FBC
CHEMICAL CORP.

P.O. BOX 599 • MARS, PENNSYLVANIA 16046 • 724/625-3116 • FAX 724/625-1640
4111 WALDEN AVENUE • LANCASTER, NEW YORK 14086 • 716/681-1581 • FAX 716/681-1513

January 13, 2003

Mr. Thomas C. Nash
Associate Regional Counsel
U. S. EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

Re: Chemical Recovery Systems, Elyria, Ohio CERCLIS ID# OHD 057 001 810

Dear Mr. Nash,

FBC Chemical Corp, identified as a PRP at this Superfund site, has decided to accept EPA's de minimus settlement offer and covenant not to sue in the hope of reducing future uncertainty and reducing administrative and legal costs for both our company and the EPA. A fully executed Page 15 signature page is enclosed with this letter.

We would, however, wish to request a waste quantity review as we believe to quantity attributed to us, 31,479.19 gallons exceeds the amount we could have possibly contributed to the site. No written records exist in our files prior to the initiation of the hazardous waste Manifest System in 1980, and I am the sole surviving FBC employee from the time period in question who would have even anecdotal knowledge of our business at the time. Let me identify some of the issues and logic which lead me to question our assigned volume..

1. FBC was founded in 1968 as a wholesale supplier to laundries and dry cleaners. Our chemical distribution business grew slowly as an adjunct to laundry supplies until in 1977 FBC became solely a chemical distributor. We were never a hazardous waste generator, but like many at the time we had to facilitate our solvent sales by helping customer properly dispose of spent solvent. We primarily used Hukill Chemical as our preferred recycler. I managed our Lancaster, NY branch from 1975-87. This branch accounted for one third of FBC sales and we never shipped waste from Lancaster to Elyria.

2. Waste activities were a minimal portion of our business.(Total annual sales between 1977 and 1980 averaged less than $7,000,000 per year.) Considering the fact that Lancaster Div. did not use Chemical Recovery and our Mars, PA Div. used other recyclers, and we handled waste only in drums, never bulk, we doubt we could have sent 8 full truckloads of drums to Elyria over such a short period of time.

3. In conclusion, if FBC shipped waste to the site, we believe the rudimentary nature of the records and confused accounting standards may have resulted in overestimation of our attributed volume. We sympathize with the difficulty EPA and its consultant had in reconstructing records from the sources you had. We believe FBC's attributed volume likely includes duplications.

Yours truly,

FBC Chemical Corp.
Lad J. Hudac, President

Cc: Deena Sheppard

PS: We are **NOT** seeking a financial review.

THE UNDERSIGNED RESPONDENT enters into this Consent Order in the matter of **Docket Number:**_____, relating to the **Chemical Recovery Systems Site in Elyria, Ohio.**

FOR RESPONDENT: FBC CHEMICAL CORPORATION
[Name]

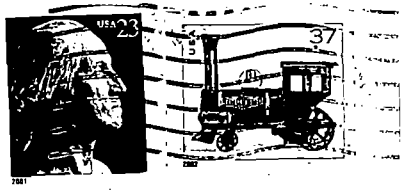
PO Box 599
634 ROUTE 228, MARS, PA 16046
[Address]

By: LAD J. HUDAC, PRESIDENT
[Name]

1/13/03
[Date]

FBC CHEMICAL CORP.
MARS DIVISION
ASPHALT PRODUCTS DIV.
P.O. Box 599
Mars, PA 16046

NEW CASTLE PA
PM
13 JUL 2005



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
ATTN: DEENA SHEPPARD-JOHNSON
77 WEST JACKSON
MAIL CODE SR-6J
CHICAGO, IL 60604

60604-3614