UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

OCT 1 1 2012

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
VIA CERTIFIED MAIL #7011 0110 0001 3590 2744

Chromalloy American Corporation
C/O Sequa Corp
Three University Plaza
Hackensack, New Jersey 07601

Re: Delta Shipyard Superfund Site, Houma, Terrebonne Parish, Louisiana
SSID No. 06GC

Dear Sir or Madam:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from the Chromalloy American Corporation, a Delaware corporation with a mailing address in Hackensack, New Jersey in providing information and documents relating to the Delta Shipyard Superfund Site (Site). Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. The response from Chromalloy American Corporation (CAC) will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that CAC is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect CAC to pay for or perform any site-related activities at this time. If the EPA determines that CAC is responsible or potentially responsible for response activities at the Site, CAC will receive a separate letter clearly stating such a determination as well as the basis the EPA has for the determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require CAC to respond to this information request (see Enclosure 1). We encourage CAC to give this matter its full attention, and ***we respectfully request CAC respond to this request for information within thirty (30) days of its receipt of this letter.*** You may designate another official of CAC with the requisite authority to respond on behalf of CAC. However, failure to respond to this information request may result in the EPA seeking penalties of up to $37,500 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

9527638

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If you have any questions regarding this letter, contact Mr. Robert Werner at (214) 665-6724. For legal questions concerning this letter, please have your legal counsel contact Ms. Amy Salinas, Attorney, at (214) 665-8063. Thank you for your attention to this matter.

Sincerely yours,

Ben Banipal, P.E.
Acting Associate Director
Technical and Enforcement Branch (SF-T)
Superfund Division

Enclosures ~~(4)~~ 2

ENCLOSURE 1

DELTA SHIPYARD SUPERFUND SITE

INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e) 42 U.S.C. §9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Mr. Robert Werner, the designated Enforcement Officer for the Site, at phone number (214) 665-6724, fax number (214) 665-6660 or via email at werner.robert@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Robert Werner, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Ms. Amy Salinas at phone number (214) 665-8063, fax number (214) 665-6460 or via email at Salinas.Amy@epa.gov. For contact via mail, use the following address:

Ms. Amy Salinas, Attorney
Office of Regional Counsel (6RC-S)
U. S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

The Delta Shipyard Superfund Site (Site) is located in the City of Houma, the County of Terrebonne, and the State of Louisiana. The Site is situated south of Industrial Boulevard approximately one-half mile on the east and west sides of Dean Court. The Site does not have a street address.

For a number of years prior to 1986, the non-incorporated business entity known as Delta Shipyard (DS) operated a boat and barge cleaning and repair facility at the Site. Operations of DS included cleaning and repairing small cargo boats, fishing boats, and oil barges. Before repairs could be started, boats and barges had to be certified vapor free by the U.S. Coast Guard. In order for DS to accomplish this, boats and barges were steam cleaned to remove oily wastes. Recovered oil deemed usable during cleaning activities was collected and eventually sold. Oily waste from the cleaning process was stored in several unlined earthen pits. These pits were used as evaporation ponds. Reportedly, these pits were also used to dispose of oil field drilling material. Currently the EPA is aware of four evaporation pits on the Site

Currently available information indicates that, prior to 1986, DS operated as a non-incorporated business under the control and/or direction of one or more of the following business entities:

Delta Iron Works, Inc., a Louisiana corporation, and/or

Delta Iron Works, Inc., a Delaware corporation, recognized in Louisiana, and/or

Chromalloy American Corporation, a Delaware corporation, recognized in Louisiana, and/or

Chromalloy American Corporation, a Delaware corporation, recognized in Missouri, and/or

Chromalloy American Corporation, a Delaware corporation, and/or

Delta Services Industries, a Louisiana partnership.

ENCLOSURE 2

DELTA SHIPYARD SUPERFUND SITE

INFORMATION REQUEST

INSTRUCTIONS AND DEFINITIONS

INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.

2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.

3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.

4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.

5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.

6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

2. The term "any", as in "any documents" for example, shall mean "any and all."

3. The term "arrangement" means every separate contract or other agreement between two or more persons.

4. The terms "document(s)" and "documentation" 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 by way of illustration and not by way of limitation, 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, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of 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 enclosures with any document and (e) every document referred to in any other document.

5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.

7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.

8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).

9. The term "Site" shall mean and include the Delta Shipyard Superfund Site located in the City of Houma, the County of Terrebonne, and the State of Louisiana. The Site is situated south of Industrial Boulevard approximately one-half mile on the east and west sides of Dean Court. The Site does not have a street address.

10. The terms "you" or "your" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.

12. 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 or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

ENCLOSURE 3

DELTA SHIPYARD SUPERFUND SITE

INFORMATION REQUEST

QUESTIONS

1. Please identify the person(s) that answer the below questions on behalf of Chromalloy American Corporation (CAC-DE), a Delaware corporation. Please also include the person(s) contact information (address, phone number, e-mail address).

2. Please identify the organizational relationship, if any, between CAC-DE and the below listed corporate entities.

   A. Delta Iron Works, Inc., a Louisiana corporation, and/or

   B. Delta Iron Works, Inc., a Delaware corporation, recognized in Louisiana, and/or

   C. Chromalloy American Corporation, a Delaware corporation, recognized in Louisiana, and/or

   D. Chromalloy American Corporation, a Delaware corporation, recognized in Missouri, and/or

   E. CRO Acquisition Corp, a Delaware corporation, recognized in Louisiana, and/or

   F. CRO Acquisition Corp, a Delaware corporation, recognized in Missouri, and/or

   G. Chromalloy American Corporation, a Delaware corporation, recognized in Louisiana.

3. Please provide copies of all documents available to CAC-DE that pertain to DS's boat and barge cleaning and repair facility at the Site.

4. Please provide copies of all documents available to CAC-DE's corporate predecessor(s) that pertains to DS's boat and barge cleaning and repair facility at the Site.

5. Please identify the name(s) of CAC-DE's corporate predecessor(s) that owned and/or operated the Site prior to 1986.

6. Please provide copies of all recorded instruments, filed with the Terrebonne Parish Clerk, that document ownership of the Site by one or more of the corporate entities listed above in question 2.

7. From the corporate entities listed above in question 2, please provide copies of all contracts, agreements, and/or board of director meetings that pertain to ownership of the Site.

8. From the corporate entities listed above in question 2, please provide copies of all contracts, agreements, and/or board of director meetings that pertain to control, operation, and/or management of DS.

9. Please identify the names of all business entities to which DS had provided boat and barge cleaning and repair services at the Site.

10. Please provide copies of all documents in CAC-DE's possession that pertain to DS's receipt and/or handling of any hazardous substances at the Site.

11. Please provide copies of all documents in the possession of CAC-DE's corporate predecessor(s) that pertain to DS's receipt and/or handling of any hazardous substances at the Site.

ENCLOSURE 4

DELTA SHIPYARD SUPERFUND SITE

INFORMATION REQUEST

SUPPORTING DOCUMENTS (SITE INFORMATION)

Copy of survey, dated July 16, 1980. Survey completed by T. Baker Smith & Son, Inc., Civil Engineers & Land Surveyors, Houma, Louisiana.

The Delta Shipyard Superfund Site is located within the surveyed area.

Pits are illustrated in the surveyed area.

Title appearing at top of survey document is "Chromalloy American Corporation, Chromalloy Natural Resources Division."

Copies of five letters from Delta Shipyard to State of Louisiana:

Letter dated June 3, 1980, from Delta Shipyard, A Unit of Chromalloy American Corporation.

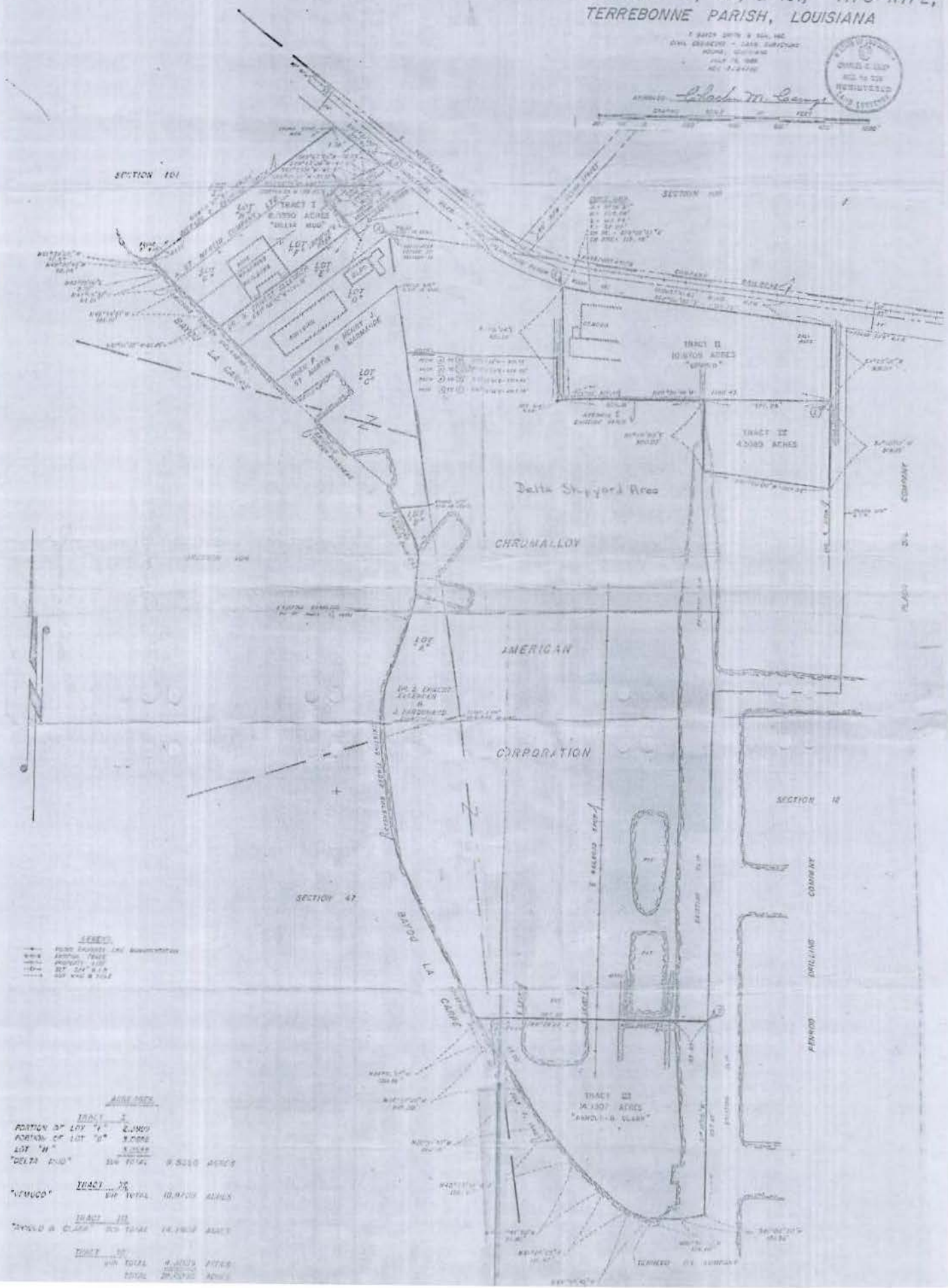
Letter dated August 12, 1980, from Delta Shipyard, A Unit of Chromalloy American Corporation.

Letter dated June 22, 1981, from Delta Shipyard, A Division of Delta Services Industries.

Letter dated December 2, 1981, from Delta Shipyard, A Division of Delta Services Industries.

Letter dated December 21, 1983, from Delta Shipyard, A Division of Delta Services Industries.

CHROMALLOY AMERICAN CORPORATION
CHROMALLOY NATURAL RESOURCES DIVISION
SURVEY OF TRACTS I, II & III
IN SECTIONS 12, 47, & 101, T17S-R17E,
TERREBONNE PARISH, LOUISIANA



DELTA SHIPYARD

A UNIT OF CHROMALLOY AMERICAN CORPORATION
POST OFFICE BOX 7036 HOUMA, LOUISIANA 70361
PLANT AND OFFICE: INDUSTRIAL BOULEVARD
PHONE 504/868-7240

June 3, 1980

State of Louisiana
Department of Natural Resources
P.O. Box 44396
Baton Rouge, Louisiana 70804

Attention: W.M. Jamieson

Please send us 25 each form sets of the Manifest Form. This will cover our annual usage.

Send bill to Delta Shipyard as above noted to my attention!

Thank you for your attention to this matter.

Done

Very truly yours

Chris Olivier
Vice President
Operations

CO/gr

Margaret

File

DELTA SHIPYARD
A UNIT OF CHROMALLOY AMERICAN CORPORATION
POST OFFICE BOX 7036 HOUMA, LOUISIANA 70361
PLANT AND OFFICE: INDUSTRIAL BOULEVARD
PHONE 504/868-7240

August 12, 1980

State of Louisiana
Department of Natural Resources
Office of Environmental Affairs
Post Office Box 44396
Baton Rouge, Louisiana 70804

Attention: Mr. B. Jim Porter

RE: Your letter dated August 4, 1980

I have not received any correspondence requiring submittal of Quarterly Report on Hazardous Waste. In regards to your referenced notices mailed out on December 12, 1980 and April 3, 1980 to all generators of hazardous waste, I have received nothing with the exception of two notices of overdue quarterly reports which were sent to us by registered mail.

As you demanded, I am enclosing a second quarter report of materials handled. This requirement is extremely premature because there has not yet been a determination of whether or not we, in fact, handle hardous waste and are a hazardous waste generator or disposer.

I am in the process of gathering additional data to resubmit to you as requested for evaluation of our Hazardous Waste Permit Application. This application has been returned to us in need of additional information.

Additionally, we are being inundated with forms to fill from you, EPA, etc. and as a result, have contracted T. Baker Smith and Associates and Steimle & Associates to give us assistance in gathering the necessary data and deciphering the requirements. Please bear with us because this will take some time.

Also I request that equal emphasis be placed on issuing pertinent information and permits as is paid to issuing notices of failure to comply and prosecution. We are genuinely interested in abiding with governmental regulations not in trying to avoid them. Constant threats are not necessary and are hindering our progress toward a mutual goal.

Sincerely,

Chris Olivier

Chris Olivier
Vice President
Operations

CO/gr
enc

343

DELTA SHIPYARD
A DIVISION OF DELTA SERVICES INDUSTRIES
POST OFFICE BOX 101 HOUMA, LOUISIANA 70361
PLANT AND OFFICE: INDUSTRIAL BOULEVARD
PHONE 504/868-7450

June 22, 1981

Department of Natural Resources
Hazardous Waste Management
Post Office Box 44396
Baton Rouge, Louisiana 70804

Attention: Ross E. Williams

Subject: Manifest Quarterly Reports and Quarterly Report Of On Site Disposal

Dear Mr. Williams:

Here are copies of subject reports effective for 1981. There is another set due at the end of this month but we have not yet handled any waste during this quarter.

I will prepare this report promptly after June 30.

Very truly yours,

Chris Olivier
Vice President-Operations

CO/gr

343

DELTA SHIPYARD
A DIVISION OF DELTA SERVICES INDUSTRIES
POST OFFICE BOX 101 HOUMA, LOUISIANA 70361
PLANT AND OFFICE: INDUSTRIAL BOULEVARD
PHONE 504/868-7450

December 2, 1981

State of Louisiana
Office of Environmental Affairs
Hazardous Waste Management Division
Post Office Box 44396
Baton Rouge, Louisiana 70804

Attention: Mr. Gerald D. Healy

My apologies on the oversight, the quarterly reports are enclosed. There has been no activity in this area since early in the first quarter of this year.

Very truly yours,

Chris Olivier

Chris Olivier
Vice President-Operations

CO/gr

FILE

DELTA SHIPYARD

A DIVISION OF DELTA SERVICES INDUSTRIES

POST OFFICE BOX 101 HOUMA, LOUISIANA 70361

PLANT AND OFFICE: INDUSTRIAL BOULEVARD

PHONE 504/868-7450

December 21, 1983

State of Louisiana
Dept. of Natural Resources
Hazardous Waste Management Division
Post Office Box 44066
Baton Rouge, Louisiana 70804-4066

Attention: Mr. Dudley Deville

Subject: Closure of pit

Dear Sir:

Enclosed please find the EP toxicity analysis made by Professional Services Industries, Inc. on samples taken from a pit associated with our barge cleaning facility.

This pit has been in service about six years and was used as a secondary oil/water separator, i.e. to separate out the oil, etc., that got pass the primary separator. See sketch of pit enclosed.

On October 14, 1983 I had Horace Thibodaux of T. Baker Smith & Son (Environmental Research Dept.) come over and take samples—which he sent to Professional Services for analysis.

I need the pit area for other use so after the samples were taken I took advantage of the dry weather and mixed some dry topsoil in the pit to get the contents from a liquid state to a solid state.

A steel tank has been put in service to replace the pit. We felt that the pit was becoming an albatross around our neck when considering the associated expense and management time.

I am anxious to put this matter to bed and would appreciate your efforts to this end. Please call if you need additional information.

Sincerely,

Ralph A. Arceneaux
President

RECEIVED

DEC 23 1983

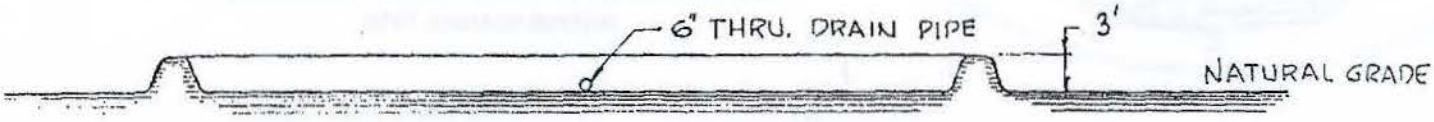
Louisiana Department of Natural Resources
Hazardous Waste Management

SUPERFUND
FILE

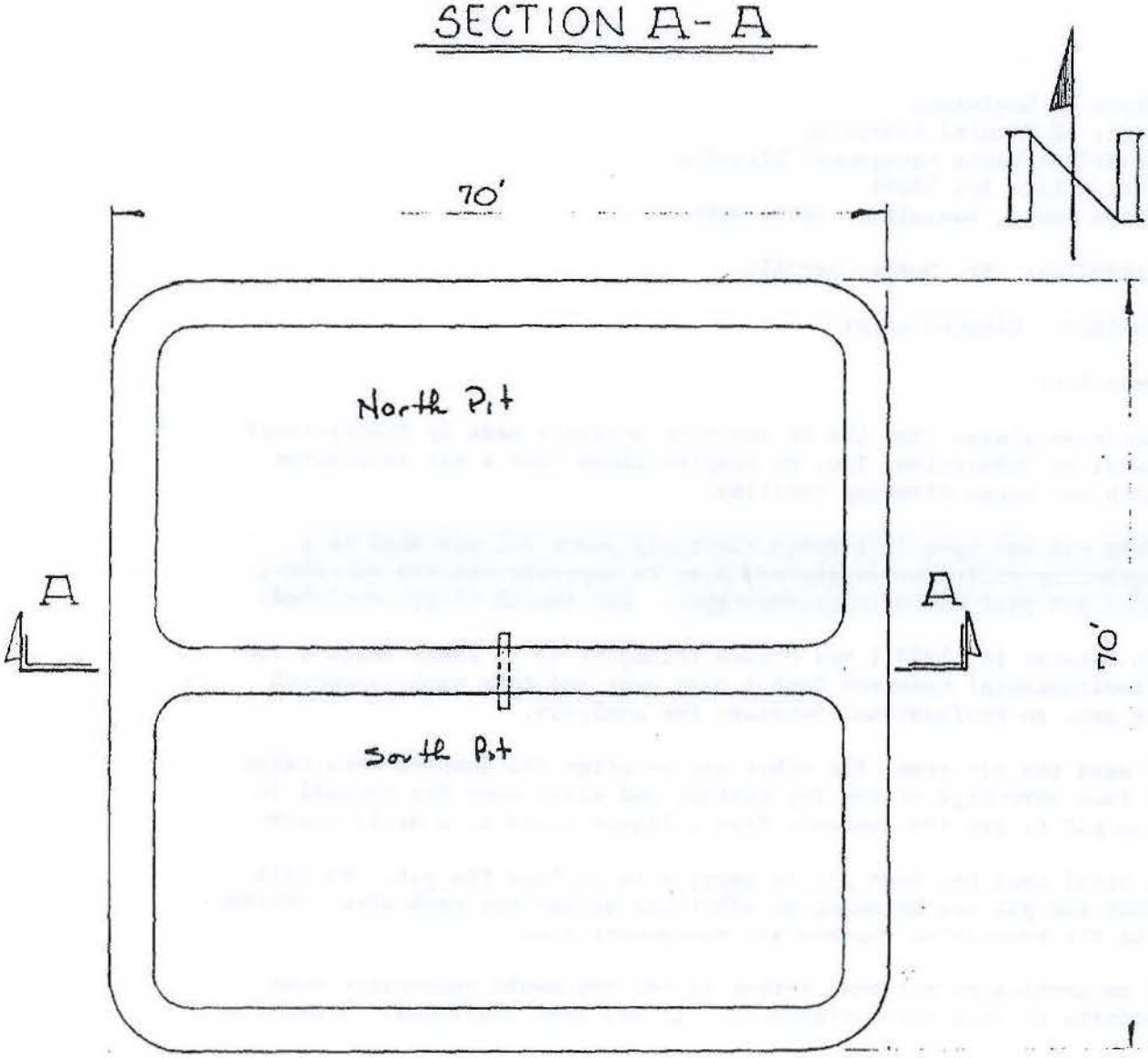
MAR 30 1992
REORGANIZED

HAA/gr
enclosure

Fri. Mr. Dudley Deville
Dec. 21, 1983



SECTION A-A



PLAN

DELTA SHIPYARD
BARGE CLEANING PLANT
PIT DIMENSIONS

Recycled/Recyclable
Printed with Soy/Canola Ink on paper that contains at least 50% recycled fiber

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Chromalloy American Corporation
C/O Sequa Corp
Three University Plaza
Hackensack, New Jersey 07601

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7011 0110 0001 3590 2744

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

EPA

United States
Environmental Protection Agency
Region 6
1445 Ross Ave, Ste 1200
Dallas, Tx 75202-2733

CERTIFIED MAIL™

7011 0110 0001 3590 2744

http://www.epa.gov/region6
1-800-887-6063

REPLY TO MAIL CODE: 6SF-TE

Official Business
Penalty for Private Use $300
An Equal Opportunity Employer

Chromalloy American Corporation
C/O Sequa Corp
Three University Plaza
Hackensack, New Jersey 07601

Routing and Concurrence Slip	Begin Routing Date: 09/21/2012
Routing Status:	Closed

To: (Name, office symbol, route number, building, Agency/Post	Initials	Date
1. Amy Salinas	AS	10/03/2012
2. Lydia Johnson	LJ	10/03/2012
3. Mark Peycke	MP	10/04/2012
4. Ben Banipal	BB	10/04/2012
5. Robert Werner	RW	10/10/2012
6. Linda Brewer	LB	10/10/2012
7.		

Office:	☐ Enforcement Assessment Section
Tracking Category:	☐ Information Request (CERCLA 104)
Enforcement Confidential:	○ Yes ● No
Email Subject:	Delta Shipyard (06GC) CERCLA 104(e) Information Request
Due Date:	09/26/2012
DD/DDD Assigned:	
DD/DDD Status:	Pending
DD/DDD Remarks:	
Front Office Assigned:	

☒ Action	☐ Coordination	☐ Justify	☒ Signature
☐ Approval	☐ File	☐ Note and Return	☐ AD Signature
☐ As Requested	☐ For Clearance	☐ Per Conversation	☐ DD/DDD Signature
☒ Circulate	☐ For Correction	☐ Prepare Reply	☐ RA Signature
☐ Comment	☐ For Your Information	☐ Review	
☒ Concurrence	☐ Investigation	☐ See Me	

Remarks:
Please contact Bob Werner, x6724, with any comments or concerns

From: (Name, org, symbol, Agency/Post)		
Karen Eddins	Room No./Bldg:	6SF-TE
	Phone Number:	214.665.2227

Choose EDIT document and turn on Track changes in WORD.
Remember to SAVE the Word Document before exiting Word.
Then Click on Save & Exit or Save and Route Next.
Otherwise your changes will not be saved.