DUPONT

March 5, 1999

BY FACSIMILIE
(212) 637-3096

Mr. Muthu Sundram
Office of Regional Counsel
New Jersey Superfund Branch
U.S. Environmental Protection Agency
290 Broadway, 17th Floor
New York, NY 10007-1866

Re: LCP Chemicals, Inc. Superfund Site
Linden, Union County, New Jersey

Dear Mr. Sundram:

Enclosed please find an initial response of E. I. du Pont de Nemours and Company ("DuPont") to the Request for Information for the LCP Chemicals, Inc. Superfund Site in Linden, New Jersey. We appreciate the extension of time given to respond.

We have found doing the title search and requisite surveying more difficult and time consuming than anticipated. Both were critical to clarifying ownership issues. We expect to supplement this response next week with the attachments and additional information making DuPont's response to the Request for Information more meaningful.

Very truly yours,

Barbara U. Gravely

Barbara U. Gravely

510608

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cc: Ms. Patricia Simmons
Emergency and Remedial Response Division
U. S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866

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DuPont Legal

John L. Riddle
DuPont Corporate Remediation Group

E. I. DU PONT DE NEMOURS AND COMPANY
RESPONSE TO REQUEST FOR INFORMATION
LCP CHEMICALS, INC. SUPERFUND SITE
LINDEN, NEW JERSEY

1. a. State the legal name of your business.

E. I. du Pont de Nemours and Company

b. State the name and address of the president or the chairman of the board, or other presiding officers of your business.

Charles O. Holliday, Jr.
Chairman, CEO and President
1007 Market Street
Wilmington, DE 19898

c. Identify the state of incorporation of your business and your business agent for service of process in the state of incorporation and in New Jersey.

Incorporated in the State of Delaware in September 1915. For Delaware, E. I. du Pont de Nemours and Company serves as its own registered agent located at 1007 Market Street, DuPont Bldg. 8048, Wilmington, DE 19898, Attention: Corporate Secretary or Assistant Secretary

The registered agent for New Jersey is CT Corporation System, 820 Bear Tavern Road, West Trenton, NJ 08628

d. Provide a copy of your business "Certificate of Incorporation" and any amendments thereto.

Attached.

e. If your business is a subsidiary or affiliate of another company, or has subsidiaries or is a successor to another company, identify these related companies. For each related company, describe the relationship to your business and indicate the date and manner in which each relationship was established.

The DuPont Company is not a subsidiary or affiliate of another company. It is a Fortune 500 company that has been in business nearly 200 years. During the time, DuPont has been affiliated with many other entities through acquisition or merger; it has also subsequently divested itself of entities.

DuPont will be pleased to supply information on any specific entity upon request.

2. Does the business entity identified in Question 1 above have a permit or permits issued pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 *et seq*? Also, if any of the business entities identified in Question 1 above has/had an EPA Identification Number, state it in your answer to this Question.

The DuPont Company currently operates at over 60 locations throughout the United States; historically the number is much larger. It would be very onerous to answer this question and also not relevant to the concerns addressed in this Information Request.

The EPA Identification Number for the Grasselli Plant in Linden is NJD002185965.

If the Agency is interest in the number for any other plant location, it will be given upon request.

3. Do you currently own, operate, lease, or maintain, or have in the past owned, operated, leased, or maintained any real property at the LCP Chemicals, Inc. Site? Provide all relevant documentation, including leases, deeds, or other materials which relate to such premises.

DuPont does not currently own or operate any real property at the LCP Chemicals, Inc. Superfund Site (the "LCP Site" or the "Site"). In the past, however, DuPont owned part of the Site. DuPont acquired title to a portion of the LCP Site on December 1, 1928, when it purchased the assets of The Grasselli Chemical Company (Ohio). Although DuPont immediately transferred the Grasselli (Ohio) assets to its wholly owned subsidiary, The Grasselli Chemical Company (Delaware), it reacquired title to the same portion of the Site on October 31, 1936, when the Grasselli (Delaware) subsidiary dissolved and the Grasselli Chemicals Department of DuPont assumed ownership of its assets. On September 15, 1949, DuPont then sold its portion of the LCP Site to General Aniline & Film Corporation ("GAF").

Throughout DuPont's 1928 through 1949 period of ownership, no operations took place on the LCP Site. Indeed, the evidence suggests that GAF did not construct the first of two chlorine plants at the Site until at least 1952. That evidence includes USEPA Region II's own August 12, 1996 Removal Site Evaluation for the LCP Site. In the evaluation, USEPA states that "GAF had produced chlorine and sodium hydroxide at this location since 1952." An April 6, 1949 resolution of the DuPont Executive Committee confirms USEPA's conclusion. The resolution describes the parcel to be sold to GAF on September 15, 1949 as "idle land." LCP Transportation, Inc.'s September 30, 1988 ECRA Applicability/Nonapplicability Affidavit to NJDEP also describes the LCP Site as a "22 acre facility, which was constructed by GAF in the mid to late 1950's." Thus, GAF did not build its chlorine

production facilities and no operations occurred at the Site until, at the earliest, 1952, three years after DuPont sold its portion of the Site on September 15, 1949.

4. Identify the business entity and provide the exact lot and block numbers of all of the business entity's past and present operations at the Site in Linden, New Jersey. Provide a map identifying the location of these properties. Provide the date(s) of each of the business entity's operations at the above-referenced lot and block numbers.

DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

5. Provide a full description of all past and present operations of each business entity identified in Question 4 above. Your description shall include, but not be limited to, all manufacturing, research and development, processing, maintenance, and/or handling activities. For each type of operation described in the answer to this Question, provide the name(s), and job description(s) of the person or persons responsible for the management of that particular operations. If such person(s) are no longer employed by the company, provide their last known addresses.

DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

6. Has the business entity identified in Question 4 above generated, purchased, used and/or handled in any manner any hazardous substance in any of its operations or maintenance? Is that business entity currently engaged in such practice?

   a. In what years did the business entity generate, purchase, use and/or handle any chemicals, halogenated or non-halogenated.

   b. For what purpose were any halogenated or non-halogenated chemicals generated, purchased, used and/or handled by the business entity.

   c. What was the volume of the halongenated or non-halogenated chemicals chemicals generated, purchased, used and/or handled by the business entity or an annual or any other durational basis?

Not applicable. DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

7. Describe <u>all</u> storage and disposal practices employed by your company with respect to all hazardous substances, hazardous wastes and/or "CERCLA waste material" including, but not limited to, mixtures, solvents and degreasers, paints and paint-thinners handled in any way in the operation of the business entity identified in Question 4 above from the time operations commenced until the present. Include all on-site and off-site storage and disposal activities.

Not applicable. DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

8. Indicate whether the business entity identified in Question 4 above used lagoons, impoundments and/or storage tanks to treat, store and/or dispose of hazardous materials, hazardous waste or "CERCLA waste material". If such units were used, please indicate the following:

   a. The installation date of said unit(s);

   b. The use of said unit(s);

   c. Whether hazardous substances, hazardous wastes and/or CERCLA waste material were stored/disposed of in said unit(s); and

   d. The disposition of said unit(s).

   Not applicable. DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

9. Provide a copy of each document which relates to the generation, purchase, use, handling, hauling, and/or disposal of all hazardous substances, hazardous wastes and/or "CERCLA waste material" identified in response to question 6, 7, and 8 above.

   Not applicable. DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

10. Provide the date of any release of hazardous substances, hazardous wastes and/or "CERCLA waste material" including halogenated or non-halogenated organic chemicals at the business entity identified in Question 4 above and/or property. Provide details of the ultimate disposal of contaminated materials.

    Not applicable. DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

11. Identify each person (including company, individual, partnership, etc.) having knowledge of the facts relating to the generation and/or disposal of hazardous substances, hazardous waste and/or "CERCLA waste material" identified in response to Questions 6, 7, and 8 above. For each person identified, provide the name, address and telephone number of that person and basis of your belief that he or she has such knowledge.

    Not applicable. DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

12. Submit a copy of any lease, contract, permit or other written agreement relating to the generation, handling, transport and/or disposal of all hazardous substances, hazardous wastes and/or "CERCLA waste material" at the business entity identified in Question 4 above's facility in Linden, New Jersey. If the documents are unavailable, refer to Question 11, above, for the specific information required.

Not applicable. DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

13. State whether any agreements or contracts (other than an insurance policy) exist which may indemnify the business entity identified in Question 4 above, present owners of shares in the company or past owners of shares in the company, for any liability that may result under CERCLA for any release or threatened release of a hazardous substance at the Site. If such agreements or contracts exist, please provide a copy of the agreement or contract. Identify any agreement or contract that you are unable to locate or obtain. If the documents are unavailable, refer to Question 11, above, for the specific information required.

Not applicable. DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

14. State whether an insurance policy has ever been in effect which may indemnify the business entity identified in Question 4 above against any liability which the business entity may have under CERCLA for any release or threatened release of a hazardous substance that may have occurred at the Site. If so, please provide a copy of the policy. Identify any policy that you cannot locate or obtain by the name of the carrier, years in effect, nature and extent of coverage, and any other information you have.

Not applicable. DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

15. State whether any of the business entities identified in Question 4 above filed for bankruptcy and, if so, provide the following information to the extent available to you.....

Not applicable. DuPont has never had any operations on the Site. Refer to the response to Question 3 above.

16. Please supply any additional information which may help EPA to identify sources who disposed of hazardous substances, hazardous wastes and/or "CERCLA waste material" at the Site.

Upon information and belief, the United States Government assumed ownership of a large portion of the LCP Site in 1942 when the Alien Property Custodian seized ownership and control of GAF. Indeed, on February 16, 1942, Secretary of

Treasury Henry Morganthau seized 97% of the GAF's stock under the authority of the Trading with the Enemy Act and with the approval of President Roosevelt. GAF's property, which included 100 acres of land at the Site, was then transferred to the office of the Alien Property Custodian and Leo T. Crowley was appointed to run the company.

After it's seizure, GAF began manufacturing carbonyl iron powder for use by the United States in World War II. The company also held government contracts on dyes for military uniforms and produced photographic and moving picture film. However, no evidence exists to suggest that GAF produced chlorine, for the United States Government or otherwise, in the 1940s.

Still under the control of the Alien Property Custodian, GAF apparently constructed a chlorine facility on the LCP Site in the early 1950s. That facility had a 50 million pound capacity, but construction on a second facility adjacent to the original plant began in 1961. The second facility started up in 1963 with a capacity of 180 million pounds. The original chlorine plant was slated to reopen in 1964, and, by 1965, the second, newer facility was itself producing 200 million pounds annually.

In the 1960s, GAF also continued to manufacture dyes to produce photographic and film products under United States control. The dyes included Azos, Vats, Azoics, Synthetics, Brighteners, Pigments, Organic Intermediates and Reactive Dyes, and other products manufactured by GAF included surfactants and detergents, bulk chemicals (principally chlorine, caustic soda, ethylene oxide, and ethylene glycols), and reproduction equipment.

A description of GAF's Linden facilities in 1964 indicated the presence of forty manufacturing buildings producing pigments, dyestuffs, surfactants, organic intermediates and heavy chemicals. The surfactant, pigment and organic intermediate facilities were "not particularly modern," and the dyestuffs operations, estimated to date back in the 1920s, were "typically unimpressive." The second chlorine plant and the 60 million pound capacity ethylene oxide plant built in 1958 were "modern," had "an excellent appearance," and "operate[d] continuously."

17. Please supply any and all other documents that indicate or show a business relationship(s) between various business entities that had any kind of connection to the LCP Chemicals, Inc. Site, whatsoever it may be.

DuPont does not have any documents responsive to this question, other than those received form USEPA in response to a FOIA request.

18. State the name(s), addresses(s), telephone numbers(s), titles(s) and occupations(s) of the person(s) answering this "Request for Information" and state whether such person(s) has personal knowledge of the answers.

The following people contributed to answering this "Request for Information".

Dr. John L. Riddle
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19. Identify each person who assisted in any manner in responding to the "Request for Information" and specify the question for which each person provided assistance in responding.

Chain of Title obtained from: Network Title Services, Inc., Bridgewater, New Jersey