

(ESS update (12/28/92))

HSE-5J/EERB

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: _____

General Notice of Potential Liability

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control 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 or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards 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 facility, including investigation, planning and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

- 1.
- 2.
- 3.

- 4.
- 5.
- 6.
- 7.
- 8.

U.S. EPA has received information that [you/your organization] may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. 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 agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. 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.

Because of the conditions described above, U.S. EPA believes that response activities at the site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within _____ (____) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

U.S. EPA - Region V
Emergency Support Section HSE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604

If U.S. EPA does not receive a timely response, U.S. EPA will assume that [you do/your organization does] not wish to negotiate a resolution of [your/its] potential responsibility in connection with the facility and that [you have/your organization has] declined any involvement in performing the response activities.

Your response 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 or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; 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.

If you need further information regarding this letter, you may contact _____, of the U.S. EPA Office of Regional Counsel at (____) _____-_____.

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

Sincerely yours,

Robert J. Bowden, Chief
Emergency & Enforcement Response Branch

LIST OF PRPs RECEIVING GENERAL NOTICE LETTER

bcc: _____, ORC, (CS-3T)
_____, OSC, [(HSE-5J) or (GI)]
Jose Cisneros, ESS, (HSE-5J)
_____, ESS, (HSE-5J)
Toni Lesser, Public Affairs, (P-19J)
Sheila Huff, Department of Interior
Alicia Corley, SETS, (OS505)
Tony Audia, Accounting, (MF-10J)
EERB Site File
EERB Read File
Shirley Dorsey, RP-CRU (HSM-5J)

REMOVAL PROGRAM

NOTICE LETTER

ROUTING SLIP
(Revised 12/29/92)

(SITE NAME)

Please sign the Yellow and check your name off this page.
Then pass the document on to the next name.

Do not sign this page, SIGN THE YELLOW

NAME

- | | |
|---|-----------------------|
| 1. EERB ENFORCEMENT SPECIALIST | _____ |
| 2. EERB ON-SCENE COORDINATOR | _____ |
| 3. ESS SECRETARY | <u>LaRetha Taylor</u> |
| 4. ORC STAFF ATTORNEY | _____ |
| 5. ESS SECRETARY | <u>LaRetha Taylor</u> |
| 6. EERB EMERGENCY SUPPORT SECTION CHIEF | <u>Jose Cisneros</u> |
| 7. EERB BRANCH SECRETARY | <u>Margie Johnson</u> |
| 8. EERB BRANCH CHIEF | <u>Robert Bowden</u> |
| 9. RETURN TO LaRETHA TAYLOR (ESS SECRETARY) FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST. | |

DATE MAILED TO PRPs: _____

- 6.
- 7.
- 8.

U.S. EPA has received information that your company 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.

As a potentially responsible party, you should notify U.S. EPA in writing within _____ (___) 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 your organization does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that your organization has 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. Section 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. Pursuant to CERCLA Section 104(e), you are hereby requested to submit the following

information concerning the _____ Site on
_____ in _____.

1. Copies of all shipping documents or other business documents relating to the transportation, storage and/or disposal of waste materials or substances at the above referenced Site.

2. A detailed description of the generic common and/or trade name and the chemical composition and character (i.e. liquid, solid, sludge) of the waste material offered by you and/or transported by you to the above referenced Site.

3. For each hazardous substance above, please give the total volume, in gallons for liquids and in cubic meters for solids, for which you arranged for disposal and list when those substances were transported to the above referenced Site.

4. What arrangements were made to transport the hazardous substances which were taken to the above referenced Site? What type of transportation was used (i.e. tankers, dump trucks, drums)?

5. Who were the generators of hazardous substances you transported, and provide their current address?

6. Copies of all records, including analytical results, and material safety data sheets, which indicate the identity, amounts and chemical composition and/or chemical character of the waste material(s) transported to, stored or disposed of at the above referenced Site or offered for transportation to, storage or disposal at the Site.

7. A list description of all liability insurance coverage that is and was carried by you including any self insurance provisions, that relates to hazardous substances and/or the above referenced Site and copies of all of these insurance policies.

8. For each hazardous substance please give the location at which it was disposed on the Site. Please include a map of the Site with disposal locations on it.

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the operation of the above referenced Site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the Site. The relevant time period for this request is _____.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders,

requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, bills and any other similiar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through, or from, the above referenced Site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification material of any kind.

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 _____ (___) calander 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.

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 accurated 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 informtion, 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. Section 1001. The U.S. EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

Your responses to both the notice of potential liability _____ (___) days and the information requests _____ (___) days, should be sent to:

U.S. EPA - Region V
Emergency Support Section HSE-5J

77 West Jackson Boulevard
Chicago, Illinois 60604

If you need further information regarding this letter, you may contact _____, Emergency Support Section, at (312) _____. Direct any legal question to _____, of the Office of Regional Counsel at, (____) - ____-_____.

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 responses within the time frames specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

Robert J. Bowden, Chief
Emergency & Enforcement Response Branch

REMOVAL PROGRAM

NOTICE LETTER

ROUTING SLIP

(Revised 12/29/92)

(SITE NAME)

Please sign the Yellow and check your name off this page.
Then pass the document on to the next name.
Do not sign this page, SIGN THE YELLOW

NAME

- | | |
|---|-----------------------|
| 1. EERB ENFORCEMENT SPECIALIST | _____ |
| 2. EERB ON-SCENE COORDINATOR | _____ |
| 3. ESS SECRETARY | <u>LaRetha Taylor</u> |
| 4. ORC STAFF ATTORNEY | _____ |
| 5. ESS SECRETARY | <u>LaRetha Taylor</u> |
| 6. EERB EMERGENCY SUPPORT SECTION CHIEF | <u>Jose Cisneros</u> |
| 7. EERB BRANCH SECRETARY | <u>Margie Johnson</u> |
| 8. EERB BRANCH CHIEF | <u>Robert Bowden</u> |
| 9. RETURN TO LaRETHA TAYLOR (ESS SECRETARY) FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST. | |

DATE MAILED TO PRPs: _____

(ESS update 12/29/92)

HSE-5J/EERB

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: _____

Confirmation of General Notice of Liability

Dear Sir or Madam:

On _____, the following oral statement was made to you [over the telephone] by On-Scene-Coordinator _____ [and/or Assistant Regional Counsel _____]:

"The United States Environmental Protection Agency (U.S. EPA) intends to expend public funds to investigate and take action to abate a release or threat of release of hazardous substances, pollutants or contaminants into the environment from _____ in _____ (the "facility"). This action is consistent with the National Contingency Plan and is authorized by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. Section 9601 et seq. Under CERCLA, and other laws, responsible parties may be liable for all costs the Government incurs in taking response action at the facility, including investigation, planning, cleanup and enforcement costs. Potentially responsible parties (PRPs) generally include the current owner(s) and operator(s) of the facility, the owner(s) and operator(s) at the time of disposal or release of the hazardous substances at the facility, and persons who generated or were involved in the transport, treatment, or disposal of hazardous substances at the facility.

Hazardous substances [and/or pollutants or contaminants], including _____, have been found at the facility, which U.S. EPA has determined may present an imminent and substantial endangerment to the public health or welfare or to the environment. Before the Government takes the necessary response action at the facility, PRPs are being offered the opportunity to voluntarily perform or fund the work required to abate any releases or threat of release of hazardous substances, pollutants or contaminants from the facility.

U.S. EPA plans to take the following actions:

- 1)
- 2)
- 3)
- 4)
- 5)

An administrative record which supports U.S. EPA's determination that these actions are appropriate can be made available for your review. Pursuant to Section 104 of CERCLA, PRPs may be permitted to perform these actions if they can do so promptly and properly.

U.S. EPA has reason to believe that [you are/(company name) is] a PRP for the above-referenced facility. U.S. EPA is hereby affording [you/(company name)] an opportunity to perform or fund the above response actions which U.S. EPA otherwise intends to take.

Because of the conditions described above, U.S. EPA believes that response activities at the site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to use the special notice procedures available under Section 122(e) of CERCLA.

Due to the nature of the endangerment, immediate action will be required. U.S. EPA intends, at the direction of its On-Scene Coordinator, to begin the above actions on _____ 199_. Therefore, a PRP must notify U.S. EPA by _____ if [it/he/she] wishes to perform or fund all of the above actions, or U.S. EPA will begin to take the necessary action at the facility in lieu of private party action. Please contact _____, U.S. EPA, Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604, at (____) _____, to provide notice or if you have any questions.

Do you have any questions regarding what I have just said? Do you understand?"

This letter is to confirm and reiterate the above oral notice. This letter is also to confirm that your response to the oral notice was _____. If you have any questions concerning this matter, please contact:

Assistant Regional Counsel

or

On-Scene-Coordinator

Office of Regional Counsel
U.S. EPA
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) _____

Response Section _____
U.S. EPA

Sincerely,

Robert J. Bowden, Chief
Emergency & Enforcement Response Branch

LIST OF PRPs RECEIVING LETTER CONFIRMING GENERAL NOTICE

bcc: _____, ORC, (CS-3T)
_____, OSC, [(HSE-5J) or (GI)]
Jose Cisneros, ESS, (HSE-5J)
_____, ESS, (HSE-5J)
Toni Lesser, Public Affairs, (P-19J)
Sheila Huff, Department of Interior
Alicia Corley, SETS, (OS505)
Tony Audia, Accounting, (MF-10J)
Shirley Dorsey, RP-CRU (HSM-5J)
EERB Site File
EERB Read File