ORIGINAL

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

SDMS DocID 2236922

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAR 7 2012

Bayer CropScience, L.P.
William Buckner, President and CEO
2 T. W. Alexander Drive
Research Triangle Park, NC 27709

Re: Required Submission of Information
Metro Container Corporation Site
Trainer, Delaware County, Pennsylvania

Dear Mr. Buckner:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Metro Container Corporation Site in Trainer, Pennsylvania (hereinafter the "Site").

The Site currently consists of parcels of land located at and near the intersection of 2nd and Price Streets in Trainer, Delaware County, Pennsylvania, upon which the Metro Container Corporation operated a drum recycling business ("Metro Property") as well as other parcels which have become contaminated as a result of such operations. The Metro Property includes parcels identified in the Delaware County, PA land records as Folio Nos. 46-00-00444-00 and 46-00-00445-00. Assessments of the soil and groundwater conducted in 2005, 2007, and 2010 at and near the Metro Property have revealed the presence of hazardous substances including volatile organic compounds ("VOCs"), polychlorinated biphenyl's ("PCBs"), polycyclic aromatic hydrocarbons ("PAHs"), and metals. Sediment sampling in a wetlands area along the Delaware River where Stoney Creek flows into the Delaware River east/southeast of the Metro Property showed the same contaminants as those found at the Metro Property.

Records indicate that Stauffer Chemical Company ("Stauffer") owned and operated the Metro Property from the 1920s to the late 1950s. EPA has obtained information which suggests that, as a result of a series of mergers, Bayer CropScience, L.P. is the successor entity to Stauffer.

The purpose of this letter is to obtain certain information from Bayer CropScience, L.P. (hereinafter "Bayer CropScience" or "you") in connection with the Site. The specific information required is attached to this letter as Enclosure E.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), EPA has the authority to require you to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **forty-five (45) calendar days** of your receipt of this letter. The response must be signed by an appropriately authorized corporate official. If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

All documents and information should be sent to:

Kenneth I. Rose, III, Financial Analyst (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any questions concerning this matter, please contact Kenneth I. Rose, III at 215-814-3147, or have your attorney contact Senior Assistant Regional Counsel Andrew Goldman at (215) 814-2487.

Sincerely,

Joanne Marinelli, Chief
Cost Recovery Branch
Hazardous Site Cleanup Division

Enclosures:
A. Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees
B. List of Contractors that May Review Your Response
C. Definitions
D. Instructions
E. Information Requested
F. Site Vicinity Map

cc: Andrew Goldman (3RC41)
Kenneth I. Rose, III (3HS62)

Enclosure A

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure B") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

Enclosure B

[rev. 10/2011]

List of Contractors That May Review Your Response

Emergint Technologies, Inc.
Contract # EP-W-11-025

Booz-Allen & Hamilton
Contract # GS-35F-0306J (GSA Schedule)

CDM-Federal Programs Corporation
Contract # EP-S3-07-06
Subcontractors: L. Robert Kimball & Associates Inc.
Page Technologies Inc.
Avatar Environmental LLC
Terradon Corporation

Chenega Global Services, LLC
Contract #EP-S3-09-02

EA Engineering, Science and Technology, Inc.
Contract #EP-S3-07-07
Subcontractor: URS

Eisenstein Malanchuck, LLP
Contract #EP-W-07-079
Subcontractors: R. M. Fields International, LLC
James C. Hermann & Associated
MacRae & Company, Inc.

Guardian Environmental Services
Contract # EP-S3-07-02
Subcontractor: Aerotech, Inc.
Guardian Equipment

Hydrogeologic (HGL)
Contract #EP-S3-07-05
Subcontractor: CH2MHill
Sullivan International

Kemron
Contract # EP-S3-07-03
Subcontractor: Clean Venture/Cycle Chem Inc.
CMC Inc.
Los Alamos Technical Assoc., Inc.
Carlucci Construction

Weston Solutions
Contract #EP-S3-1005

Tech Law, Inc.
Contract #EP-S3-1004

Tetra Tech NUS, Inc.
Contract #EP-S3-07-04

WRS Infrastructure & Environment, Inc.
Contracts # EP-S3-07-01 and #EP-S3-07-09
Subcontractors: AEG Environmental
Environmental Staffing
Veolia Environmental Services
Lewis Environmental Group

Industrial Economics, Inc.
Contract # EP-W-06-092

Cooperative Agreements

National Association of Hispanic Elderly
CA# Q83424401
CA # ARRA 2Q8343730-01

National Older Workers Career Center
CA# CQ-833987

Enclosure C

Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.

2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.

3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release

into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.

6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.

7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure D

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.

3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.

4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.

5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

Enclosure E

Information Required

1. Provide a detailed corporate history of Bayer CropScience, L.P. ("Bayer CropScience"), and Stauffer Chemical Company. Your response should include, without limitation:

   a. The state and date of each company's incorporation;

   b. A description of any mergers, assets transfers, and name changes relating to either entity;

   c. A description of the transactions by which Bayer CropScience acquired Stauffer;

   d. Complete copies of all documents related to items a – c, including, but not limited to a copy of the asset purchase, merger, or other agreement whereby Bayer CropScience acquired Stauffer Chemical Company.

2. EPA contends that Stauffer's liability under CERCLA § 107 with respect to the Metro Container Site passed to Bayer CropScience as a result of the aforementioned mergers. If you believe otherwise, please explain why and provide all documents supporting your position.

3. Confirm Stauffer's past ownership of the Metro Property. In addition, provide:

   a. The dates during which Stauffer owned the Metro Property;

   b. Complete copies of all deeds and other documents related to Stauffer's ownership of the Metro Property.

4. For each separate business entity that conducted business operations on the Metro Property during the time Stauffer owned the Metro Property:

   a. State the full name of such entity;

   b. State whether the entity was a sole proprietorship, general partnership, limited partnership, Limited Liability Company, or corporation, and provide copies of all partnership agreements, articles of incorporation, and other documents related to the formation and current status of the entity;

   c. Identify each parent company, subsidiary, and other affiliated entities;

   d. Identify the name and last known address of each officer and director of the entity during the time Stauffer owned and operated the Metro Property;

   e. Identify when such entity commenced operations at this location;

f. Identify the nature of the business operated at this location during the time Stauffer owned and operated the Metro Property, including any manufacturing/processing activities;

g. For each manufacturing/processing activity identified in response 4.f, above:
   1. Identify the raw materials used
   2. Identify and describe the process(es) used
   3. Identify the waste streams generated
   4. Describe the waste disposal practices for each waste stream. Your response should include a description of how each waste stream was stored prior to disposal, the disposal method, the entity or person that transported each waste stream for disposal, and the name of the disposal location for each such waste stream.
   5. Identify all locations within the Metro Property where wastes were buried, burned, or otherwise disposed of.

h. Identify all persons employed by such entity during the time Stauffer owned and operated the Metro Property who may have personal knowledge of:
   1. The business's operations, and
   2. The business's waste disposal practices

   For each person identified, state the entity that employed such person, the person's job title, dates of employment, and last known address and telephone number.

i. State whether there were any spills or releases of any chemical, hazardous substance, and/or hazardous waste and/or non-hazardous solid waste containing hazardous substances during the time Stauffer owned and operated the Metro Property. For each such spill or release:
   1. Identify the date(s) the spill/release occurred;
   2. Identify the location(s) at which the spill/release occurred:
   3. Identify the composition (i.e. chemical analysis) of the materials which were spilled/released; and,
   4. Describe the response taken by the entity with respect to the spill/release.

j. Provide a copy of all documents which refer or relate to the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the time Stauffer owned and operated the Metro Property.

k. State whether the entity or its employees, agents, or representatives had discussions regarding environmental conditions at the Metro Property with any local, State, or Federal agency, with former or subsequent owners of such property, or with any other party(-ies). For each such discussion:
   1. Identify the parties to such discussion
   2. Identify the date of such discussion

3. Describe the content of such discussion
4. Provide a copy of all documents which relate or refer to such discussion

5. Provide the name, title, address, and telephone number of the person answering these questions on Bayer CropScience's behalf. For each question, provide the name, title, area of responsibility, current address, and telephone number of all persons consulted in preparation of the answers.

6. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

   a. Your document retention policy;
   b. A description of how the records were/are destroyed (burned, archived, trashed, etc.);
   c. The approximate date of destruction;
   d. A description of information that would have been contained in the documents; and,
   e. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

7. If you have any 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 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 party's name, address, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

Legend

- Stream
- Approximate Site Boundary
- HRS Eligible Wetlands
- Oil-Stained Area

Data Sources:
Basemap - PAMAP Program, PA Department of Conservation and Natural Resources, Bureau of Topographic and Geologic Survey.
Wetlands data available from:
http://www.fws.gov/wetlands/Data/DataDownload.html

N W E S

0 250 500
Feet

0 0.05 0.1
Miles

Metro Container Corporation
Trainer, Delaware County, Pennsylvania

FIGURE 2
Site Vicinity Map

TDD#: WS03-11-01-001
Contract: EP-S3-10-05

WESTON SOLUTIONS

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Sent To Bayer CropScience, LP
William Buckner, President and CEO

Street, A 2 T.W. Alexander Drive
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City, Stat Research triangle Park, NC 27709

PS Form 3800 June 2002 See Reverse for Instructions

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1. Article Addressed to:

Bayer CropScience, LP
William Buckner, President and CEO
2 T.W. Alexander Drive
Research triangle Park, NC 27709

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Leslie Pegram ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* Leslie Pegram

C. Date of Delivery 3/12/12

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If YES, enter delivery address below: ☐ No

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