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

NOV 10 2010

REPLY TO THE ATTENTION OF:
SE-5J

Ziegler Chemical & Mineral Corp.
Gordon S. Ziegler, Jr., President
366 North Broadway
Suite 210
Jericho, New York 11753

RE: Pioneer Asphalt Site ID # B5YU
General Notice of Potential Liability and Request for Information

Dear Mr. Ziegler:

The United States Environmental Protection Agency (EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment at the above-referenced Site that is located in Lawrenceville, Illinois ("the Pioneer Facility" or "the Site") and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the Site, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of the hazardous substances at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement costs.

EPA is currently planning to conduct the following actions at the above-referenced Site.

1. Develop and implement a Site Health and Safety Plan, including an air monitoring plan and site contingency plan;

2. Develop and implement a Site security plan;

3. Delineate the extent of contained or un-contained waste oil on-Site; inventory, delineate and characterize the contents of all drums, pails, tanks, or containers found on-Site; inventory, delineate and characterize all solid waste materials which may be found in paper sacks, poly sacks or cardboard drums on-Site; delineate and determine the extent of asbestos found on-Site; investigate and close all potential surface and sub-surface routes

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for off-site releases of contaminants; and identify and delineate the extent of soil contamination at the former Pioneer Asphalt Facility; and

4. Characterize, remove, and properly dispose of all solid waste, asbestos-containing waste and hazardous substances and wastes (contaminated building materials and soils) located at the Site in accordance with U.S. EPA's Off-Site Rule (40 CFR § 300.440);

EPA has received information that you may have owned or operated the Site or generated or transported hazardous substances that were disposed of at the Site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the Site. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse EPA for its costs. If a consent order cannot be promptly concluded, EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an EPA Small Business Regulatory Enforcement Fairness Act information sheet, which may be helpful if you are subject to an EPA enforcement action.

Because of the conditions described above, EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify EPA in writing within seven (7) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse EPA for its costs. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the Site and that you have declined any involvement in performing the response activities.

Your written response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in a voluntary cleanup action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. §9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of EPA has the authority to require any person who has or may have information relevant to any of the following to furnish EPA with such

information: (1) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (3) the ability of a person to pay for or perform a cleanup. Pursuant to Section 104(e) of CERCLA, you are hereby requested to submit the following information concerning the Pioneer Asphalt Site in Lawrenceville, Illinois:

1. Describe the relationship between Ziegler Chemical & Mineral Corporation (Ziegler) and Pioneer Asphalt.

2. Describe any and all arrangements between Ziegler, Pioneer Asphalt and Paul Hodson. Provide a copy of all documentation regarding the arrangements.

3. Describe the conditions of the physical plant facility at the Site during the years in which you owned and/or operated at the Site. Your response is to include, but should not be limited to, the status of equipment (operating or dormant), general condition of the facility (e.g., leaking pipes, corroded drain or new piping installed), quality of maintenance (e.g., equipment in disrepair or inspected monthly), adherence to procedures (as well as any improper handling of chemicals, incomplete/absent policies, quality of supervision) and management of the plant.

4. Describe the condition of the Site when you ceased operating at it. Include detailed information regarding any and all steps you or other persons took to remove hazardous substances from the Site as part of the closing of the facility.

5. Provide a list description of all liability insurance coverage that is and/or was carried by you including any self-insurance provisions, that relates to hazardous substances and/or the above-referenced Site and copies of all of these insurance policies.

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody, or control relating to the operation of the above-referenced Site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances that were ultimately disposed of or offered for disposal at the Site. The relevant time period for this request is from 1980 to the present.

This request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities and its officers, directors, and employees. The information sought herein must be sent to EPA within fourteen (14) calendar days of your receipt of this letter. Failure to respond fully and truthfully to this request, or to adequately justify any failure to respond, may result in an enforcement action against you by EPA under Section 104 of CERCLA, as amended. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not

so identified will not be accorded this protection by the EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to EPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001. The EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

Your response to the notice of potential liability is due within seven (7) days and your response to the information requests is due within fourteen (14) days. You responses to both the notice and the information requests should be sent to EPA as follows:

Carol Ropski
U.S. EPA - Region 5
Emergency Enforcement Services Section
77 West Jackson Boulevard, SE-5J
Chicago, Illinois 60604-3590

If you need further information regarding this letter, you may contact Carol Ropski, Emergency Enforcement Services Section, at (312) 353-7647. Direct any legal questions to Cynthia Kawakami, of the Office of Regional Counsel at (312) 886-0564.

Due to the nature of the problem at this Site and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frames specified herein. We hope you will give this matter your immediate attention.

Sincerely,

Jason El-Zein, Chief
Emergency Response Branch #1

Enclosure

cc: Mark L. Manewitz
Manewitz & Studholme, LLC
134 Nassau St
Princeton NJ 08542