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

REPLY TO THE ATTENTION OF:

SE-5J

SEP 10 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

US EPA RECORDS CENTER REGION 5
443541

[DAP PRODUCTS, INC.]
CSC-LAWYERS INCORPORATING SERVICE
(CORPORATE SERVICE COMPANY)
50 WEST BROAD STREET, SUITE 1800
COLUMBUS, OH 43215

Re: South Dayton Dump and Landfill Site in Moraine, Ohio
Site Spill Identification Number: B52B
General Notice of Potential Liability

Dear Sir or Madam:

The U.S. Environmental Protection Agency has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced Site and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA), 42 U.S.C. §§ 9601-9675, unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the Site, and persons who generated the hazardous substances or were involved in the transport, treatment or disposal of the hazardous substances at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards 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 costs.

EPA is currently planning to conduct the following actions at the above-referenced Site:

1. Develop and implement a Site Health and Safety Plan.

2. Conduct subsurface gas sampling including Volatile Organic Compounds (VOCs) and methane, and conduct extent of contamination sampling utilizing groundwater, soil gas, sub-slab, and indoor air sampling techniques.

3. If the Ohio Department of Health (ODH) Sub-Slab Air Screening Level for a contaminant

of concern (TCE, PCE, methane, etc) is exceeded for an off-site residential or commercial structure, design and install a vapor abatement mitigation system in the structure(s) impacted by subsurface gas migration. The abatement system will include installation of a sub-slab depressurization system (SSDS) or crawl space depressurization system, sealing cracks in walls and floors of the basement, and sealing drains that could be a pathway. The vapor abatement mitigation system will be designed to control levels of methane and VOCs to below ODH sub-slab and indoor air screening levels.

4. If the ODH Sub-Slab Air Screening Level for a contaminant of concern (TCE, PCE, methane, etc) is exceeded for an on-site commercial structure, design and install a vapor abatement mitigation system in the structure(s) impacted by subsurface gas migration. The abatement system will include installation of a sub-slab depressurization system (SSDS), sealing cracks in walls and floors, and sealing drains that could be a pathway. The vapor abatement mitigation system will be designed to control levels of methane and VOCs to below ODH sub-slab and indoor air screening levels.

5. If levels of methane at the property boundary are greater than the lower explosive limit (5% methane), design and install a perimeter landfill gas extraction system designed to prevent landfill gas migration off-site. The perimeter landfill gas system will be designed to control levels of methane at the property boundary to less than the lower explosive limit (5% methane).

6. Develop and implement a performance sample plan to confirm that ODH screening levels are achieved for contaminants of concern following installation of on-site or off-site vapor abatement mitigation systems.

7. If necessary, develop and implement: (1) a perimeter landfill gas extraction system performance sample plan including the installation of perimeter subsurface probes to confirm that methane action levels are achieved and (2) a landfill gas extraction system effluent sample plan.

EPA has received information that your organization may have owned or operated the Site or generated or transported hazardous substances that were disposed of at the Site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the Site. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse EPA for its costs.

If a consent order cannot be promptly concluded, EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of EPA's costs, for statutory penalties and for

treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is a *U.S. EPA Small Business Resources Information Sheet*, which may be helpful if you are subject to an EPA enforcement action.

Because of the conditions described above, EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify EPA in writing by September 28, 2012 of your willingness to perform or finance the activities described above and to reimburse EPA for its costs. Your response should be sent to:

Carol Ropski
U.S. Environmental Protection Agency
Superfund Division
Enforcement and Compliance Assurance Branch
Enforcement Services Section 1, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If EPA does not receive a timely response, 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 response 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 a 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 already underway; 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 addition, EPA has scheduled a meeting at Region 5's Chicago office on Wednesday, September 19 at 1:30 p.m. CDT to discuss the removal action and an agreed consent order. The meeting will be held at 77 West Jackson Boulevard in the Lake Superior Room on the 12th floor. For those unable to attend in person, a call in number is available. That number is 866-299-3188, conference code 312-353-8730. Please confirm or decline your attendance and indicate if it will be by phone or in person to ropski.carol@epa.gov.

If you need further information regarding this letter, you may contact Thomas Nash of EPA Office of Regional Counsel at 312-886-0552.

Due to the nature of the problem at this facility and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely,

Jason El-Zein, Chief
Emergency Response Branch 1

Enclosure

SOUTH DAYTON DUMP AND LANDFILL SITE

List of Potentially Responsible Parties Sent General Notice of Potential Liability

Michael P. Bachevich
2908 Springboro West
Dayton, OH 45439
[For A.E. Fickert, Inc.]

John H. Howland
200 Providence Street
P.O. Box 1007
West Warwick, RI 02893
[For Bradford Soap International, Inc.]

Bricker & Eckler, LLP
Attn: Martha Horvitz
100 South Third Street
Columbus, OH 43215-4291
[Dayton Power & Light Company]

CT Corporation System
1300 East Ninth Street
Cleveland,OH 44114
[For Flowserve Corporation]

NCR Corporation
Attn: Brian Heath
3097 Satellite Blvd, 2nd Floor
Duluth, GA 30096

Cargill, Inc.
Attn: Christopher Haack
15407 McGinty Road West, MS-24
Wayzata, MN 55391

KMK Service Corporation,
1 East Fourth Suite #1800
Cincinnati, OH 45202
[For Cintas Corporation]

Corporation Trust Center
1209 Orange Street Wilmington
New Castle, DE, 19801
[For Coca Cola Enterprise, Inc.]

Dinsmore & Shohl LLP
Attn: Timothy Hoffman
1100 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, OH 45402
[For Kathryn Boesch]

Dinsmore & Shohl LLP
Attn: Timothy Hoffman
1100 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, OH 45402
[For Margaret Grillot]

The Prentice Hall Corporation System, Inc.,
50 West Broad Street
Suite 1800
Columbus, OH 43215
[For Cox Media Group Ohio, Inc]

CSC- Lawyers Incorporating Service
50 West Broad Street
Suite 1800
Columbus,OH 43215
[DAP Products, Inc.)

CSC-Lawyers Incorporating Service
50 West Broad Street
Suite 1800
Columbus, OH 43215
[For Day International, Inc.]

David M. Hussong
1880 Radio Road
Dayton, OH 45431

Dayton Power & Light Company
Attn: Athan Vinolus
MacGregor Park
1065 Woodman Drive
Dayton, OH 45432

CT Corporation System,
111 Eighth Avenue
New York, New York, 10011
[For Flowserve Corporation]

Mark R. Chilson
9277 Centre Pointe Drive
Suite 100
West Chester, OH 45069
[For Franklin Iron & Metal Corp.]

The Prentice Hall Corporation System, Inc.,
50 West Broad Street
Suite 1800
Columbus, OH 43215
[For DAP Products Inc.]

CSC - Lawyers Incorporating Service
50 West Broad Street
Columbus, OH 43215
[For Harris Corporation]

Illinois Tool Works, Inc.
Attn: Ken Brown
3600 West Lake Avenue
Glenview, IL 60025-5811
[For Hobart Corporation]

John R. Jurgensen Company
Attn: Daniel Crago
1901 Dryden Road
Moraine, OH 45439

CT Corporation System
1300 East Ninth Street
Cleveland, OH 44114
[Kimberly-Clark Corporation]

CT Corporation System
1300 East Ninth Street
Cleveland, OH 44114
[For L.M. Berry]

CT Corporation System,
1300 East Ninth Street,
Cleveland, OH 44114-0000
[For Meredith Corporation]

CSC- Lawyers Incorporating Service
50 West Broad Street
Suite 1800
Columbus, OH 43215
[For The Sherwin-Williams Company]

CT Corporation System
1300 East Ninth Street
Cleveland, OH 44114
[For The Ohio Bell Telephone Company]

Carl M. Bridges
P.O. Box 1296
Dayton, OH 45401
[For The Peerless Transportation Company]

CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219
[For The Reynolds and Reynolds Company]

The Corporation Trust Company Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801
[For Pepsi-Cola General Bottlers of Ohio, Inc.]

CT Corporation System
1300 East Ninth Street
Cleveland, OH 44114
[For The Standard Register Company]

TRW
f/k/a Dayton-Walther, Kelsey Hayes
Attn: Scott Blackhurst
24175 Research Drive
Farmington Hills, MI 48335

Valley Asphalt Corporation
Attn: Dan Crago
11641 Mosteller Road
Cincinnati, OH 45241

Waste Management, Inc.
f/k/a Industrial Waste Disposal
Attn: Michelle Gale, Esq.
720 Butterfield Road
Lombard, IL 60148

National Registered Agents, Inc.
145 Baker Street
Marion, OH 43302
[for Bridgestone Americas Tire Operations, LLC]

CSC-LAYWERS INCORPORATING SERVICE
50 West Broad Street, Suite 1800
Columbus, OH, 43215
[For Monsanto Company]

CSC-Lawyers Incorporating Service
(Corporation Service Company)
50 West Broad Street, Suite 1800
Columbus,OH 43215
[For GlaxoSmithKline L.L.C.]

United States Environmental Protection Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA-300-F-11-006 June 2011

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

www.epa.gov/compliance/assistance/business.html

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture
www.epa.gov/agriculture/

Automotive Recycling
www.ecarcenter.org

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

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.org

Paints and Coatings
www.paintcenter.org

Printed Wiring Board Manufacturing
www.pwbrc.org

Printing
www.pneac.org

Ports
www.portcompliance.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline
info-antimicrobial@epa.gov or 1-703-308-6411

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act
www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline - to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)
www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline
www.epa.gov/safewater/hotline/index.html or 1-800-426-4791

Stratospheric Ozone Protection Hotline
www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline
tsca-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline
www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators
www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)
www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center
www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal
www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy
www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy
www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

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

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