Vernon, Portrice

From: Maguire, Andrew
Sent: Wednesday, March 23, 2016 11:18 AM
To: Vernon, Portrice
Subject: FW: Emergency Action to stabilize TOCON property asbestos site
Attachments: Doxpop.pdf; R & C Truck Service USDOT 1957287.pdf; Affidavit of Service.pdf; 2015-12-15 Richard Swift charge - LaGrange Circuit Court.pdf; 2012-04-10 R&C Swift Dismantling Corp..pdf; Richard Swift - Redacted Criminal History.pdf; Truck photo Michiana Recyclers.jpg

Andy Maguire
U.S. EPA - Region 5
312-353-8782

From: Michael, Rodney [mailto:rmichael@taftlaw.com]
Sent: Tuesday, March 01, 2016 4:37 PM
To: Maguire, Andrew <maguire.andrew@epa.gov>
Cc: Hershberger, Becky (beckyhershberger@goshencity.com) <beckyhershberger@goshencity.com>
Subject: RE: Emergency Action to stabilize TOCON property asbestos site

Hi Andy,

Yesterday questions were raised about who owns the trucks that are still onsite at the Tocon property, and about who performed the demolition work. I told you I would send you the information we have when I got back to my office today.

According to information provided by Tocon in its Objection to Goshen Community School Corporation's Complaint for the Appropriation of Real Estate (Elkhart County Superior Court, Cause No. 20C01-1205-PL-118), Richard Swift, R&C Swift Dismantling, was the demolition contractor. I have attached a copy of the demolition bid provided by Swift. According to a docket report for a case against Swift in the Elkhart County Superior Court IV (Cause No. 20D04-1401-CC-000013), [redacted]

On September 5, 2015, we attempted to serve [redacted]. address with a subpoena for documents, and the process server located him at the intersection of US Highway 20 and SR 13, Middlebury, IN 46540. (Affidavit of Service, attached) Swift never responded to our subpoena. On November 18, 2015, I was able to reach him by phone at the number [redacted] He informed me that he sent all of his documents to Tony Adkins (Owner of Tocon).

We then attempted to serve Swift with a subpoena for deposition, but our process server was unable to locate him. Therefore, we hired two private investigators to try to locate him, one in Michigan and one in Indiana. One of the trucks that has been parked at the Tocon site for over a year and a half is labeled Michiana Recyclers Inc. (*See* attached photo) Swift identified Michiana Recyclers as his employer during a hearing on September 29, 2014 in the Elkhart County litigation described above (Docket Report for Cause No. 20D04-1401-CC-000013). The DOT # printed on the truck is registered to R & C Truck Service. (Attached print out.) The address provided for R & C Truck Service is 685 Lindley Road, Bronson, MI 49028. However, our Michigan private investigator was unable to locate him there, and was told by neighbors that he had moved.

Our Indiana investigator, Dallas Kunkle, a former FBI Agent, has attempted to locate Swift through Court records and identified a pending Felony charge against Swift in LaGrange County, Indiana as well as a lengthy criminal history. (*See* attached.) Kunkle interviewed the victim in the LaGrange County case and was told that the dispute involved a bad

check written by Swift to cover a debt that he had secured using the Tocon property as collateral. To date we have been unable to serve Swift, and our investigators believe he is hiding.

Please let me know if you need anything else.

Thanks,
Rod

Taft /

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From: Maguire, Andrew [mailto:maguire.andrew@epa.gov]
Sent: Tuesday, March 01, 2016 3:06 PM
To: Stutsman, Jeremy; Hershberger, Becky; Michael, Rodney; James Young; jcleveng@idem.in.gov; Skroback, Andrew; Reiss, Jessica; JAWORSKI, MARK; Hartzler, Kelly; leonafrank103@gmail.com
Cc: Daugavietis, Andre; Ribordy, Michael
Subject: Emergency Action to stabilize TOCON property asbestos site

All,

So all of you know, I have initiated an emergency response action to stabilize the TOCON Property in Goshen. Activities will begin tomorrow with erecting a fence, covering piles containing asbestos and installing signs along the fence line indicating the presence of asbestos on the site. We anticipate to have the fence up and piles covered by the end of this week with signs installed no later than next week.

I will also move forward with scheduling a removal action in the next few months.

Thanks and let me know if you have any questions.

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