Langsam Stevens Silver & Hollaender LLP
ENVIRONMENTAL, REAL ESTATE, BUSINESS AND INSURANCE LAW

March 23, 2015

via email and regular mail

Leslie Patterson, Remedial Project Manager
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: South Dayton Dump and Landfill Site, Moraine, Ohio ("Site")

Dear Ms. Patterson:

I am writing on behalf of the following companies, which are hereby responding to the "Special Notice Letter" (SNL) dated January 16, 2015 from Joan Tanaka with regard to the above Site: Illinois Tool Works Inc. (for Hobart Corporation), NCR Corporation, and Kelsey-Hayes Company (collectively Responding Companies).

The Responding Companies hereby notify the Environmental Protection Agency (EPA) that they intend to negotiate in good faith with EPA in an effort to reach an agreement, in whatever form may be appropriate, to perform or finance the Remedial Investigation and Feasibility Study for OU1 and OU2 (RI/FS) generally described in the SNL and attached draft Administrative Order and Statement of Work (SOW).

The Responding Companies are providing this good faith offer with the understanding that EPA will make vigorous efforts to include other potentially responsible parties (PRPs) as respondents under any agreement or other mechanism to perform or finance the RI/FS. These PRPs are listed as recipients of the SNLs on Enclosure 9 to the SNL package. As we have discussed with EPA Region 5 personnel on several occasions, the factual record shows that many of these PRPs have contributed substantial amounts of waste to the Site. In particular, it is especially inappropriate that the Dayton Power & Light Company has avoided responsibility for its contribution to this Site, which dwarfs any contribution by the parties to this letter. In addition, Waste Management of Ohio, Inc. and Valley Asphalt Corporation have substantial owner/operator liability at the Site and should be full participants in the work addressed in the SNL. Should other PRPs agree to perform or finance the RI/FS, the Responding Companies intend to pay only their equitable share of the cost of the RI/FS.

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As you are aware, the Responding Companies have in good faith performed all obligations under two prior orders on consent with EPA -- the 2006 ASAOC for RI/FS and the 2013 ASAOC for Removal Action (addressing vapor intrusion). The Responding Companies intend to continue to work cooperatively with EPA to complete the work under these Orders.

Please be advised that absent participation by an appropriate number of additional PRPs in the new RI/FS, the Responding Companies will request that EPA seek reimbursement of its costs related to the new RI/FS from non-participating PRPs.

The undersigned will represent the Responding Companies in negotiations regarding the Administrative Order and SOW. The Responding Companies intend to use Conestoga-Rovers and Associates (CRA) as project manager for the RI/FS. Please let me know if you need any additional information regarding CRA's technical capabilities to carry out the RI/FS or the Responding Companies' capabilities to finance the RI/FS.

I have enclosed a "paragraph-by-paragraph response" to the draft Administrative Order and SOW, as requested in the SNL. These edited documents are being provided as discussion drafts; final drafts are subject to review and approval of the Responding Companies. The Responding Companies will provide a "work plan" as to how they intend to proceed with the RI/FS at an appropriate time.

Sincerely,
LANGSAM STEVENS SILVER & HOLLAENDER LLP

Larry Silver

cc: Tom Nash, ORC (C-14J)