DRAFT 04/08/02

URGENT LEGAL MATTER - - PROMPT REPLY NECESSARY

CERTIFIED MAIL-EXPRESS MAIL
RETURN RECEIPT REQUESTED

Edward J. Ludwig
President
Becton, Dickinson and Company, Inc.
1 Becton Drive
Franklin Lakes, New Jersey 07417

Re: Notice of Potential Liability, Request to Perform RI/FS, and Request for Information Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., re: the Berry's Creek Superfund Study Area, Bergen County, New Jersey.

Dear Mr. Ludwig:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threat of release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. Sections 9601-9675.

EPA has documented the release and threat of release of hazardous substances into the environment at the Berry's Creek Superfund Study Area, Bergen County, New Jersey (the "Study Area"). In response to the release and threat of release of hazardous substances at the Study Area, EPA has spent public funds and anticipates spending additional public funds pursuant to CERCLA.

The Study Area is the water body known as Berry's Creek, including the Berry's Creek Canal and the natural course of Berry's Creek; and all water bodies tributary to Berry's Creek, from its headwaters to the Hackensack River; and wetlands that are hydrologically connected to Berry's Creek and/or its tributaries. Additionally, the Study Area includes neighboring properties, as well as the tidal portions of the Hackensack River and environs, where hazardous substances may have migrated or threaten to migrate. Numerous facilities located near the Study Area have or may have contributed contamination to the Study Area. These include three National Priorities List (NPL) sites (see below), as well as other CERCLA and non-CERCLA hazardous waste sites, industrial sites and properties. These sites lie within portions of the Boroughs of Carlstadt,

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Wood-Ridge, Rutherford, East Rutherford, Moonachie, Hasbrouck Heights, Little Ferry, Lyndhurst, and Teterboro. Available information indicates that contaminants released from these sites are intermixed in the surface water, groundwater, sediments and wetland soils of the Study Area.

NOTICE OF POTENTIAL LIABILITY

Under CERCLA and other laws, responsible parties may be held liable for monies expended by the federal government in taking response actions at and around sites where hazardous substances have been released, including investigative, planning, removal, remedial and enforcement actions. Responsible parties also may be subject to orders requiring them to take response actions themselves. Responsible parties under CERCLA include, among others, the current and past owners or operators of a facility from which there has been a release or threatened release of hazardous substances, persons that arranged for the treatment or disposal of hazardous substances which were sent to such a facility, and persons that transported hazardous substances to such a facility.

EPA has reason to believe that the Study Area has received contaminant releases from three NPL sites: The Ventron/Velsicol Superfund Site, in Carlstadt and Wood-Ridge, New Jersey (NJD980529879); the Universal Oil Products Superfund Site, in East Rutherford, New Jersey (NJD002005106); and the Scientific Chemical Processing Superfund Site, in Carlstadt, New Jersey (NJD070565403). In addition, EPA has reason to believe that the Study Area has received contaminant releases from a number of other CERCLA and non-CERCLA facilities.

By this letter, EPA notifies you that it has reason to believe that your company or its predecessor owned or operated, or currently own or operate, a facility which engaged in activities resulting in the release of hazardous substances to the Study Area, or arranged for the treatment or disposal of hazardous substances which may have come to be disposed of at such facility, and is accordingly notifying you of your status as a potentially responsible party ("PRP") under Section 107(a) of CERCLA, 42 U.S.C. §9607(a).

Furthermore, EPA has reason to believe that the Study Area may have received contamination from a number of additional facilities. These are the subject of continuing EPA investigations to determine their status as PRPs under CERCLA.

REQUEST TO PERFORM REMEDIAL INVESTIGATION / FEASIBILITY STUDY ("RI/FS")

As you may know, investigations conducted by the New Jersey Department of Environmental Protection (NJDEP), the Hackensack Meadowlands Development Commission (now known as the New Jersey Meadowlands Commission), responsible parties under CERCLA and state law, and others, have documented contamination of Berry's Creek, its biota, wetlands, and associated upland properties, by mercury and numerous other contaminants. Because of the myriad

contamination problems and many potential sources, until this time EPA and NJDEP have elected to address the upland contamination sources to Berry's Creek; many of these upland sources have been addressed, though several still remain.

Because the Berry's Creek Superfund Study Area investigation will take several years to complete, EPA and NJDEP have jointly determined that it is appropriate to begin the investigation at this time. EPA has determined that an RI/FS under CERCLA must be conducted to complete the investigatory work at the Study Area and to evaluate remedial action alternatives. The RI/FS will include, but is not limited to, identifying Study Area characteristics; defining the nature and extent of sediment, soil, surface water and groundwater contamination, as well as the risks posed by contamination in the Study Area; determining the impacts of continuing contaminant sources to the Study Area; and evaluating different cleanup options for the Study Area.

By this letter, EPA invites you to enter into a settlement with EPA which provides for the PRPs to conduct the RI/FS required at the Study Area. Any agreement by the PRPs to perform the RI/FS will need to be memorialized in an administrative order on consent ("AOC") issued by EPA under CERCLA. A draft of the AOC is enclosed. It contains a detailed explanation of the work that will be required to implement the RI/FS. In addition, as explained below, EPA will be available to meet with you to discuss questions concerning the RI/FS. Within thirty (30) days from the date of your receipt of this letter, please submit a good faith offer to conduct the RI/FS. A good faith offer consists of a written proposal that demonstrates your qualifications and willingness to conduct the RI/FS and shall include the following elements:

1. A statement of the PRPs' willingness to conduct the RI/FS.

2. The PRPs' comments, if any, on EPA's draft AOC.

3. A demonstration of the PRPs' technical capability to carry out the RI/FS including the identification of the firm(s) that may actually conduct the work or a description of the process that will be undertaken to select the firm(s).

4. A demonstration of the PRPs' capability to finance the RI/FS.

5. A statement of the willingness by the PRPs' to reimburse EPA for costs incurred in overseeing your implementation of the RI/FS.

6. The name, address, and phone number of the party who will represent you in the negotiations.

Please be advised that pursuant to Section 104(a) of CERCLA, 42 U.S.C. §9604(a), EPA will only allow the PRPs to perform the RI/FS if it determines that the PRPs are qualified to perform the action and can do so properly and promptly. If the PRPs agree to perform the RI/FS, the agreement will be memorialized in the AOC and executed signature pages should be received by

EPA by _____, 2002.

If EPA does not receive a timely response, it will assume that the PRPs do not wish to enter into a settlement for, or participate in, the RI/FS. In such an event, EPA will take appropriate action at the Study Area which could include issuance of a Unilateral Administrative Order to you under Section 106(a) of CERCLA, 42 U.S.C. §9606(a), to require that you perform the RI/FS, or EPA may perform the RI/FS and pursue a cost recovery claim against you pursuant to Section 107 of CERCLA, 42 U.S.C. §9607.

INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES

EPA would like to encourage good faith negotiations between the PRPs and EPA, as well as among the PRPs. To assist PRPs in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing a list of names and addresses of all PRPs who are being notified, and the facilities at which EPA believes they were or are involved. This list represents EPA's preliminary findings on the identities of PRPs. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of a release of hazardous substances at the Study Area.

PRP STEERING COMMITTEE

EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. Establishing a manageable group is critical for successful negotiations with EPA. Alternatively, EPA encourages each PRP to select one person from its company who will represent its interests. EPA is available to meet with the PRP steering committee at its offices at 290 Broadway, New York, NY on any one business day between _____, 2002 and _____, 2002. If the PRP steering committee wishes to meet with EPA, please advise Clay Monroe of the Office of Regional Counsel at (212) 637-3142 by _____, 2002, which date is convenient.

Your response to the Notice contained in this letter, including your written proposal to perform the RI/FS, should be sent to:

Seth Ausubel
Remedial Project Manager
United States Environmental Protection Agency
Region II
Emergency and Remedial Response Division
290 Broadway, 19th Floor
New York, NY 10007-1866

With a copy to:

Clay Monroe
Assistant Regional Counsel
Office of Regional Counsel
290 Broadway, 17th Floor
New York, NY 10007-1866

INFORMATION REQUEST

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

While EPA seeks your cooperation in this investigation, your compliance with the Request for Information is required by law. When you have prepared your response to the enclosed Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response **within 30 calendar days of your receipt of this letter.** Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist EPA in its investigation of the Study Area or may be responsible for the contamination at the Study Area, that information should be submitted to EPA within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501-3520.

Your response to this Request for Information should be mailed to:

Seth Ausubel

Remedial Project Manager
United States Environmental Protection Agency
Region II
Emergency and Remedial Response Division
290 Broadway, 19th Floor
New York, NY 10007-1866

with a copy to:

Clay Monroe
Assistant Regional Counsel
Office of Regional Counsel
290 Broadway, 17th Floor
New York, NY 10007-1866

Due to the seriousness of these matters, EPA urges that immediate attention and prompt responses be given to this letter.

This notice is not being provided pursuant to the "special notice" procedures outlined in Section 122 (e) of CERCLA, 42 U.S.C. Section 9622 (e), because EPA does not believe that those procedures would facilitate an agreement or expedite the RI/FS for the Study Area.

If you have any questions regarding the Notice of Potential Liability, Request to Perform the RI/FS, or Request for Information, or would like to discuss this matter with EPA, please call or have your attorney call Clay Monroe, Assistant Regional Counsel, at (212) 637-3142.

Sincerely yours,

Richard L. Caspe, P.E., Director
Emergency and Remedial Response Division

Enclosures

cc: Gwen Zervas, NJDEP
Lisa Rosman, NOAA
_____, US DOI
Barbara Dietz, NJDEP

bcc: Kevin Lynch, ERRD

ENCLOSURE

PRPs Being Notified Under CERCLA Section 107(a)
in the Matter of the Berry's Creek Superfund Study Area, Bergen County, New Jersey

Arsynco, Inc., Carlstadt

Arsynco, Inc.
c/o Donald Horowitz
P.O. Box 8
Foot of 13th Street
Carlstadt, New Jersey 07072

Becton, Dickinson and Company, Inc., East Rutherford

Edward J. Ludwig
President
Becton, Dickinson and Company, Inc.
1 Becton Drive
Franklin Lakes, New Jersey 07417

Cosan Chemical Corporation, Carlstadt

Cosan Chemical Corporation
c/o Corporation Trust Company
820 Bear Tavern Road
Trenton, New Jersey 08628

Diamond Shamrock/Henkel, Carlstadt

Robert Lurcott
Chief Executive Officer
Henkel Corporation
2200 Renaissance Blvd., #200
King of Prussia, Pennsylvania 19406

Occidental Electrochemicals Corporation
Diamond Shamrock Chemicals Company
c/o CT Corporation System
1633 Broadway
New York, New York 10019

J. Roger Hirl
President and Chief Executive Officer
Occidental Chemical Corporation
Occidental Tower
5005 LBJ Freeway
Dallas, Texas 75244

Raymond R. Irani
Chief Executive Officer
Occidental Petroleum Corporation
10889 Wilshire Blvd
Los Angeles, CA 90024-4201

Randolph Products, Inc., Carlstadt

John Randolph
President
Randolph Products, Inc.
P.O. Box 830
Carlstadt, New Jersey 07072-0830

Universal Oil Products Superfund Site, East Rutherford

Lawrence A. Bossidy
Chairman and Chief Executive Officer
Honeywell International, Inc.
101 Columbia Road
P.O. Box 2245
Morristown, New Jersey 07962-2245

Ventron/Velsicol Superfund Site, Carlstadt and Wood-Ridge

Raj L. Gupta
Chairman and Chief Executive Officer
Rohm and Haas Company
100 Independence Mall West
Philadelphia, Pennsylvania 19106-2399

Arthur R. Sigel
President and Chief Executive Officer
Velsicol Chemical Corporation
10400 W. Higgins Road, Suite 600
Rosemont, Illinois 60018

Chief Executive Officer
F.W. Berk and Company, Inc.
405 Lexington Avenue
New York, New York 10174

Scientific Chemical Processing, Inc. Superfund Site, Carlstadt

[to be added]

ENCLOSURE

Request for Information

in the Matter of the Berry's Creek Superfund Study Area, Bergen County, New Jersey

Becton, Dickinson and Comnpany, Inc.

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.

2. Identify each answer with the number of the question to which it is addressed.

3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.

4. Provide responses to the best of the Respondent's ability, even if the information sought was never put in writing or if the written documents are no longer available.

5. In preparing your response to each question, consult with all present and former employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.

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

7. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.

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

9. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.

10. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.

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

12. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.

13. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.

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

Section 2.203(b).

15. If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

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

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

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

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

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

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

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

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

B. Definitions

1. As used herein, the term "Becton, Dickinson and Company Site", or "Site", shall be the property or properties located in whole or in part at 11 and 116 Stanley Street, East Rutherford, Bergen County, New Jersey, and comprised, in whole or in part, of Block 89B and 88; Block 93, Lot 1; and Block 93, Lot 41; Borough of East Rutherford.

2. As used herein, the term "Berry's Creek Superfund Study Area" shall be identified as the water body known as Berry's Creek, including the Berry's Creek Canal and the natural course of Berry's Creek; and all water bodies tributary to Berry's Creek, from its headwaters to the

Hackensack River; and wetlands that are hydrologically connected to Berry's Creek and/or its tributaries. Additionally, the Study Area includes neighboring properties, as well as the tidal portions of the Hackensack River and environs, where hazardous substances may have migrated or threaten to migrate. The Study Area is located in Bergen County, New Jersey, including portions of the Boroughs of Carlstadt, Wood-Ridge, Rutherford, East Rutherford, Moonachie, Hasbrouck Heights, Little Ferry, Lyndhurst, and Teterboro.

3. As used herein, the terms "the Company" and "your Company" refer not only to your Company as it is currently named and constituted, but also to all predecessors in interest of your Company and all subsidiaries, divisions, affiliates and branches of your Company or of its predecessors.

4. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but and not limited to, containers for temporary or permanent holding of such wastes.

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

6. As used herein, the terms "hazardous waste," "disposal" and "storage" shall have the meanings set forth in Sections 1004(3), (5) and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6903(3), (5) and (33), respectively.

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

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

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

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

   d. it reacts violently when mixed with water;

   e. it generates toxic gases when mixed with water;

   f. it easily ignites or explodes;

   g. it is an industrial waste product;

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

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

   j. it is coolant water or blowdown waste from a coolant system;

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

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

7. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, 42 U.S.C. Section 9601 (33), and includes any mixtures of such pollutants or contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.

8. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601 (22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

9. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including, but not limited to, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disk or tape or other type of memory generally associated with computers and data processing (together with the programming instructions necessary to use such computer memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosure with any document, and (e) every document referred to in any other document.

10. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question.

11. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home address and telephone numbers; and (c) present or last known employer (include full name, address and telephone number) with title, position, occupation or business.

12. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), and a brief description of its business.

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

REQUEST FOR INFORMATION

1. a. State the correct legal name and mailing address of your Company.

   b. Identify the legal status of your Company (corporation, partnership, sole proprietorship, specify if other) and the state in which your Company was organized or formed.

   c. State the name(s) and address(es) of the President, Chairman of the Board, and the Chief Executive Officer of your Company.

   d. If your Company is a subsidiary or affiliate of another corporation, or has subsidiaries, identify each such entity and its relationship to your Company, and state the name(s) and address(es) of each such entity's President, Chairman of the Board, and Chief Executive Officer.

   e. Identify the state and date of incorporation and the agent for service of process in the state of incorporation and in the State of New Jersey for your Company and for each entity identified in your response to question 1.d., above.

   f. If your Company is a successor to, or has been succeeded by another entity, identify such other entity and provide the same information requested in question 1.e., above.

2. Provide a description of the Site, i.e. the property or properties in East Rutherford, Bergen County, New Jersey, which your Company owned or upon which it operated or leased. Include Block and Lot numbers, names of streets bounding the property(ies), and acreage.

3. Provide a narrative description of the nature of the Company's business. If the nature of the Company's business changed over time, please explain how it changed, (including any name changes) and approximately when the changes occurred.

4. Please specify the time period during which the Company leased, owned, and/or operated the Site. If your Company ever leased the Site, provide copies of leases, names, current addresses and telephone numbers of each owner of the Site during the period the Company leased the Site.

5. Describe the Site at the time the Company took possession of it. If there was any business at the Site, explain the nature of that business.

6. Describe in detail the nature of the activities conducted by the Company at the Site from the time the Company began operations at the Site until the present time, including:

   a. the services performed at the Site;

   b. all products which the Company manufactured, supplied, or sold which resulted from activities at the Site;

   c. research and development activities; and

   d. the time period during which those activities occurred.

7. When did your Company cease operations at the Site? Describe the circumstances that precipitated your Company's decision to cease operations at the Site.

8. Did you or your company generate hazardous wastes at the Site? Please describe your or your company's treatment, storage and/or disposal practices for any hazardous wastes generated at the Site.

9. Provide a list of all local, state and federal environmental permits ever granted for the Site or any part thereof (e.g., RCRA permits, NPDES permits, etc.)

10. List all hazardous substances (as defined in the "Instructions"), which were used, stored, or handled at the Site.

11. State when and where each substance identified in your response to Question 10 was used, stored, or handled at the Site and the volume of each substance.

12. Describe in detail how and where the hazardous wastes, industrial wastes, and hazardous substances generated, handled, treated, and stored at the Site were disposed of. If any hazardous wastes, hazardous substances, or industrial wastes were taken off-site for disposal or treatment, state the names and addresses of the transporters and the disposal facility used.

13. Who determined where to treat, store, and/or dispose of the hazardous substances and/or hazardous wastes handled at the Site? Provide the names and current or last known addresses of any entities or individuals which made such determination.

14. Describe in detail the remedial activities conducted at the Site under CERCLA, the Resource Conservation and Recovery Act (RCRA), and/or laws of the State of New Jersey. Describe your Company's involvement in the remedial activities.

15. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred, or are occurring, at or from the Site. Specifically identify and address any leaks, spills, or releases to (1) the Berry's Creek Superfund Study Area, and (2) the Universal Oil Products Superfund Site, identified as approximately 75 acres located in East Rutherford, Bergen County, New Jersey, and comprised of the following Block/Lots: Block 104, Lot 2; Block 105.01, Lot 8; and Block 105.02, Lot 5; Borough of East Rutherford. In addition, identify

    a. when such releases occurred;

    b. how the releases occurred;

    c. the amount of each hazardous substances, pollutants, or contaminants so released; and

    d. where such releases occurred.

16. Identify all companies, firms, facilities, and individuals (hereafter referred to as "customers") from whom your Company obtained materials containing Industrial Waste as defined in Number 6 of the Definitions and whose Industrial Waste was treated, stored, handled or disposed of at the Site. For each such Customer:

a. Describe the relationship (the nature of services rendered and products purchased or sold) between your Company and the Customer;

b. Provide Copies of any agreements or/and contracts between your Company and the Customer;

c. Provide the name and address of each Customer who sent such materials, including contact person(s) within said Customer;

d. Provide shipping and transaction records pertaining to such Industrial Wastes sent by each Customer, including but not limited to invoices, delivery receipts, receipts acknowledging payment, ledgers reflecting receipt of payment, bills of lading, weight tickets, and purchase orders; and

e. Provide the name and address of all companies and individuals who transported Industrial Wastes to the Site.

17. For each Customers' Industrial Wastes handled, treated, stored, or disposed of at the Site, describe:

i. the volume;
ii. the nature;
iii. chemical composition;
iv. color;
v. smell;
vi. physical state (e.g., solid, liquid);
vii. any other distinctive characteristics; and
viii. the years during which each Customer's materials were handled, treated, stored, or disposed of at the Site.

18. State whether there currently is or ever have been any insurance policies in effect that may indemnify your Company against any liability that your Company may incur in connection with the release of any hazardous substance at the Site. If your answer to this question is in the affirmative, please provide:

a. the name and address of the insurance carrier;

b. the policy number;

c. the period during which the policy was in effect, including the expiration date;

d. per occurrence limits of each policy, and;

e. copies of all policies.

For any policy that you cannot locate or obtain, provide the name of the carrier, years in effect, nature and extent of coverage, and any other information you have.

19. For your Company:

a. state total assets and liabilities for each of the past three fiscal years; and

b. provide copies of income statements for the last three fiscal years; and

c. provide copies of federal and state income tax returns for last three fiscal years; or

d. in the alternative to responding to Questions 19. a.-c. above, provide (1) your Company's most recent annual report to shareholders and (2) your Company's Form 10K filed with the U.S. Securities and Exchange Commission for the each of the past three fiscal years.

20. Please supply any additional information or documents that may be relevant or useful to identify other companies or sources that sent industrial wastes to the Site.

21. Please state the name, title and address of each individual who assisted or was consulted in the preparation of your response to this Request for Information and correlate each individual to the question on which he or she was consulted.

22. For each question herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____:

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

_____
NAME (print or type)

_____
TITLE (print or type)

_____
SIGNATURE

Sworn to before me this

day of , .

_____
Notary Public