PFE ORIGINAL

DECLARATION OF BARRY DAVID PECK

I, Barry David Peck, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 2nd day of June, 2009.

1. I currently reside at 1510 Harborough Road, Richmond, VA.

2. I was born on May 17, 1937 and am 72 years of age.

3. Peck Iron and Metal, Inc. ("Peck Iron") began in Portsmouth, VA in 1945 and in Richmond in 1946. I joined the company in 1959 and moved to Richmond from Portsmouth in 1969. During the previous ten years, I worked in most areas of operations with the exception of general and administrative offices. The work included inspection, material handling, transportation and processing. When I moved to Richmond in 1969, I worked under the various multiple managers who had controlled operations since 1946. As they moved out and retired over the years, I took on more responsibilities for management of the company. In order to deal with contracts and other legal matters, I was made a Vice President of the company, and eventually President. Julius Peck formerly was the sole owner and the President and he was active in management and operations until his retirement in 1994, at which time I became President of the company. Julius Peck recapitalized the company in 1981, when his ownership was converted to preferred stock and the common stock was transferred (one-third each) to his three sons, including me. In 1998, I purchased my brothers' common stock and became the sole stock holder of the company.

4. I am currently the President of The Peck Company, a corporation organized under the laws of Virginia, with a principal place of business of 1500 Huguenot Road, Suite 108, Midlothian, Virginia.

5. I received an Information Request from the Environmental Protection Agency

(EPA) dated January 13, 2006. On behalf of The Peck Company, I executed and submitted to EPA a response to that Information Request written by my legal counsel Dan J. Jordanger (referred to as "the May 10, 2006 letter"). A true and correct copy of the May 10, 2006 letter is attached hereto as Exhibit 1.

6. My father, Julius Peck, founded Peck Iron in 1945, subsequently acting as Chairman of the Board of Peck Iron.

7. Peck Iron previously operated multiple scrap yard operations, including one at 3220 Deepwater Terminal Road, Richmond, Virginia ("Deepwater Facility") and another at 3850 Elm Avenue, Portsmouth, Virginia ("Portsmouth Facility").

8. Julius Peck acquired the Portsmouth Facility from a Mr. Duncan.

9. The Portsmouth Facility originally constituted 15 acres of land. Later land acquisitions from Proctor & Gamble increased the size of the Facility to 33 acres of land.

10. Approximately 8 acres of the Portsmouth Facility were used for scrap processing.

11. The United States Navy ("USN") held an easement on the Portsmouth Facility totaling approximately one acre.

12. The Portsmouth Facility is "U-shaped," as represented by my hand-drawn Facility diagram, a true and correct copy of which is attached as Exhibit 2 to my Declaration. This diagram is my best effort at a fair and accurate representation of the Portsmouth Facility.

13. Julius Peck worked at the Portsmouth Facility from 1945 until it closed in the early 1990s.

14. I worked at the Portsmouth Facility from 1961 to 1969, where I performed many different functions, including driving a truck, sorting scrap, inspecting scrap metal at military customer's facilities, and preparing bids for scrap from military customer's facilities.

15. From 1969 through 1997, I worked at the Deepwater Facility, first as the Manager, then as Vice President, and finally as President.

16. On May 11, 2004, Stephen G. Werner, the Director of Environmental Services for Draper Aden Associates, submitted to Mr. Donald S. Welsh, Regional Administrator of Region III, U.S. EPA, a Self-Implementing PCB Cleanup Plan for the Portsmouth Facility on behalf of The Peck Company. That letter is attached to this Declaration as Exhibit 3. In the May 11, 2004 letter, Mr. Werner provides a history of the property as "summarized by the owner, the Peck Company." The italicized site history contained in that letter was about the operations at the Deepwater Facility in Richmond, Virginia, and not about the operations at the Portsmouth Facility.

17. To the best of my knowledge, the United States Department of Defense never owned or operated the Peck Iron and Metal business on Elm Avenue in Portsmouth.

18. Peck Iron sold the Deepwater Facility to Sims Metal in 1997.

19. At the time of the sale of the Deepwater Facility to Sims Metal, Peck Iron transferred custody of records related to Peck Iron's records, including certain Portsmouth Facility records.

20. William "Bill" Brewster was Office Manager of the Portsmouth Facility of Peck Iron's operations there and during part of the time I worked at the Portsmouth Facility.

21. Certain Portsmouth Facility records were shipped to the Deepwater Facility. Roger Spero, an outside accountant, may have advised William Brewster which documents to send to the Deepwater Facility.

22. In the later years of Portsmouth's operations, the Deepwater Facility handled billing for the Portsmouth Facility. Therefore, invoices from these later years may be in the

records provided to Sims Metal.

23. In the past, upon entering the Portsmouth Facility, you came upon an office building next to a scale. This building was eventually knocked down and replaced with trailers that held records of the operation. To the best of my knowledge, these records have been destroyed and/or lost.

24. I have done a diligent search and, with exception to the records controlled by Sims Metal, I am not aware of any other Portsmouth Facility records.

25. To the best of my knowledge, personnel records for the Portsmouth Facility do not exist.

26. My brother, Aaron Peck, worked as Julius Peck's personal assistant at the Portsmouth Facility.

27. Richard Collins was a crane operator and yard supervisor at the Portsmouth Facility and at another Peck Iron Facility called Pinner's Point, working mostly at Pinner's Point.

28. Pinner's Point was a scrap metal operation owned and operated in the past by Peck Iron on the Elizabeth River in Portsmouth, Virginia.

29. Peck Iron sent marine equipment, including pumps and engines, from USNships, from Pinner's Point to the Portsmouth Facility. The Byrd Corporation purchased and operated the Pinner's Point operation during the 1970's. I believe Byrd was sold to Sims Metal in the 1990's.

30. Peck Iron employed two secretaries and one bookkeeper at the Portsmouth Facility.

31. Rene Gant is a bookkeeper who worked for Peck Iron in 1999 when Peck Iron was audited by the Internal Revenue Service.

32. Approximately 50 yards behind the records trailers identified in Paragraph 23, a 2000 square foot cinder block building was used for the separation of non-ferrous material.

33. An area known as the "shear area" is where scrap containing lead and PCBs was processed.

34. Battery breaking occurred on the Site, but ceased at some point thereafter in approximately the mid-1970s.

35. Materials from battery breaking were collected in drums and battery casings were thrown into piles.

36. One of my duties during the time I worked at the Portsmouth Facility was to "break batteries." Batteries at the Portsmouth Facility were axed or "hatcheted" open and the acid was drained. Also, at times, batteries were crudely opened by melting the edge of the battery box with a torch, and dumping the "guts" of the battery into a drum. A lot of spillage would occur during the process of emptying the batteries. The battery acid ate holes in the workers' pants. The battery casings, which had lead residue, were bulldozed over on the Peck Facility property. Recovered lead would have been placed in drums and sold to a smelter.

37. Sometime in the mid-1970s, battery breaking ceased at both the Portsmouth Site and the Richmond Site. After that point, whole heavy metal or plastic encased batteries were placed outdoors on pallets and shipped to re-processers.

38. Peck Iron unloaded, inspected, prepared scrap from the suppliers then shipped it in trucks, railroad cars and oceangoing ships to various consumers.

39. The scrapping operations at Peck Iron's Portsmouth Facility were handled differently from those operations at the Deepwater Facility.

40. The Portsmouth Facility accepted scrap from various businesses through

contractual agreements. Arrangements were at times initially agreed to over the telephone, but normally were followed up with a written contract or other paperwork.

41. From its inception in 1945, most of Peck's purchases of scrap were from various U.S. Government Agencies, particularly military bases. Purchases usually were from "Defense Surplus Sales" bids, other "RFP"s, and "spot" bids.

42. The USN sent the Portsmouth Facility low-level radioactive material, scrap with PCBs, and other material later found to be hazardous.

43. The USN and other military bases sent rail carloads and truck loads of obsolete, damaged, worn out, surplus,etc. materials to the Portsmouth Facility, including components of airplanes, ships, railroads, vehicles, insulated cables, transformers, weapon systems (including shells), tank parts, etc. All the items contained unidentified attachments, solutions, and materials.

44. Scrap came to Portsmouth from many United States military bases and federal agencies. I recall specifically that the Portsmouth Facility received scrap from Norfolk Naval Shipyard, St. Julian's Creek, Camp Allen, Cheatham Annex, Yorktown, Quantico, Fort Meade, Army, Coast Guard, Naval Air Station, the National Oceanic and Atmospheric Administration, the Maritime Administration, etc. Also, there were regular purchases from Military Bases in North Carolina, Pennsylvania, Maryland and other States.

45. The largest Federal Gov't suppliers of scrap were those that conducted conversion, decommissioning, or demilitarizing of war ships and smaller boats; aircraft repairs; and handled ordnance material.

46. Moon Engineering was a ship repair yard that was not one of the larger suppliers of scrap to the Portsmouth Facility,

47. Virginia Power and Electric Company ("VEPCO") was a large source of scrap for

the Portsmouth Facility.

48. In the late 1940's when Peck Iron received automobiles at the Portsmouth Facility, the normal practice was to rip the tops off and to cut the chasses up into #2 steel. The tops were baled and the motor blocks were broken in order to get the aluminum pistons. This practice ended when Peck acquired more sophisticated equipment.

49. Peck Iron used oil, that may have contained PCBs, to control the dust on the roads at the Portsmouth Facility and burned the oil in drums for heat in the winter.

50. Customers of the Portsmouth Facility dated back to the 1940s and 1950s and may have sent hazardous substances to the Portsmouth Facility in their scrap. Such substances were not known to be hazardous and would be comingled with the other scrap or equipment when delivered to Peck.

51. Scrap recovered from motors at the Portsmouth Facility included armatures with coils.

52. Anheuser Busch, in Williamsburg, sold scrap to Peck. It was delivered to the Deepwater Facility and the Portsmouth Facility.

53. Ford Motor Company, located in Norfolk, Virginia, was a customer of the Portsmouth Facility. Its scrap may have included capacitors with PCBs, asbestos liners, batteries, and truck components containing PCBs, cadmium, zinc, and other heavy metals.

54. Reynolds Metals, now Alcoa, was a major customer of Peck Iron and provided aluminum scrap and other metals that may have contained hazardous material. I believe that some of the Reynolds Metal scrap may have gone to the Portsmouth Facility.

55. Anheuser Busch was a customer of Peck Iron and sent materials to both the Portsmouth Facility and the Richmond Facility. Correspondence from Peck Iron to Dan Kelley

of Anheuser Busch stated that asbestos and lead storage batteries were being sent with their scrap to the Deepwater Facility.

56. Allied Chemical may have sent hazardous substances to Peck Iron.

57. DuPont was a large customer of the Richmond Facility and the Portsmouth Facility. DuPont once sent scrap that contained a drum marked "Radioactive" to Peck Iron.

58. Associated Naval Architects was a ship repair yard that sent scrap to the Portsmouth Facility.

59. CSX was a customer of Peck Iron's Portsmouth Facility from the 1940s to the 1960s. CSX sent large amounts of scrap metal that may have contained hazardous substances to the Portsmouth Site, including transformers containing PCBs. Someone from the predecessor of CSX was present at the Portsmouth Facility "all the time." CSX sent railroad brake shoes, motors, switch gears, axels, wheels and many other components of rail cars that may have contained hazardous substances. Predecessors of CSX were Seaboard Coastline, Atlantic Coastline , C&O and B&O railroads.

60. Electric Motor and Contracting was an old customer that rewired motors and may have sent scrap with PCBs and asbestos to the Portsmouth Facility.

61. C&P Telephone was an old customer of the Portsmouth Facility that may have sent telephone components to the Portsmouth Facility. Other scrap may have contained hazardous materials (e.g. solvents, coatings, attachments, etc.).

62. General Electric was an old customer of the Portsmouth Facility. General Electric repaired motors and sent damaged components that may have had hazardous substances to the Portsmouth Facility.

63. General Foam was an old customer of Peck Iron.

64. American Brakeshoe was a customer of Peck Iron's Portsmouth Facility that sent components that may have had hazardous substances to the Site.

65. The Portsmouth Facility received large quantities of scrap metal from Delco, a division of General Motors.

66. Gwaltney was a customer of Portsmouth that sent significant quantities of machinery, lubricants, engines, and transformers to the Portsmouth Facility.

67. Newport News Shipbuilding and Drydock ("Newport News Shipbuilding") was an old customer of the Portsmouth Facility (dating back to at least the 1950s and 1960s) that built, repaired and converted Navy ships. In the process of converting Navy ships, Newport News Shipbuilding generated significant amounts of lead, solvents, attachments, coatings, lubricants, cables, gaskets and other materials that may have had hazardous substances that would have gone the Portsmouth Facility.

68. Most companies in the past, including Newport News Shipbuilding, did not empty oil with PCBs from their scrap because the regulations did not require it and perhaps because they received more money from Peck Iron because the scrap would be heavier and they were paid by weight.

69. Norfolk Shipbuilding and Dry Dock ("Norshipco") was an old customer of the Portsmouth Facility (dating back to at least the 1950s and 1960s) that repaired and converted Navy ships. In the process of converting Navy ships, Norshipco generated significant amounts of scrap that may have had PCBs, and other hazardous substances that would have gone to the Portsmouth Facility.

70. Norshipco's scrap sent to the Portsmouth Facility was generated before regulations concerning PCBs went into effect. Most companies in the past, including Norshipco,

did not remove oil with PCBs from their scrap because the regulations did not require it at that point and because perhaps they received more money from Peck Iron because the scrap would be heavier and they were paid by weight.

71. Norshipco also sent to the Portsmouth Facility metals with attachments that may have included asbestos, gaskets with PCBs ,coaxial cable which may have contained hazardous substances, "take outs".

72. Overhead Door was a customer of the Portsmouth Facility that sent fabricated sheets and hinges to the Portsmouth Facility.

73. Philip Morris sent scrap to the Deepwater Facility in Richmond, Virginia.

74. Potomac Electric Power was an old customer of Peck Iron's (dating back to the 1950s). Potomac Electric Power disassembled one of its plants, generating scrap that may have had hazardous substances, but I am not certain to which Facility this material was sent.

75. Plasser American was a customer of the Portsmouth Facility and sent scrap there.

76. Southeastern Public Service Authority ("SPSA") had a facility located next to the Portsmouth Facility. Metal scrap was removed from the garbage and trash processed by SPSA and sent to the Portsmouth Facility and hazardous substances may have been included.

77. Sumitomo Machinery was a customer of the Portsmouth Facility that may have sent hazardous substances to the Portsmouth Facility, including gear boxes and electric motors containing PCBs.

78. VEPCO was a very large scrap supplier to the Portsmouth Facility that sent transformers with PCBs and probably other hazardous substances to the Portsmouth Facility.

79. Nassau Metals was a customer of the Portsmouth Facility.

80. GATX was a customer of the Portsmouth Facility that sent large amounts of scrap

metal that may have contained hazardous substances to the Portsmouth Site, including transformers containing PCBs. GATX sent railroad brake shoes, motors, switch gears, axels, wheels and many other components of rail cars that may have contained hazardous substances.

81. The Hon Company was a customer of the Deepwater Facility.

82. Norfolk Southern,formerly Norfolk and Western, was a customer of the Portsmouth Facility that sent scrap metal that may have contained hazardous substances to the Portsmouth Site, including transformers containing PCBs. Norfolk Southern sent railroad brake shoes, motors, switch gears, axels, wheels and many other components of rail cars that may have contained hazardous substances. Norfolk Southern's repair shop was the source of the scrap sent to the Portsmouth Facility.

83. Schlumberger Industries was a Portsmouth customer, although I am not sure of the type of scrap it sent. Schlumberger Industries ,with headquarters in Texas, was in the maritime and tugboat business and had a repair shop in the Portsmouth, Virginia area.

84. Seaboard Marine was an old customer of the Portsmouth Facility that sent scrap that may have contained electric motors, piping with lead, parts ripped out of boats, condensers, generators and pumps with hazardous substances.

85. Stanley Hardware was a customer of the Deepwater Facility.

86. Waste Management may have generated scrap (e.g. air conditioners) that it may have sent to the Portsmouth Facility.

87. Brenco was a customer of the Deepwater Facility.

88. Woodington Electric was a customer of the Portsmouth Facility.

89. Capital City Iron Works was a fabrication business. I am unsure whether it was a Deepwater Facility or Portsmouth Facility account.

90. Cardwell Machine was a customer of the Deepwater Facility.

91. E.R. Carpenter was a customer of the Deepwater Facility.

92. NAITO America, a Japanese company, was a supplier of scrap to the Portsmouth Facility.

93. Tyson Foods was a customer of the Portsmouth Facility. I believe that the scrap it sent to the Portsmouth Facility included electric motors that may have had PCBs, cutting machine oils, and lubricants.

94. Keyser at Montvale was an auto hauler located in Roanoke that was a customer of the Deepwater Facility.

95. Cleveland Wrecking was a demolition company from Cincinnati, Ohio that sent scrap from the USN and other non-military customers to the Portsmouth Facility.

96. Thousands of suppliers that had a relationship with the Portsmouth Facility over a long period of time provided a continual stream of business. One such business was Newport News Shipbuilding and Drydock.

97. The Chesapeake Corporation ("Chesapeake") had a facility in West Point, Virginia. Chesapeake sold scrap to the Portsmouth Facility in the 1960s through the 1980s. During that time period, Chesapeake sent materials such as batteries, solder, galvanized wire, roofing material, and other metals that contained lead, tin, and zinc,lubricants and other substances. During that time period, Chesapeake also sent scrap including transformers to the Portsmouth Facility that may have contained PCBs and other chemicals. Chesapeake sent lead-acid batteries to the Portsmouth Facility during the time period when battery breaking was going on there.

98. Chesapeake's West Point Mill generated scrap that was loaded on trucks from

containers, where scrap materials were collected to be sent to the Portsmouth Facility. Transformers of different shapes and sizes were thrown in the bins that Chesapeake sent to Peck Portsmouth. I believe that transformers were sent by Chesapeake to Peck Portsmouth when there were electrical upgrades at the West Point mill, and that such transformers could have been older, unserviceable transformers or newer serviceable transformers.

99. Scrap metal sent by Chesapeake to the Portsmouth Facility would have contained lead paint, and would have included metal cleaning solution, lubricants, liquids and grease. Transformers would have contained PCBs, and galvanized corrugated steel from the mill's roof might have included insulation that contained asbestos.

100. Chesapeake sent scrap metal to both the Portsmouth Facility and the Richmond Facility.

101. Any transformers received by Peck Portsmouth, regardless of whether they were serviceable, were processed by Peck Portsmouth in order to recover the scrap metal and were not purchased to be sold to third parties for reuse. Scrapping operations at Peck Portsmouth were labor intensive, and due to its processing practices, it was not cost effective for Peck Portsmouth to pull out any usable parts for reuse or resale. After copper and transformer oil were removed, copper metal was recovered from transformers and the steel was cut to sizes required by the steel mill consumers .

102. Transformers sent to Peck Portsmouth were steel boxes that contained oil with the PCB additive and steel wrapped with copper in different configurations and quantities. Insulation may have been on the copper and glass balls may have been attached. Some of the persons who sent transformers to the Portsmouth Site would have removed the insulation prior to sending them.

103. Transformers sent to the Portsmouth Facility could have been large (more than 100 pounds), but most were small in size (less than 100pounds).

104. The Peck Company regularly received "suspect material" meaning material that may have contained hazardous substances, from various companies, including but not limited to Vepco, Chesapeake, DuPont, the Virginia Highway Department, military bases and shipyards with which the Peck Company did business.

105. Various non-gov't companies and scrap collectors brought to the Portsmouth Facility metal from gov't bases, landfills, farms, manufacturing plants, machine shops, etc The largest dealer was John Holland, whose operation was located in Suffolk, Virginia.

106. Victor Peck, who may reside in Key West, Florida, is my cousin.

107. Victor Peck may have operated Strategic Alloys, which may have done business with the Department of Defense ("DOD"). If it did, any scrap received from DOD would have been sent to the Portsmouth Facility.

108. Peck purchased much scrap from Dupont and Allied Chemical. Other "old" customers whose material might have gone to Portsmouth included: Union Bag Camp (large paper company in Franklin, VA) and Georgia Pacific. Peck in Richmond received (and rejected) railroad tank cars from Allied that contained noxious fumes. Dupont sent Peck's Richmond plant, containers marked, "radioactive." Scrap was usually loaded at the customers' sites in trucks or railroad cars and delivered to Elm Ave in Portsmouth or to Richmond for processing. Most of the sellers had multiple locations from which they would have sold their scrap and it would have been delivered to/received at Elm Ave (e.g. scrap from damage at an accident site; abandoned equipment; obsolete facilities; left over materials from a repair and maintenance shop, etc.). The scrap likely had attachments or components with solvents or lubricants or fuels,

etc., that may have included heavy metals, chemical additives, coatings, etc., that may have been hazardous. When processing the scrap, the contaminated elements would have fallen to the ground. Had Peck been informed or warned of any dangerous properties, it would not have purchased or handled the material.

109. In general, where references are made to "hazardous substances," I did not know at the time whether the substances sent to Peck were in fact actually hazardous or actually had dangerous properties.

110. Had we been informed or warned of the dangerous nature of these substances, The Peck Company would not have purchased or handled those materials or would have handled those materials differently.

NOTE: This Declaration is based on my best recollection, information and belief. This Declaration is based on information gained in my capacity as a principal and officer of The Peck Company and its predecessors and, in certain respects, not necessarily as the result of direct knowledge or involvement. My statements are based on current knowledge and information which may have been unknown to me at the time the events occurred.

I, Barry David Peck, declare under penalty of perjury that the foregoing is true and correct. Executed on this 2nd day of June, 2009..

Barry David Peck

BARRY DAVID PECK

Ex 11

SDMS DocID 2071071

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May 10, 2006

VIA ELECTRONIC AND OVERNIGHT MAIL

Mr. Randy Sturgeon (3HS23)
United States Environmental
Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Re: Response of The Peck Company to Request for Information Pursuant Under Section 104(e) of CERCLA With Regard to Peck Iron and Metal Property, 3850 Elm Avenue, Portsmouth, Virginia

Dear Mr. Sturgeon:

On behalf of The Peck Company (hereinafter "Peck"), this is the response, as of the date set forth above, to the letter from Dennis P. Carney dated January 13, 2006, and received by Peck on March 6, 2006, requesting information with regard to the Peck Iron and Metal property in Portsmouth, Virginia (hereinafter the "Information Request").[1] We are submitting this response in our capacity as counsel for Peck. Peck understands that it has a continuing obligation to supplement this response if additional information becomes available, and Peck reserves the right to submit additional information that it may find to be responsive to the Information Request.

Set forth below are each question contained in the Information Request in ***bold-faced, italicized type***, followed by Peck's response as of the date of this letter.

[1] The Information Request called for a response within 30 calendar days of the date on which we received it. In a letter to Dennis Carney sent on March 17, 2006, David Peck requested an extension until May 5, 2006, to submit Peck's response. On behalf of EPA, Mr. Carney granted this request in a letter sent to Mr. Peck on March 28, 2006. Patricia Miller granted Peck an additional extension until May 10, 2006, which I confirmed in an e-mail to Ms. Miller on May 3, 2006.

1. ***As it relates to the Site, what is the current nature of your business or activity or any other business or activity that may be taking place at the Site?***

RESPONSE:

Currently a minority owned business, Able Body Demolition, is using the property to store its trucks. Able Body also has unloaded inert material, including concrete, dirt, and asphalt, on the property, and has spread some of the piles of asphalt and concrete. The company has followed Peck's instructions not to remove any soil from the site, and to keep any visitors or vandals off the site.

2. ***As it relates to the Site, what was the nature of any business or activity during the period of time you or any member of the Peck family, or a company substantially owned or controlled by the Peck family, either owned and/or operated the Site?***

RESPONSE:

From 1945 to approximately 1990, the business conducted at the property was the purchase, processing, storage and shipping of metal scrap from various military bases, other federal, state and local government agencies, and local businesses. Liquidation of remaining scrap materials off of the property continued into the early 1990s. In addition, Peck Equipment Company was established in the 1960's to locate hard-to-find parts for the U.S. Navy.

In a letter from S.G. Werner to D.S. Welch of EPA dated May 11, 2004, Mr. Werner provided an historical summary of Peck's activities at the property. This letter also was provided as an attachment to an e-mail from S.G. Werner to K. Bunker dated July 28, 2004.

3. ***Describe how the size or property boundaries of the Site have changed since the inception of Peck activities at the Site.***

RESPONSE:

Some time during the period between 1945 and 1950, Peck acquired land adjacent to the original parcel. In the 1990's, less than an acre was acquired from the U.S. Navy. In 2003, Peck donated a conversation easement of approximately six acres along Paradise Creek to the Elizabeth River Project ("ERP"), which modified the land to serve as a wetland and forested buffer area. In the course of its work, the ERP removed a berm, dredged soils, re-contoured the area, and deposited soil back on other portions of the Peck property.

The current 33 acres are on five parcels. The following table summarizes the title history of the current property.

Deed Records Search

DATE	GRANTOR	GRANTEE	COMMENTS
05-18-88	Peck Iron & Metal Co., Inc.	Elm Leasing Co.	2.990 ac - 1st part 2nd & 3rd parts - Easements
10-01-76	USA Dept. of Navy	Peck Iron & Metal Co., Inc., et al.	3rd part - Easement, 0.05 ac.
06-30-76	Norfolk-Portsmouth Belt Line Railroad Co.	Peck Iron & Metal Co., Inc., et al.	2nd part - Easement agreement for use of Scott Center Road Crossing
10-28-69	USA Dept. of Navy	Norfolk-Portsmouth Belt Line Railroad Co.	Deed of Easement
12-30-63	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	4.544 ac.
05-13-88	Peck Iron & Metal Co., Inc.	Peck Portsmouth Land Co.	Parcel B - 22.924 ac.
12-30-63	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	4.544 ac.
01-26-60	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	21.4 ac.
01-26-60	Peck Iron & Metal Co., Inc.	Kenneth McCracken, Trustee	Holder of Note, 21.4 ac.
03-31-31	Portsmouth Cotton Oil Refining Corp.	Proctor & Gamble	Parcels A & B - 110 ac.
01-01-88	Julius S. & Bess P. Peck	JSP Land Company	2 ac; Parcel A-1.174 ac.; Parcel B-2.733 ac.; 1st-0.8016 ac.; 2nd-1 ac.; 3rd-0.55 ac.; 4th-Parcel 1-0.004 ac., Parcel 2-0.17 ac.
07-29-47	Trites Refinery, Inc.	Julius S. Peck	2 ac.
07-12-47	Philip C. Cuddeback, et ux.	Trites Rendering, Inc.	

03-08-47	Frederick W. Marrat	Philip C. Cuddeback	
01-07-29	American Forest Products Company	Frederick W. Marrat	
10-11-28	Cradock Mfg. Co.	American Forest Products Company	
09-29-50	Richard B. Kellam, Special Commissioner, et al.	Julius S. Peck & R.F. & Thirza Trant	Parcels A (1.174 ac.) & B (2.733 ac.). Kellam Commissioner for dispute in Trant family. R.F. paid off dispute amount to Commissioner, land released to Peck
07-30-28	H.W. West	John H. Trant, Jr.	
07-05-28	R.D. White	John H. Trant, Jr.	
05-28-28	Cradock Mfg. Co.	Richard B. Kellam, Special Commissioner	
08-06-45	Joseph W. Dunkam, et al.	Julius S. Peck (formerly Julius S. Pecker)	1st - 2.304 ac. 2nd - 1 ac. 3rd - 0.55 ac. 4th - Parcel 1 - 0.004 ac. Parcel 2 - 0.17 ac.
06-29-44	Commonwealth of Va.	Joseph W. Dunkum	4th - Parcels 1 & 2; quit claimed to Dunkum
05-31-43	County of Norfolk	Commonwealth of Va.	4th - Parcels 1 & 2; quit claimed to Commonwealth of Va.
08-03-28	Norfolk Portsmouth Bridge Corp.	County of Norfolk	4th - Parcels 1 & 2
04-18-28	Cradock Mfg. Co.	Joseph W. Dunkum	3rd - 0 .55 ac.
04-16-27	Cradock Mfg. Co.	Joseph W. Dunkum	1st - 2.304 ac.
04-27-26	Cradock Mfg. Co.	Joseph W. Dunkum	2nd - 1 ac.

4. ***Explain how hazardous substances such as, but not limited to, polychlorinated biphenyls (PCBs) and lead came to be present on the site.***

RESPONSE:

The metal scrap purchased during the period of scrap metal operations consisted of damaged and obsolete equipment, attachments, parts, and other miscellaneous materials. At various times the scrap contained cadmium-coated automobile parts; lead as an additive in petroleum products; PCBs in insulated wire, gaskets, fluorescent lights, transformer oil, and household appliances that used capacitors; lead-based paint in scrapped bridge sections; and lead in automobile batteries. Metal scrap from the government was not cleaned or purged of hazardous substances before transfer to the Peck property.

5. ***Provide all information regarding the current or past environmental and physical conditions at the Site including but not limited to geology and hydro-geology, soil, groundwater, surface-water (including drainage patterns), sediments, sewer systems, and storm water conveyance systems. This includes, but is not limited to, field observations and measurements, laboratory data, field screening data, boring logs, sample locations and dates.***

RESPONSE:

Physical and chemical data for the property have been submitted to the Virginia Department of Environmental Quality ("DEQ") and EPA. Peck believes that information provided to DEQ and EPA through December 2004 confirmed that there are discrete locations on the property with elevated concentrations of certain parameters, but that there would be no unacceptable risk to the environment or to humans if the property were covered with a cap and restricted as to future use. Furthermore, there were no indications that the property would endanger anyone if left undisturbed. A risk assessment prepared for Peck indicates that there would be no unacceptable risks to humans or the environment or the likelihood of a release to groundwater even if it were assumed that there are PCB concentrations of up to 5,000 mg/kg in the former metal processing area.

The following table lists reports and other communications by which EPA and/or DEQ were provided information responsive to this question. Peck is not submitting copies of these reports and communications with this response but will provide them to EPA upon request.

Date	Recipient	Sender	Description
15-May-03	Bernard, J.	Werner. S.G.	Draft Site Characterization Risk Assessment Report
28-May-03	Bernard, J.	Werner, S.G.	Site Characterization - Risk Assessment Report, Proposed Pull-A-Part Site, 3500 and 3850 Elm Avenue, Portsmouth, Virginia
04-Aug-03	Bernard, J.	Werner, S.G.	Response to DEQ's 18-Jun-03 letter commenting on Site Characterization Report and proposing a sampling program
12-Aug-03			Quantitation Report of samples obtained on 8-Aug-03
11-Sep-03	Greene, K.L.	Peck, B.D.	Letter regarding EPA's desire to sample for dioxin contamination at site; briefly discussing previous site operations; and requesting authorization from DEQ to go forward with site remediation
21-Oct-03	Werner, S.G.	Unze, S.C.	Attaches sample results for PCDDs and PCDFs
04-Nov-03		Williams, M.D.	Pull-A-Part Sampling Event: 08-06-03
07-Nov-03	Bernard, J.	Werner, S.G.	Site Characterization Study Addendum; attached is 27-Oct-03 memorandum to J. Bernard from S.G. Werner presenting sediments sampling plan
21-Nov-03	Werner, S.G.	Kinder, D.S.	Explanation of deficiencies cited in M. Williams 4-Nov-03 report
18-Dec-03	Bernard, J.F.	Hatcher, R.F.	Email forwarding colloquy between J.F. Bernard and S. Hahn of NOAA regarding the Peck Property Report addendum
17-Feb-04	Werner, S.G.	Williams, M.D.	Memorandum regarding QA/AC criteria

Date	Recipient	Sender	Description
17-Feb-04	Bernard, J.	Werner, S.G.	Response to EPA's 15-Jan-04 "Characterization Report Review"; attached are: EPA's 15-Jan-04 letter; QA/QC reports for PCB and lead analyses for soil samples; summary of data validation performed by Draper Aden; and a response by laboratory to deficiencies identified by Draper Aden
30-Mar-04	Rice, S.	Werner, S.G.	Letter enclosing PCB analytical data, including map showing October 2003 PCB soil sampling results
11-May-04	Welsh, D.S.	Werner, S.G.	Letter enclosing Peck's "Self-Implementing PCB Cleanup Plan"
28-Jun-04	Peck, D.B.	Jarvela, S.	Letter stating EPA wants to conduct sampling at Peck site's wetlands and shoreline along border of property and Paradise Creek. Property Access Agreement attached
29-Jun-04			EPA Region III "Property Access Form" granting EPA and members of response team access to The Peck Company Site to collect samples for PCB and metals analysis
07-Jul-04			Sediments chain of custody form prepared by Mr. Hatcher
13-Jul-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 22-Jun-04 letter to B.D. Peck from J.J. Burke regarding deficiencies in Self-Implementing PCB Cleanup Plan; attached is Revised (12-Jul-04) Site Characterization and Self-Implementing PCB Cleanup Plan

Date	Recipient	Sender	Description
20-Jul-04		Severn Trent Labs	Sample confirmation report
16-Aug-04	Hatcher, R.F.	Jarvela, S.	Email regarding preliminary results of 7-Jul-04 sampling event
03-Sep-04	Hatcher, R.F.	Rieger, J.	Summary of samples taken; cost of analysis; map of locations where samples were taken
28-Sep-04	Loeb, M.	Werner, S.G.	Email update on sample analysis
26-Oct-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 15-Oct-04 correspondence regarding Self-Implementing PCB Cleanup Plan; attached is Revised (22-Oct-04) Site Characterization and Self-Implementing PCB Cleanup Plan
18-Nov-04	Hatcher, R.F., Werner, S.G.	List, R.	Email setting out treatability study results and suggesting a meeting to discuss the results, treatment/ stabilization strategies, regulatory implications and costs.
23-Nov-04	Hatcher, R.F., Werner, S.G.	List, R.	Additional treatability results
06-Jan-05	Hatcher, R.F., Bernard, J.F., Green, K.L.	Rieger, J.	Email regarding 70 ppb PCB screening level in sediments
03-Feb-05	Hatcher, R.F.	Williams, T.G.	Fax proposing use of same grid numbers and letters system as drawing supplied to Koontz-Bryant, reporting of plant to conduct site work from 8-Feb-05 thru 10-Feb-05
09-Feb-05	Bernard, J.	Werner, S.G.	Memorandum regarding soil sample location plan
16-Jun-05	Werner, S.G. & Hatcher, R.F.	Webb, J.N.	Requesting status of grid sampling effort

Date	Recipient	Sender	Description
Undated			Site location map; well locations and boring locations; summary of analytical data - surface soil samples (6/1999 & 7/1999); summary of analytical data - soil/water interface soil samples (7/1999); summary of analytical data - groundwater (7/1999); summary of analytical data - mixed media (7/1999)

Peck is submitting to EPA with this response the laboratory data reports for samples collected at the property during 2005.

6. ***Provide all documents that show the types of material accepted, customers, operational periods, and description of operations (including locations of operations) both owned and/or operated by you or any tenant(s).***

RESPONSE:

Peck has no documents in its possession responsive to this question. The following provides a brief description of operations on the property based on David Peck's recollection.

The operations at the property until the 1980's were located in and around the cinderblock buildings in the center of the property. At one of the buildings, a hydraulic guillotine shear cut steel to size. One building served as a sorting and storage room for non-ferrous metals and contained a small aluminum furnace to melt aluminum scrap. In the front, by the stop light, was a men's locker room and machine shop. A weigh scale was outside an office trailer near the stop light.

During the period of scrap metal operations on the property, the Department of Defense processed and sold metal scrap to Peck Iron & Metal from various military bases and Navy yards, including: Norfolk Naval Shipyard; Naval Air Station; Oceana; St. Juliens Creek; Cheatham Annex; Yorktown; Quantico; Ft. Meade; and Bellwood. The General Services Administration, Coast Guard, NOAA, and other agencies of the federal government also regularly sold surplus material to Peck Iron & Metal. Other large, non-government sellers to Peck Iron & Metal included the railroads, Virginia Electric and Power, landfills (which were

sources of white goods and miscellaneous scrap), and the ship repair facilities, including Newport News Shipbuilding and Drydock, Norfolk Shipbuilding, and Moon Engineering.

Two occupants of the property -- neither affiliated with Peck -- in approximately 2001-02 operated businesses involving the handling of equipment and perhaps scrap metals. One occupant 's operation led to action by DEQ, after which Peck evicted the occupant from the property. Currently, Able Body Demolition is using the property for truck storage and is helping to keep the property secure.

7. ***Provide any correspondence to or from local, state or federal governments that discuss environmental conditions or issues at the property. This could include, but is not limited to, information regarding inspections, permits, violations and discharges.***

RESPONSE:

At the time Peck entered the Virginia Voluntary Remediation Program, its past and current environmental data were provided to DEQ. The history was also carefully reviewed by the Elizabeth River Project before it accepted approximately seven acres for a conservation easement.

The following table lists reports and other communications by which EPA and/or DEQ were provided information responsive to this question. Peck is not submitting copies of these reports and communications with this response but will provide them to EPA upon request.

Date	Recipient	Sender	Description
30-Apr-02	Gussman	Mayfield, M.	Letter informing DEQ of grant to address stormwater and habitat enhancement at Peck site
01-May-02	Peck, B.D.	Jackson, M.M.	Letter recommending demonstration project to enhance shoreline/stormwater on western side of Peck project, indicating that ERP expected $30,000 to $40,000 in grant funds to be available to assist in this voluntary project

Date	Recipient	Sender	Description
06-Nov-02	Various	Jackson, L.	Email requesting comments on attached "Project Activities Coordination Meeting for 'Return to Paradise' - Peck Iron & Metal, Timeline of Action Items." List of attendees also attached.
27-Nov-02	West, T.	Pocta, M.A.	Letter regarding Joint Permit Applications (Peck and Elizabeth River Project) for wetlands restoration project and a stormwater/wetland pond
02-Dec-02		U.S. Army Corps of Engineers	Notification that Peck's proposed activity may qualify for Nationwide Permit 39; that proposed activity may affect historical properties (Norfolk Naval Shipyard); therefore, work cannot commence until requirements of National Historic Preservation Act have been met
06-Dec-02	Greene, K.L.	Cohen, A.	VRP Application for property located at 3850 Elm Avenue
13-Dec-02	Levetan, S.L.	Mayfield, M.	Letter offering grant-funded assistance to implement ERP's recommendations for sustainable development of Peck Site. Attached is "Environmental Stewardship Recommendations, Proposed Pull-a-Part Auto Recycling Facility, Elm Avenue, Portsmouth, VA" and "Best Management Practices for the Auto Salvage Industry"

Date	Recipient	Sender	Description
06-Jan-03		VIMS	VIMS Shoreline Permit Application Report 02-2315 recommending applicant submit formal planting and monitoring plan
09-Jan-03			Notice of Public Hearing, Wetlands Board of the City of Portsmouth - Request of The Peck Company and The Elizabeth River Project for a wetland restoration area on the property at 3850 Elm Avenue
06-Mar-03			Portsmouth City Council, Public Hearing/Planning Items. Resolution (signed by City Manager) approving with conditions Pull-A-Part of Portsmouth's proposal to operate a motor vehicle recycling facility at 3850 Elm Avenue
11-Mar-03			Portsmouth City Council, Agenda. Pull-A-Part's use permit application is on agenda
14-Mar-03	Porter, S.J.	Wetmore, D.G.	Letter stating the exception request for BMP should not be granted because it does not meet necessary requirements
02-Apr-03	Pocta, M.A.	Porter, S.J.	Letter requesting additional WQIA information for site be submitted to Department by 11-Apr-03
10-Apr-03	Haste, G.J.	Pocta, M.A.	CBLAD and City of Portsmouth need stormwater calculations and justification for the stormwater location in the RPA buffer

Date	Recipient	Sender	Description
11-Apr-03	Hatcher, R. F.	Hannah, J.	"Benefits of Proposed Stormwater Wetland at Peck Iron & Metal Site," Bill Hunt, Advisor to the Elizabeth River Project
14-Apr-03	Porter, S.J.	Hatcher, R.F.	Letter responding to 2-Apr-03 letter to M.A. Pocta in connection with locating a BMP within the Resource Protection Area for Paradise Creek wetlands
22-Apr-03	Porter, S.J.	Pocta, M.A.	Letter withdrawing Application for Exception from consideration at the City's Planning Commission meeting on 6-May-03
22-Apr-03	Hatcher, R.F.	Porter, S.J.	Memorandum stating information the City was seeking on stormwater calculations and buffer was not submitted timely and therefore will not be considered at the Planning Commission's 6-May-03 meeting
15-May-03	Bernard, J.	Werner, S.G.	DRAFT Site Characterization - Risk Assessment Report
28-May-03	Bernard, J.	Werner, S.G.	Site Characterization - Risk Assessment Report. Attached are: results of 29-Jul-99 Hatcher-Sayre Site Characterization Study; REAMS Risk Analysis; groundwater analytical results for 5-03 sampling; 9-Jul-99 Final Scope of Work for Site Investigation at The Peck Company, Portsmouth, Virginia
18-Jun-03	Hatcher, R. F.	Bernard, J.F.	Comments from DEQ and EPA on 28-May-03 Site Characterization Report and 4-June-03 site visit

Date	Recipient	Sender	Description
18-Jun-03	Hatcher, R.F.	Bernard, J.F.	Letter commenting on 28-May-03 Site Characterization Report and 4-Jun-03 site visit
23-Jun-03	Hatcher, R.F.	Dinardo, Nicholas	Email requesting site visit with representatives of EPA, DEQ, and Peck.
14-Jul-03	Bernard, J.F.	Hatcher, R.F.	Letter regarding 9-Jul-03 meeting with DEQ and EPA, Peck's and Pull-A-Part's commitment to locate, remove and remediate "hot spots"
04-Aug-03	Bernard, J.	Werner, S.G.	Response to DEQ's 18-Jun-03 letter commenting on Site Characterization Report and proposing a sampling program
11-Sep-03	Greene, K.L.	Peck, B.D.	Letter regarding EPA's desire to sample for dioxin contamination at site; briefly discussing previous site operations; and requesting authorization from DEQ to go forward with site remediation
15-Sep-03	Comacho, J.	Werner, S.G.	Email inquiry regarding dioxins in soil -- capping as remediation
15-Sep-03	Cooper, D.	Werner, S.G.	Email listing questions regarding dioxin Werner would like to discuss with Cooper in a 1:30 telephone conversation
22-Sep-03	Rupert, R.	Jackson, M.M.	Memorandum setting out the Elizabeth River Project's position on disputed issues concerning contamination at the Peck site
25-Sep-03	Levetan, S.L.	Bernard, J.F.	Comments from DEQ and EPA on 4-Aug-03 Response to Comments and Proposed Sampling Plan

Date	Recipient	Sender	Description
09-Oct-03			Agenda for 9-Oct-03 Elizabeth River Project meeting
07-Nov-03	Bernard, J.	Werner, S.G.	Site Characterization Study Addendum -- describes sampling activities between Jun- and Nov-03, analytical testing results and proposed approach to site remediation; attached is 27-Oct-03 memorandum to J. Bernard from S.G. Werner presenting sediments sampling plan
18-Dec-03	Bernard, J.F.	Hatcher, R.F.	Email forwarding colloquy between J.F. Bernard and S. Hahn of NOAA regarding the Peck Property Report addendum, stormwater runoff and the buffer
30-Dec-03	Hatcher, R. F.	Levetan, S.L.	Email forwarding language regarding "Peck 20031211 Review Ltr 1" providing EPA comments and observations of the 7-Nov-03 Peck Site Characterization Report
09-Jan-04	Hatcher, R.F.	Mayfield, M	Email entitled, "Elizabeth River Partnership - Jeopardy?" in which Mayfield forwards an exchange with Don Welsh, EPA Regional Administrator
15-Jan-04	Bernard, J.	Jarvela, S.	EPA's comments on Site Characterization Report
23-Jan-04	Bernard, J.F.	Greene, K.L., et al.	Email forwarding comments and observations on the 7-Nov-03 Peck Site Characterization Report

Date	Recipient	Sender	Description
06-Feb-04	Bernard, J.F.	Hatcher, R.F.	Email forwarding Bernard's comments to K. Greene regarding EPA's comments and concerns: QA/QC documentation and the vertical investigation area
06-Feb-04	Peck, B.D.	West, T.L., MRC	Acknowledging receipt of application seeking authorization to create wetlands and clear phragmites
13-Feb-04	Bernard, J.F.	Jarvela, S., et al.	Series of emails whereby State requests contact from EPA for Perspective Purchaser Agreement issue; EPA requests point of contact for Pull-A-Part
17-Feb-04	Bernard, J.	Werner, S.G.	Response to EPA's 15-Jan-04 "Characterization Report Review"; attached are: EPA's 15-Jan-04 letter; QA/QC reports for PCB and lead analyses for soil samples; summary of data validation performed by Draper Aden and a response by laboratory to deficiencies identified by Draper Aden
27-Feb-04	Gills, W.	Werner, S.G.	Brownfield Remediation Loan Application submitted on behalf of The Peck Company
09-Mar-04	Jarvela, S.	Bernard, J.F	Letter stating EPA is satisfied with Draper Aden site characterization and determined the project can proceed to the remediation stage
11-Mar-04	Bernard, J.	Jarvela, S.	Letter stating EPA's position that DEQ is the lead agency for Peck site project and is committed to support DEQ as the remedial action plan proceeds

Date	Recipient	Sender	Description
12-Mar-04	Hatcher, R. F.	Bernard, J.F	Email colloquy at DEQ regarding Peck's Brownfield's loan application
26-Mar-04	Peck, B.D.	Gills, W.A.	Letter notifying Peck the SWCB approved Brownfield Remediation loan in the amount of $960,000 contingent upon satisfactory credit analysis by the VRA.
16-Apr-04	Bunker, K.	Bernard, J.F.	Email regarding Bunker's assignment as EPA's project manager of the Peck site
22-Apr-04	Bernard, J.	Bunker, K.	Email requesting DEQ to instruct Peck to submit a self-implementing PCB cleanup plan that complies with 40 CFR 761.61(a)
07-May-04			One page synopsis of Peck Recycling Co.'s history
11-May-04	Welsh, D.S.	Werner, S.G.	Letter enclosing Peck's "Self-Implementing PCB Cleanup Plan"
18-May-04	Hatcher, R.F.	Jarvela, S.	Email stating Jarvela hasn't scheduled trip, but will send access form for owner to sign
15-Jun-04	Werner, S.G.	Bernard, J.F.	Email responding to S. Werner's interpretation of 40 CFR section 761.61 in connection with the Self-Implementing PCB Cleanup Plan. Email also discusses wetlands sampling
16-Jun-04	Baldwin, Bob	Jackson, L.	Email requesting a meeting with Baldwin and/or other City of Portsmouth representatives to discuss the City's concerns or needs in order to move forward with Elm Avenue remediation

Date	Recipient	Sender	Description
22-Jun-04	Peck, B.D.	Burke, J.J.	EPA's comments on Peck's Notification and Certification, dated 11-May-04, provided pursuant to requirements of the Self-Implementing On-Site Cleanup and Disposal of PCB Remediation Waste Regulation
27-Jun-04	Peck, B.D.	Jarvela, S.	Fax cover sheet attaching access agreement; Jarvela will contact Hatcher to schedule site visit
28-Jun-04	Peck, D.B.	Jarvela, S.	Letter stating EPA wants to conduct sampling at Peck site's wetlands and shoreline along border of property and Paradise Creek. Also attaches Property Access Agreement
29-Jun-04			DRAFT "Sampling and Analysis Plan for the Peck Iron and Metal Site, Portsmouth, Virginia" prepared for EPA by Tetra Tech
29-Jun-04			EPA Region III "Property Access Form" granting EPA and members of response team access to The Peck Company Site to collect samples for PCB and metals analysis
13-Jul-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 22-Jun-04 letter to B.D. Peck from J.J. Burke regarding deficiencies in Self-Implementing PCB Cleanup Plan; attached is Revised (12-Jul-04) Site Characterization and Self-Implementing PCB Cleanup Plan

Date	Recipient	Sender	Description
28-Jul-04	Bunker, K.	Peck, B.D.	Memorandum regarding Peck's former operations at Portsmouth site.
28-Jul-04	Bunker, K.	Werner, S.G.	Email attaching a historical summary of Peck's activities at Elm Avenue which were included in 11-May-04 cover letter to Self-Implementing Cleanup Plan
28-Jul-04	List	Bunker, K., EPA	Email giving status on cleanup plan -- still reviewing amended plan EPA received on 14-Jul-04
16-Aug-04	Hatcher, R. F.	Bernard, J.F.	Email stating Levetan indicates Pull-A-Part is very determined to purchase property
20-Aug-04	Hatcher, R. F.	Bernard, J.F.	Email regarding status of Elm Avenue VRP project
23-Aug-04	Ward, K.	Bernard, J.F.	Email stating Elm Avenue project is moving forward
26-Oct-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 15-Oct-04 communication regarding Self-Implementing PCB Cleanup Plan; attached is Revised (22-Oct-04) Site Characterization and Self-Implementing PCB Cleanup Plan
16-Nov-04	Baldwin, R.A.	Barclay, R.C.	Letter Application for Extension of Use Permit 03-01 by Pull-a-Part of Portsmouth, LLC to operate a motor vehicle recycling facility at 3850 Elm Avenue, owned by The Peck Company, Peck-Portsmouth Recycling Co.
19-Nov-04	Peck, B.D.	Burke, J.J	EPA's response to Peck's Revised Notification and Certification, dated 25-Oct-04

Date	Recipient	Sender	Description
01-Dec-04			Chronology of Primary Activities - Proposed Pull-A-Part, Inc. Site - Elm Avenue, Portsmouth, VA
22-Dec-04	Hatcher, R.F.	EPA, DEQ	Confirming 5-Jan-05 meeting to discuss options available under TSCA and/or CERCLA to move forward on remediation of the Peck site
05-Jan-05			Attendance list of meeting
05-Jan-05			Draper Aden, "The Case for Self-Implementing Site Remediation, Peck Property, Portsmouth, VA," presentation to EPA
20-Jan-05	Peck, B.D.	Webb, J.	Letter proposing that Peck amend its 22-Oct-04 self-implementing cleanup plan to include certain conditions and sampling plans
26-Jan-05	Welsh, D.S.	Werner, S.G.	Letter addressing conditions set out in EPA's 20-Jan-05 letter for self-implementing cleanup plan
01-Feb-05	Peck, B.D.	Webb, J.	Letter approving 22-Oct-04 self-implementing cleanup, subject to conditions set out in EPA's 20-Jan-05 letter
23-Feb-05	Ward, K.	Bernard, J.F.	Email colloquy regarding EPA approval of project; inquiry regarding interest rate for Peck's loan
28-Jun-05	Webb, J.N.	Peck, B.D.	Letter notifying EPA, et al. that Peck is going to stop conducting the PCB cleanup plan
15-Oct-05	Peck, B.D.	Burke, J.J.	EPA's response to Peck's Revised Notification and Certification, dated 13-Jul-04

Date	Recipient	Sender	Description
07-Dec-05	Sturgeon, R., EPA	Peck, B.D.	Memorandum setting out reasons for withdrawing self-implementing cleanup plan, conclusions of risk assessment, and proposed "closure" plan
08-Dec-05	Peck, B.D. & Gant, Rene	Sturgeon, R.	Response to Peck's Dec-05 letter

8. ***Provide information regarding modifications made to the property, including, but not limited to, areas of fill, areas where the topography was modified, areas of burial and/or dumping, and areas of construction and/or demolition.***

RESPONSE:

Peck demolished a building at the entrance to the property at 3500 Elm Avenue in response to a demand by the N&P Beltline. In addition, part of the former Proctor & Gamble masonry building near that entrance was demolished within the last ten years.

Inert material was dumped on the site by various contractors during the past ten years. If trash or suspect material was found, contractors were employed to remove the material for disposal at a landfill. Able Body Demolition spread inert concrete, asphalt, and soil on the property during the past few months. Any suspect soil or other material was to be placed in the area of the buildings where scrap metal processing operations once occurred.

Please also see the response to question 3 above.

9. ***Provide all information on the current and recent use of the Site including actions such as, but not limited to, the storage of soils, material or equipment, or modification or movement of soils or sediments located on the Site.***

RESPONSE:

Please see the answer to question 8 above. In addition, during 2005, Able Body Demolition excavated certain areas of soil, moved the materials to the former operations area, and subsequently covered the area with inert materials. Able Body personnel were warned of the

nature and potential danger of the excavated soil and were instructed about where on the property the soil should be placed.

10. ***Provide the names, titles, areas of responsibility, addresses and telephone numbers of all persons that worked at the Site for longer than three years.***

RESPONSE:

Stanley Peck and Aaron Peck worked at the property for a period of time until the early 1990s. Their current addresses and phone numbers are:

Stanley J. Peck
(b) (6) [redacted]

Aaron M. Peck
(b) (6) [redacted]

Personnel records from the period of active site operations were not retained.

11. ***If you have any information about other persons/entities who may have information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the person's entity's name, address, type of business, and the reason(s) why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.***

RESPONSE:

Peck has no additional information responsive to this question.

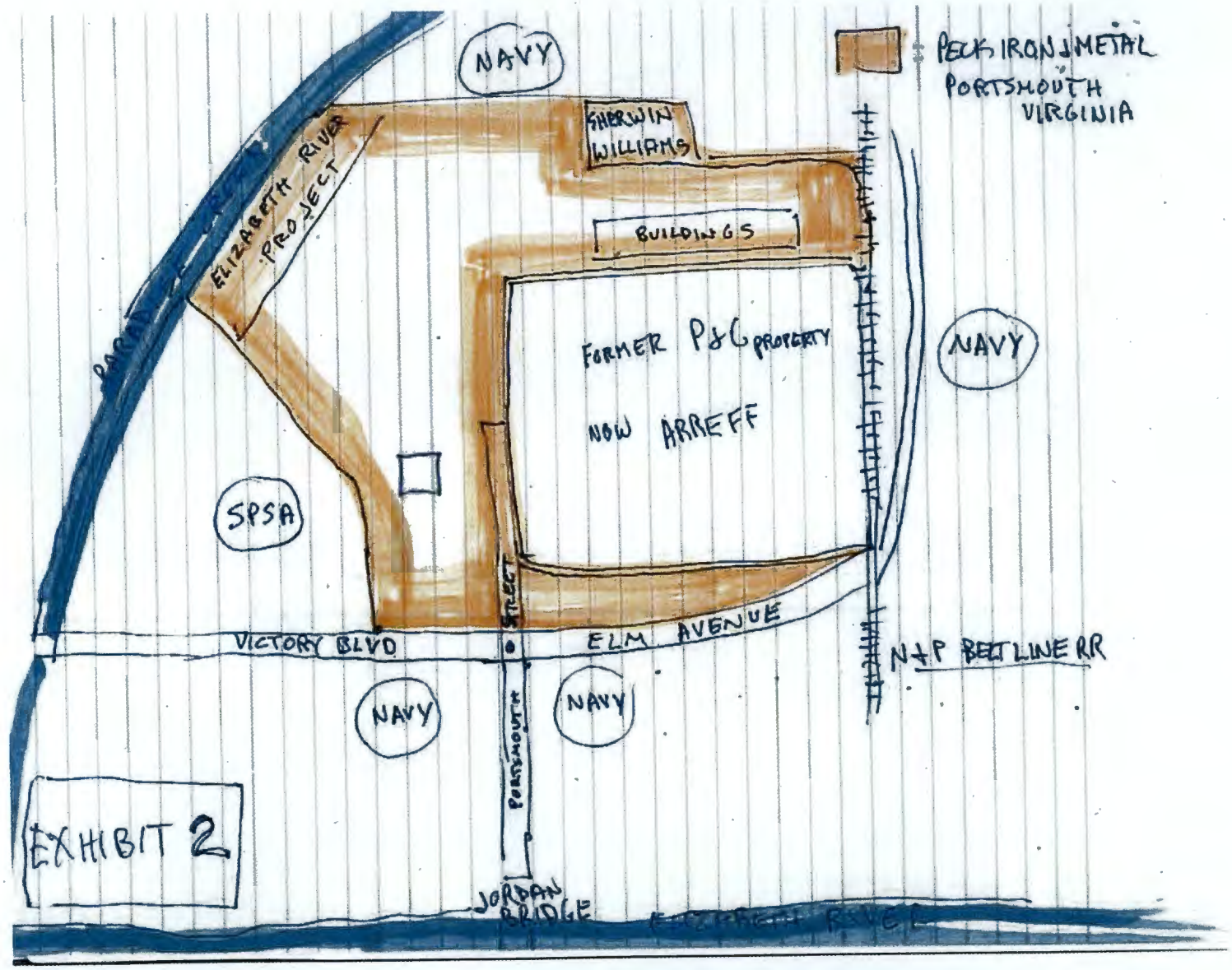
HUNTON&
WILLIAMS

Please contact Roger Hatcher or me if you have questions about this response to the Information Request.

Yours truly,

Dan J. Jordanger
Counsel to The Peck Company

Enclosures
cc: Mr. B. David Peck
Roger F. Hatcher, Ph.D.


NAVY
PECK IRON & METAL
PORTSMOUTH
VIRGINIA
SHERWIN WILLIAMS
ELIZABETH RIVER PROJECT
BUILDINGS
FORMER P&G PROPERTY
NOW ARREFF
NAVY
SPSA
VICTORY BLVD
ELM AVENUE
N&P BELTLINE RR
NAVY
NAVY
PORTSMOUTH STREET
EXHIBIT 2
JORDAN BRIDGE

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daa@daa.com • www.daa.com

Ex 3

May 11, 2004

Mr. Donald S. Welsh
Regional Administrator
U.S. EPA – Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Self-Implementing PCB Cleanup Plan
34-Acre Site, Elm Avenue
Portsmouth, Virginia
DAA Project # R03186-01

Dear Mr. Welsh:

This Self-Implementing PCB Cleanup Plan is submitted on behalf of The Peck Company, Richmond, Virginia for the above referenced property. This property has been in the Virginia Department of Environmental Quality's Voluntary Remediation Program for more than a year and we are anxious to return this inactive property to productive use. The remaining issue that has stopped progress on this project concerns PCBs and thus, the reason for submitting the attached Plan.

The site meets all of the criteria for the self-implementing procedures and we believe that the Plan addresses all of the requirements of 40 CFR § 761.61. Prior to reviewing the plan, it is important that EPA understand the history of this property, which is summarized below by the owner, The Peck Company.

> *Peck Recycling Co., Inc. bought, sold, and processed metal scrap for fifty years from different locations. The metal came from industrial plants, farms, auto parts yards, Federal Government (e.g. military bases); State (e.g. Highway Dept.) and Local (e.g. Police Dept.) agencies.*
>
> *The metal scrap was purchased after several careful inspections. Trained inspectors looked at the material at the sellers' operation, upon arrival, when weighed, when unloaded, when processed, when stored, and when shipped. Upon being unloaded it was visually, if not manually separated into more than 40 different categories.*

The material was checked for radioactivity. Rejections were immediate if any hazardous or toxic material or substance were suspected. For example, 150,000 lbs. of material from a military base were rejected when the base could not definitely identify the liquid in the containers; DuPont had to take back 55-gallon drums when Peck was not satisfied with the stenciled markings on the containers; a railroad tank car from Allied Chemical was not accepted when Peck inspectors detected a noxious odor; Philip Morris (e.g. engines with lubricant drippings) material rejected; etc.

Transformers were not accepted from any sellers with the sole exception of a company that processed them. It removed the laminated steel, wires, copper and oil; then it triple rinsed them before delivery.

The Peck Recycling Company's primary concerns were its employees, its customers (the buyers), and its facilities and grounds. Its record is plain to see. None of its hundreds of employees ever reported or complained of handling or being affected by any hazardous or toxic material. Not one of the thousands of consumers ever reported or complained about discovering any substance that might be hazardous or toxic. Every buyer was very carefully looking for PCB, benzene, heavy metals, hydrocarbons, asbestos, and any attachments or substances that might cause problems.

The continuous training of all Peck employees as inspectors and material handlers had clear results. Peck regularly received a rebate of 25% from its insurance carrier for its extraordinary safety record and procedures. Note that every month Peck handled (i.e. received, unloaded, processed, stored, shipped) more than 100 million pounds of metals.

It is also noteworthy that Peck's operations were in five different cities covering more than 120 acres (Eastern Shore, Danville, Woodford, Portsmouth, Richmond). Upon the sale of the Peck operations in 1997, the properties were closely examined. More than $100,000 was spent in Phase II activities by independent environmental groups. The only PCB discoveries were on less than 1% of the property although 95% of the properties were used in operations. And the 1% area was where material from military bases was processed until 1969.

The property owner, The Peck Company, and the prospective purchaser/developer, Pull-A-Part, Inc. have responded to all of the EPA and DEQ requests and unfortunately, feel that progress has again been delayed. EPA's prompt review and approval of this Plan is greatly appreciated.

Any questions concerning this closure plan should be directed to either Dr. Roger F. Hatcher (804-492-9458) or me (804-261-2937).

Sincerely,
DRAPER ADEN ASSOCIATES

Stephen G. Werner, P.G.
Director of Environmental Services

Attachment (2)

cc: Dr. Roger F. Hatcher
B. David Peck
James Bernard, DEQ
Steven L. Levetan, Pull-A-Part, Inc.

ECK RECYCLING-PORTSMOUTH DIVISION, INC.
3500 Elm Avenue
Portsmouth, Virginia 23704-7199
(804) 399-4075
(804) 399-3949 - FAX

SETTLEMENT

CBI ORIGIN

ALTNEY
5 ELMHURST LANE
TSMOUTH, VA 23701

K SCHENK

Print Date 7/31/95
Settlement# P317700016
Total Due You for $805.46

et#	Date	Lading/Inv#	Material	Net Wt.#	UM	Unit Price	Ext. Price
396	7/1/95	69139	STEEL	11,740	G	60 000000	314 46
396	7/1/95	69139	STAINLESS STEEL	1,297	P	0.200000	259 40
396	7/1/95	69139	ALUMINUM	55	P	0.400000	22 00
1397	7/1/95	69139 &	CONTAMINATED ALUM.	596	P	0.200000	119.20
1397	7/1/95	69139 &	ELECTRIC MOTORS	1,186	P	0.025000	29.65
1397	7/1/95	69139 &	CONTAMINATED BRASS	243	P	0 250000	60 75

2 001 3320.000 805.46
3 001 3315.000 (805.46)
3 001 5000.000 805.46

Invoice # P317700016
Voucher # 108734
Date Entered 8/4/95

UM" refers to the Unit of Measure in the pricing your material.
P=Pounds, H=Hundred Weight, G=Gross Tons and N=Net Tons.

PECK RECYCLING COMPANY RICHMOND, VA 23234-1838

7535

REF NO	INV NO	INV DTE	INV AMT	AMT PD	DISC	NET AMT
108734	P317700016	07/31/95	805.46	805.46	0.00	805.46

CBI ORIGINAL

$805.46

DETACH BEFORE DEPOSITING

NET CHECK

PECK RECYCLING COMPANY

3220 DEEPWATER TERMINAL RD.
RICHMOND, VIRGINIA 23234-1838

CHECK NO. 007535

68-7270/2560

DATE		CHECK AMOUNT
08/09/95	7535	*********805.46

First Union National Bank
of Virginia
Oakton, VA 22124

PAY TO THE ORDER OF

**********805 DOLLARS AND 46 CENTS

GWALTNEY
2175 ELMHURST LANE
PORTSMOUTH VA 23701

RECYCLING ACCOUNT
VOID AFTER 60 DAYS

NON-NEGOTIABLE

⑈007535⑈ ⑆256072701⑆ 20799000 17258⑈

7/1/95 69139 & 69120 @ WALTNEY 700016

58,480
43,320
15,160

STEEL 2220

2960
1900
1940
1400
1940
900
UNACCOUNTED 700

11,740

5,2411 @ 60.00 314.46

STAINLESS 2700
450
847
1297 @ .20 259.40

CLEAN ALUM 2300 55 @ .40 22.00 601396

CONT. ALUM. 2370 596 @ .20 119.20

ELECT MOTORS 2780 1186 @ .025 29.65

CONTAMINATED BRASS 2545 243 @ .25 60.75 601395

TRASH 43

15,160

805.46

8883 Spain

SCALE TICKET

CK Iron and Metal Co. Inc.

P. O. BOX 100
PORTSMOUTH, VA.
23705
Phone
399-4075

e and Railroad Yard: 3500-3850 Elm Avenue
PORTSMOUTH, VIRGINIA 23704

№ 69139

6/28 19 95

Qualthey
Smallfield

TERIAL STEEL	ON PRICE	OFF AMOUNT
58480 LB 01:07 PM JU 28 95 GROSS		---
55520 LB 01:23 PM JU 28 95 TARE		---
2960 ✓ NET		
ATERIAL		
55520 GROSS		---
43320 LB 01:57 PM JU 28 95 TARE		---
12200 ✓ NET		
ATERIAL		
GROSS		---
TARE		---
NET		
MATERIAL		
GROSS		---
TARE		---
NET		
	TOTAL ▶	

ertify that I am the legal owner of the above material, for which I
nowledge receipt of full payment.

ned.....

SCALE TICKET

PECK Iron and Metal Co. Inc.

P. O. BOX 100
PORTSMOUTH, V.
23705
Phone
399-4075

Office and Railroad Yard: 3500-3850 Elm Avenue
PORTSMOUTH, VIRGINIA 23704

№ 69120

DATE: 6/28 19 95

NAME: Garlthey

MATERIAL Steel	ON PRICE	OFF AMOUNT
~~2840 LB 08:18 PM JU 28 95~~ GROSS		20 60
-940 TARE		19 00
1900 NET		1940
MATERIAL Steel		1400
~~2880 LB 08:28 AM JU 29 95~~ GROSS		1940
-940 TARE		900
1940 NET		1104
MATERIAL Steel		
2340 LB 09:27 AM JU 29 95 GROSS		---
-940 TARE		---
1400 NET		
MATERIAL Steel		
2880 LB 10:04 AM JU 29 95 GROSS		---
-940 TARE		---
1940 Steel NET		
1840 LB 10:45 AM JU 29 95		
-940		
900	TOTAL ▶	

I certify that I am the legal owner of the above material, for which I acknowledge receipt of full payment.

Signed.....

MATERIAL STAINLESS

GROSS – 1837

TARE – 990

NET – ~~647~~ 847 ✓

Nº 0994

MATERIAL MOTORS

GROSS – 1819

TARE – 633

NET – 1186 ✓

Nº 506

MATERIAL Contaminated Belts

GROSS – 1233

TARE – 990

NET – 243 ✓

Nº 507

MATERIAL Trash

GROSS – 1034

TARE – 990

NET – 44 ✓

Nº 508

MATERIAL Contaminated Alum

GROSS – 1586

TARE – 990

NET – 596 ✓

Nº 504

MATERIAL Alum

GROSS – 1045

TARE – 990

NET – 55 ✓

Nº 505

MATERIAL ST Ainless

GROSS – 1440

TARE – 990

NET – 450 ✓

Nº 503

PECK REC COMPANY RICHMOND, VA 23234-1838

REF NO	INV NO	INV DTE	INV AMT	AMT PD	DISC	NET AMT
50540	P284/00016	04/28/95	1,238.70	1,238.70	0.00	1,238.70

CBI ORIGINAL

*1,238.70

DETACH BEFORE DEPOSITING

NET CHECK

PECK RECYCLING

PECK RECYCLING COMPANY
3220 DEEPWATER TERMINAL RD.
RICHMOND, VIRGINIA 23234-1838

CHECK NO. 0004754 66-7270/2560

DATE		CHECK AMOUNT
05/12/95	4754	*******1,238.70

********1,238 DOLLARS AND 70 CENTS

First Union National Bank
of Virginia
Oakton, VA 22124

PAY TO THE
ORDER OF

GWALTNEY
2175 ELMHURST LANE
PORTSMOUTH VA 23701

RECYCLING ACCOUNT
VOID AFTER 60 DAYS

NON NEGOTIABLE

⑈004754⑈ ⑆256072701⑆ 2079900017258⑈

PECK RECYCLING-PORTSMOUTH DIVISION, INC.
3500 Elm Avenue
Portsmouth, Virginia 23704-7199
(804) 399-4075
(804) 399-3949 - FAX

CBI ORIGINAL

SETTLEMENT

GWALTNEY
2175 ELMHURST LANE
PORTSMOUTH, VA 23701

RICK SCHENK

Print Date 4/28/95
Settlement# P284700016
Total Due You for $1,238.70

Ticket#	Date	Lading/Inv#	Material	Net Wt.#	UM	Unit Price	Ext. Price
600938	4/18/95	67135	BRASS	139	P	0.300000	41.70
600938	4/18/95	67135	ALUMINUM	540	P	0.320000	172.80
600938	4/18/95	67135	STAINLESS STEEL	2,500	P	0.250000	625.00
600939	4/18/95	67135	MOTORS & MOTOR BLOCKS	1,522	P	0.030000	45.66
600939	4/18/95	67135	UNP #2 STEEL	13,199	G	60.000000	353.54

2 001 3320.000 1238.70
3 001 3315.000 <1238.70>
3 001 5000.000 1238.70

INVOICE # P284700016
VOUCHER # 50546
ENTERED BY AJ
DATE 5/8/95

"UM" refers to the Unit of Measure in the pricing your material.
P=Pounds, H=Hundred Weight, G=Gross Tons and N=Net Tons.

CBI ORIGINAL

SCALE TICKET

PECK Iron and Metal Co. Inc.

P. O. BOX 100
PORTSMOUTH, VA.
23705
Phone
399-4075

Office and Railroad Yard: 3500-3850 Elm Avenue
PORTSMOUTH, VIRGINIA 23704

№ 67135

DATE: 4/18 1995

NAME: GUALTNEY 7000160

MATERIAL		ON PRICE	OFF AMOUNT
61500 LB 04:08 PM APR 18 95	GROSS		
43600 LB 07:06 PM APR 19 95	TARE		
17900	NET		
MATERIAL			
	GROSS		
Brass 139	TARE	.30	41.70
Aluminum 540	NET	.32	172.80
MATERIAL			
Stainless Steel 2500	GROSS	.25	625.00
Electric Motors 2000 1522	TARE	.03	45.66
Unp. #2 Steel 13,199	NET	60/GT	353.54
MATERIAL			
600938	GROSS		
600939	TARE		
	NET		
		TOTAL ▶	1,238.70

@ 0.30 per LB

I certify that I am the legal owner of the above material, for which I acknowledge receipt of full payment.

Signed.....

ECYCLIN .NY RICHMOND, VA 23234-1838

CBI ORIGINAL

INV NO	INV DTE	INV AMT	AMT PD	DISC	NET AMT
P311700016	01/31/95	1,343.85	1,343.85	0.00	1,343.85

$1,343.85

FORE DEPOSITING

NET CHECK

ECK YCLING

PECK RECYCLING COMPANY

3220 DEEPWATER TERMINAL RD.
RICHMOND, VIRGINIA 23234-1838

CHECK NO. 0001960

68-7270/2560

DATE		CHECK AMOUNT
02/09/95	1960	*******1,343.85

********1,343 DOLLARS AND 85 CENTS

First Union National Bank
of Virginia
Oakton, VA 22124

E
F

GWALTNEY
2175 ELMHURST LANE
PORTSMOUTH VA 23701

RECYCLING ACCOUNT
VOID AFTER 60 DAYS

NON NEGOTIABLE

⑈001960⑈ ⑆256072701⑆ 2079900017258⑈

PECK RECYCLING-PORTSMOUTH DIVISION, INC.
3500 Elm Avenue
Portsmouth, Virginia 23704-7199
(804) 399-4075
(804) 399-3949 - FAX

CBI ORIGINAL

SETTLEMENT

GWALTNEY
2175 ELMHURST LANE
PORTSMOUTH, VA 23701

RICK SCHENK

Print Date 1/31/95
Settlement# P311700016
Total Due You for $1,343.85

Ticket#	Date	Lading/Inv#	Material	Net Wt.#	UM	Unit Price	Ext. Price
600410	1/18/95	65234	TIN & WHITE GOODS	10,640	G	65.000000	308.75
600410	1/18/95	65234	TRASH DISPOSAL TO LANDFILL	500	P	-0.020000	-10.00
600411	1/19/95	65265	TIN & WHITE GOODS	4,960	G	65.000000	143.93
600412	1/4/95	64873	ALUMINUM	99	P	0.450000	44.55
600412	1/4/95	64873	IRONY ALUMINUM	585	P	0.200000	117.00
600412	1/4/95	64873	CONT. ALUMINUM	186	P	0.200000	37.20
600413	1/4/95	64873	CONT AL & STAINLESS	332	P	0.250000	83.00
600413	1/4/95	64873	IRONY BRASS	163	P	0.120000	19.56
600413	1/4/95	64873	MOTORS	2,898	P	0.030000	86.94
600414	1/4/95	64873	MOTOR FAN	410	P	0.020000	8.20
600414	1/4/95	64873	STAINLESS STEEL	1,001	P	0.380000	380.38
600414	1/4/95	64873	IRON/STEEL	7,139	G	50.000000	159.35

2001 3320000 1343.05
3001 3315000 <1343.05>
3001 5000000 1343.05

PB1170016
ier # 37164
Entered 2/9/95

"UM" refers to the Unit of Measure in the pricing your material.
P=Pounds, H=Hundred Weight, G=Gross Tons and N=Net Tons.

PECK RECYCLING-PORTSMOUTH DIVISION, INC.
3500 Elm Avenue
Portsmouth, Virginia 23704-7199
(804) 399-4075
(804) 399-3949 - FAX

CBI ORIGINAL

SETTLEMENT

GWALTNEY
2175 ELMHURST LANE
PORTSMOUTH, VA 23701

RICK SCHENK

Print Date 1/31/95
Settlement# P311700016
Total Due You for $1,343.85

Ticket#	Date	Lading/Inv#	Material	Net Wt.#	UM	Unit Price	Ext. Price
600415	1/4/95	64873	HOT WATER TANK	126	G	50.000000	2.81
600415	1/4/95	64873	TRASH DISPOSAL TO LANDFILL	641	P	-0 020000	-12.82
600416	1/31/95	JANUARY	TRASH HAULING	1	P	-25.000000	-25 00

"UM" refers to the Unit of Measure in the pricing your material.
P=Pounds, H=Hundred Weight, G=Gross Tons and N=Net Tons.

700016

COMPA
SCALE TICKET

P. O. BOX 100
PORTSMOUTH, VA.
23705
Phone
399-4075

700016

CK Iron and Metal Co. Inc.

ice and Railroad Yard: 3500-3850 Elm Avenue
PORTSMOUTH, VIRGINIA 23704

№ 65234

1/18, 19 95

Gustney Smithfield

CONDENSER ON 2000 OFF

TERIAL	PRICE	AMOUNT
FREEZER BOX		
5480 LB 10:11 AM GROSS JA 18 95		
7000 LB 10:12 AM TARE JA 18 95		
2480 NET		
TERIAL		
21340 LB 10:25 AM GROSS JA 18 95		
10000 LB 10:26 AM TARE JA 18 95		
3,340 NET	65/CT	
TERIAL		
42480 GROSS		
31340 TARE		308,75
11140 NET		
ATERIAL — 500 Plastic Nylon		
10640 GROSS		298,75
TARE		
600410 NET		
TOTAL ▶		

lify that I am the legal owner of the above material, for which I
wledge receipt of full payment.

d.....

,45		44,55	412
,20		117,00	413
,20		37,20	414
332	,25	83,00	415
3	,12	19,56	
	,03	86,94	
	,02	8,20	
	,38	380,38	
50/CT		159,35	
126	50/CT	2,81	
		12,82	926,17
		25,00	

INTERVIEW SUMMARY
Task Order 0001 Site 24
Peck Iron and Metal Site

Thomas L. Lundie

Prepared for:

U.S. Environmental Protection Agency
Region 3
Enforcement Support Services
Hazardous Site Cleanup Division
1650 Arch Street
Philadelphia, PA 19103

Prepared by:

Chenega Integrated Systems, LLC
5911 Kingstowne Village Parkway
Suite 300
Alexandria, VA 22315

Work Assignment Number:	Task Order 0001 Site 24
Date Submitted:	February 17, 2009
Contract Number:	EP-S3-04-01
EPA Work Assignment Manager:	Joan Martin-Banks
Telephone Number:	(215) 814-3156
Chenega Project Manager:	Eric Bailey
Telephone Number:	(856) 269-4241
Interviewer:	[redacted]

Name: Thomas L. Lundie (WITNESS)
(b) (6) [redacted]

Affiliation: Former Employee/Peck Iron and Metal Company

Telephone: (b) (6) [redacted]
Type of Interview: In-Person
Date of Interview: February 10, 2009

On February 10, 2009 the WITNESS was interviewed at his residence by (b) (4) [redacted] (b) (4) [redacted] The WITNESS was interviewed as part of the Potentially Responsible Party search currently being conducted under Task 0001, Site 24 the Peck Iron and Metal Site, Portsmouth, VA (the "Site.") The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked, and that the interview was voluntary. The WITNESS stated that he is not represented by an attorney in this matter and did not want an attorney present. No other persons were present and this interview was not tape recorded.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was asked to explain any association he had with Peck Iron and Metal (PIM) Site located in Portsmouth, VA.

The WITNESS stated that he was employed by Peck Iron and Metal located in Portsmouth, VA from 1970 to 1998. The WITNESS stated that PIM closed down in 1998.

When asked to describe his duties while employed by PIM, the WITNESS provided the following.

The WITNESS stated that he was the head mechanic and provided repairs and maintenance to all of the equipment operated by PIM.

When asked to describe the types of equipment operated by PIM, the WITNESS provided the following.

- Tractors: The WITNESS stated that PIM operated six tractors. The WITNESS stated that these tractors were used to transport containers to client's locations. The WITNESS stated that PIM owned numerous containers which were 20 feet to 40 feet long. The WITNESS did not know the cubic feet dimensions. The WITNESS explained that the containers were placed at locations where PIM received contracts to take scrap metal. The WITNESS explained that when the containers were half full the

customer called PIM and a tractor was sent to pick up the container and transport the container to PIM.

- Railroad cranes. The WITNESS stated that PIM operated four railroad cranes. The WITNESS explained that railroad cranes were cranes mounted on a railroad platform and operated on the railroad spur located on the PIM property. The WITNESS stated that the cranes were moved up and down the spur and unloaded rail cars that entered the PIM property containing scrap metal.

- Caterpillars: The WITNESS stated that PIM operated two caterpillars that were used to move metal that was placed on the yard at PIM.

The WITNESS stated that he worked on these vehicles in a garage located on the east end of the property.

The WITNESS was asked to identify the PIM customers who sold scrap metal to PIM.

The WITNESS explained that he did not have day to day exposure to the scrap operation at PIM. The WITNESS stated that his knowledge is limited. The WITNESS then provided the following information.

- Southeastern Public Service Authority ("SPSA"): The WITNESS stated that the SPSA operated landfill was located on the border of PIM off of Victory Boulevard. The WITNESS stated that a portion of the landfill was on the PIM property.

- Smithfield Ham Company ("SHC"): The WITNESS stated that he recalls SHC selling condensers to PIM. The WITNESS stated that these condensers were sometimes stored in one of the Proctor and Gamble buildings located adjacent to PIM. The WITNESS stated that PIM eventually purchased the Proctor and Gamble buildings and property that were located adjacent to the PIM operation. The WITNESS does not recall the time period that Proctor and Gamble was purchased.

- Newport News Shipbuilding and Dry Dock Company ("NNSD"): The WITNESS stated that PIM bid on contracts with the NNSD when NNSD was refurbishing ships. The WITNESS stated that PIM placed containers at the NNSD and that the NNSD employees loaded these containers. The WITNESS stated that PIM trailers picked up these containers when they were full and transported these containers to PIM. When asked to identify the types of scrap in the containers the WITNESS stated that he was only aware of steel and iron.

- Ford Motor Company: The WITNESS stated that Ford brought in car bodies. The WITNESS stated that PIM operated a car crusher and that these cars were crushed. The WITNESS stated that most of the crushed cars were shipped to the Peck operation located in Richmond, VA. The WITNESS explained that PIM did not have a shredder, but the Peck operation in Richmond did have a shredder. When asked if

PIM operated a sheerer, the WITNESS stated yes. The WITNESS explained that the crushed cars were too large to be processed through the sheerer.

- Alcoa: The WITNESS stated that Alcoa brought in aluminum to PIM on a regular basis. The WITNESS stated that he has no further information relating to Alcoa.

- U.S. Navy: The WITNESS stated that the U.S. Navy was one of the biggest customers of PIM and that PIM bid on numerous contracts with the Navy to purchase scrap. The WITNESS has no further information relating to the U.S. Navy.

When asked the names of other employees at PIM, the WITNESS provided the following.

(b) (6) [redacted]
- David Knittle
- Christine Perry

When asked if he was aware of the Peck Equipment Company the WITNESS stated yes. The WITNESS stated that the Peck Equipment Company was located on George Washington Highway next to PIM. The WITNESS stated that the Peck Equipment Company stored turbines and pumps in one of the Proctor and Gamble buildings. The WITNESS had no further information relating to the Peck Equipment Company.

When asked to explain the duties of each of the Pecks who worked at PIM, The WITNESS provided the following.

- Julies Peck: The WITNESS stated that Julius Peck was the owner and in charge of all of the Peck operations.
- David Peck: The WITNESS stated that David Peck was in charge of the Peck operations located in Richmond, VA.
- Stanley Peck: The WITNESS stated that Stanley Peck was in charge of the Peck Equipment Company.
- Aaron Peck: The WITNESS stated that Aaron Peck was the general foreman at PIM.

When asked if Victor Peck worked at PIM, the WITNESS stated occasionally. The WITNESS stated that (b) (6) [redacted]
(b) (6) [redacted]

The WITNESS was asked if he had any knowledge of the following companies waste or scrap being sold to PIM or disposed at the PIM facility in Portsmouth, VA.

ABB National Industries, Hampton, VA: Cannot recall.
Alcoa (Reynolds): See comments above.
American Gem Corporation, Chesapeake, VA: Cannot recall.
Anheuser-Busch, Inc., Williamsburg, VA: Cannot recall.
Argent Marine, Solomons, MD: Cannot recall.

Associated Naval Architects, Inc., Portsmouth, VA: Cannot recall.
CSX Transportation Co, Charlotte, NC: Cannot recall.
Electric Motor and Contracting Co., Chesapeake, VA: Cannot recall.
Ford Motor Company, Norfolk, VA: See comments above.
General Electric Company, Richmond, VA: Cannot recall.
General Foam Plastics Corp., Norfolk, VA: Cannot recall.
General Motors Corporation: Cannot recall.
Gwaltney Company, Portsmouth, VA: Cannot recall.
Newport News Shipbuilding and Dry Dock Co., Newport News, VA: See comments above.
Norfolk Shipbuilding and Dry Dock Co., Norfolk, VA: Cannot recall.
Overhead Door Company, Virginia Beach, VA: See comments above.
Phillip Morris, Inc., Richmond, VA: Cannot recall.
Plasser America, Chesapeake, VA: Cannot recall.
Potomac Electric Power Co., Washington, D.C.: See comments above.
Power Mechanical, Inc., Hampton, VA: Cannot recall.
Southeastern Public Service Authority, Chesapeake, VA: See comments above.
Sumitomo Machinery Corp., Chesapeake, VA: Cannot recall.
U. S. Navy, Norfolk, VA: See comments above.
AMF Bowling, Richmond, VA: Cannot recall.
Alcatel-Lucent, Murry Hill, NJ: Cannot recall.
Brenco, Petersburg, VA: Cannot recall.
Carolina Steel Corporation, Greensboro, NC: Cannot recall.
Chesapeake Corporation, Richmond, VA: Cannot recall.
Dean Foods, Dallas, Texas: Cannot recall.
E.I. DuPont de Nemours and Company, Wilmington, DE: Cannot recall.
Federal-Mogul Corporation, Southfield, MI: Cannot recall.
GATX Corporation, Chicago, IL: Cannot recall.
The Hon Company, Muscatines, IA: Cannot recall.
IGM USA Inc., Charlotte, NC: Cannot recall.
Kraft Foods, Northfield, IL: Could not recall.
Norfolk Southern Corporation, Norfolk, VA: Cannot recall.
Pizzagalli Construction Company, Garner, NC: Cannot recall.
Schlumberger Industries, Houston, TX: Cannot recall.
Seaboard Marine, Miami, FL: Cannot recall.
Stanley Hardware, New Britain, CT: Cannot recall.
Super Radiator Coils, Richmond, VA: Cannot recall.
Waste Management (Chambers Waste Systems of Virginia): Cannot recall.
Windor Supply & Mfg., Inc., Tulsa, OK: Cannot recall.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____ Signed _____
(Date) (Name)

Interviewer's Comments and Suggested Follow-up Interviews

Interviewer Comments: The WITNESS was cooperative and forthcoming. He is (b) (6) [redacted] and was very mentally aware.

The WITNESS indicated that he was focused on keeping the equipment running and did not pay much attention to the scrap metal operation.

The WITNESS stated that he would sign a copy of this interview summary.

When asked if he wanted his name kept confidential to the extent possible, the WITNESS stated that he does not care.

Suggested follow-up Interviews:

- (b) (6) [redacted]
- David Knittle

Name: William Brewster ("WITNESS")
(b) (6) [redacted]

Affiliation: Former Employee/Peck Iron and Metal Company

Telephone: (b) (6) [redacted]
Type of Interview: In-Person
Date of Interview: March 17, 2009

On March 17, 2009 the WITNESS was interviewed at his place of employment by (b) (4) [redacted] (b) (4) [redacted] Senior Investigator, of (b) (4) [redacted] The WITNESS was interviewed as part of the Potentially Responsible Party search currently being conducted under Task 0001, Site 24 the Peck Iron and Metal Site, Portsmouth, VA (the "Site.") The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked, and that the interview was voluntary. The WITNESS stated that he is not represented by an attorney in this matter and did not want an attorney present. No other persons were present and this interview was not tape-recorded.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was asked to explain any association he had with Peck Iron and Metal (PIM) Site located in Portsmouth, VA.

The WITNESS stated that he was employed by PIM from 1975 to January 1998. The WITNESS stated that Julius Peck had owned the PIM facility in Portsmouth since 1945. The WITNESS stated that in 1975 Julius Peck sold the PIM scrap yard to the following British scrap Company.

- Bird International.

The WITNESS stated that Bird International (Bird) operated the PIM scrap yard until 1979. The WITNESS stated that in 1979 Bird sold the PIM scrap yard back to Julius Peck.

When asked if he worked for Bird during the time period Bird operated the PIM scrap yard, the WITNESS stated no. The WITNESS further explained that from 1975 to 1979 the WITNESS worked for the Peck Equipment Company. The WITNESS stated that the Peck Equipment Company was located adjacent to the PIM scrap yard at the address of 3850 Elm Street. The WITNESS stated that the Peck Equipment Company occupied three large warehouses previously owned by Proctor and Gamble Company.

When asked if the Peck Equipment Company rented the warehouses from Proctor and Gamble the WITNESS stated that Julius Peck may have rented the warehouses initially; however, the WITNESS stated that Julius Peck eventually purchased this property.

The WITNESS explained that Peck Equipment purchased surplus ship equipment such as turbines, engines and ship parts. The WITNESS stated that the U. S. Navy published monthly catalogs listing equipment needed. The WITNESS stated that Peck Equipment would sell the surplus equipment to the Navy.

The WITNESS explained that when Peck sold the PIM scrap yard to Bird, Peck was precluded by the contract with Bird from getting into the scrap business within a fifty mile radius of PIM. The WITNESS stated that Julius Peck started the Richmond scrap yard as a result.

The WITNESS explained that he was the controller/bookkeeper for PIM during the entire time he was employed by PIM. The WITNESS stated that he paid accounts billable and prepared bills for payment. The WITNESS stated that he was assisted by (b) (6) [redacted]

The WITNESS was asked the names of the Companies who sold PIM scrap metal and disposed of the scrap at PIM the WITNESS provided the following.

- U.S. Government: The WITNESS stated that PIM's biggest customer was the Government, and more specifically the Navy. The WITNESS stated that PIM purchased scrap through auctions held at the St. Julian's Annex. The WITNESS stated that Scrap from military basis throughout the east coast was shipped to the St. Julian's Annex. The WITNESS stated that PIM also bid on bulk scrap through the Department of Defense Material Command. The WITNESS stated that the scrap consisted of iron, non-ferrous metals and steel.

- Oceana Naval Air Station: The WITNESS stated that PIM made "spot" purchases from Oceana. The scrap included pipes and steel.

- Newport News Shipbuilding and Dry Dock Company ("NNSC"): The WITNESS stated that NNSC was a large account and that PIM purchased heavy steel, plates from ships steel beams.

- AT&T Company: The WITNESS stated PIM purchased wire and cooper from AT&T.

- Verizon: The WITNESS stated that PIM purchased wire and cooper from Verizon.

- Norfolk-Portsmouth Beltline: The WITNESS stated that PIM purchased rail, spikes, bolts and switches from this Company.

- Proctor and Gamble: The WITNESS explained that prior to 1975 the P&G factory located adjacent to PIM was a soap factory. The WITNESS stated that in

approximately 1975 the P&G plant was converted to a peanut producing factory. The WITNESS stated that P&G sold steel bins and old motors to PIM.

- Colonas Ship Yard: The WITNESS stated that PIM purchased aluminum, iron and light steel from Colonas.

- Virginia Power and Electric Company ("VEPCO"): The WITNESS stated that VEPCO was a steady customer at PIM, however he could not recall the types of waste.

- Anheuser Busch: The WITNESS stated that Anheuser Busch was a customer of PIM and the Peck facility in Richmond. The WITNESS could not recall the types of waste purchased from this Company.

- CSX Transportation, Inc.: The WITNESS stated that PIM purchased scrap from CSX on a regular basis however he was unable to recall the type of scrap.

- Gwaltney: The WITNESS stated that PIM purchased scrap from Gwaltney on a regular basis. The WITNESS described the waste as duck work, conveyer systems and condensers. When asked if the condensers contained Freon, the WITNESS stated that he does not know.

- Norfolk Shipbuilding & Dry Dock: The WITNESS stated that this Company was a regular customer at PIM. The WITNESS was unable to recall the types of scrap.

- Plasser American: The WITNESS stated that Plasser was a semi-regular customer at PIM. The WITNESS described the scrap as steel frames and beams.

- Sumitomo Machinery Corporation of America ("SMCA"): The WITNESS stated that SMCA was a regular customer at PIM. The WITNESS could not recall the types of Scrap.

- Woodington Electric: The WITNESS stated that Woodington was a regular customer and that PIM purchased wire from Woodington.

The WITNESS stated that PIM purchased scrap from many other companies however he was unable to recall any further names.

When asked if he was aware of the location of any records, the WITNESS stated yes and provided the following.

- The WITNESS stated that when he left employment with PIM in 1998, all of the records relating to PIM were located in the building at 3500 Elm Street. The WITNESS stated that these records included all books and ledgers covering the prior twenty years.

When asked the name of the insurance company that carried PIM insurance, the WITNESS stated that PIM contracted with (b) (6) [redacted] to handle all insurance matters.

The WITNESS was asked to explain the association of the following companies to the Peck family. The WITNESS provided the following.

- Peck Iron and Metal Company: The WITNESS stated that Peck Iron and Metal was used as a holding company as well as the name of the PIM location in Portsmouth.

- Peck-Portsmouth Recycling: The WITNESS stated that he was unfamiliar with this name.

- ELM Leasing Company: The WITNESS stated that ELM leasing company was the Peck Company that leased the warehouse next to 3500 Elm Street. The WITNESS stated that Peck leased this warehouse to numerous businesses for storage of equipment.

- JSP Land Company, Inc.: The WITNESS stated that JSP was organized so that Julius Peck could rent a portion of the property under JSP Land Company to PIM and receive the rent for his property.

When asked the names of other PIM employees, the WITNESS provided the following.

(b) (6) [redacted] Scale operator
Yard supervisor.
Assistant bookkeeper.

The WITNESS stated that PIM employed more than fifty laborers and truck drivers. The WITNESS indicated that these employees were usually from the local area.

The WITNESS stated that the area known as Carddock was a local neighborhood and (b) (6) [redacted]
(b) (6) [redacted]

The WITNESS was asked if he had any knowledge of the following companies waste or scrap being sold to PIM or disposed at the PIM facility in Portsmouth, VA. The WITNESS stated that he cannot recall the types of scrap that was purchased by PIM. The WITNESS provided the following information.

ABB National Industries, Hampton, VA: Could not recall.
Alcoa (Reynolds): Could not recall
American Gem Corporation, Chesapeake, VA: Could not recall.
Anheuser-Busch, Inc., Williamsburg, VA: See comments above.
Argent Marine, Solomons, MD: Could not recall.
Associated Naval Architects, Inc., Portsmouth, VA: Could not recall.
CSX Transportation Co., Charlotte, NC: See comments above.

Electric Motor and Contracting Co., Chesapeake, VA: Could not recall
Ford Motor Company, Norfolk, VA: Could not recall.
General Electric Company, Richmond, VA: Could not recall.
General Foam Plastics Corp., Norfolk, VA: Could not recall
General Motors Corporation: Could not recall.
Gwaltney Company, Portsmouth, VA: See comments above.
Newport News Shipbuilding and Dry Dock Co., Newport News, VA: See comments above.
Norfolk Shipbuilding and Dry Dock, Co., Norfolk, VA: See comments above.
Overhead Door Company, Virginia Beach, VA: Could not recall.
Phillip Morris, Inc., Richmond, VA: Could not recall.
Plasser America, Chesapeake, VA: See comments above.
Potomac Electric Power Co., Washington, D.C.: Could not recall.
Power Mechanical, Inc., Hampton, VA: Could not recall.
Southeastern Public Service Authority ("SPSA"), Chesapeake, VA: Could not recall
Sumitomo Machinery Corp., Chesapeake, VA ("SMC"): See comments above.
U. S. Navy, Norfolk, VA: See comments above.
AMF Bowling: Richmond, VA: Could not recall.
Alcatel-Lucent, Murry Hill, NJ: Could not recall.
Brenco, Petersburg, VA: Could not recall.
Carolina Steel Corporation, Greensboro, NC: Could not recall.
Chesapeake, Corporation, Richmond, VA: Could not recall.
Dean Foods, Dallas Texas: Could not recall.
E.I. DuPont de Nemours and Company, Wilmington, DE: Could not recall.
Federal-Mogul Corporation, Southfield, MI: Could not recall.
GATX Corporation, Chicago, IL: Could not recall.
The Hon Company, Muscatines, IA: See comments above.
IGM USA Inc., Charlotte, NC: Could not recall.
Kraft Foods, Northfield, IL: Could not recall.
Norfolk Southern Corporation, Norfolk, VA: Could not recall.
Pizzagalli Construction Company, Garner, NC: Could not recall.
Schlumberger Industries, Houston, TX: Could not recall.
Seaboard Marine, Miami, FL: Could not recall.
Stanley Hardware, New Britain, CT: Could not recall.
Super Radiator Coils, Richmond, VA: Could not recall.
Waste Management (Chambers Waste Systems of Virginia): Could not recall.
Windor Supply & Mfg., Inc., Tulsa, OK: Could not recall.
AT&T Micro-Electronics: Could not recall
Ball Metal Container, Williamsburg VA: Could not recall
Capitol City Iron Works: Could not recall
Cleveland Wrecking: Could not recall
Continental Can, Hopewell, VA: Could not recall
Davis Boat Works: Could not recall
General Electric, Portsmouth, VA: Could not recall
Gray Metal: Could not recall
Hoechst Celanese, Portsmouth, VA: Could not recall.

Keller Industries: Could not recall
L.A. Gentry: Could not recall
Moon Engineering: Could not recall
Nassau Metals: Could not recall
NAITO America: Could not recall
Proctor and Gamble Company: See comments above
St. Laurent Paperboard Co. (Smurfit-Stone Container): Could not recall
Tyson Foods: Could not recall
Virginia Electric and Power Company (VEPCO"): See comments above.
Weidmuller (Mann Industries): Could not recall
Woodington Electric, Virginia Beach/Norfolk, VA: See comments above.

The WITNESS stated that he cannot recall the types of scrap associated with each of the above PIM customers.

When asked where the records were kept, the WITNESS stated that the reconciliation sheets were kept in a separate file from the weigh tickets. The WITNESS stated that while he was employed at PIM, his files were filed in a filing cabinet in his office.

When asked the names of other employees at PIM, the WITNESS provided the following.

(b) (6)
[redacted]

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____ Signed _____
(Date) (Name)

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January 19, 2010

Joan Martin Banks (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Peck Iron and Metal Site
3850 Elm Avenue
Portsmouth, Virginia
Our Matter Number 137430

Dear Ms. Banks:

This responds to the Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §9604(e), for the Peck Iron and Metal Site in Portsmouth, Virginia issued October 27, 2009 by Joanne Marinelli, Chief, Cost Recovery Branch, United States Environmental Protection Agency, Region III (the "Current Request"), addressed to Smithfield Foods, Inc. (the "Company"). The Current Request was received by the Company on November 6, 2009. The Company requested and received a 45 day extension of time until January 20, 2010, in which to respond to the Current Request.

The Company previously received a similar Request for Information from EPA, dated May 30, 2008, (the "Initial Request") regarding the above-captioned site (the "Site") and submitted a response thereto, dated August 11, 2008, (the "Initial Response"). The Initial Response is largely responsive to the Current Request, however, to the extent that the Current Request requests information not requested in the Initial Request, this response is provided in response thereto and as a supplement to the Initial Response. The Company has made additional inquiry and conducted a diligent search of currently available Company records, as well as conducted interviews of Company personnel who (a) had responsibility for waste management and (b) are responsible for recording keeping relating to waste management for the Company and its various facilities in the service area of the Site.

The responses provided herein are not intended and should not be construed as an admission of liability by the Company for the release of hazardous substances at the Site, or for any removal or response costs or damages attributable to hazardous substances at the Site.

Answers to Numbered Questions in Request for Information

The Company's answers and objections to each of the questions contained in EPA's October 27, 2009 Request for Information are set forth below:

1. **List all shipments of scrap materials, including scrap metal, which you have sent to the Site. Include the date for each transaction, the type and quantity of scrap metal sent, the amount paid or collected in connection with each transaction, the method of payment, and identity of the person making or receiving payment.**

   Pursuant to the Company's document retention policy, records relating to the management of recyclable material are only maintained for 5 years. Company records indicate that during that retention period, there were no sales of scrap material to Peck, nor payments received for such material beyond that produced in the Initial Response.

   In addition, a review of the Company's records relating to universal and hazardous waste generated and shipped off-site by the Company do not reveal any shipments of such waste to the Site.

   In all but one instance Company personnel did not recall any transactions involving the Site beyond that indicated in the Initial Response and specifically recalled using facilities other than Peck Iron and Metal for the recycling of scrap metal. One former employee of the Gwaltney Plant in Smithfield (the "Plant") seemed to recall that Peck Iron and Metal may have maintained a roll-off container at the Plant for a brief period. He was not certain of the date but felt that it may have been in the mid 1990s for approximately 1 year. He indicated that such roll-off containers were regularly maintained on the site by the Plant's scrap metal vendor, which for all but the brief period described above was Peanut City Iron and Metal Company, Inc. in Suffolk. He further stated that all of the material placed in these containers was stainless steel, black iron, and very small quantities of aluminum.

2. **For each shipment of scrap material identified in response to Question 1 above; identify:**
   a. **the source of the scrap material;**
   b. **the prior use of the scrap material;**
   c. **whether the scrap material was a collection of homogenous materials;**
   d. **whether the scrap material was tested for any hazardous substances prior to shipment to Peck Iron and Metal Co.**

   a. The sources of scrap materials were from the Plant.

   b. The prior uses were food processing counters and equipment and piping as it was replaced from time to time.

c. The materials were homogenous within each category of material as the scrap metal was separated by type of material prior to being placed in the container.

d. Material was visually inspected prior to being sold for recycling to confirm the absence of any extraneous material other than the metal described.

3. **At the time of the transaction(s) involving scrap materials listed in your response to Question 1, what was the intended disposition of the scrap materials at the Site?**

The intended disposition of the scrap materials was for use in creating new metal products through recycling.

4. **Did a market exist for the scrap metal listed in your response to Question 1, above? If so, describe the nature of such market at the time of the transaction (possible uses, possible consumers, etc.) and the source of that commercial specification grade (e.g., ISRI, Department of Defense, or wherever you would find the grade published).**

Personnel interviewed seemed to believe that the Company was paid for scrap metal by its scrap metal vendors suggesting that there was a market of the materials, however, the Company did not and does not track that market or the trends of that market.

5. **What commercial specification grade did the scrap metal listed in your response to Question 1 meet? Identify/list the commercial specification grades that each scrap metal identified in 1 met.**

No information is available regarding the grades of recycled metals.

6. **After sale, transfer, delivery, or disposal, what portion of the scrap metal listed in your response to Question 1 was to be made available for use as a feedstock for the manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.**

It was the understanding of the Company that all scrap metal sold for recycling was for use as feedstock for new saleable products.

7. **Could the scrap metal listed in your response to Question 1 have been used as a replacement or substitute for a virgin raw material? If so, provide details.**

It was and is the Company's understanding that some portion of the scrap metal sold for recycling could have been used as a replacement or substitute for virgin raw materials. However, the Company does not track the details of the scrap metal market with regards to the precise uses for these materials.

8. **Could any products to be made from the scrap metal listed in your response to Question 1 have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.**

Parts of the food processing equipment sold could have been used for components of other products or as a substitute for raw materials without any processing. The Company believes that some portion of the products ultimately made from the scrap metals were used as a replacement or substitute for products made, in whole or in part, from virgin materials. However, as stated above, the Company does not tract the market for recycled scrap metals, nor the products made from this material.

9. **Did you process any of the scrap materials sent to Peck Iron and Metal Co. prior to transport and delivery to the Site? If yes, describe the process used and the purpose for subjecting the scrap material to the process.**

The Company did not process the metals prior to placing them in roll-off containers for pick up with the exception of removing extraneous materials. On rare occasions, larger pieces of equipment may have been partially dismantled to ease transportation.

10. **Was the transaction between you and Peck Iron and Metal Co.: 1) an outright sale; 2) the subject of a written or verbal "tolling" agreement between the companies; or 3) the "banking" of the transacted material in a metal account at your request for return or other disposition at a later date?**

To the Company's knowledge, no records exist showing any agreement between the Company and Peck, and Company personnel do not recall such an agreement. To the Company's knowledge (based on its transactions with other scrap metal dealers) the transactions were an outright sale and no transacted materials sold to Peck were ever returned to the Company.

11. **Did you have a basis for believing that the scrap materials listed in your response to Question 1 would be recycled? If not, what was that basis? Provide supporting documentation.**

Interviews with Company personnel indicate that the Company's understanding was that the scrap metal sold by the Company was to be recycled.

12. **Describe all efforts (i.e., site visits) taken by you to determine what would be done with the scrap materials identified in your response to Question 1 that may have been sold, transferred, or delivered to Peck Iron and Metal Co. at the Site.**

To the Company's knowledge, no information exists about specific inquiries made to determine what would be done with the recycled metals placed in the roll-off containers. As a general practice, the Company evaluates each of its vendors for quality and reliability.

13. **What steps (e.g., internal procedures, Federal, state, and, local compliance inquiries) were taken by you to ensure that Peck Iron and Metal Co., the recipient of the scrap**

materials listed in your response to Question 1, was in compliance with applicable Federal environmental regulations or standards, and any amendments, with respect to the scrap materials it received from you?

Scrap metal sold for recycling has not historically been regulated. The Company has not located any records indicating what efforts may have been conducted relating to ensuring that Peck was in compliance with applicable environmental regulations or standards. Company personnel do not recall any such efforts.

14. **Did you have any basis for believing that the Peck Iron and Metal Co. facility at the Site was in compliance with substantive provisions of any Federal, state, or local environmental laws or regulations, or compliance order or decree applicable to the handling, processing, reclaiming, storage, or other management activities associated with the scrap materials listed in your response to Question 1? If so, identify that basis and provide supporting documentation.**

The Company has not located any records relating to the Site's compliance status. As scrap metal sold for recycling has not historically been regulated, the Company would not expect to locate records of having investigated any recycling facility's compliance with environmental laws.

15. **Describe the efforts you undertook with respect to the management and handling of the scrap materials listed in your response to Question 1, including the extent to which they complied with customary industry practices current at the time of the transaction designed to minimize contamination of the scrap materials by hazardous substances.**

The Company utilized and continues to utilize periodic visual examination procedures to ensure that materials being sold for recycling do not contain hazardous substances. The plant engineer would typically conduct periodic inspections to ensure that only scrap metals were placed in the roll-off container used for collection prior to being picked up by scrap metal vendors.

16. **Provide all information in your possession that shows that you were in compliance with applicable Federal environmental regulations or standards regarding the storage, transport, management, or other activities associated with the scrap materials listed in your response to Question 1.**

The Company does not possess documentation of storage, transport, management or other activities associated with the scrap materials sold to scrap metal vendors. This is due to the fact that records relating to the handling of recyclable materials are only retained for 5 years under the Company's document retention policy.

17. **Identify the person(s) answering these questions and requests for copies of documents on behalf of your company.**

The Company specifically objects to EPA communicating directly with its current employees. Should EPA have interest in further inquiry of current employees, its counsel should communicate with the Company's undersigned counsel.

Without waiving its objections, the Company provides the following list of individuals currently employed by the Company who are known to have or have had some role, or may have had some role, in the management of scrap metals.

Ruth Debrito, Subsidiary Environmental Coordinator, and Eric Lassalle, Director of Energy Initiatives Smithfield Foods, Inc. Environmental Affairs, were primarily responsible for answering these questions with the assistance of inside and outside counsel. In addition, the Company endeavored to identify and interview the current and former employees who it believed might have relevant knowledge. The following current and former Company personnel were interviewed with regards to these questions and requests:

Roland Britt – Plant Engineer
James Brown – Boiler Refrigeration Supervisor
Jeffrey Chapman – Electrical Supervisor
John Gies – Plant Engineer (1980-2003)
Richard Howard – Metals Fabrication Shop Manager (1988-2009)
Carey Jones – Plant Engineer (1980-2005)
Jack Umphlett – Plant Manager (1990-1997)
Jeff Whisenant – Supervisor of Grounds

18. **For each Request, identify all persons consulted in the preparation of the answer.**

See list above.

19. **For each Request, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Request and provide true and accurate copies of all such documents.**

The Company's initial response was inclusive of this request.

20. **Describe in detail any agreement/contract your company has had with Peck Iron and Metal Company. In addition, identify any other company operating at the Site and describe in detail any arrangements you have had with each such company, if any, including the time period of your involvement with such company.**

The Company's initial response was inclusive of this request.

21. **Provide all business records pertaining to your company and Peck Iron and Metal Company, or any other company operating at the Site, including:**
    a. **Copies of correspondence to and from these companies, including letters and memoranda (both internal and external);**

b. **Copies of invoices, manifests, bills-of-lading, purchase orders, tickets, and any other documents pertaining to shipping, receiving, and transporting scrap materials; and**

c. **Copies of all business records pertaining to sale, transfer, delivery, or disposal, of any hazardous substances, scrap materials, and/or recyclable materials to the Site.**

d. **If you are unable to provide any or all of these documents, explain why, and what you did to find them.**

The Company's initial response was inclusive of this request.

22. **If you have reason to believe that someone could provide a more detailed or complete response to any of these questions or requests for copies of documents, or if you have reason to believe that there could be someone who maybe able to provide additional documents that would be responsive to these questions and requests for copies of documents, identify such person(s), identify the additional documents that they may have, and describe any information related to these questions that they may have.**

As stated in response to Question 17 above, the Company endeavored to identify and interview the current and former employees who it believed might have relevant knowledge. The Company is not aware of additional persons who are likely to have relevant knowledge.

23. **Provide details, including dates and materials involved, of all on-site spills or releases of hazardous materials of which you have knowledge and that occurred during the processing of scrap materials containing hazardous substances at the Site.**

No information was obtained in response to the Current Request beyond that identified, if any, in the Initial Response.

24. **To the extent not identified in Question 1, identify all transactions or agreements for disposal in which your company gave, sold, or transferred any material or item, scrap materials, waste materials, pollutant, or contaminant, including copper-bearing material and ash, to the Site. In addition:**

a. **State the dates on which each such person may have given, sold, transferred, or delivered such material.**

b. **Describe the materials or items that may have been given, sold, transferred, or delivered, including the type of material, chemical content, physical state, quantity by volume and weight, and other characteristics.**

c. **Describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each such arrangement.**

d. **State whether any of the hazardous substances identified in subpart c. above exhibit any of the characteristics of a hazardous waste identified in 40 C.F.R. Section 261, Subpart C.**

No information was obtained in response to the Current Request beyond that identified, if any, in the Initial Response.

25. **What other materials, if any, did you send to the Site (items/materials not covered in Question 24 above)?**
    a. **Describe the purpose of each sale, transfer, or delivery of materials to the Site.**

No information was obtained in response to the Current Request beyond that identified, if any, in the Initial Response.

26. **Describe what was done to materials indicated in your response to Questions 24 and 25 above once they were brought to the Site including any further processing of the materials.**

No information was obtained in response to the Current Request beyond that identified, if any, in the Initial Response.

27. **Identify the person(s) who sold, transferred, delivered, and selected the Site as the location at which scrap materials from your company were to be disposed or treated.**
    a. **Identify all documents mentioning these arrangements for disposal.**
    b. **Describe all efforts (i.e.; site visits) taken by the person(s) identified in your response to determine what would be done with the materials that may have been sold, transferred, or delivered after such materials had been sold, transferred, or delivered to the Site.**

No information was obtained in response to the Current Request beyond that identified, if any, in the Initial Response.

28. **For each sale, transfer, or delivery of materials to the Site, had any hazardous substances been added to the materials described in your response to Questions 24 and 25 above? If so, identify the hazardous substance added and the person responsible for adding such hazardous substance.**
    a. **Why were these hazardous substances added to the materials?**
    b. **Describe the source of or the process that produced the materials described in your response to Questions 24 and 25 above.**

No information was obtained in response to the Current Request beyond that identified, if any, in the Initial Response.

29. **Identify all individuals who currently have, or who previously had, responsibility for your environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or sale of your company's wastes, scrap materials and/or recyclable materials). Hereafter, these individuals are referred to as environmental caretakers. For each environmental caretaker, indicate the dates of the individual's employment or contractual obligation (i.e., the dates indicating the length of the individual's tenure[s]),**

the nature of the individual's duties and responsibilities, and a description of the type of environmental information that the individual would know.

See response to Question 17 above and the answer provided to this Question 29 in the Initial Response.

Smithfield Foods, Inc.
By Counsel

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July 6, 2009

Ms. Laura Johnson
Remedial Project Branch Manager (3HS23)
DE, VA, WV Remedial Branch
U. S. Environmental Protection Agency, Region III
Philadelphia, PA 19103-2029

Re: Response to Notice of Potential Liability
Gwaltney of Smithfield
Peck Iron and Metal Site
Portsmouth, VA
Our Matter No. 137430

Dear Ms. Johnson:

Kaufman & Canoles has been engaged by Gwaltney of Smithfield (hereinafter "Smithfield Foods, Inc." or "Smithfield") with respect to the United States Environmental Protection Agency's ("EPA") investigation of the Peck Iron and Metal Site in Portsmouth, VA (the "Site"). Smithfield received a Notice of Potential Liability in this matter dated May 20, 2009 from Ms. Karen Melvin, Associate Division Director, Office of Enforcement, Hazardous Site Cleanup Division of the EPA (the "Notice Letter").

The Notice Letter encourages Smithfield to contact the EPA to express the Company's willingness or unwillingness to participate in future negotiations concerning this Site. Smithfield has reviewed the information in its own files and records as well as the material provided by EPA. This letter will confirm that Smithfield is willing to participate in future negotiations concerning the Site.

Sincerely,

David B. Graham

David B. Graham

DBG
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ORIGINAL

MAY 2 0 2009

NOTICE OF POTENTIAL LIABILITY
URGENT LEGAL MATTER: PROMPT REPLY REQUIRED
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Gwaltney of Smithfield
Timothy Schellpeper, President
P.O.Box 9003
Smithfield, VA 23431

Re: Peck Iron and Metal Site
Portsmouth, Virginia

Dear Mr. Schellpeper:

This letter notifies you that Gwaltney of Smithfield (hereinafter, "your company" or "Gwaltney") may incur, or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Peck Iron and Metal Site ("Site") located in Portsmouth, Virginia. This letter also notifies you of potential response activities at the Site, which you may be asked to pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

Under CERCLA, commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that your company may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current

and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

The Peck Co., (and its predecessor company Peck Iron & Steel Co., both of which are collectively referred to as "Peck") was a scrap metal business that was in business from approximately 1945 through the early 1990s. EPA has obtained information that the Site was operated by Peck, which purchased, processed, stored and shipped metal scrap from various military bases, governmental agencies, and businesses. The scrap processed by Peck at the Site included obsolete equipment, attachments, parts, other miscellaneous materials, and scrapped naval vessels. During a July 9, 2003 meeting at the Site with EPA and the Virginia Department of Environmental Quality ("VADEQ"), a former principal of Peck stated that polychlorinated biphenyls (PCB) containing transformers were disassembled and wires were burned to remove insulation. Peck's operations resulted in the improper storage and disposal of hazardous substances and the release of hazardous substances into the environment.

Peck received at the Site various materials that contained hazardous substances, including but not limited to lead and PCBs. Lead is a hazardous substance as set forth in 40 C.F.R. §§ 261.21 and 261.24 under the Resource Conservation and Recovery Act ("RCRA"). Zinc is a hazardous substance as set forth in 40 C.F.R. § 302.4. PCBs are hazardous substances as set forth in 40 C.F.R. § 302.4. These substances are also classified by the U.S. Department of Transportation as hazardous.

The facility processed scrap materials by sorting them, staging them, cutting them down to size, and then loading them onto railcars for shipment to consumers. Lead from batteries was reclaimed in a process referred to as "battery breaking". In this process the top of the battery is removed and the contents of the battery – lead plates, insulating grid and acid – are dumped onto the ground. The plates are recovered and stored for later processing or shipping. The remaining debris consisting of cases and grids typically are stored in piles for later disposal. Transformers containing PCBs were processed in the "shear area" by removing the transformers' carcasses and then collecting the oil with PCBs and insulated wire from within. The oil was used for various purposes at the Site including dust suppression in summer and fuel for warming fires in winter. Insulation on the transformer wire was sometimes burned off. The processing at the facility generated recovered materials and waste including PCB-contaminated wastes such as oil and insulation, as well as asbestos, munitions, miscellaneous fugitive metal debris, hydraulic fluids and waste oils.

Based on the information collected, EPA believes that your company may be liable under Section 107(a) of CERCLA with respect to the Site, as a person who arranged for disposal or treatment of hazardous substances sent to the Site. Specifically, EPA has reason to believe that your company arranged for the disposal and/or treatment of lead, zinc, and PCBs (as well as other substances) at the Site.

 ORIGINAL

SITE RESPONSE ACTIVITIES

Several Site inspections were conducted by EPA and revealed a large open field covered with construction debris piles. A well-established wetland makes-up the southern margin of the Site adjacent to Paradise Creek. Various types of metallic debris can be observed on the surface of the ground; some debris is partially buried. Some degraded projectiles and shell casings also were observed on the surface of the ground.

On October 5, 2006, EPA began an emergency removal action and on January 11, 2007, EPA issued an Administrative Order for Removal Response Action (EPA Docket No. CERC-03-2007-0075DC) (the "Order") to The Peck Co., and the related parties, JSP Land Company, Inc., Peck-Portsmouth Recycling Company, Inc., and ELM Leasing Company, Inc. Pursuant to the Order, these entities submitted an Extent of Contamination Study ("EOC") on October 24, 2008. The EOC revealed significant contamination across the Site. Of the approximately 800 soil samples collected on the Site, nearly all indicated concentrations of PCBs, lead, and arsenic magnitudes above the Regional Screening Levels ("RSLs") for Chemical Contaminants at Superfund Sites - Industrial Soil Screening Levels.

In addition, the Site had been referred to the Region III Site Assessment Branch for evaluation in the Hazard Ranking System ("HRS") for potential placement of the Site on the National Priorities List ("NPL"). The Site was subsequently proposed in the Federal Register for inclusion on the NPL on April 9, 2009 with a potential listing expected in September 2009. EPA expects to conduct or to have PRPs conduct the following studies at the Site:

1. A removal action to reduce any immediate threat in the environment or human health posed by the site;

2. Remedial Investigation ("RI") - Further investigations to define the nature and extent of soil, air, ground water, surface water and sediment contamination at the Site and to identify the local hydro-geological characteristics and impact on biotic receptors at the Site; and a

3. Feasibility Study ("FS") - A study to evaluate possible response actions to remove or contain hazardous substances, pollutants, and contaminants at the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

You may receive an additional notice from EPA in the future concerning the Site. The following four paragraphs are a detailed description of this future notice. You do not need to take any specific action regarding this future notice at this time. The description is provided to you here so that you can anticipate and understand the process.

The future notice will either inform you that EPA is using the CERCLA Section 122(e) special notice procedure to formally negotiate the terms of a consent order or consent decree to conduct or to finance Site response activities, or it will inform you that EPA is electing not to utilize this procedure. If EPA does not use the Section 122(e) special notice procedure, the notice will specify why special notice was not considered appropriate in this case.

Under Section 122(e), EPA has discretionary authority to use the special notice procedure if EPA determines that such procedure would facilitate an agreement between EPA and the PRPs for taking response action and would expedite remedial action at the Site. Use of this special notice procedure triggers a moratorium on certain government activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may enter into formal negotiations for an agreement under which the response activities will be financed and performed by the PRPs.

If special notice is provided with respect to the Remedial Investigation and Feasibility Study ("RI/FS") at the Site, the moratorium period, during which EPA will not initiate implementation of the RI/FS, lasts for 60 days after receipt of special notice. If EPA determines that a good faith offer to perform or to finance the RI/FS is submitted by the PRPs within 60 days, the statute provides a 30-day extension for further negotiations. Following completion of the RI/FS, a second moratorium period during which EPA may not initiate response activities occurs with regard to the Remedial Design/Remedial Action ("RD/RA"). The RD/RA moratorium also lasts for 60 days after the RD/RA special notice has been issued. If EPA determines that a good faith offer for the performance of the RD/RA is submitted by the PRPs within 60 days, the statute provides for an additional 60-day extension for further negotiations.

If EPA determines that a good faith offer has not been submitted within the first 60 days of any moratorium period, EPA may terminate the negotiation moratorium pursuant to Section 122(e)(4) of CERCLA and may commence response activities or enforcement actions as it deems appropriate. In the absence of an agreement with the parties to perform or to finance the necessary response activities, EPA may undertake these activities and pursue civil litigation against the parties for reimbursement of Site expenditures. Alternatively, EPA may issue a unilateral administrative order ("UAO") pursuant to Section 106(a) of CERCLA to require PRPs to conduct response activities, and/or may commence civil litigation pursuant to Section 106(a) of CERCLA to obtain similar relief. Failure to comply with a UAO issued pursuant to Section 106(a) of CERCLA may result in a fine of up to $37,500 per day, pursuant to Section 106(b) of CERCLA and 40 C.F.R. Part 19, and/or imposition of treble damages, pursuant to Section 107(c)(3) of CERCLA.

The preceding explanation of special notice and the negotiation moratorium procedure is for your general information about the Superfund process. It does not require any specific action on your part at this time.

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PRP RESPONSE AND EPA CONTACT

You are encouraged to contact EPA in writing within **thirty (30)** calendar days of the receipt of this letter to express your willingness or unwillingness to participate in future negotiations concerning this Site. You may respond individually or through a steering committee if such a committee has been formed. Your response will be considered by EPA in determining whether the special notice procedure should be used for this Site.

If you are already involved in discussions with State or local authorities, engaged in voluntary action or involved in a lawsuit regarding this Site, you should not interpret this letter as advising or directing you to restrict or to discontinue any such activities. You should, however, report the status of those discussions or activities in your letter to EPA. Please provide EPA with a copy of your letter to any other party involved in those discussions.

Your response to this letter should be addressed to:

Laura Johnson, Remedial Project Manager (3HS23)
DE, VA, WV Remedial Branch
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

The following information may be useful in your consideration of this matter.

INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES

EPA encourages good faith negotiations between the PRPs and EPA, as well as among the PRPs. A list of the names and addresses of PRPs to whom this notification is being sent along with the name(s) of PRPs previously notified is being provided. This list represents EPA's preliminary findings on the identities of the PRPs for the Site. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at or from the Site.

DE MINIMIS SETTLEMENTS

Under CERCLA § 122(g) of CERCLA, whenever practicable and in the public interest, EPA may offer special settlements "to parties whose waste contribution to a site is minimal in volume and toxicity, that is, de minimis parties."

Individuals or businesses resolving their Superfund liability as de minimis parties are not typically required to perform site cleanup. Instead, EPA requires de minimis settlors to pay their fair share of cleanup costs incurred, plus a "premium" that accounts for, among other things, uncertainties associated with the costs of work to be performed in the future. In return, de minimis settlors receive: (1) a covenant not to sue, which is a promise that EPA will not bring any future legal action against the settling party for the specific matters addressed in the settlement; and (2) contribution protection, which provides a settling party with protection from being sued by other responsible parties for the specific matters addressed in the settlement.

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Participation in a de minimis settlement means that you are settling directly with EPA as soon as it is possible to do so.

If your company believes that it may be eligible for a de minimis settlement at this Site, please contact Joan E. Martin-Banks, Civil Investigator, at (215) 814-3156 for additional information on "De Minimis Settlements." Additional information will be sent to you, and you may be asked to respond in writing to questions about your involvement with the Site to assist EPA in making a determination as to whether you may be eligible for such a settlement.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA establishes an administrative record that contains documents which form the basis for EPA's decision on the selection of each response action for a site. The administrative record will be available to the public for inspection and comment before any remedial action is selected by EPA. A copy of the record for each response action selected for the Site will be available on the internet at www.epa.gov/arweb and will be available in hardcopy, on microfilm, or on compact disk at specific location(s). A copy will be located at the EPA Regional office, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The contact person in the Regional office is Anna Butch telephone at (215) 814-3157.

FUTURE FINANCIAL REVIEW

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within this category, please contact Joan E. Martin-Banks, Civil Investigator at (215) 814-3156 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business federal income tax returns. If EPA concludes that your company has a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Please note that, because EPA has a potential claim against you, you must include EPA as a creditor in subsequent bankruptcy proceedings.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, former President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at http://www.epa.gov/swerosps/bf/sblrbra.htm and review EPA guidances regarding these exemptions at http://www.epa.gov/compliance/resources/policies/cleanup/ superfund.

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EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

Please give these matters your immediate attention and consideration. If you have any questions regarding the PRP Search activities performed at this Site, please contact Joan E. Martin Banks, Civil Investigator, at (215) 814-3156, or have your attorney contact James Van Orden of EPA's Office of Regional Counsel at (215) 814-2693. Laura Johnson, the Site RPM, can be reached by telephone at (215) 814-3295. Thank you for your prompt attention to this matter.

Sincerely,

Karen Melvin

Karen Melvin, Associate Division Director
Office of Enforcement
Hazardous Site Cleanup Division

Enclosures:

1. List of PRPS Receiving Notice Letter
2. Responsible Parties Previously Noticed and/or Ordered
3. SBREFA Information

cc: Erica Dameron, VA DEQ
James Van Orden, Esq., (3RC42)
Richard Rupert, OSC (3HS31)
Laura Johnson, RPM (3HS23)
Darin K. Waylett, Esq.

ORIGINAL

Enclosure 1

Notice Letter Recipient List
Peck Iron and Metal Site, Portsmouth, Virginia

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Owner/Operators

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Enclosure 2

Parties Previously Issued Administrative Order for Removal Response Action, January 11, 2007, (EPA Docket No.CERC-03-2007-0075DC)

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Party Previously Noticed on April 10, 2009

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United States Environmental Protection Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA 300-F-07-003 October 2007

Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture
(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry
(www.ecarcenter.org)

Automotive Service and Repair
(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry
(www.chemalliance.org)

Construction Industry
(www.cicacenter.org or 1-734-995-4911)

Education
(www.campuserc.org)

Healthcare Industry
(www.hercenter.org or 1-734-995-4911)

Metal Finishing
(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings
(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing
(www.pwbrc.org or 1-734-995-4911)

Printing
(www.pneac.org or 1-888-USPNEAC)

Transportation Industry
(www.transource.org)

Tribal Governments and Indian Country
(www.epa.gov/tribal/compliance or 202–564-2516)

US Border Environmental Issues
(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Gateway
www.epa.gov/smallbusiness

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Voluntary Partnership Programs
www.epa.gov/partners

U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental equirements. A few examples are listed below:

Clean Air Technology Center
www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act
www.epa.gov/superfund/resources/infocenter/epcra.htm or -800-424-9346)

EPA's Small Business Ombudsman Hotline provides egulatory and technical assistance information.
www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assis-ance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers
www.epa.gov/clearinghouse)

lational Response Center to report oil and hazardous ubstance spills.
www.nrc.uscg.mil or 1-800-424-8802)

ollution Prevention Information Clearinghouse
www.epa.gov/opptintr/ppic or 1-202-566-0799)

afe Drinking Water Hotline
www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

tratospheric Ozone Refrigerants Information
www.epa.gov/ozone or 1-800-296-1996)

oxics Assistance Information Service also includes asbestos iquiries.
l-202-554-1404)

Vetlands Helpline
www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assis-ance programs that provide on-site and other types of ssistance. Contact your local state environmental agency or more information or the following two resources:

PA's Small Business Ombudsman
www.epa.gov/sbo or 1-800-368-5888)

mall Business Environmental Homepage
www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

PA provides incentives for environmental compliance. By articipating in compliance assistance programs or oluntarily disclosing and promptly correcting violations efore an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy
(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy
(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.