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

APR 11 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

City of Newark
920 Broad St – Suite Ste 316
Newark, New Jersey 07102
Attn: Anna Pereira, Corporation Counsel

Re: Notice of Potential Liability Relating to EPA Removal *Action at 1700-1712 and 1702-1716 McCarter Highway* aka 29 Riverside Avenue), Newark, New Jersey

Dear Ms. Pereira:

Under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §9601 et seq. ("CERCLA", the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment and for cleaning up or otherwise addressing the release of any hazardous substances into the environment. EPA has documented the release and threatened release of hazardous substances into the environment at the at 1700-1712 and 1702-1716 McCarter Highway (aka29 Riverside Avenue), Newark, New Jersey (the "Site") For *the* purposes of this letter, the "Site" consists of Lot 63 and Lot 64 in Block 614 on the tax map of the City of Newark, being the same land on which structures known as Buildings 7, 8 and 12 were located when PPG Industries, Inc. operated at a manufacturing facility there prior to 1971.

Elevated levels of hazardous substances, including benzene, xylene, toluene and ethylbenzene were detected in the soil and/or in underground tanks and at various other locations at the Site. EPA has incurred significant costs in addressing the conditions at the Site and EPA expects to incur additional response costs in the future.

Explanation of Potential Liability

Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), potentially responsible parties ("PRPs") may be held liable for all costs (including interest) incurred by the EPA in responding to any release or threatened release of hazardous substances at the Site. PRPs include current and former owners and operators of the Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the Site.

EPA previously notified PPG Industries, Inc. that EPA believed it to be a PRP relating to this Site. Based upon information available to EPA, EPA believes that the City of Newark, New Jersey is, as the current owner of the Site, also potentially liable for response costs incurred and to be incurred by EPA relating to the Site under 107(a)(1) of CERCLA and possibly under other subsection(s) of Section 107(a) of CERCLA as well.

Resources and Information for Small Businesses

As you may be aware, in January 2002, the Superfund Small Business Liability Relief and Brownfields Revitalization Act was signed into law. 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 guidance regarding these exemptions at http://www.epa.gov/ compliance/resources/policies/cleanup/superfund.

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.

If you have any questions regarding this letter, please call Elizabeth Butler, the EPA Remedial Project Manager at (732) 637-4396 All inquiries from an attorney should be directed to William J. Reilly. Esq. at (212) 637-3154.

Sincerely yours,

Nicoletta DiForte
Senior Enforcement Policy Advisor

cc: PPG Industries, Inc.