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September 6, 2017

BY OVERNIGHT COURIER

Steven Kaiser (C-14J)
kaiser.steven@epa.gov
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Request for Information Pursuant to Section 104(e) of CERCLA
U.S. Smelter and Lead Refinery, Inc. Superfund Site (053J)
East Chicago, Indiana

Dear Mr. Kaiser:

Attached hereto is the response of Nesco, Inc. to the U.S. EPA's information request dated June 15, 2017 with respect to the U.S. Smelter and Lead Refinery, Inc. Superfund Site. Please contact me if you have any further questions

Sincerely,

Martin T. Booher
Partner

Attachment

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REQUEST RESPONSES

ALL TERMS USED HEREIN ARE AS DEFINED IN THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S REQUEST FOR INFORMATION TO NESCO, INC. DATED JUNE 15, 2017 UNLESS OTHERWISE SPECIFIED.

1. *Please identify all persons who assisted in responding to this Information Request.*

   Patrick Brainard, Nesco, Inc.
   Martin Booher, Baker Hostetler LLP
   Edward Ptaszek, Baker Hostetler LLP

2. *Describe the corporate relationship that exists currently between Nesco, Inc. (Nesco) and the Blaw-Knox Company, and between Nesco and the Blaw-Knox Corp.*[1]

   There is no and there has never been a corporate relationship between: (1) Nesco, Inc. and Blaw Knox Corporation, or (2) Nesco, Inc. and "Blaw-Knox Company." To our knowledge, from 1985 to 1990, there was no corporate relationship between Blaw Knox Corporation and Blaw-Knox Company. To our knowledge, Blaw-Knox Company was never incorporated as an entity and was operated as a division of White Consolidated Industries, Inc. ("WCI"). In 1985, Blaw Knox Corporation purchased certain assets from WCI. To our knowledge, some or all of these assets were formerly part of WCI's Blaw-Knox Company division. To our knowledge, WCI continued to exist following the 1985 transaction and eventually merged with AB Electrolux.

   The sole shareholder of Nesco, Inc. acquired 78% of the stock of Blaw Knox Corporation in 1985 as part of an investment group. He disposed of all of his stock in Blaw Knox Corporation on March 5, 1991.

3. *Identify the state in which Blaw-Knox Corp. was incorporated and provide a copy of the Articles of Incorporation. State whether the Blaw-Knox Corp. is active and in good standing with the State within which it was incorporated. State whether Blaw-Knox Corp. has ever operated under any other name. If so, identify the name. Describe the products or services currently provided by Blaw-Knox Corp. and its divisions or subsidiaries. Identify the current officers of Blaw-Knox Corp.*

   Blaw Knox Corporation was incorporated in Delaware in 1985 to acquire certain assets from WCI. A copy of the Certificate of Incorporation is attached hereto as *Attachment #1.* We only have a record of the Certificate of Incorporation as it existed in 1985 at the time of the transaction. We have no records of any amendments or changes thereto and

[1] The U.S. Environmental Protection Agency ("USEPA") references "Blaw-Knox Corp." in its June 15, 2017 information request. To our knowledge, there is no legal entity known as Blaw-Knox Corp. We assume, based on our review of the USEPA's information request, that USEPA intended to reference Blaw Knox Corporation, which, as discussed in more detail below, was the entity formed in 1985 that acquired certain assets from White Consolidated Industries, Inc. Accordingly, in this response, we have assumed that USEPA was seeking information regarding Blaw Knox Corporation (and not Blaw-Knox Corp.).

acknowledge that it may have been amended. Based on our review of the Delaware Secretary of State's website as part of the response to information request, Blaw Knox Corporation is no longer in existence and is, therefore, neither active nor in good standing. To our knowledge, from 1985 to 1991, Blaw Knox Corporation did not operate under any other name. We do not have any knowledge of the products or services currently being provided by Blaw Knox Corporation. We do not have any knowledge of the current officers of Blaw Knox Corporation.

4. *Describe the relationship between the Blaw-Knox Company and Blaw-Knox Corp.*

   We are not aware of any relationship between Blaw Knox Corporation and Blaw-Knox Company, other than Blaw-Knox Company was, to our knowledge, a division of WCI, and WCI sold assets to Blaw Knox Corporation. Blaw Knox Corporation was an entity formed by a group of investors to acquire certain assets from WCI. As noted, Blaw Knox Corporation was not formed until 1985. Blaw Knox Corporation never owned or operated the Blaw-Knox Property nor did it arrange for disposal of any hazardous substances at the Blaw-Knox Property.

5. *Identify all assets and liabilities either Nesco, Inc. or Blaw-Knox Corp. acquired or assumed in 1985 from White Consolidated Industries, Inc. (WCI). Provide a copy of the documents that comprised the agreement to transfer Blaw-Knox Castings & Machinery, and other related divisions, assets and liabilities, to Nesco or Blaw-Knox Corp. and/or their subsidiaries.*

   Nesco, Inc. acquired no assets or liabilities from WCI in 1985. Pursuant to the Agreement of Purchase and Sale dated September 27, 1985 between WCI and Blaw Knox Corporation (the "Agreement"), Blaw Knox Corporation acquired certain assets from WCI. The Agreement is included as part of *Attachment #2*.[2] Under the Agreement, Blaw Knox Corporation assumed only a very narrow scope of liabilities and obligations associated with the "Business," as defined in the Agreement. The Blaw-Knox Property was not owned by WCI in 1985 and therefore no portion of the Blaw-Knox Property related to the "Business" was acquired by Blaw Knox Corporation in 1985. Blaw Knox Corporation did not acquire the Blaw-Knox Property and did not assume any liabilities associated with or attributable to the Blaw-Knox Property. Blaw Knox Corporation expressly did not assume any contingent unknown liabilities of WCI under the Agreement. Blaw Knox Corporation did not acquire any portion of the Blaw-Knox Property and therefore did not acquire any contamination contained within the Blaw-Knox Property. Accordingly, as a result of the Agreement, Blaw Knox Corporation did not and does not have any responsibility or liability with respect to any environmental-related liabilities of WCI.

[2] Nesco Inc. did not possess any information responsive to this request in its corporate files. Baker Hostetler LLP represented the Blaw Knox Corporation in connection with the 1985 transaction and provided Nesco, Inc. a copy of the original closing binder created as part of the 1985 transaction. Baker Hostetler LLP was not able to locate the final version of the Schedule referenced in the Agreement.

It also is important to note that based upon a title search performed in response to the USEPA's Information Request, Blaw Knox Corporation never owned any portion of the Superfund site. *See Attachment #2.*

6. *Provide an index of any records in your possession that pertain to operations of any business that had operations within the boundaries of the Blaw-Knox Property. If you identify any such records, please:*

   a. *Identify the nature and duration of the operations; include a description of the products made, the processes used to make the products, the waste streams generated, the type and volume (on an annual basis) of air emissions generated by the operations, and the practices for disposing of each stream of solid and/or hazardous waste.*

   b. *Describe the manner in which the facility was decommissioned; include in the description a summary of efforts, if any, to identify whether soils at the facility had become contaminated with lead, arsenic or any other hazardous substance; and efforts, if any, to systematically cover in place or remove from the Blaw-Knox Property soils that contained lead, arsenic or any other hazardous substances.*

   We do not have any records responsive to this request.

7. *Identify any pollution control permits in your records issued to the Blaw-Knox Foundry or any related entity, under the Clean Air Act, Clean Water Act, Resource Conservation Act, their state law corollaries, and similar predecessor laws.*

   We do not have any records responsive to this request.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondent and that the foregoing is complete, true, and correct.

Executed on September 5, 2017.

Patrick J Brainard
Signature

Patrick J. Brainard
Type or Print Name

Corporate Secretary and General Counsel
Title

ATTACHMENT 1

State of Delaware

Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF BLAW KNOX CORPORATION FILED IN THIS OFFICE ON THE THIRTIETH DAY OF AUGUST, A.D. 1985, AT 10 O'CLOCK A.M.

! ! ! ! ! ! ! ! ! ! !

Michael Harkins, Secretary of State

AUTHENTICATION: 10618182

DATE: 09/23/1985

725266101

CERTIFICATE OF INCORPORATION

OF

BLAW KNOX CORPORATION

ARTICLE FIRST: The name of the Corporation is Blaw Knox Corporation.

ARTICLE SECOND: The address of the Corporation's registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, in the City of Wilmington, County of New Castle 19801. The name of its registered agent at such address is The Corporation Trust Company.

ARTICLE THIRD: The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

ARTICLE FOURTH: The total number of shares of stock which the Corporation shall have authority to issue is Four Million (4,000,000), all of which shall be shares of Common Stock, $.01 par value.

ARTICLE FIFTH: The name and mailing address of the incorporator is as follows:

NAME	MAILING ADDRESS
John M. Gherlein	3200 National City Center Cleveland, Ohio 44114

ARTICLE SIXTH: The number of directors which shall constitute the whole board shall be fixed by, or in the manner provided in, the By-laws of the Corporation. Election of directors need not be by written ballot unless the By-laws of the Corporation so provide.

ARTICLE SEVENTH: In furtherance and not in limitation of the powers conferred by statute, the Board of Directors is expressly authorized to make, alter or repeal the By-laws of the Corporation.

ARTICLE EIGHTH: The Corporation reserves the right to amend, alter, change or repeal any provision contained in this Certificate of Incorporation, in the manner now or hereafter prescribed by statute and all rights conferred upon stockholders herein are granted subject to this reservation.

ARTICLE NINTH: Whenever a compromise or arrangement is proposed between the Corporation and its creditors or any class of them and/or between the Corporation and its stockholders or any class of them, any court of equitable jurisdiction within the State of Delaware may, on the application in a summary way of the Corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for the Corporation under the provisions of Section 291 of Title 8 of the Delaware Code or on the application of trustees in dissolution or of any receiver or

receivers appointed for the Corporation under the provisions of Section 279 of Title 8 of the Delaware Code order a meeting of the creditors or class of creditors, and/or of the stockholders or class of stockholders of the Corporation, as the case may be, to be summoned in such manner as the said court directs. If a majority in number representing three-fourths in value of the creditors or class of creditors, and/or of the stockholders or class of stockholders of the Corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of the Corporation as a consequence of such compromise or arrangement, the said compromise or arrangement and the said reorganization shall, if sanctioned by the court to which the said application has been made, be binding on all the creditors or class of creditors, and/or on all the stockholders or class of stockholders, of the Corporation, as the case may be, and also on the Corporation.

ARTICLE TENTH: In the event any provision (or portion thereof) of this Certificate of Incorporation shall be found to be invalid, prohibited, or unenforceable for any reason, the remaining provisions (or portions thereof) of this Certificate shall be deemed to remain in full force and effect, and shall be construed as if such invalid, prohibited, or unenforceable provision had been stricken herefrom or otherwise rendered inapplicable, it being the intent of the

Corporation and its stockholders that each such remaining provision (or portion thereof) of this Certificate remain, to the fullest extent permitted by law, applicable and enforceable as to all stockholders, notwithstanding any such finding.

THE UNDERSIGNED, being the incorporator hereinbefore named, for the purpose of forming a corporation pursuant to the General Corporation Law of the State of Delaware, does make this certificate, hereby declaring and certifying that this is my act and deed and the facts herein stated are true, and accordingly I hereunto set my hand this 29th day of August, 1985.

John M. Gherlein
Incorporator

TFG2(T)
bat/8-29-85

ATTACHMENT 2

® CHICAGO TITLE

COMPANY, LLC

135 N. Pennsylvania Street Suite 1575B, Indianapolis, IN 46204, 317-684-3800, Fax: 317-684-3921

July 28, 2017

Chicago Title Insurance Company 1360 East Ninth Street, Ste. 500 Cleveland, OH 44114

Borrowers): The City of East Chicago Housing Authority

Property Address:
4920 Larkspur Street,
East Chicago, IN 46312;

All of Block 4, Subdivision of part of the Northwest Quarter of Section 33, Township 37 North, Range 9 West of the 2nd PM in the City of East Chicago, as per plat thereof, recorded in Plat Book 4, Page 4, in the Office of the Recorder of Lake County, Indiana, excepting the East 30 feet, also excepting that part conveyed to Goldschmidt Detinning Company by Warranty Deed dated 11-14-11 and recorded 11-18-11 in Deed Record 174, Pages 391 and 392 and also excepting therefrom that part conveyed to Metal and Thermit Corporation by deed dated 11-6-62 and recorded 11-15-62 in Deed Record 1219, Page 528,

And: Commencing at the Southwest corner of Block 13, Subdivision of the Southwest Quarter of Section 28, Township 37 North, Range 9 West of the 2nd PM in the City of East Chicago, Indiana, as shown in Plat Book 2, Page 25, in Lake County, Indiana: Thence Northerly on and upon the West line of said Block 13 a distance of 250.25 feet; thence Easterly parallel to the South line of said Block 13 a distance of 125.07 feet; thence Northerly parallel to the West line of said Block 13 a distance of 60.00 feet; thence easterly parallel to the South line of said Block 13 a distance of 813.34 feet; thence Southerly parallel to the East line of said Block 13 a distance of 60.00 feet; thence Easterly parallel to the South line of said Block 13 a distance of 163.11 feet to a line parallel to and 30 feet West of the East line of said Block 13; thence Southerly parallel to said East line of Block 13 a distance of 250.25 feet to the South line of said Block 13; thence Westerly on and upon the said South line of Block 13 a distance of 1102.3 feet to the place of commencement.

Fidelity File No.: 519382

To Whom It May Concern:

You have requested a chain of title search for the above referenced real estate. A search of the records of Lake County, Indiana Recorder's Office reflected the following chain of title document(s) recorded during the period, commencing April 7,1970 and ending July 10, 2017 at 8:00 A.M. as follows:

1.) Warranty Deed from Blaw-Knox Company to The Housing Authority of the City of East Chicago, Indiana, dated April 3,1970 and recorded April 7,1970 as Document Number 54473.

2.) Trustee's Deed from Lake County Trust Company, as Trustee under the provisions of a Trust Agreement dated April 25, 1974 and known as Trust No. 2101 to The City of East Chicago Housing

Authority, dated June 21,2006 and recorded September 18, 2006 as Document number 2006 081816.

NOTE:
We find 3 exception deeds reflected in the above chain of title deeds. These are listed below:

a.) Warranty Deed from Blaw-Knox Company to School City of East Chicago, recorded November 28, 1956 in Deed Record 1047 page 227.

b.) Deed from East Chicago Company to Goldschmidt Detinning Company recorded November 18,1911 in Deed Record 174 pages 391 and 392.

c.) Quit Claim Deed from Blaw-Knox Company to Metal & Thermit Corporation recorded November 15, 1962 in Deed Record 1219 page 528.

We also find a Conveyance in Trust (which is not a deed) recorded April 30, 1974 as Document Number 249454 from Housing Authority of the City of East Chicago to Lake County Trust Company, as Trustee under Trust 2101.
The Maximum Liability of the company for providing ths information shall not exceed $500.00.

If you have additional questions regarding the status of title to this property, please do not hesitate to contact us.

Sincerely,

CHICAGO TITLE COMPANY, LLC

Customer Service Dept.
1-888-881-6789
wehelp@fnf.com