UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

NOV 15 2016

EXPRESS OVERNIGHT CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Beech-Nut Nutrition Company/Beech-Nut Nutrition Corp.
One Nutritious Place
Amsterdam, NY 12010
Attn: Chief Executive Officer and/or President

Re: Notice of Potential Liability for Beechnut Nutrition Corp. Superfund Site, Canajoharie, Montgomery County, New York Under Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675,

Dear Sir or Madam:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release 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, 42 U.S.C. §§ 9601-9675 ("CERCLA" also known as the Superfund law). For your information, a copy of the Superfund law may be found at www.epa.gov/superfund/action/law/index.htm.

EPA has documented the release or threatened release of asbestos, a CERCLA hazardous substance, into the environment at the Beechnut Nutrition Corp. Superfund Site ("Site") located at 68-102 Church Street in the Village of Canajoharie, Montgomery County, New York. EPA has spent and continues to spend public funds in connection with the Site.

The Site is the location of a former food processing plant that was owned and operated by one or more predecessors of your company, Beech-Nut Nutrition Company, including Beech-Nut Nutrition Corp. (collectively referred to herein as, "Beech-Nut"). In 2013, Beech-Nut sold the Site property to an Ohio company to demolish the buildings on the property.

In late 2014 and early 2015, contractors performed asbestos removal and/or building demolition activities on the eastern portion of the Site. On December 15, 2015, after notification from the New York State Department of Environmental Conservation, EPA visited the Site and performed an exterior survey from the surrounding streets. EPA observed broken windows in some of the remaining dilapidated structures and numerous unsecured piles of debris outdoors containing demolition debris. Samples collected by EPA in February 2016, including from exterior walls and materials located in outdoor debris piles on the eastern portion of the Site, were analyzed and found to contain friable asbestos. EPA estimates that approximately 10,000 tons of asbestos-

containing material ("ACM")P is present in the debris piles. Friable asbestos is also present in roll-off containers at the Site.

Notice of Potential Liability

Under CERCLA, responsible parties may be required to perform cleanup actions and/or may be held liable for costs incurred by the federal government in taking response actions at and around sites where there has been a release or a threatened release of a hazardous substance. This can include costs incurred performing investigative, planning, removal, remedial, and enforcement activities. Responsible parties may be held jointly, severally, and strictly liable for all of EPA's response costs. Responsible parties under CERCLA include: 1) the current owner or operator of a facility; 2) any person who owned or operated the facility at the time of disposal of a hazardous substance; 3) any person who by contract arranged for disposal or treatment of a hazardous substance; or 4) anyone who accepted a hazardous substance for transport.

By this letter, we notify you that based on information presently available to EPA, EPA has determined that Beech-Nut is a potentially responsible party ("PRP") for the Site and thus is responsible under CERCLA for cleanup of the Site and costs EPA has incurred or may incur in addressing the release or threatened release of asbestos at the Site within the meaning of Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

Request to Perform Removal Action

EPA has determined that the conditions at the Site warrant a removal action pursuant to Section 300.415(b) (2) of the National Oil and Hazardous Substance Contingency Plan, 40 C.F.R. § 300.415.

The requisite removal activities include, but are not limited to:

- Establishing containment barriers to the extent practicable to limit the migration of asbestos from the Site property;
- Temporary containment and securing of the asbestos debris piles followed by their bulk removal;
- Containment and securing of materials to prevent release from friable asbestos coating located along the exterior of walls which are the subject of this removal action;
- Demolition and disposal of partial walls as necessary;
- Segregation and decontamination of scrap metal for recycling;
- Removal of ACM located in roll-off containers inside the warehouse;
- Return of roll-off containers to owners;
- Provision of necessary air monitoring;
- Off-site disposal of any additional hazardous substances identified during the course of the removal action;
- To the extent necessary, following the removal of asbestos and asbestos contaminated debris, securing remaining buildings to prevent access;
- Off-site disposal of hazardous waste and/or substances in compliance with the EPA Off-Site Rule, 40 CFR § 300.440.

EPA wishes to determine whether Beech-Nut is willing to perform the removal action at this Site. Due to the unsecured nature of the asbestos at the Site, this removal action is time critical. Accordingly, please advise EPA within 3 business days of receipt of this letter whether Beech-Nut would be willing to enter into an agreement with EPA to perform this work, under EPA oversight. Any agreement by Beech-Nut to perform or fund the necessary response actions at the Site would need to be memorialized in an administrative consent order issued by EPA under CERCLA within 30 days of receipt of this letter.

Your response may by e-mail or letter and should be directed to:

Walter S. M. Sainsbury
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
USEPA, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866
sainsbury.walter@epa.gov

Please be advised, that if Beech-Nut does not agree to perform the removal action promptly, EPA will need to undertake costly interim measures at the Site to secure the asbestos piles, the cost of which will be sought from Beech-Nut.

If you have any questions regarding this letter, or would like to discuss this matter with EPA, please have your attorney contact Mr. Sainsbury at (212) 637-3177.

We appreciate and look forward to your prompt response.

Sincerely,

Nicoletta Diforte, Deputy Director for Enforcement
Emergency and Remedial Response Division