UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 2 8 2016

REPLY TO THE ATTENTION OF

CERTIFIED MAIL # 7001 0320 0006 1452 2720
RETURN RECEIPT REQUESTED

William and Linda Kozak
8760 West Squaw Lake Road
Lac du Flambeau, Wisconsin 54538

Re: Results of EPA Analysis of Ability-To-Pay Claim Regarding the Tower Standard Site in Lac du Flambeau, Wisconsin

Dear Mr. and Mrs. Kozak:

Thank you for your correspondence dated January 12, 2016 and the previously submitted information you provided regarding your inability to pay response costs at the Tower Standard site ("the Site"). EPA recognizes that some owners and operators may be unable to pay for response actions required under 40 C.F.R. Part 280. Therefore, EPA carefully and critically considers information provided regarding a claimant's financial situation in accordance with 42 U.S.C. § 6991b(h)(6)(E) and guided by the Agency's policies on ability to pay determinations. To demonstrate an inability to pay corrective action costs, an owner or operator must show that it cannot pay for corrective action and still maintain its basic business operations. EPA considers the overall financial condition of the owner or operator and demonstrable constraints on the ability of the owner or operator to raise revenues.

Based on the information you provided, EPA has determined that you do **not** have sufficient cash flow, income, assets, and/or borrowing capacity to pay any part of the response costs and still maintain your basic business operations. EPA's determination is based on the information you provided to us; pursuant to 42 U.S.C. § 6991b(h)(6)(E)(v), if you have provided false information or otherwise misrepresented your financial situation, EPA must seek full recovery of response costs. If your financial situation changes substantially, you must provide EPA with updated financial information.

EPA's determination regarding your ability to pay does not affect your continued liability as owners and operators of the Site. You should continue to cooperate with EPA and the ongoing corrective action efforts.

Sincerely,

Margaret M. Guerriero
Director
Land and Chemicals Division

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