contamination under OEPA oversight in 2000. No additional environmental follow-up actions were conducted.

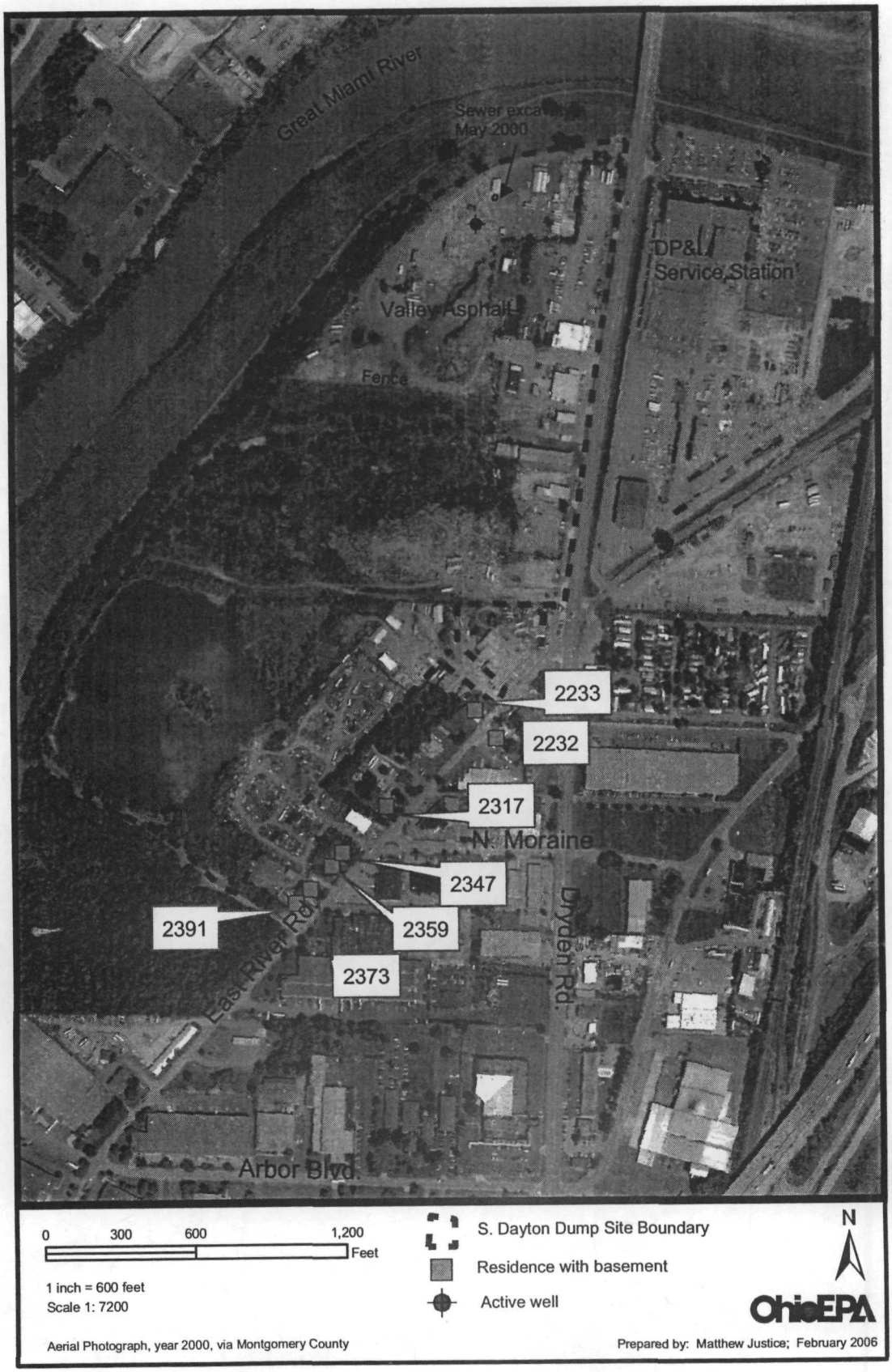
In 1985, OEPA prepared a preliminary assessment (PA) for the SDD. The PA indicated that hazardous waste at the SDD poses a threat to the underlying drinking water aquifer and the adjacent Great Miami River. In 1991, U.S. EPA's field investigation team (FIT) conducted a screening site inspection (SSI). Soil analytical results indicated the presence of volatile organic compounds (VOCs), PAHs, polychlorinated biphenyls (PCBs), and metals at concentrations significantly above background concentrations. In 1996, OEPA conducted a Site Team Evaluation Prioritization (STEP) investigation, which included soil, sediment, and groundwater sampling activities. Groundwater analytical results indicated the presence of VOCs, including: 1,2-dichloroethylene (total) at concentrations up to 150 micrograms per liter (µg/L) (Maximum Contaminant Level 70 µg/L); 1,1-dichloroethane at concentrations up to 13 µg/L; toluene at concentrations up to 15 µg/L; and chloroethane up to 22 µg/L.

Between 1998 and 2004, the owners of part of the SDD site conducted several investigations at the landfill, including groundwater and surface water sampling. Groundwater analytical results from 2002 revealed maximum concentrations of vinyl chloride at 180 µg/L (Maximum Contaminant Level 2 µg/L) and trichloroethylene at 76 µg/L (Maximum Contaminant Level 5 µg/L). In 2004 the maximum concentration of vinyl chloride detected in the groundwater by the owners was 20 µg/L and the maximum concentration of trichloroethylene was 250 µg/L.

The OEPA 1996 STEP documents elevated concentrations of VOCs in groundwater beneath the SDD. The groundwater contamination is present in the Great Miami Aquifer, which is a sole source aquifer that provides drinking water to the following receptors within 4 miles of SDD: (1) the employees of the Delphi Automotive Systems Plant, (2) the residents of the Cities of Oakwood and West Carrollton, and (3) residents of Montgomery County served by Montgomery County's standby wells.

EPA proposed the SDD site to the National Priorities List in September 2004. The National Priorities List is a list of hazardous waste sites that are eligible for evaluation and cleanup under the federal Superfund program. The Hazard Ranking Score for the SDD site is 48.63.

South Dayton Dump Site
Moraine, Ohio
Montgomery County



0 300 600 1,200 Feet

1 inch = 600 feet
Scale 1: 7200

S. Dayton Dump Site Boundary
Residence with basement
Active well

N

OhioEPA

Aerial Photograph, year 2000, via Montgomery County

Prepared by: Matthew Justice; February 2006

ENCLOSURE 2

POTENTIALLY RESPONSIBLE PARTY LIST

SOUTH DAYTON DUMP and LANDFILL
MORAINE, OHIO

1. Barnett, Ronald H.
   2225 E. River Road
   Moraine, OH 45439
   937-299-3526

2. Bridgestone America Holding, Inc.
   f/k/a Dayton Tire and Rubber
   Timothy A. Bent, Executive Director Environmental Affairs
   535 Marriott Drive
   Nashville, Tennessee 37214

3. Cargill, Inc.
   Attn: Linda Childers, Legal Department
   15407 McGinty Road West, MS-24
   Wayzata, MN 55391
   952-742-6379

4. Kathryn Boesch
   c/o Coolidge, Wall, Womsley & Lombard
   Attn: Timothy Hoffman
   33 West First Street
   Suite 600
   Dayton, OH 45402
   937-449-5540

5. Margaret Grillot
   c/o Coolidge, Wall, Womsley & Lombard
   Attn: Timothy Hoffman
   33 West First Street
   Suite 600
   Dayton, OH 45402
   937-449-5540

6. Dayton Power & Light Company
   Attn: Amy Wright, Director - Environmental Management
   MacGregor Park
   1065 Woodman Drive
   Dayton, OH 45432
   937-259-7240

7. Delphi Automotive Systems
f/k/a Delco-Moraine
Attn: Mark Hester, Assistant General Counsel
M/C 480-410-166
5825 Delphi Drive
Troy, OH 48098
248-813-1472

8. General Motors
Attn: Linda Bentley (MC 4882-C24-D24)
300 Renaissance Center
Detroit, MI 48243

9. Mayer, Brown, Rowe and Maw
Attn: Robin Lunn
71 S. Wacker Drive
Chicago, IL 60606
(312) 701-7274
RE: Illinois Tool Works, Inc. (ITW Food Equipment Group f/k/a Hobart Corporation)

Illinois Tool Works, Inc.
Attn: Ken Brown, Corporate Environmental Engineer
3600 West Lake Avenue
Glenview, IL 60026
RE: Hobart Corporation
847-657-4843

ITW Food Equipment Group
f/k/a Hobart Corporation
Attn: Steve Adams
701 S. Ridge Avenue
Troy, OH 45374
937-332-3000 x 2716

10. Jim City Salvage
Attn: Jim Worley
2335 East River Road
Moraine, OH 45439
937-298-7325

11. Miami Conservancy District
Attn: Steve McHugh, Legal Counsel
38 E. Monument Ave.
Dayton, OH 45402
937-223-1201

12. Vicki J. Wright
Krieg DeVault LLP
One Indiana Square
Suite 2800
Indianapolis, IN 46204
(317) 238-6263
RE: Monsanto Company

Monsanto Company
Attn: R. Williams Ide III, Counsel
800 North Lindbergh Ave.
St. Louis, MO 63141

13. NCR
Attn: Susan Chema, Law Department
1700 S. Patterson Blvd., WHQ-5E
Dayton, OH 54579

14. The Danis Companies
f/k/a Industrial Waste Disposal
Attn: Thomas J. Danis, CEO
2 Riverplace
Suite 400
Dayton, OH 45405
937-228-1225

15. TRW
f/k/a Dayton Steel Foundry, Dayton-Walther, Kelsey Hayes
Attn: Scott Blackhurst, Senior Counsel - Environment
12001 Tech Center Drive
Livonia, MI 48150
(734) 855-3195

16. Valley Asphalt Corporation
Attn: Dan Crago, Environmental Manager
11641 Mosteller Road
Cincinnati, OH 45241
513-771-0820

17. Waste Management, Inc.
f/k/a Industrial Waste Disposal
Attn: Debra Kopsky, Legal Department
720 Butterfield Road
Lombard, IL 60148
630-572-2486

Itemized Cost Summary

SOUTH DAYTON DUMP AND LANDFILL, MORAINE, OH SITE ID = B5 2B

Costs Through 05/31/2005.

REGIONAL PAYROLL COSTS	$103,414.91
HEADQUARTERS PAYROLL COSTS	$492.12
REGIONAL TRAVEL COSTS	$1,199.23
ALTERNATIVE REMEDIAL CONTRACT SUPPORT (ARCS)	
PLANNING RESEARCH CORPORATION (68-W8-0084)	$8,021.01
ENFORCEMENT SUPPORT SERVICES (ESS) CONTRACT	
TECHLAW, INC. (68-W0-0083)	$35,488.88
FIELD INVESTIGATION TEAM (FIT) CONTRACT	
ECOLOGY AND ENVIRONMENT (68-01-7347)	$34,703.23
REMOTE SENSING SUPPORT/EPIC	
LOCKHEED MARTIN SERVICES, INC (68-D0-0267)	$23,570.35
SUPERFUND TECH. ASSISTANCE & RESPONSE TEAM (START)	
TETRA TECH EM, INC. (68-W0-0129)	$33,487.35
TECHNICAL SERVICE AND SUPPORT	
ARCTIC SLOPE REGIONAL CORP(ASRC) (68-W0-1002)	$1,313.21
DYNCORP SYSTEMS & SOLUTIONS LLC (68-W0-3016)	$19,799.77
EPA INDIRECT COSTS	$130,212.69
EPA COSTS BEFORE PREJUDGMENT INTEREST	$391,702.75
Prejudgment Interest	$12,646.44
Total Site Costs:	$404,349.19