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

SEP 6 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Mahler, Director c/o Ralph M. Lowenbach
Diamond Recycling Corporation
Gateway One
Newark, NJ 07101

Re: Request for Information Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601, et seq., for the Diamond Head Oil Superfund Site, located in the Town of Kearny, Hudson County, New Jersey

Dear Mr. Mahler:

This letter seeks your cooperation in providing information and documents relating to the Diamond Head Oil Superfund Site (the "Site"), located in the Town of Kearny, Hudson County, New Jersey. We encourage you to give this letter your immediate attention and request that you provide a complete and truthful response to the enclosed Request for Information within 30 days from the date of your receipt of this letter.

EPA has conducted response activities pursuant to our authorities under the federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. Sections 9601-9675 ["CERCLA"]) to assess the release and threat of release of hazardous substances at the Site. To date, EPA has collected ground water, surface water, sediment, soil, liquid waste and solid waste samples. These samples document the presence of volatile organic compounds, semivolatile organic compounds, pesticides, polychlorinated biphenyls, and metals. Further response actions are necessary to address the investigation and treatment and/or disposal of the contaminated materials which remain at the Site. The site was proposed for the National Priorities List on July 27, 2000.

Filename: C:\WINDOWS\TEMP\noaddsampling.wpd

Symbol	CNJRS	CNJRS	NJRB	ORc	ERRD			
Surname	G.Diaz-Cotto	J.Prince	C.Petersen	C.Monroe	K.Lynch			
Date	9/4	9/3		9/6/02	9/6/02			

510276

Filename: C:\WINDOWS\TEMP\noaddsampling.wpd

Symbol	CNJRS	CNJRS	NJRB	ORc	ERRD			
Surname	G.Diaz-Cotto	J.Prince	C.Petersen	C.Monroe	K.Lynch			
Date	8/28/02	9/4/02			9/6/02			

While EPA seeks your cooperation in this investigation, your compliance with the Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the instructions included in the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist EPA in its investigation of the Site or who may be responsible for the contamination at the Site, that information should be submitted to EPA within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our information request, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501-3520.

Your response to this Request for Information should be mailed to:

Grisell V. Díaz-Cotto
Remedial Project Manager
Central New Jersey Remediation Section
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
290 Broadway, 19th Floor
New York, NY 10007-1866.

with a copy to:

Clay Monroe
Assistant Regional Counsel
New Jersey Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866.

If you have any questions regarding the Request for Information, or would like to discuss this matter with EPA, you may call Ms. Díaz-Cotto at (212) 637-4430 or have your attorney call Mr. Monroe at (212) 637-3142.

We appreciate and look forward to your prompt response to this Request for Information.

Sincerely yours,

Kevin Lynch
Acting Strategic Integration Manager
Emergency and Remedial Response Division

Enclosure

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.

2. Identify each answer with the number of the question to which it is addressed.

3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.

4. Provide responses to the best of your company's ability, even if the information sought was never put in writing or if the written documents are no longer available.

5. In preparing your response to each question, consult with all present and former employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.

6. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.

7. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.

8. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number, and the reasons for your belief.

9. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.

10. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.

11. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.

12. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address also should be provided.

13. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.

14. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

a. the portions of the information which are alleged to be entitled to confidential treatment;

b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);

c. measures taken by you to guard against the undesired disclosure of the information to others;

d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the

information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

B. Definitions

1. The term "Site" shall mean the Diamond Head Oil Site, located at, and in the vicinity of, 1401 Harrison Avenue, in Kearny, Hudson County, New Jersey.

2. As used herein, the terms "the company" or "your company" refer not only to your company as it is currently named and constituted, but also to all predecessors in interest of your company and subsidiaries, divisions and branches of your company or of its predecessors.

3. As used herein, the terms "disposal", "hazardous waste", and "storage" shall have the meaning set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6903(3), (5), and (33), respectively.

4. The term "you" shall mean the addressee of this Request for Information, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.

5. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions information which might otherwise be construed to be outside of their scope.

6. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:

   a. it contains one or more hazardous substances (at any concentration) as defined in 42 U.S.C. Section 9601(14);
   b. it is a "hazardous waste" as defined in 42 U.S.C. Section 6903(5);
   c. it has a ph less than 2.0 or greater than 12.5;
   d. it reacts violently when mixed with water;
   e. it generates toxic gases when mixed with water;
   f. it easily ignites or explodes;
   g. it is an industrial waste product;
   h. it is an industrial treatment plant sludge or supernatant;
   i. it is an industrial byproduct having some market value;
   j. it is coolant water or blowdown waste from a coolant system;
   k. it is a spent product which could be reused after rehabilitation; or

1. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

7. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, 42 U.S.C. Section 9601 (33), and includes any mixtures of such pollutants or contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.

8. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601 (22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

9. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including, but not limited to, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disk or tape or other type of memory generally associated with computers and data processing (together with the programming instructions necessary to use such computer memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosure with any document, and (e) every document referred to in any other document.

10. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question.

11. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA are set forth at 40 C.F.R. Part 302. "Hazardous substance" shall also mean such substances referred to in the preceding statutory references, by whatever names the substances were known, prior to their designation as hazardous substances in 1980.

12. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.

13. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), and a brief description of its business.

14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, address or, addressee and/or recipient, and the substance or the subject matter. Your company can provide a copy of any document in lieu of so describing it.

15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

REQUEST FOR INFORMATION

1. Please state the date on which your company acquired an ownership interest in real property located at 1401 Harrison Avenue, Kearny, New Jersey.

   a. From whom was such property or properties purchased?

   b. Please provide copies of the contract(s) of sale for your company's purchase of such property or properties.

   c. Please provide copies of the contract(s) of sale for any subsequent sale by your company to Hudson Meadows Urban Development Corporation or another purchaser.

   d. Please provide copies of all attachments or amendments to the contracts for sale referenced in your Response to items (a), (b) and (c), above that describe the condition of said property or properties.

   e. Were there any indemnification agreements associated with any of the above sales of the property? If yes, has there been any attempt to activate these agreements? Describe the circumstances surrounding each attempt to activate the indemnification agreement, the current status of each attempt and if the attempt was resolved, describe the final resolution of each attempt.

2. At the time your company acquired the Site property, did you know or have reason to know that any hazardous substance or industrial waste had been disposed of, or otherwise released on this property? Describe all investigations of the Site which your company undertook prior to acquiring the Site property, or copies of any such investigations which were performed by the seller and provided to your company prior to the sale of Site property to your company. Please provide copies of any documents describing any such investigations as well as any analytical data or technical reports describing any soil, air, surface water or groundwater samples which were taken at the Site.

3. Subsequent to your company's purchase of the Site property, has your company performed or arranged for the performance of any investigation of environmental conditions at the Site property? If so, please provide copies of any reports describing such conditions and the results of any environmental data obtained from any soil, air, surface water or groundwater samples taken at the Site.

4. Please identify all federal, state and local authorities that have contacted your company in reference to any health, safety, or environmental issues regarding the Site property. Please provide copies of any correspondence, notices of violation, citations, or other documents concerning such health, safety, or environmental issues.

5. Please describe any and all actions that your company has taken subsequent to its purchase of the referenced property to dispose of, remove, contain, isolate, or otherwise handle or investigate any industrial wastes or hazardous substances that were present at the Site at the time of, or subsequent to, your company's purchase of the property. Please provide copies of any documents referencing any such actions.

6. Please provide copies of any correspondence between your company and the Hudson Meadows Urban Development Corporation, concerning any issues that may have arisen with respect to any effects from Diamond Head Oil's activities upon your company's property.

7. Please provide copies of any legal agreements such as leases, easement agreements or other contractual agreements between your company and Hudson Meadows Urban Development Corporation concerning your company's property.

8. Please state the names and present or last known addresses of all your company's past and present employees or any other persons who may have knowledge regarding the handling of hazardous substances or industrial wastes at the former Diamond Head Oil Refining facility located at the Site during the years 1946-1979 and/or knowledge of the disposal of any such materials and/or any releases of such materials that may have occurred at the Site.

9. Please identify each individual who assisted or was consulted or who answered on behalf of your company in the preparation of its response to this Request for Information.

10. In addition, identify all individuals (other than those identified in your response to Question 8) who may have information or documents relating to the disposal of the hazardous substances or industrial wastes that came to be located at the Site.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

_____
NAME (print or type)

_____
TITLE (print or type)

_____
SIGNATURE

Sworn to before me this

___ day of _____, 2002

_____
Notary Public

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Mahler, Director c/o Ralph M. Lowenbach
Diamond Recycling Corporation
Gateway One
Newark, NJ 07101

Re: Request for Information Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601, et seq., for the Diamond Head Oil Superfund Site, located in the Town of Kearny, Hudson County, New Jersey

Dear Mr. Mahler:

This letter seeks your cooperation in providing information and documents relating to the Diamond Head Oil Superfund Site (the "Site"), located in the Town of Kearny, Hudson County, New Jersey. We encourage you to give this letter your immediate attention and request that you provide a complete and truthful response to the enclosed Request for Information within 30 days from the date of your receipt of this letter.

EPA has conducted response activities pursuant to our authorities under the federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. Sections 9601-9675 ["CERCLA"]) to assess the release and threat of release of hazardous substances at the Site. To date, EPA has collected ground water, surface water, sediment, soil, liquid waste and solid waste samples. These samples document the presence of volatile organic compounds, semivolatile organic compounds, pesticides, polychlorinated biphenyls, and metals. Further response actions are necessary to address the investigation and treatment and/or disposal of the contaminated materials which remain at the Site. The site was proposed for the National Priorities List on July 27, 2000.

Under Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), EPA has broad information-gathering authority which allows EPA to require persons to provide information and/or documents relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from such a facility, as well as the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, your compliance with the Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

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If you have information about other parties who may have information which may assist EPA in its investigation of the Site or who may be responsible for the contamination at the Site, that information should be submitted to EPA within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our information request, it is necessary that you promptly notify EPA.

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Remedial Project Manager
Central New Jersey Remediation Section
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
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New York, NY 10007-1866.

with a copy to:

Clay Monroe
Assistant Regional Counsel
New Jersey Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
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If you have any questions regarding the Request for Information, or would like to discuss this matter with EPA, you may call Ms. Díaz-Cotto at (212) 637-4430 or have your attorney call Mr. Monroe at (212) 637-3142.

We appreciate and look forward to your prompt response to this Request for Information.

Sincerely yours,

Kevin Lynch
Acting Strategic Integration Manager
Emergency and Remedial Response Division

Enclosure

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.

2. Identify each answer with the number of the question to which it is addressed.

3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.

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7. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.

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9. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.

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a. the portions of the information which are alleged to be entitled to confidential treatment;

b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);

c. measures taken by you to guard against the undesired disclosure of the information to others;

d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

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information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

B. Definitions

1. The term "Site" shall mean the Diamond Head Oil Site, located at, and in the vicinity of, 1401 Harrison Avenue, in Kearny, Hudson County, New Jersey.

2. As used herein, the terms "the company" or "your company" refer not only to your company as it is currently named and constituted, but also to all predecessors in interest of your company and subsidiaries, divisions and branches of your company or of its predecessors.

3. As used herein, the terms "disposal", "hazardous waste", and "storage" shall have the meaning set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6903(3), (5), and (33), respectively.

4. The term "you" shall mean the addressee of this Request for Information, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.

5. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions information which might otherwise be construed to be outside of their scope.

6. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:

   a. it contains one or more hazardous substances (at any concentration) as defined in 42 U.S.C. Section 9601(14);
   b. it is a "hazardous waste" as defined in 42 U.S.C. Section 6903(5);
   c. it has a ph less than 2.0 or greater than 12.5;
   d. it reacts violently when mixed with water;
   e. it generates toxic gases when mixed with water;
   f. it easily ignites or explodes;
   g. it is an industrial waste product;
   h. it is an industrial treatment plant sludge or supernatant;
   i. it is an industrial byproduct having some market value;
   j. it is coolant water or blowdown waste from a coolant system;
   k. it is a spent product which could be reused after rehabilitation; or

1. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

7. The term "pollutant or contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, 42 U.S.C. Section 9601 (33), and includes any mixtures of such pollutants or contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.

8. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601 (22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, disposing into the environment, including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

9. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including, but not limited to, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disk or tape or other type of memory generally associated with computers and data processing (together with the programming instructions necessary to use such computer memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosure with any document, and (e) every document referred to in any other document.

10. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question.

11. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA are set forth at 40 C.F.R. Part 302. "Hazardous substance" shall also mean such substances referred to in the preceding statutory references, by whatever names the substances were known, prior to their designation as hazardous substances in 1980.

12. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.

13. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), and a brief description of its business.

14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, address or, addressee and/or recipient, and the substance or the subject matter. Your company can provide a copy of any document in lieu of so describing it.

15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

REQUEST FOR INFORMATION

1. Please state the date on which your company acquired an ownership interest in real property located at 1401 Harrison Avenue, Kearny, New Jersey.

   a. From whom was such property or properties purchased?

   b. Please provide copies of the contract(s) of sale for your company's purchase of such property or properties.

   c. Please provide copies of the contract(s) of sale for any subsequent sale by your company to Hudson Meadows Urban Development Corporation or another purchaser.

   d. Please provide copies of all attachments or amendments to the contracts for sale referenced in your Response to items (a), (b) and (c), above that describe the condition of said property or properties.

   e. Were there any indemnification agreements associated with any of the above sales of the property? If yes, has there been any attempt to activate these agreements? Describe the circumstances surrounding each attempt to activate the indemnification agreement, the current status of each attempt and if the attempt was resolved, describe the final resolution of each attempt.

2. At the time your company acquired the Site property, did you know or have reason to know that any hazardous substance or industrial waste had been disposed of, or otherwise released on this property? Describe all investigations of the Site which your company undertook prior to acquiring the Site property, or copies of any such investigations which were performed by the seller and provided to your company prior to the sale of Site property to your company. Please provide copies of any documents describing any such investigations as well as any analytical data or technical reports describing any soil, air, surface water or groundwater samples which were taken at the Site.

3. Subsequent to your company's purchase of the Site property, has your company performed or arranged for the performance of any investigation of environmental conditions at the Site property? If so, please provide copies of any reports describing such conditions and the results of any environmental data obtained from any soil, air, surface water or groundwater samples taken at the Site.

4. Please identify all federal, state and local authorities that have contacted your company in reference to any health, safety, or environmental issues regarding the Site property. Please provide copies of any correspondence, notices of violation, citations, or other documents concerning such health, safety, or environmental issues.

5. Please describe any and all actions that your company has taken subsequent to its purchase of the referenced property to dispose of, remove, contain, isolate, or otherwise handle or investigate any industrial wastes or hazardous substances that were present at the Site at the time of, or subsequent to, your company's purchase of the property. Please provide copies of any documents referencing any such actions.

6. Please provide copies of any correspondence between your company and the Hudson Meadows Urban Development Corporation, concerning any issues that may have arisen with respect to any effects from Diamond Head Oil's activities upon your company's property.

7. Please provide copies of any legal agreements such as leases, easement agreements or other contractual agreements between your company and Hudson Meadows Urban Development Corporation concerning your company's property.

8. Please state the names and present or last known addresses of all your company's past and present employees or any other persons who may have knowledge regarding the handling of hazardous substances or industrial wastes at the former Diamond Head Oil Refining facility located at the Site during the years 1946-1979 and/or knowledge of the disposal of any such materials and/or any releases of such materials that may have occurred at the Site.

9. Please identify each individual who assisted or was consulted or who answered on behalf of your company in the preparation of its response to this Request for Information.

10. In addition, identify all individuals (other than those identified in your response to Question 8) who may have information or documents relating to the disposal of the hazardous substances or industrial wastes that came to be located at the Site.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

_____
NAME (print or type)

_____
TITLE (print or type)

_____
SIGNATURE

Sworn to before me this

___ day of _____, 2002

_____
Notary Public

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

NEW YORK SEP 09 '02 NY

U.S. OFFICIAL MAIL
U.S. POSTAGE
PENALTY FOR PRIVATE USE $300
04/13
METER 49655

RETURN TO SENDER

UNK
9/11/02

Robert Mahler, Director c/o Ralph
M. Lowenbach
Diamond Recyling Corporation
Gataway One
Newark, NJ 07101

7001 0320 0002 5342 9084

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL

7001 0320 0002 5342 9084

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Robert Mahler, Director
c/o Ralph M. Lowenbach
Diamond Recycling Corporation
Gateway One
Newark, NJ 07101

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number 7001 0320 0002 5342 9084
(Transfer from service label)

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

NEWARK, NJ REGISTRY TOUR 2
SEP 12 2002
PM