UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 15 2009

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
VIA FEDERAL EXPRESS

Mr. Robert James
President and Chief Executive Officer
Jones-Hamilton Company
30354 Tracy Road
Walbridge, Ohio 43465

Re: Norphlet Chemical Superfund Site, Norphlet, Union County, Arkansas
SSID No. A6N8

Dear Mr. James:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from the Jones-Hamilton Company, an Ohio corporation with headquarters in Walbridge, Ohio in providing information and documents relating to the Norphlet Chemical Superfund Site (Site). Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Jones-Hamilton's response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that your company is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect your company to pay for or perform any site-related activities at this time. If the EPA determines that your company is responsible or potentially responsible for response activities at the Site, your company will receive a separate letter clearly stating such a determination as well as the basis the EPA has for the determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives EPA the authority to require the Jones-Hamilton Company respond to this information request (see Enclosure 1). We encourage your company to give this matter its full attention, and ***we respectfully request the Jones-Hamilton Company respond to this request for information within thirty (30) days of its receipt of this letter.*** You may designate another official of Jones-Hamilton Company with the requisite authority to respond on behalf of the company. However, failure to respond to this information request may result in EPA seeking penalties of up to $37,500 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

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Please provide a written response to Ms. Jamie Bradsher, Enforcement Officer, at the address included in the Information Request. Please refer to the enclosures below, which include important instructions and definitions, as well as the questions for response, in the preparation of your reply to this Information Request.

If you have any questions regarding this letter, contact Ms. Bradsher at (214) 665-7111. For legal questions concerning this letter, please have your legal counsel contact Mr. James L. Turner, Senior Attorney, at (214) 665-3159. Thank you for your attention to this matter.

Sincerely yours,

Pam Phillips, Acting

Samuel Coleman, P.E.
Director
Superfund Division

Enclosures (3)

cc: Richard E. Wolff, Registered Agent

ENCLOSURE 1

NORPHLET CHEMICAL SUPURFUND SITE
INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e). 42 U.S.C. §9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Ms. Jamie Bradsher, the designated Enforcement Officer for the Site, at phone number (214) 665-7111, fax number (214) 665-6660 or via email at Bradsher.Jamie@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Ms. Jamie Bradsher, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Mr. James L. Turner at phone number (214) 665-3159, fax number (214) 665-6660 or via email at Turner.James@epa.gov. For contact via mail, use the following address:

Mr. James L. Turner, Senior Attorney
Office of Regional Counsel (6RC-S)
U. S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

Norphlet Chemical Superfund Site ("facility" or "Site") is located outside of El Dorado, Arkansas at the location of the former Macmillan Oil Refinery (a previous Non-NPL Removal Action). The facility is a chemical manufacturing plant in the business of producing a refrigerant (HFC-134a) used in automobiles. The primary raw materials for manufacturing this product are Anhydrous Hydrogen Fluoride (AHF), Trichloroethylene (TCE), and a catalyst. The apparent Site owner and operator Norphlet Chemical, Inc. appears to have attempted to produce the HFC-134a under a tolling agreement, which was purported to be with Tulstar Refrigerants LLC (a non-existent company) and later Tulstar Refrigerants, Inc., an apparent subsidiary of Tulstar Products, Inc. of Tulsa, Oklahoma. The arrangement was ultimately unsuccessful.

The EPA became aware of this facility in March 2009 and immediately informed the Arkansas Department of Environmental Quality (ADEQ). The EPA offered its assistance if deemed necessary by the ADEQ. On April 15, 2009, the U.S. Department of Homeland Security (DHS) conducted an Infrastructure Protection Inspection of the facility and was alarmed with its conditions and the fact that it was abandoned. On April 15, 2009, DHS contacted EPA about their concerns with the site. The major concern was that the abandoned facility had containers of AHF and mixtures of AHF, TCE, and intermediate refrigerants. In addition, the conditions of these containers were questionable. The EPA and DHS contacted various State authorities and then participated in a call concerning the Site. On April 16, 2009, EPA received a written request from ADEQ to address the situation at the Site; and on that same date Union County Judge Bobby Edmonds declared an emergency. Because of the County emergency order and the close proximity of the facility to a local school, the school was closed on Friday, April 17, 2009.

The EPA dispatched its START Contractors to begin air monitoring, and the OSC arrived on the Site on April 17, 2009. EPA representatives met with Federal, State, County, and City officials and evaluated the Site. The EPA then determined that an Imminent and Substantial Endangerment existed as a result of the abandonment of the facility, the conditions of the tanks, and the close proximity of the school and surrounding residents to the facility. On April 19, 2009, EPA attempted its first transfer of material from the facility tanks into tanker trucks for off-site transport. In order to accomplish this, piping was removed from the tanks to allow the connection of a pump and hoses. The transfer operation failed due to pump problems; however, there were no injuries or significant releases of material. The EPA determined that high pressure special tankers or intermodal containers were necessary for storage and transport of the facility refrigerant intermediates, including the AHF Mixture tanks, and that special pump equipment would also be necessary to effect safe transfers. Appropriate adjustments and arrangements were made, including air emission controls and air monitoring and sampling. The EPA began the successful transfer and load-out of the facility tank contents on April 30, 2009, with the transfer of TT13 contents into a tanker. A railcar operated by Solvay Chemicals received transfer of over 8,000 gallons of nearly pure AHF on May 3, 2009. Tank content transfer and tanker loading and transport operations continued through May 19, 2009, while tank and pipe decontamination operations were completed by June 10, 2009. The onsite scrubber system was disassembled and associated vapor lines were cut up, removed, and decontaminated. The Baker Frac Tank, which was irreparable, was demolished. Various decontamination and disposal activities will continue.

ENCLOSURE 2

NORPHLET SUPURFUND SITE
INFORMATION REQUEST

INSTRUCTIONS and DEFINITIONS

INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.

2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.

3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.

4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.

5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA. If you make such a claim, the information covered by that claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.

6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

2. The term "any", as in "any documents" for example, shall mean "any and all."

3. The term "arrangement" means every separate contract or other agreement between two or more persons.

4. The terms "document(s)" and "documentation" 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 by way of illustration and not by way of limitation, 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, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of 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 enclosures with any document and (e) every document referred to in any other document.

5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.

7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.

8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).

9. The term "Site" shall mean and include the Norphlet Chemical Site located in Norphlet, Union County, Arkansas, both before and after EPA response action under CERCLA.

10. The term "Tulstar" shall mean and include Tulstar Products, Inc., Tulstar Refrigerants, Inc., Tulstar Refrigerants LLC, and/or any other Tulstar companies.

11. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.

12. 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 or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

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

ENCLOSURE 3

NORPHLET CHEMICAL SUPERFUND SITE
INFORMATION REQUEST

QUESTIONS

1. Identify the person(s) that provide the answers to the questions below on behalf of Jones-Hamilton Company (JHC).

2. Describe any activities and roles of the Jones-Hamilton Company (JHC) at the Norphlet Chemical Inc., Norphlet, Arkansas (NCI) facility (the Site). Identify and produce copies of all documents associated with any JHC activities and roles described in response to this question.

3. For any JHC officers, directors, and employees involved in matters described in response to question number 2 above, identify such person(s) and their job title and responsibilities at both JHC and the Site. Identify and produce copies of any documents associated with any persons named in response to this question in connection with their involvement in such activities at the Site, unless already provided in response to question number 2 above.

4. List the dates and time frames during which JHC was involved in any matters described in response to questions number 2 and 3 above. Identify and produce copies of any documents associated with your response to this question, unless already provided in response to questions number 2 and 3 above.

5. Describe the role of JHC as it pertains to the contractual agreement to purchase HCL from NCI. Identify and produce copies of the contract/agreement regarding the JHC purchase of HCL from NCI and any related documents, including financial documents, unless already provided in response to questions number 2 through 4 above.

6. What was your involvement with Tulstar, if any, in connection with the NCI facility or the Site, including a description of any activities and dates and time frames for the same? Identify and produce copies of any related documents, including any agreements, contracts, invoices, and the like, unless already provided in response to questions number 2 through 5 above.

7. What involvement did JHC have with the production, storage, or disposal of HFC-134a, or its process wastes or by-products at the Site? Explain in detail. Identify and produce copies of any related documents, unless already provided in response to questions number 2 through 6 above; and identify any persons knowledgeable of this issue.

8. Describe JHC's relationship with Mexichem, if any. Identify and produce any documents, including contracts, agreements, and invoices, related to such relationship in connection with the Site, unless already provided in response to questions number 2 through 7 above; and identify any persons knowledgeable of this relationship.

9. Identify and describe JHC's corporate organization, including state of incorporation, principal place and nature of its business, officers, directors, stockholders, and any subsidiary or parent corporations. Identify and produce any documents related to your response to this question, unless already provided in response to questions number 2 through 8 above.

10. State whether there are any corporate relationships between JHC and NCI and describe those relationships, if any. Identify and produce any documents related to such relationships in connection with the Site, unless already provided in response to questions number 2 through 9 above; and identify any persons knowledgeable of such relationships.