Lance
Yellow

12/16/93

EXPRESS MAIL
RETURN RECEIPT REQUESTED

Mr. Bernard E. Schoen, President
Hummel Croton Inc.
10 Harmich Road
South Plainfield, NJ 07080-4804

Re: Request for Information Under 42 U.S.C. §9601 et seq.
Diamond Alkali Superfund Site, Passaic River Study Area
Foundry Street Complex

Dear Mr. Schoen:

The United States Environmental Protection Agency ("EPA") is investigating the presence of hazardous substances in the sediments of the Passaic River. EPA is charged with responding to the release and/or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601 et seq.

In this "Request for Information", EPA requests information concerning the nature and quantity of certain materials (hazardous substances and hazardous waste, as those terms are defined at Section 101(14) of CERCLA, 42 U.S.C. §9601(14), and Section 1004 of RCRA, 42 U.S.C. §6903 respectively) which may have been generated, treated, stored, or disposed at Foundry Street Complex in Newark, New Jersey. EPA makes its request pursuant to Section 104 of CERCLA, 42 U.S.C. §9604.

Pursuant to this statutory provisions, EPA hereby requires that you provide the information requested in Attachment A of this letter, and include, as required, the "Certification of Answers to Request for Information," with your notarized signature.

In preparing your response to this "Request for Information," please follow the instructions provided in Attachment B.

[illegible] response to this "Request for Information" should be [illegible] thirty (30) calendar days of

SYMBOL --->	NNJSII	NNJSII	ORC	NJSBII	NJP	ERRD		
SURNAME -->	RICHMAN	DIFORTE	HICK 12/9	BASS	FRISCO	PAVLOU		
DATE ----->	12/7	12/10			12/15			

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Mr. Lance R. Richman, P.G.
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
26 Federal Plaza, Room 13-100
New York, New York 10278

with a copy to Ms. Patricia C. Hick, Assistant Regional Counsel, Office of Regional Counsel, Room 310 at the same address.

Your failure to respond to this "Request for Information" within the time specified above may subject you to an enforcement action under Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). An enforcement action may include the assessment of penalties of up to $25,000 for each day of continued noncompliance.

Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of your response should later become known or available. If at any time in the future you obtain or become aware of additional information and/or find that any portion of the submitted information is false, misleading or misrepresents the truth, you must promptly notify EPA. If any part of your response is found to be untrue, you may be subject to criminal prosecution.

If desired, you may assert a business confidentiality claim covering all or part of the information requested by this letter. The claim must be supported by each of the four factors specified in Section 104(e)(7)(E) of CERCLA, 42 U.S.C. §9604(e)(7)(E), and must be asserted at the time of submission, by placing on (or attaching to) the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", or "proprietary", or "company confidential". Information covered by such a claim will be disclosed by EPA only to the extent and by means of procedures set forth in Title 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

If you have any questions concerning this "Request for Information," please contact Mr. Richman, of my staff, at (212) 264-6695 or Ms. Hick at (212) 264-2642. Inquiries from attorneys should be directed to Ms. Hick. Your cooperation is appreciated.

Sincerely yours,

George Pavlou, Acting Director
Emergency and Remedial Response Division

Enclosures

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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 , 19___

_____
Notary Public

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ATTACHMENT A

REQUEST FOR INFORMATION

Background

The United States Environmental Protection Agency ("EPA") is investigating the release of hazardous substances into the Passaic River. EPA has information indicating that hazardous substances from your facility may have discharged onto the ground at the Foundry Street Complex and in proximity to the Passaic River.

Provide the information requested below, including copies of all available documentation that supports your answers.

1) During what years did your company operate at the facility designated above?

2) Does your company have a permit or permits issued pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq. If your company has an EPA Identification Number, state it in your answer to this question.

3) Did your company receive, utilize, manufacture, discharge, release or dispose of any materials containing the following substances:

	Yes	No
2,4-dinitrophenoxyethanol	___	___
3,5-dinitrosalicyclic acid	___	___
hexachlorobenzene	___	___
picric acid	___	___
2,3,7,8 tetrachlorodibenzo-p-dioxin or other dioxin compounds	___	___

4)a) Provide a description of the manufacturing processes for which all hazardous substances, including, but not limited to, the substances listed in response to item (3), were a product or by-product.

b) During what parts of the manufacturing processes identified in the response to items (4)(a), above, were hazardous substances, including, but not limited to, the substances listed in response to item (3), generated? Describe the chemical composition of these hazardous substances. For each process, what amount of hazardous substances was generated per volume of finished product? Were these hazardous wastes combined with wastes from other processes? If so, wastes from what processes?

5) Describe the methods of collection, storage, treatment, and disposal of all hazardous substances, including, but not limited to, the substances listed in response to item (3). Include information on the following:

a) If hazardous substances were taken off-site by a hauler or transporter, provide the names and addresses of the waste haulers and the disposal site locations.

b) Describe <u>all</u> storage practices employed by your company with respect to all hazardous substances from the time operations commenced until the present. Include all on-site and off-site storage activities.

6)a) For process waste waters generated at the facility which contained any hazardous substances, including, but not limited to, the substances listed in response to item (3), did the waste stream connect to a sanitary sewer and if so, during what years? Were they treated before being discharged to the sanitary sewer and if so, how? If the waste waters were not discharged to the sanitary sewer, where were they disposed and during what years?

b) For floor drains or other disposal drains at the facility, did the waste stream connect to a sanitary sewer and if so, during what years? Were they treated before being discharged to the sanitary sewer and if so, how? If the floor drains or other disposal drains at the facility were not discharged to the sanitary sewer, where did they discharge and during what years?

c) Did any storm sewers, catch basins or lagoons exist at any time at the facility and if so, during what years? If catch basins or lagoons existed, were they lined or un-lined? Where was the discharge from any of these structures released and during what years? Was this discharge treated before its release and if so, how and during what years?

d) Please supply diagrams of any waste water collection or disposal systems on the property.

7)a) For each hazardous substances, including, but not limited to, the substances listed in response to item (3), identified in the responses to item (4), above, provide the total amount generated during the operation of the facility on an annual basis.

b) Was any hazardous substances, including, but not limited to, the substances listed in response to item (3), identified in the responses to item (4), above, disposed of in the Passaic River or discharged to the Passaic River? If yes, estimate the amount of material discharged to or disposed of in the Passaic River and the frequency with which this discharge or disposal occurred.

8) Please identify any leaks or spills that occurred at the facility during which or as a result of which any hazardous substances, including, but not limited to, the substances listed in response to item (3), was released on the property of the facility or discharged to the Passaic River. Provide any documents or information relating to these incidents.

9) Provide the date of any leaks or spills of any hazardous substances, including, but not limited to, the substances listed in response to item (3), on the property or into the waste water discharge system at the facility. Provide details of the ultimate disposal of any contaminated materials.

10) Provide a copy of each document which relates to the generation, purchase, use, handling, hauling, and/or disposal of all hazardous substances, including, but not limited to, the substances listed in response to item (3). If you are unable to provide a copy of any document, then identify the document by describing the nature of the document (e.g. letter, file memo, invoice, inventory form, billing record, hazardous waste manifest, etc.). Describe the relevant information contained therein. Identify by name and job title the person who prepared the document. If the document is not readily available, state where it is stored, maintained, or why it is unavailable.

11) Provide all other documents pertaining to the results of any analyses of ground water, surface water, ambient air, and any other environmental media performed at the facility.

12) Provide the names of all parties who owned or operated the facility during the period from 1940 through the present. Describe the relationship, if any, of each of those parties with your company.

13) Answer the following questions regarding your business or company. In identifying a company that no longer exists, provide all the information requested, except for the agent for service of process. If your company did business under more than one name, list each name.

a) State the legal name of your company.

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

c) Identify the state of incorporation of your company and your company's agent for service of process in the state of incorporation and in New Jersey.

d) Provide a copy of your company's "Certificate of Incorporation" and any amendments thereto.

e) If your company 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 company; indicate the date and manner in which each relationship was established.

f) Identify any predecessor organization and the dates that such company became part of your company.

g) Identify any other companies which were acquired by your company or merged with your company.

h) Identify the date of incorporation, state of incorporation, agents for service of process in the state of incorporation and New Jersey, and nature of business activity, for each company identified the responses to items (11)(e), (f), and (g), above.

i) Identify all previous owners or parent companies, address, and the date change in ownership occurred.

14) Provide the name, address, telephone number, title and occupation of the person(s) answering this "Request for Information" and state whether such person(s) has personal knowledge of the responses. In addition, identify each person who assisted in any way in responding to the "Request for Information" and specify the question to which each person assisted in responding.

ATTACHMENT B

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete separate response must be made to each individual question in this "Request for Information".

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

3. In preparing your response to each question, consult with all current or former employees and agents of your company who may be familiar with the matter to which the question pertains.

4. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.

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

6. 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.

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

8. If anything is deleted from a document produced in response to this "Request for Information", state the reason for, and the subject matter of, the deletion.

9. Provide all documents that relate to each question. If a document is requested but is not available, state the reason for its unavailability. In addition, to the best of your ability, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.

10. As used herein "relate to" or "relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to. "Document" as used herein means any recording of information in tangible form, including memoranda, handwritten notes, invoices, checks, manifests, tape recordings, computer databases, or any tangible or physical objects however produced or reproduced upon which words or other information are affixed or

recorded or from which by appropriate transcription written matter or a tangible thing may be produced.

11. Whenever in this "Request for Information" there is a request to identify a person or an entity other than a person, state the person or entity's full name, last known employment, present or last known home address, and telephone number.

12. As used herein, the term "facility," "hazardous substance," "person," and "release" shall have the meaning set forth in Section 101(9), (14), (21) and (22) of CERCLA, 42 U.S.C. §9601(9), (14), (21), and (22), respectively.

13. In answering these questions, every source of information to which you have access should be consulted, regardless of whether the source is in your immediate possession or control. All documents or other information, including records of all types of manufacturing, treatment, transportation or disposal operations, in your possession or in the possession of the Corporation should be consulted. If you do not have access to certain information and/or documents, state the nature of this information and/or documents, and indicate in whose possession they can be found.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

USPS SOUTH PLAINFIELD NJ 07080 DEC 17 1993

3. Article Addressed to:

Mr. Bernard E. Schoen
Hummel Croton, Inc.
10 Harmich Road
South Plainfield, NJ
07080-4804

4a. Article Number

4b. Service Type

☐ Registered ☐ Insured
☐ Certified ☐ COD
☒ Express Mail ☒ Return Receipt for Merchandise

7. Date of Delivery

12-17-93

5. Signature (Addressee)

Dave O'Mulligan

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 ★U.S. GPO: 1992—323-402 **DOMESTIC RETURN RECEIPT**

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Mr. Lance R. Richman, P.G.
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
26 Federal Plaza, Room 13-100
New York, New York 10278

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