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

US EPA RECORDS CENTER REGION 5
466021

March 2, 2001

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ORIGINAL ADDRESSED TO
INDIVIDUAL PRPs

RE: The Chemical Recovery Systems Site, Elyria, Ohio
General Notice of Potential Liability and
Request for Information

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced facility (Site), and is planning to spend public funds to control and investigate these releases. This action will be taken by U.S. 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 U.S. EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), where the Agency uses public funds to achieve 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.

To address the dangers and threats to human health and the environment as quickly as possible, U.S. EPA is currently planning to conduct a Remedial Investigation/Feasibility Study (RI/FS) at the above referenced facility.

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The primary objective of the RI/FS is to gather sufficient data to support the selection of the site remedy that will reduce or eliminate risk associated with the contamination at the Site. The Remedial Investigation (RI) involves:

- Characterizing the nature and extent of the risks associated with the contamination in the site soils, sediment, surface water, and groundwater;
- Determining the potential for contaminant transport via air, groundwater, and sediment/surface water pathways;
- Conducting a baseline public health evaluation and an ecological risk assessment; and
- Conducting treatability studies to evaluate the performance and cost of the treatment technologies and to support the design of the selected remedies.

The RI must include waste characterization, geophysical surveys, excavation of test pits, soil sampling and analysis, groundwater sampling and analysis, and the determination of the Site's geologic and hydrogeologic characteristics.

The primary objective of the Feasibility Study (FS) is to develop, analyze, and compare a range of remedial action alternatives through the application of the nine established evaluation criteria. The FS is comprised of two main phases:

- Development and screening of alternatives; and
- Detailed analysis of the alternatives.

The data collected in the RI influences the development of the remedial action alternatives in the FS, which in turn affects the data needs and scope of the treatability studies and subsequent field studies.

Prior to the start of any of these activities, the following plans will have to be developed and approved by the U. S. EPA:

- Site work plan;
- Site health and safety plan;
- Site security plan;

- Site sampling and analysis plan for the Toxic Compound List/ Toxic Analyte List and Toxicity Characteristic Leaching Procedures parameters;

- Site Quality Assurance Project Plan;

- Site Community Relations Plan.

For additional information regarding the policy and guidance associated with conducting RI/FS studies see OSWER Directive (9355.3-01) Guidance for Conducting Remedial Investigations and Feasibility Studies (RI/FS) Under CERCLA, October 1988.

U.S. EPA has received information that you may have owned or operated or generated or transported hazardous substances that were disposed of at the Site. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities that U.S. EPA has determined or will determine are required at the Site. U.S. 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 U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. 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 U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Attachment 8 is a list of the names and addresses of any other potentially responsible parties (PRPs) to whom this notification is being sent. This list is provided to assist you in contacting other PRPs in this matter and to negotiate with U.S. EPA.

Enclosed is a U.S. EPA Small Business Regulatory Enforcement Fairness Act Information Sheet (Attachment 7). The information sheet may be helpful, if you are subject to enforcement action by U.S. EPA and you are a qualified small business.

As a potentially responsible party, you should notify U.S. EPA in writing within ten (10) days of receipt of this letter of your willingness to perform or finance the activities described above. If U.S. EPA does not receive a timely response, U.S. 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 letter 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 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; 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, U.S. 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 the U.S. EPA has the authority to require any person who has or may have information relevant to any of the following to furnish U.S. 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. Attachment 1 is a summary of the history of the Chemical Recovery Systems Site.

Pursuant to Section 104(e) of CERCLA, you are hereby requested to submit a response to this Information Request and its questions in Attachment 2 concerning the Chemical Recovery Systems Site at 142 Locust Street in Elyria, Ohio. Instructions to guide you in the preparation of your response are in Attachment 3. Definitions of the terms used in this Information Request and in the questions are in Attachment 4.

This request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities and their officers, directors, and employees. The information sought herein must be sent to U.S. EPA within thirty (30) 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 U.S. 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 U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2. To request that the Agency treat your information as confidential, you must follow the procedures outlined in Attachment 5, including the requirement that you support your claim for confidentiality.

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 U.S. 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 U.S. 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 U.S. EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

This information request is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. section 3501 *et seq.*

Send your responses to both the notice of potential liability within ten (10) days and the information requests within thirty (30) days, to:

U.S. Environmental Protection Agency
Deena Sheppard-Johnson, SR-6J
Remedial Enforcement Support Section
77 West Jackson Blvd.
Chicago, Illinois 60604

If you have any legal questions, please call Thomas Nash, Assistant Regional Counsel, at (312) 353-0552. If you have technical questions about this Site, call Gwendolyn Massenburg, Remedial Project Manager, at (312) 886-0983. Address all other questions to Deena Sheppard-Johnson, Enforcement Specialist, at (312)886-7048.

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

Sincerely,

Donald J. Bruce

for James N. Mayka, P.E., Chief
Remedial Response Branch #2

Enclosures:

Attachments:
1: Site History
2: Questions
3: Instructions
4: Definitions
5: Confidential Business Information
6: Legal Authority
7: Small Business Notice
8: List of Potentially Responsible Parties (PRPs)

Attachment 1
SITE HISTORY

The Chemical Recovery Systems Site (CRS Site) is located at 142 Locust Street in Elyria, Ohio. The CRS Site is bordered on the west by the East Branch of the Black River, to the north and east by the Engelhard (formerly Harshaw) Chemical Company, and to the south by M&M Aluminum Siding Company. The CRS Site is located in a predominantly industrial and commercial area near the central business district of Elyria. The CRS Site consists of a four acre parcel that is currently leased to M&M Aluminum which uses the Site property to store aluminum siding. Most of the four acre parcel is empty. Two buildings are currently on the CRS Site: a former warehouse and office building and the masonry shell of a building that housed a Rodney Hunt still. These buildings are located in the southeast corner of the CRS Site. The foundation of a building that housed a Brighton still is located in the northeast corner of the CRS Site. The CRS Site is fenced on all sides except the side bounded by the East Branch of the Black River.

Beginning no later than the 1940s the CRS Site was used for commercial and industrial purposes such as a coal yard. During the 1950s, Harshaw Chemical briefly leased the CRS Site to store saggers. In 1960, Russell Obitts leased the CRS Site property and relocated his existing business, the Obitts Chemical Company, which reclaimed spent organic solvents, to the CRS Site property. Later Russell Obitts and Dorothy Obitts purchased this property.

In 1974, Chemical Recovery Systems, Inc., a Michigan corporation (CRS, Inc., - MI), assumed operations at the CRS Site through a stock purchase agreement with the Obitts Chemical Company. In a separate agreement, CRS, Inc., - MI leased the CRS Site property from Russell Obitts and Dorothy Obitts in a lease agreement with an option to purchase. A year later CRS, Inc., - MI exercised its purchase option. CRS, Inc., - MI continued operations at the CRS Site until 1981.

Operating as Obitts Chemical Company and then as CRS, Inc., - MI the facility located on the Site received spent organic solvents from industrial facilities and reclaimed the solvents through distillation processes. Both owner/operators hauled contaminated solvents to the Site facility in their own tanker trucks and in stake trucks hauling 55 gallon drums. Spent solvents were stored in above ground tanks and 55 gallon drums. Soil contamination

occurred through leakage and spills. Spent solvents that were transported to the CRS Site include, but are not limited to, the following: acetone, hexane, isopropyl alcohol, methylene ethyl ketone (MEK), tetrachloroethane, toluene, trichloroethane, and xylene. Analysis of samples that U.S. Environmental Protection Agency (U.S. EPA) collected on November 26, 1979, at the CRS Site detected PCE, ethyl benzene, and naphthalene. A solvent sample collected on February 5, 1980 contained toluene, ethyl benzene, xylene, and naphthalene. During a visit on February 5, 1980 by U.S. EPA to the CRS Site, an employee of the facility identified specific solvents reclaimed as well as paint solvents.

Because the CRS Site posed imminent danger to the local population and the environment, U.S. EPA initiated an action under the Resource Recovery and Conservation Act (RCRA). On October 7, 1980, the U.S. Department of Justice (U.S. DOJ), on behalf of U.S. EPA, filed an action against CRS, Inc., - MI in the U.S. District Court, Northern District of Ohio, to abate an imminent and substantial endangerment to public health and the environment from the CRS Site. On July 12, 1983, the District Court entered a Consent Decree that required CRS, Inc., - MI to take these and other actions: excavate all visibly contaminated soils identified during a joint U.S. EPA and CRS, Inc., - MI inspection; excavate the perimeter of the Brighton still to a specified depth and distance; dispose of the excavated soil at an approved waste disposal site; backfill the excavated areas; and grade the CRS Site. After its inspection of the CRS Site November 7, 1983, U.S. EPA concluded that CRS, Inc., - MI was in compliance with the July 12, 1983 Consent Decree.

Because hazardous substances released at the CRS-Site remain in the soil and groundwater at elevated levels, U.S. EPA is now taking response actions, under the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and its amendments.

Attachment 2
QUESTIONS

1. Identify all persons consulted in the preparation of the answers to these questions.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons.

4. List the EPA Identification Numbers of the Respondent.

5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom at the CRS Site.

6. Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site (operating as Obitts Chemical Company or Chemical Recovery Systems, Inc., at 142 Locust. Street, Elyria, Ohio).

7. Describe all arrangements that Respondent may have or may have had with each of the following companies and persons:

a) Obitts Chemical Company

b) Russell Obitts

c) Chemical Recovery Systems, Inc.

d) Peter Shagena

e) James Freeman

f) James "Jim" Jackson

g) Donald Matthews

h) Bob Spears

i) Bill Bromley

j) Carol Oliver

k) Nolwood Chemical Company, Inc.

l) Art McWood

m) Chuck Nolton

n) Michigan Recovery System, Inc.

o) Chemical Recovery Systems of Michigan

8. Set forth the dates during which the Respondent engaged in any of the following activities:

a) generation of hazardous materials which were sent to the CRS Site;

b) transportation of any material to the CRS Site.

9. Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the CRS Site. In addition, identify the following:

a) The persons with whom you or such other persons made such arrangements;

b) Every date on which such arrangements took place;

c) For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

d) The owner of the materials or hazardous substances so accepted or transported;

e) The quantity of the materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

f) All tests, analyses, and analytical results concerning the materials;

g) The person(s) who selected the CRS Site as the place to which the materials or hazardous substances were to be transported;

h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

i) Where the person identified in g., above, intended to have such hazardous substances or materials transported and all evidence of this intent;

j) Whether the materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

k) What was actually done to the materials or hazardous substances once they were brought to the CRS Site;

l) The final disposition of each of the materials or hazardous substances involved in such transactions;

m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the material and hazardous substance involved in each transaction;

n) The type and number of containers in which the materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the CRS Site, and all markings on such containers;

o) The price paid for (i) transport, (ii) disposal, or (iii) both of each material and hazardous substance;

p) All documents containing information responsive to a - o above, or in lieu of identification of all relevant documents, provide copies of all such documents;

q) All persons with knowledge, information, documents responsive to a - p above.

10. Identify all liability insurance policies held by Respondent from 1960 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

11. Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.

12. If Respondent is a Corporation, respond to the following requests:

a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities.

d) Identify the Parent Corporation and all Subsidiaries of the Respondent.

13. If Respondent is a Partnership, respond to the following requests:

a) Provide copies of the Partnership Agreement;

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;

c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities.

d) Identify all subsidiaries of the Respondent.

14. If Respondent is a Trust, respond to the following requests:

a) Provide all relevant agreements and documents to support this claim.

b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities.

ATTACHMENT 3
INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.

2. Precede each answer with the number of the question to which it corresponds.

3. In answering each question, identify all persons and contributing sources of information.

4. Although the U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes [the] U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.

5. In answering each question, identify all persons and contributing sources of information.

6. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.

7. For any document submitted in response to a question, indicate the number of the question to which it responds.

8. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.

9. Your response must be accompanied by the following statement, or one that is substantially equivalent:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.
>
> Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
>
> The individual who prepared the response or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Include the corporate official's full title.

10. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.

11. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Attachment 5.

ATTACHMENT 4
DEFINITIONS

1. As used in this letter, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa.

2. The term ***person*** as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

3. ***The Site*** referenced in these documents shall mean the Chemical Recovery Systems Site located in Elyria, Ohio.

4. The term ***hazardous substance*** shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.

5. The term, ***pollutant*** or ***contaminant***, shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.

6. The term ***release*** shall have the same definition as that contained in Section 101(22) of CERCLA, and 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, pollutant, or contaminant.

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

8. 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.]), organization, if any, and a brief description of its business.

9. 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, addressor, addressee and/or recipient, and the substance or the subject matter.

10. The term ***you***, ***yours***, or ***Respondent*** shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, partners, successors, assigns, subsidiaries and agents.

11. The term ***dump*** as used herein shall mean an accumulation of refuse and discarded materials and/or a place where such materials are dumped.

12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R., Part 300 or 40 C.F.R., Part 260-280, in which case, the statutory or regulatory definitions shall apply.

ATTACHMENT 5
CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (U.S. EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 *et seq* require that the U.S. EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Federal Register 36902 *et seq*. (September 1, 1976); 43 Federal Register 4000 *et seq*. (December 18, 1985).) If no such claim accompanies the information when the U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCLA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the U.S. EPA to treat the information or record as "confidential", you must advise the U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential", and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;

2. The measures that you have taken to guard against disclosure of the information to others;

3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;

4. Whether the U.S. EPA or another federal agency has made a pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;

5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;

6. Whether you assert that the information is <u>voluntarily submitted</u> as defined by 40 C.F.R. 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of the U.S. EPA to obtain similar information in the future;

7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. 2.208(e), the burden of substantiating confidentiality rests with you. The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as "confidential", your comments will be available to the public without further notice to you.

ATTACHMENT 6
DESCRIPTION OF LEGAL AUTHORITY

The federal Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, *et seq*. (commonly referred to as **CERCLA** or **Superfund**) gives U.S. EPA the authority to, among other things: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by each site, and, 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604 (e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;

B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;

C. The ability to pay the costs of the clean-up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond <u>and</u> does not justify the failure to respond. Other statutory provisions (18 U.S.C. § 1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. The U.S. EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.

Attachment 7
Supplemental Information for Small Businesses Subject to an U.S. EPA Enforcement Action

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Websites

EPA offers a great deal of compliance assistance information and materials for small businesses on the following Websites, available through public libraries:

➡ www.epa.gov	*EPA's Home Page*
➡ www.smallbiz-enviroweb.org	*EPA's Small Business Home Page*
➡ www.smallbiz-enviroweb.org/state.html	*List of State Contacts*
➡ www.epa.gov/ttn/sbap	*Small Business Assistance Programs*
➡ www.epa.gov/oeca/polguid/index.html	*Enforcement Policy and Guidance*
➡ www.epa.gov/oeca/smbusi.html	*Small Business Policy*
➡ www.epa.gov/oeca/oc	*Compliance Assistance Home Page*
➡ www.epa.gov/oeca/ccsmd/commpull.html	*Small Businesses and Commercial Services*
➡ www.epa.gov/oeca/ccsmd/mun.html	*Small Communities Policy*

Hotlines

EPA sponsors approximately 89 hotlines and clearinghouses that provide a free and convenient avenues to obtain assistance with environmental requirements. The Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

- ➡ Small Business Ombudsman.....(800) 368-5888
- ➡ RCRA/UST/CERCLA Hotline.....(800) 424-9346
- ➡ Toxics Substances and Asbestos Information.....(202) 554-1404
- ➡ Safe Drinking Water.....(800) 426-4791
- ➡ Stratospheric Ozone/CFC Information.....(800) 296-1996
- ➡ Clean Air Technical Center.....(919) 541-0800
- ➡ Wetlands Hotline.....(800) 832-7828

Compliance Assistance Centers

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

- ➡ Metal Finishing (www.nmfrc.org)
- ➡ Printing (1-888-USPNEAC or www.pneac.org)
- ➡ Automotive (1-888-GRN-LINK or www.ccar-greenlink.org)

- Agriculture (1-888-663-2155 or www.epa.gov/oeca/ag)
- Printed Wiring Board Manufacturing (www.pwbrc.org)
- The Chemical Industry (Contact: Emily Chow 202-564-7071)
- The Transportation Industry (http://www.transource.org)
- The Paints and Coatings Center (Contact: Scott Throwe 202-564-7013)
- Local Governments (Contact: John Dombrowski, 202-564-7036)

State Agencies

Many state agencies have established compliance assistance programs that provide on- site as well as other types of assistance. Please contact your local state environmental agency for more information. EPA's Small Business Ombudsman can provide you with State Agency contacts by calling (800)-368-5888.

Compliance Incentive Policies

EPA's Small Business Policy and Small Communities Policy are intended to promote environmental compliance among small businesses by providing incentives such as penalty waivers and reductions for participation in compliance assistance programs, and encouraging voluntary disclosure and prompt correction of violations. These policies can not be applied to an enforcement action such as this one that has already been initiated, but are noted for future reference. Contact Karin Leff (202-564-7068) for information on the Small Business Policy and Ken Harmon (202-564-7049) for information on the Small Communities Policy.

In order to improve your understanding of and compliance with environmental regulations and avoid the need for future enforcement actions, we encourage you to take advantage of these tools. ***However, please note that any decision to seek compliance assistance at this time does not relieve you of your obligation to answer EPA's administrative complaint in a timely manner, does not create any new rights or defenses, and will not affect EPA's decision to pursue this enforcement action.***

The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your SIC designation, number of employees or annual receipts) and wish to comment on federal enforcement and compliance activities, call 1-888-REG-FAIR (1-888-734-3247). ***However, participation in this program does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint or other enforcement action in a timely manner nor create any new rights or defenses under law. In order to preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.***

Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA or related provisions nor does it create any new rights or defenses under law.

Attachment 8
CHEMICAL RECOVERY SYSTEMS
PRP ADDRESS LIST

1. 3 M Corp.
   3570 Sunshine Place
   Grove City, OH 43123

2. Adelphia, Inc.
   15657 Brookpark
   Cleveland, OH 44142

3. Airborne Manufacturing
   711 Taylor Street
   Elyria, OH 44035

4. Akron Rubber Company
   R. G. Jeter, Registered Agent
   147 Kenilworth Drive
   Akron, OH 44313

5. Allegheny Label Co.
   1224 Freedom Road
   Cranberry Township, PA 16066

6. Allegheny Chemical Corp
   20 Gillis Avenue
   Ridgway, PA 15853

7. Allis Chalmers Corporation
   4180 Cherokee Drive
   Brookfield, WI 53045

8. Alside, Inc.
   P.O. Box 2010
   Akron, OH 44309

9. American Adhesive, Inc.
   Charles A. Johnson, Registered Agent
   345 W. Second Street, Suite 201
   Dayton, OH 45402

10. Chemsol, Inc.
    36977 Fox Glenn
    Farmington Hills, MI 48331

11. American Colors, Inc.
    P.O. Box 397
    Edgewater Drive
    Sandusky, OH 44871-0397

12. American Greetings Corp.
    One American Road
    Cleveland, OH 44144

13. American Marietta
    P.O. Box 169
    Marietta, OH 45750

14. Artesian Industries, Inc.
    149 East Main
    Shelby, OH 44875

15. Ashland Chemical, Inc.
    2191 W. 110th Street
    Cleveland, OH 44102

16. Ashland Chemical, Inc.
    150 W. Fourth Avenue
    Freedom, PA 15042

17. Ashland Chemical, Inc.
    2854 Springboro Road
    Dayton, OH 45439

18. Ashland Chemical, Inc.
    200 Darrow Road
    Akron, OH 44312

19. Astatic Corp.
    341 Harbor Street
    Conneaut, OH 44030

20. Auto & Industrial Finishes
9070 Marshall Road
Cranberry Township, PA 16066

21. Avery Label Co.
2855 Southwest Blvd.
Kansas City, MO 64108

22. B. F. Goodrich Co.
Chemical Group
550 Moore Road
Avon Lake, OH 44012

23. Bakerstown Container
P.O. Box 51
Bakerstown, PA 15007

24. Ball Chemical Company
5380 Brookpark Road
Cleveland, OH 44134

25. Barr, Inc.
1423 Planeview Drive
Oshkosh, WI 54904

26. Basic Packaging Machinery Corp.
642 Sugar Lane
Elyria, OH 44035

27. Beaver Paint Co.
710 Beaver Road
Girard, PA 16417

28. Bison Corp.
1935 Allen Avenue S.E.
Canton, OH 44707

29. Borg-Warner
8111 Middlebelt Road
Romulus, MI 48174

30. Allied Waste Industries, Inc.
AKA Browning Ferris Industries
15880 N. Greenway-Hayden Loop
Suite 100
Scottsdale, AZ 85260

31. Bucyrus Erie
P.O. Box 500
South Milwaukee, WI 53172-0500

32. Bud Industries
4607 E. 355th Street
Willoughby, OH 44094-4629

33. Cameo, Inc.
P.O. Box 535
Toledo, OH 43697

34. Canton Wood Products Co.
P.O. Box 191
100 Hames Road
Waverly, OH 45690

35. Carmac Chemical
Carel H. Neffenger, Registered Agent
41555 Butternut Ridge
Elyria, OH 44035

36. Century Plastics, Inc.
126 S. Griffith
El Dorado, KS 67042

37. Chemcentral
P.O. Box 730
Bedford Park, IL 60499-0730

38. Chemtrol Corp.
20026 Sea Gull Way
Saratoga, CA 95070

39. Chemtron Corp.
35850 Schneider Ct.
Avon, OH 44011

40. Clark Equipment Co.
R.R. 18, Box 38
Statesville, OH 28677

41. Clyde Paint & Supply Co.
Gerald F. Thomas, Registered Agent
301 Lisa Ann Drive
Huron, OH 44839

42. Conap, Inc.
1405 Buffalo Street
Olean, NY 14760

43. Conneaut Leather, Inc.
W. Adams Street
Conneaut, OH 44030

44. Consolidated Container Co., LLC
AKA Continental Can Co.
5605 N. Irving Blvd., Suite 360
Irving, TX 75038

45. Cuyahoga Chemical Co.
3470 W. 140th Street
Cleveland, OH 44111

46. Dow Corning
P.O. Box 310
4200 Highway 42 East
Carrollton, KY

47. E.I. duPont de Nemours
AKA DuPont Chemical
1007 Market St.
Wilmington, DE 19898

48. E. F. Hauserman
Clestra Hauserman
29525 Fountain Parkway
Solon, OH 44139-4351

49. Eagle Rubber Co.
P.O. Box 15064
Winston-Salem, NC 27113

50. Eastman Kodak
P.O. Box 3100
3100 Research Blvd.
Dayton, OH 45420-0899

51. Elyria Foundry
120 Filbert Street
Elyria, OH 44035

52. Fasson Corp.
250 Chester Street
Painesville, OH 44077-4129

53. Ferriot Brothers, Inc.
1000 Arlington Circle
Akron, OH 44312-0248

54. Bridgestone-Firestone, Inc.
AKA Firestone Tire & Rubber Company
50 Century Blvd.
Nashville, TN 37214

55. Fisher Price Toys
636 Girard Avenue
East Aurora, NY 14052

56. Ford Motor Company
650 Miller Road
Avon Lake, OH 44012

57. Foseco, Inc.
20200 Sheldon Road
Brookpark, OH 44142

58. Foseco, Inc.
P.O. Box 647
1100 Maple Avenue
Conneaut, OH 44030

59. General Electric Company
3135 Easter Turnpike
Fairfield, CT 06431

60. General Motors Corporation
300 Renaissance Center
Detroit, MI 48265

61. Glidden Co.
300 Sprowl Road
Huron, OH 44839-2636

62. Goodyear Tire & Rubber Co.
1144 E. Market Street
Akron, OH 44316

63. Gordon Terminal Service Co.
P.O. Box 313
McKees Rocks, PA 15136

64. Great Lakes Terminal
P.O. Box 281
Industry, PA 15052

65. Hexcel Corporation
815 Lawrence Street
Lancaster, OH 43130-9401

66. Hobart Corp.
2136 Hardy Parkway
Grove City, OH 43123

67. Hobart Corp.
2548 Stanley Avenue
Dayton, OH 45404

68. Hukill Chemical Corp.
7013 Krick Road
Bedford, OH 44146

69. Hysol Division of Dexter Corp.
325 Gold Street, Suite 116
Garland, TX 75042

70. Industrial Chemical Corp.
P.O. Box 874
Medina, OH 44258

71. J. C. Whitlam Manufacturing Co.
P.O. Box 380
Wadsworth, OH 44282-0380

72. Jamestown Paint & Varnish Co.
P.O. Box 157
Jamestown, PA 16134

73. L.E. Jones Company
1200 34th Avenue
Menominee, MI 49858

74. Kalcor Coatings Co.
37721 Stevens Blvd.
Willoughby, OH 44094

75. Ken's Woodcraft
7949 Murray Ridge Road
Elyria, OH 44035

76. Lake Shore Industries
P.O. Box 59
1817 Poplar Street
Erie, PA 16512

77. Liberty Solvents & Chemical Co.
9429 Ravenna Road
Twinsburg, OH 44087

78. Lorain Products
1122 F Street
Lorain, OH 44052

79. Lowe Chemical Co.
8300 Baker Avenue
Cleveland, OH 44102

80. Luxaire, Inc.
2410 Center Street South
Newton Falls, OH 44444

81. Miller Studio, Inc.
734 Fair Avenue NW
New Philadelphia, OH 44663

82. Mobil Chemical
1900 E. Golf Road #1050
Schaumburg, Il 60173

83. Molded Fiberglass
P.O. Box 2189
213 Reep Road
Morganton, NC 28680-2189

84. National Acme
170 E. 131st Street
Cleveland, OH 44108

85. Neville Chemical Company
2800 Neville Road
Pittsburgh, PA 15225-1496

86. Nolwood Chemical
8970 Hubbell Avenue
Detroit, MI 48228

87. Nordson Corporation
28601 Clemens Road
Cleveland, OH 44145

88. Nortru, Inc.
515 Lycaste
Detroit, MI 48214

89. Ohio Brass Company
8711 Wadsworth Road
Wadsworth, OH 44281

90. Ohio Department of Transportation
1980 W. Broad Street
Columbus, OH 43223

91. Ohio Polychemical Co.
P.O. Box 369004
1920 Leonard Avenue
Columbus, OH 43236-9004

92. Owens Illinois
P.O. Box 285
Berlin, OH 44610

93. Painesville Nuclear Plant
Perry Nuclear Plant
P.O. Box 97
Perry, OH 44081

94. Plas-Tanks Industries, Inc.
39 Standen Drive
Hamilton, OH 45015

95. Plasti-Kote Co.
P.O. Box 708
Medina, OH 44256

96. PPG Industries, Inc.
Automotive Finishes Division
3800 W. 143rd Street
Cleveland, OH 44111

97. PPG Industries, Inc.
125 Colfax Street
Springdale, PA 15144-1506

98. PPG Industries, Inc.
P.O. Box 457
Pittsburgh Road
Circleville, OH 43113

99. Quality Synthetic Rubber
P.O. Box 1030
1700 Highland Road
Twinsburg, OH 44087-9030

100. Quikut
P.O. Box 29
Walnut Ridge, AR 72476

101. R. E. Whittaker Company
P.O. Box 989
302 S. Croton Avenue
New Castle, PA 16103

102. R. W. Beckett Corp.
P.O. Box 1289
Elyria, OH 44036-1289

103. Republic Steel
Republic Technologies International
3770 Embassy Parkway
Akron, OH 44333-8367

104. Rexroth Corp.
Mobile Hydraulics Division
1700 Old Mansfield Road
Wooster, OH 44691-9050

105. Rockwell International
Suite 1400
777 East Wisconsin Avenue
Milwaukee, WI 53202

106. Rowland Products - Wilson Freight
The Rowland Company
4900 N. 20th Street
Philadelphia, PA 19144-2402

107. Shell Chemical
130 N. Jones Avenue
Akron, OH 44305

108. Sherwin Williams Co.
761 Beta Drive
Mayfield Village, OH 44143

109. Sherwin-Williams Co.
10488 Chester Road
Cincinnati, OH 45215

110. Sinclair & Valentine
480 Airport Blvd.
Watsonville, CA 95076

111. Soil Services Co., Inc.
114 Worthington Mill Road
Richboro, PA 18954

112. Sprayon Custom Packaging
31500 Solon Road
Cleveland, OH 44139

113. Stanadyne, Inc.
Moen Division
377 Woodland Avenue
Elyria, OH 44036

114. Stolle Corp.
2900 Campbell Road
Sidney, OH 45365

115. Stolle Products
1501 W. Michigan Street
Sidney, OH 45365

116. Superior Industries
Highway 28 East
Morris, MN 56267

117. Superior Screw
P.O. Box 92046
Elk Grove, Il 60009

118. Taylor Metal Products Co.
700 Springmill Street
Mansfield, OH 44903

119. Techno-Adhesives Co.
12113 Mosteller Road
Cincinnati, OH 45241

120. Therm-o-disc
1320 S. Main Street
Mansfield, OH 44907

121. TRW
Ross Gear Division
800 Heath Street
Lafayette, IN 47902

122. TRW, Inc.
Valve Division
1455 E. 185th Street
Cleveland, OH 44110

123. U.S. Chemical
600 Nova Drive
Massillon, OH 44646

124. Uniroyal, Inc.
Suite 250
1745 Merriman Road
Akron, OH 44313

125. W. J. Ruscoe Co.
483 Kenmore Blvd.
Akron, OH 44301

126. Whirlpool Corp. - Clyde Division
119 Birdseye Street
Clyde, OH 43410

127. Wooster Brush Company
P.O. Box 6010
604 Madison Street
Wooster, OH 44691-6010

128. Yenkin Majestic Industries
1920 Leonard Avenue
Columbus, OH 43219

129. Young Chemical Corp.
6465 Eastland Road
Brook Park, OH 44142

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0023 2921 7100

Article Sent To:

Postage	$ 1.39
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.79

CHICAGO IL 606 STA USPO
Postmark Here
MAR 2 2001

Name (Please Print Clearly) (to be completed by mailer)

Ashland Chemical, Inc.
150 W. Fourth Avene
Freedom, PA 15042

CRS

PS Form 3800, July 1999 See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement *"Restricted Delivery"*.
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

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:

Ashland Chemical, Inc.
150 W. Fourth Avene
Freedom, PA 15042

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* SUZANNE GRIFFITH

B. Date of Delivery 3/5/01

C. Signature

x Suzanne Griffith

☐ Agent
☐ Addressee

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 *(Copy from service label)*
7000 0600 0023 2921 7100

PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789

UNITED STATES POSTAL SERVICE

First-Class Mail
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• Sender: Please print your name, address, and ZIP+4 in this box •

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Chicago IL 60604

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